OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 23, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to ease the procurement of medical supplies and hospital space and to ease the transfer of patients with COVID-19 to appropriate medical facilities

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

The Centers for Disease Control and Prevention ("CDC") has advised state and local authorities to begin planning for a surge of critically ill patients. Part of this planning process is the identification and procurement of additional space for the care and management of COVID-19 patients, as well as the procurement of necessary medical supplies. Accordingly, it may become necessary, in responding to the emergency, for an agency of the State of Montana swiftly to procure and distribute emergency supplies or services, contract for additional patient care space, or distribute existing supplies to patient care facilities.

Further, local health officials have requested that I waive strict compliance with reporting requirements around the transfer of certain patients, in order to more quickly allow patients to receive the medical care they require and to discharge recovering patients back to their home communities without delay.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective immediately:

- Only to the extent necessary to respond to the emergency, such as the procurement of additional patient space or necessary medical supplies, compliance with the following procurement authorities are temporarily waived:
    - The Montana Procurement Act, Title 18, Chapter 4 of the Montana Code Annotated.
    - Section 18-6-101, MCA, related to agency power to sell or dispose of state property.
    - Section 2-17-101, MCA, related to agency leasing of property.
    - Any provision of Title 2, Chapter 5 of the Administrative Rules of Montana related to state agency procurement.
    - Any other statute or administrative rule to the extent that it would frustrate this directive.
    - The above waivers do not apply to routine operations of state government, and any agency that proposes to engage in necessary, emergency-related procurement under this Directive must receive express approval from the Governor's Office or its agents.

- Only as it pertains to patients suspected or confirmed to have been infected with COVID-19, strict compliance with the reporting requirements of ARM § 37.114.306 related to the transportation of communicable disease cases is waived.
    - Transfer of a communicable disease case from one health care facility to another to meet that patient's care needs will require no notice or permission from a receiving county's local health officer.
    - When a patient is discharged from a health care facility back into their home community, the sending jurisdiction should notify the receiving county's lead local health officer as soon as reasonably practicable.

Authorities: Section 10-3-104, MCA; §§ 50-1-202, -203, and -204, MCA; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.