ADMINISTRATIVE ORDER NO.: 2020-5 **DATE: APRIL 2, 2020**

SUBJECT: AUTHORIZATION FOR THE USE OF CRISIS STANDARDS OF CARE BY HEALTHCARE FACILITIES DURING THE COVID-19 DECLARED EMERGENCY

By virtue of the authority vested in me by the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247, effective March 17, 2020, expiring June 15, 2020) and any subsequent COVID-19 legislation, it is hereby **ORDERED**:

I. PURPOSE

The purpose of this Administrative Order is to authorize the use of crisis standards of care to be used by healthcare facilities operating in the District of Columbia during the COVID-19 public health emergency declared in the District of Columbia on March 11, 2020.

II. FINDINGS AND ORDER

The Director of the Department of Health (Director), as the lead in the District's efforts in containment and mitigation of COVID-19, has determined that it is in the best interest of the health, safety and welfare of District residents and other persons to authorize the use of crisis standards of care in the District. The authorization of crisis standards of care is intended to permit a change in usual healthcare operations as a result of a major disaster declaration, such as COVID-19. It will allow healthcare providers to appropriately allocate and use scarce medical resources, as well as to implement alternate care facility operations.

The Director makes the following findings:

a. COVID-19 cases can potentially overwhelm District of Columbia healthcare facilities and their personnel, undermining their ability to deliver patient care in their usual and customary manner, using normal and traditional standards of care.

b. Crisis standards of care may be referred to as alternate standards of care, alternative standards of care, modified means of delivery of services, or other similar names to describe the allocation and use of scarce medical resources. For purposes of this Administrative Order, the term "crisis standards of care" shall encompass each of these terms.

c. Each District licensed health care facility has an emergency operation plan, as required by District and federal laws or regulations, that should include any deviations from the normal standard of care.

d. It is in the best interests of District of Columbia residents and other persons that crisis standards of care be authorized to ensure the best care possible during this catastrophic event.

Based on the above findings, the Director makes the following Order:

a. Healthcare facilities that have invoked their emergency operation plans in response to this public health emergency are hereby authorized to implement their crisis standard of care plans. Each facility's crisis standards of care shall be deemed approved by the District, to be executed by health and allied professionals, or other licensed, registered or certified professionals providing services in a healthcare facility or a District approved alternate care facility in response to the District's COVID-19 declared public health emergency.

b. For the duration of the declared emergency, these crisis standards of care shall serve as the standards of care and the degree of care owed to patients by licensed, registered, or certified healthcare professionals as set forth in each healthcare facility's respective emergency plan.

c. All healthcare professionals and their assisting personnel executing the crisis standards of care plan shall do so in good faith, ethically, fairly, and equitably without regard to the patient's disability, insurance status, or ability to pay.

III. DURATION OF ORDER

This Order shall remain in effect during the shorter of (1) the period of Public Health Emergency as declared by the Mayor in Mayor's Order 2020-046 as extended by Mayor's Order 2020-050 and any subsequent Mayor's Order, unless earlier rescinded or superseded, and (2) the applicability period of any COVID-19 legislation.

IV. EFFECTIVE DATE

This Order shall become effective immediately.

LaQuandra S. Nesbitt, MD, MPH
Director
District of Columbia Department of Health