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Executive Office of Health and Human Services
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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to M.G.L. c. 17, §2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

As of April 19, 2020, 38,077 confirmed cases of COVID-19 had been reported to the Department of Public Health, with every county in the Commonwealth impacted and all indications are that the number of cases continues to grow. The Department of Public Health published Crisis Standards of Care Planning Guidance for the COVID-19 Pandemic (revised as of April 20, 2020) ("CSC Guidance") in order to provide guidance for the triage of critically ill patients in the event that the public health emergency caused by the COVID-19 pandemic creates demand for critical care resources that outstrips the supply.

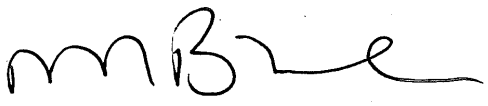
Accordingly, having received the authorization from the Council described above, and with the approval of the Governor, I issue the following Order:

Any health care facility activating crisis standards of care, whether by implementing the CSC Guidance or by implementing any other critical care allocation framework, shall provide prior notification to the Department of Public Health. While operating under crisis standards of care, a health care facility or health care professional shall provide information and timely access to records as necessary for the Department to monitor quality control and equitable implementation of the Guidance, in the manner and frequency directed by the Department.

All applicable statutes, regulations and guidance not inconsistent with this Order remain in effect.

This Order shall be effective immediately and shall remain in effect until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health

April 20, 2020