EXECUTIVE ORDER NO. 20-22

ALLOWING MEASURED RESUMPTION OF NON-URGENT HEALTH CARE PROCEDURES USING PERSONAL PROTECTIVE EQUIPMENT, AND CONTINUING RESTRICTIONS ON VISITATION IN RESPONSE TO CORONAVIRUS (COVID-19) OUTBREAKS

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq*. due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 12, 2020, I issued Executive Order No. 20-05, prohibiting gatherings of 250 or more people statewide. I also announced a statewide closure of Oregon K-12 schools from March 16, 2020, through March 31, 2020.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 16, 2020, the Department of Human Services imposed its most recent protective measures to restrict visitors to long-term care facilities and other residential facilities. The Oregon Health Authority has adopted similar measures at the Oregon State Hospital and other behavioral health settings, and has limited admissions to the Oregon State Hospital. The Oregon Department of Corrections has suspended all visits to state prisons.

On March 17, 2020, I prohibited gatherings over 25 people, banned on-site consumption of food and drink at food establishments statewide, and extended school closures until April 28, 2020. I also encouraged all businesses not subject to the prohibitions to implement social distancing protocols.

On March 18, 2020, I suspended in-person instructional activities at higher education institutions through April 28, 2020.

On March 19, 2020 I issued Executive Order 20-10, encouraging and requiring the preservation of personal protective equipment and hospital beds, postponing certain non-urgent healthcare procedures, and restricting visitation in health care settings.

On March 22, 2020, I imposed a temporary moratorium on residential evictions for nonpayment, prohibiting law enforcement from serving, delivering, or acting on any notice, order or writ of termination of tenancy, relating to residential evictions for nonpayment.

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On March 23, 2020, I ordered Oregonians to "Stay Home, Save Lives," directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring social distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare facilities.

On April 1, 2020, I imposed a temporary moratorium on the termination of residential and nonresidential rental agreements and evictions for nonpayment, to ensure that individuals can stay at home to the greatest extent possible, and to ensure the provision of necessary goods and services during this emergency.

On April 8, 2020, I announced that school closures and the suspension of in-person instructional activities at higher education institutions would be extended through the end of the current academic term and school year.

On April 15, 2020, I ordered certain necessary measures to ensure safe public meetings by public bodies and to facilitate continued operations by local governments during the COVID-19 outbreak.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, and close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. As of today, there are at least 2,354 cases and 92 deaths in Oregon, with more than 50,000 nationwide. Given that risk for a resurgence of COVID-19 remains if protective measures are not maintained, we must maintain preparedness in our medical system, as we plan to ease these restrictions over time.

Social distancing, the "Stay Home, Save Lives" order, and the other essential actions mentioned above have helped slow the spread of COVID-19 in Oregon. Canceling all elective and non-urgent procedures that use personal protective equipment (PPE), such as masks and gowns, was necessary to ensure adequate PPE was on hand to treat COVID-19 patients. In addition, limiting all non-essential

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visitation at hospitals and other health care facilities, and screening all visitors, was and remains necessary to protect health care providers and patients from possible exposures to COVID-19.

While the State and medical facilities have made progress on hospital capacity and PPE supply, nationwide shortages remain a concern. Oregon is at the point where it is possible to gradually resume elective and non-urgent procedures, as long as those procedures are performed in compliance with Oregon Health Authority guidance, which will ensure COVID-19 safety and preparedness by maintaining hospital capacity and adequate supply of PPE.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Resumption of Certain Elective and Non-urgent Procedures

1. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.168(1), and ORS 401.188(1)–(3):

    a. Elective and non-urgent procedures across all care settings that utilize PPE, including but not limited to, hospitals, ambulatory surgery centers, outpatient clinics (including community health clinics and student health centers), dental clinics, and veterinary clinics shall not occur unless they meet the requirements of paragraph 1(b) of this Executive Order.

    b. On or after May 1, 2020, elective and non-urgent procedures across all care settings that utilize PPE are allowed, but only to the extent they comply with guidance or administrative rules issued by the Oregon Health Authority.

    c. The Oregon Health Authority shall issue guidance for the procedures authorized by paragraph 1(b) of this Executive Order no later than May 1, 2020, and may revise that guidance, as necessary. Such guidance will be posted at https://govstatus.egov.com/OR-OHA-COVID-19.

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d. When developing and issuing guidance pursuant to paragraph 1 of this Executive Order, the Oregon Health Authority will consider the frameworks developed by the Medical Advisory Panel.

2. Nothing in this Executive Order prohibits the use of PPE to diagnose and treat COVID-19 cases.

Prohibition on Non-essential Visitation

3. Pursuant to ORS 433.441(3)(a), (b), (d) and (f), ORS 401.175(1), ORS 401.168(1), and ORS 401.188(2), I continue my delegation of authority to the Oregon Health Authority to provide guidance, which may be revised from time to time, regarding limitations and screening requirements for visitors to hospitals and ambulatory surgical centers, based on best practices, to ensure the safety of patients and health care workers, and to slow the spread of COVID-19. Such guidance is available at https://govstatus.egov.com/OR-OHA-COVID-19.

Effect on Executive Order No. 20-10.

4. Executive Order 20-10 (conserving PPE) is rescinded as of May 1, 2020, and replaced by the directives in this Executive Order.

Enforcement

5. This Executive Order is a public health law, as defined in ORS 431A.005, and may be enforced as permitted under ORS 431A.010. Additionally, any person found to be in violation of this Executive Order is subject to the penalties described in ORS 401.990.

6. This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

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This Executive Order is effective immediately, and remains in effect until terminated by the Governor.

Done at Salem, Oregon this 27th day of April, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

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