EXECUTIVE ORDER NO. 111

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as of March 27, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 509,000 confirmed cases of COVID-19 worldwide, with over 23,000 of those cases having resulted in death; and

WHEREAS, as of March 27, 2020, there were more than 85,000 confirmed cases of COVID-19 in the United States, with over 1,200 of those cases having resulted in death; and

WHEREAS, as of March 27, 2020, there were at least 8,825 positive cases of COVID-19 in New Jersey, with at least 108 of those cases having resulted in death; and

WHEREAS, the State has already taken aggressive steps to expand the capacity of New Jersey's health care system, including the construction of four modular field treatment facilities in partnership with the U.S. Army Corps of Engineers that is already underway and will result in approximately 1,000 new hospital beds; and

WHEREAS, on March 23, 2020, I signed Executive Order No. 109 (2020), suspending elective surgeries and invasive procedures and requiring that all businesses and non-hospital health care facilities submit an inventory to the State of the Personal Protective Equipment ("PPE"), ventilators, respirators, and anesthesia machines they have in their possession that are not required for the provision of critical health care services; and

WHEREAS, a number of businesses have already gone above and beyond these reporting requirements and demonstrated exemplary corporate citizenship by donating large amounts of PPE to the State; and

WHEREAS, the State's capacity-building efforts can be implemented only by having a complete understanding of the health care system's existing capacity and its gaps, which will allow additional resources to be deployed where they are most needed; and

WHEREAS, the New Jersey Office of Emergency Management is the central State repository to receive, allocate, and distribute resources to respond to this public health emergency; and

WHEREAS, the current information reported by hospitals and other health care providers, done on a voluntary basis, is insufficient to meet the State's needs in developing and maintaining situational awareness of the health care system's capacity; and

WHEREAS, pursuant to N.J.S.A. App. A: 9-36, the Governor is authorized to require any public official, citizen, or resident of New Jersey, or any firm, partnership, or corporation incorporated or doing business in this State to furnish information reasonably necessary to respond to and alleviate the current emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor

of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Health care facilities designated by the New Jersey Office of Emergency Management shall report data concerning their capacity and supplies on a daily basis by 10:00 a.m., starting on Sunday, March 29, 2020, and continuing for the duration of this Order. The health care facilities that shall be required to report this data include, but are not limited to, the following:

a. Licensed acute care hospitals;

b. Long-term care facilites;

c. Hospital systems, including specialty hospitals; and

d. All emergency modular field treatment and other facilities established during this state of emergency.

The New Jersey Office of Emergency Management, in consultation with the Commissioner of DOH, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list, including but not limited to the addition of other entities encompassed by the definitions of "health care facility" under N.J.S.A. 26:2H-2 and --13-2.

2. The New Jersey Office of Emergency Management, in consultation with the Commissioner of DOH, shall specify what data concerning capacity and supplies, including bed capacity, ventilators, and PPE, must be submitted to satisfy the requirements of Paragraph 1.

3. The New Jersey Office of Emergency Management shall be authorized to disseminate the information collected pursuant to Paragraph 1 as needed to allocate resources during this state of emergency

4. The New Jersey Office of Emergency Management shall establish a process by which designated health care facilities can submit this information on a daily basis.

5. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order.

6. Penalties for violations of this Executive Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50.

7. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this 28th day of March, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor