STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-16

Directing Non-Hospital Entities to Inventory and Preserve Vital Medical Equipment During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers "in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12.

Confirmed cases of COVID-19 in Minnesota are rapidly increasing and risk overwhelming the healthcare system. On March 17, 2020, the Centers for Disease Control and Prevention recommended delaying elective inpatient and outpatient surgeries and procedures, which include dental procedures. On March 18, 2020, the Centers for Medicare and Medicaid Services ("CMS") issued similar guidance. CMS recognized that conservation of critical resources such as personal protective equipment ("PPE") is essential to aggressively address the COVID-19 pandemic. On March 19, 2020, I issued Executive Order 20-09 directing delay of elective surgery and procedural cases during the COVID-19 Peacetime Emergency in part to conserve critical PPE.

Medical professionals and epidemiological experts agree that adequate PPE and medical equipment, including respirators and ventilators, are critical to protecting patients and medical staff to prevent the spread of COVID-19. In this context, the Governors of Colorado and Oregon have recently issued executive orders instructing organizations in their states to identify PPE, respirators, ventilators, and other vital equipment.

We must take similar steps to identify and preserve the available PPE and other equipment in Minnesota to protect health care personnel while they treat individuals with COVID-19 and others receiving critical care. It is impossible to anticipate how many people will need hospital care in the coming weeks, but it is certain that there will be a strain on the existing supply of medical equipment and uncertainty about the suppliers' ability to quickly meet our needs.

Many Minnesotans have already generously donated PPE and other equipment to local coordinating entities for use in delivering critical health care services and they continue to do so in response to this pressing need.

To ensure that Minnesota healthcare facilities have the capacity to treat patients, it is critical to account for PPE and other vital medical equipment that exists in Minnesota outside of hospitals.

For these reasons, I order as follows:

1. Any Minnesota business, nonprofit, or non-hospital health care facility, whether veterinary, dental, construction, research, institution of higher learning, or other, in possession of PPE, ventilators, respirators, or anesthesia machines (including any consumable accessories to these devices) that are not required for the provision of critical health care services or essential services and were not produced by the organization for the purpose of sale, must undertake an inventory of such supplies no later than March 25, 2020.

2. Any Minnesota business, nonprofit, or non-hospital health care facility must submit this inventory using the form emailed to them for this purpose or available at: https://mn.gov/ppe

3. Any Minnesota business, nonprofit, or non-hospital health care facility must refrain from using any such consumable equipment other than for use in delivering critical health care services or essential services requiring such equipment, and must either donate it to a local coordinating entity or prepare for the possibility of being asked to donate or sell it for use by critical health care workers.

4. The following entities are not subject to this Executive Order:

    a. Nursing homes.

    b. Any facility that currently provides inventory information into the MnTrac system.

5. Notwithstanding any statute or rule to the contrary, information supplied under this Executive Order will be classified as nonpublic data and remain classified as such until the end of the peacetime emergency declared in Executive Order 20-01.

6. Individuals, businesses, and other entities wishing to offer services, supplies, or materials for potential COVID-19 emergency response activities are encouraged to follow the guidance available at: https://mn.gov/ppe

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, this Executive Order is effective immediately. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 23, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed March 23, 2020
Office of the Minnesota
Secretary of State,
Steve Simon