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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-33

May 8, 2020

THIRTIETH SUPPLEMENTAL EMERGENCY DECLARATION – HOSPITAL AND COMMUNITY-BASED HEALTH CARE

WHEREAS, Rhode Island has reduced the rate of spread of COVID-19 through social distancing and other State orders effectively dampening overwhelming effects on the state's healthcare system;

WHEREAS, Rhode Island hospitals now have increased capacity and access to personal protective equipment (PPE) to safely and effectively provide care for existing COVID-19 cases, new COVID-19 cases and all other forms of hospital care;

WHEREAS, the State has built and equipped two alternative hospital sites, in Providence and Cranston, to be operated by Rhode Island Hospital and Kent Hospital respectively, that are available to provide hospital level care if needed;

WHEREAS, all Rhode Island hospitals must remain capable of implementing the alternative plans they have on file with the Rhode Island Department of Health should rates of hospitalization increase;

WHEREAS, nursing facilities and other congregate care facilities continue to be challenged in preventing and responding to COVID-19 infections among their residents and staff; and

WHEREAS, community-based providers must continue to safely and effectively assess, treat and refer patients for all medically necessary health and social services while reducing further risk of transmission.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

Suspending Statutes and Rules to Allow Expanded Hospital Capacity; Directives to Hospitals and Community-Based Providers

1. The hospital and nursing facility licensing statutes and rules, including but not limited to the nursing facility bed moratorium statute and rules, and certificate of need statutes and rules, as well as section 23-6-8 of the Rhode Island General Laws (requiring local authorization of a hospital or camp for communicable disease), are suspended with respect to all Rhode Island hospitals and nursing facilities solely to the extent the services they provide are in response to this Order.

2. All Rhode Island licensed hospitals must continue to take whatever steps are necessary, including expanding medical/surgical and critical care capacity, to continue to evaluate and treat, to the best of that hospital's ability under the circumstances, everyone who presents at the hospital for care throughout the progression of the COVID-19 virus in Rhode Island.

3. The creation and/or maintenance of surge hospital sites such as the Rhode Island Convention Center, the former Citizens Bank operations center on Sockanosset Cross Road in Cranston and the former Lowe's store in North Kingstown. In coordination with the State's efforts in responding to the COVID-19 epidemic, the Convention Center site shall be operated by Rhode Island Hospital, the Cranston site shall be operated by Kent Hospital, and the North Kingstown site shall either be operated by a Rhode Island licensed hospital or by the state or federal government.

4. If, due to capacity, a hospital considers itself unable to provide inpatient care for COVID-19 patients at a level of quality available at other Rhode Island hospitals, patients may be transferred to the nearest hospital location or other appropriate care setting with the capacity to provide care at the community standard at the time, subject to patient choice. I order hospitals and all other licensed health care facilities to cooperate with one another to transfer and accept patients to increase patient access to care and maximize the quality of care delivered in this State during the period of time this Order remains in effect.

5. When medically appropriate, obstetrical, rehabilitation and behavioral health patients should be transferred by general hospitals to a suitable specialty hospital to make room for COVID-19 patients.

6. The specialty hospitals of Women & Infants, Bradley, Butler, Eleanor Slater, Southern New England Rehabilitation Center and the Rehabilitation Hospital of Rhode Island must accept transfers of patients, in their respective specialty service areas, from any other licensed Rhode Island hospital to support the expansion of medical/surgical and critical care capacity.

7. Community-based health care providers are ordered to continue to evaluate, treat and refer, to the best of their ability, everyone who presents to them for care throughout the progression of the COVID-19 virus in Rhode Island, unless specifically directed otherwise by the RIDOH.

8. The immunity provisions of Executive Order 20-21, Section 7 apply to all acts covered therein that occurred during the pendency of that Executive Order.

Statutory Immunity for Responding Hospitals, Health Care Workers and Others

9. The following are deemed and/or affirmed to be "disaster response workers" entitled to immunity under R.I. Gen. Laws 30-15-15(a) and to provide services beyond or without a license as permitted by R. I. Gen. Laws 30-15-15(b):

    a. All persons and organizations subject to this Order solely to the extent their health care and/or personal assistance practices and/or protocols have been altered in order to test for, treat, contain, or minimize the risk of contracting or spreading COVID-19. "Persons and organizations subject to this Order" include but are not limited to health care entities, health care professionals

and health care workers providing community-based health care, long term care, congregate care, services at alternative hospitals and services in existing hospitals, nursing facilities, assisted living residences, home health care, hospice, adult day care and PACE organizations.

b. The landlords making the alternative hospital sites available to the State, plus their employees, management companies and contractors providing services to construct, operate or decommission the alternative hospital locations.

10. Nothing in this Order provides immunity for:

a. Negligence of any person or organization not deemed and/or affirmed a disaster response worker in Section 9(a) above; or

b. Willful misconduct, gross negligence or bad faith, any and all of which are prohibited from being immunized under the provisions of section 30-15-15(a) of the Rhode Island General Laws.

11. The provisions of section 30-15-15(c) of the Rhode Island General Laws, treating disaster response workers as State employees for purposes of workers' compensation, are suspended with respect to any person recognized as a disaster response worker solely under this Order. The benefits of section 30-15-15 of the Rhode Island General Laws shall remain available to all other disaster response workers.

12. The immunity provisions of this Executive Order 20-33, Section 9 apply to all acts covered therein that occurred during the pendency of this Executive Order.

This Order shall take effect immediately and shall remain in full force and effect until June 7, 2020, unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:

Gina M. Raimondo
Governor