EXECUTIVE ORDER NO. 20-10

CONSERVING PERSONAL PROTECTIVE EQUIPMENT AND HOSPITAL BEDS, PROTECTING HEALTH CARE WORKERS, POSTPONING NON-URGENT HEALTH CARE PROCEDURES, AND RESTRICTING 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.

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. The United States Centers for Disease Control and Prevention (CDC) reports that COVID-19 is most contagious when the individual is most symptomatic, but may also spread before symptoms appear.

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The number of presumptive or confirmed COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. By March 12, 2020, there were 21. As of today, there are at least 88 cases and three deaths.

Personal protective equipment (PPE) is essential to diagnosing and treating COVID-19 and in caring for individuals with COVID-19, but there is a severe shortage in Oregon and across the nation.

If immediate action is not taken to conserve PPE, Oregon runs the risk of running out which puts our health care providers on the front line of this public health emergency at risk. We must conserve PPE by eliminating all elective and non-urgent procedures that use PPE, including but not limited to masks and gowns. This action also helps to preserve other essential items that will be needed during this emergency such as intensive care unit beds, ventilators, and terminal cleaning supplies.

In addition, by limiting all non-essential visitation at hospitals and other health care facilities, and screening all visitors, we can protect health care providers from possible exposures to COVID-19.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Prohibition on 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), I direct the following actions to conserve PPE and other health care resources for the state's COVID-19 emergency response:

    a. No later than March 23, 2020, all 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 be cancelled, or rescheduled no earlier than June 15, 2020, for the purpose of conserving and redirecting PPE for the state's COVID-19 emergency response.

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b. A procedure or surgery is exempt from the limitations set forth in paragraph 1(a) of this Executive Order if a three-month delay in the procedure or surgery would put the patient at risk of irreversible harm. Criteria for determining whether irreversible harm exists include but are not limited to: (1) threat to the patient's life; (2) threat of irreversible harm to the patient's physical or mental health; (3) threat of permanent dysfunction of an extremity or organ system; (4) risk of metastasis or progression of staging; and (5) risk of rapidly worsening to severe symptoms (time sensitive).

c. Individuals and entities in other industries that utilize PPE, including but not limited to the commercial, construction, farming, and manufacturing sectors, are strongly encouraged to cancel or postpone non-essential uses of PPE during the ongoing state of emergency, so that equipment can be conserved and redirected to the state's COVID-19 response.

2. Nothing in paragraph 1 of this Executive Order prohibits the use of PPE to diagnose and treat COVID-19 cases.

3. No later than March 27, 2020, hospitals, ambulatory surgery centers, outpatient clinics (including community health clinics and student health centers), dental clinics, and veterinary clinics with surplus PPE supplies shall notify the state's PPE Coordinator by calling (971) 900-9952, and arrange for delivery of those surplus supplies to the PPE Coordinator.

Prohibition on Non-essential Visitation

4. 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 delegate authority to the Oregon Health Authority to provide guidance 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 shall be released no later than end-of-day on March 23, 2020.

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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. Individuals, businesses, and other entities are strongly encouraged to voluntarily comply with the terms and spirit of this Executive Order, so law enforcement can focus on serving vital needs in our communities during the ongoing emergency.

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.

This Executive Order is effective immediately, and remains in effect for 90 days, unless extended or terminated earlier by the Governor.

Done at Portland, Oregon this 19th day of March, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

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