**STATE OF VERMONT**

**EXECUTIVE DEPARTMENT**

AMENDMENT TO ADDENDUM 3 TO EXECUTIVE ORDER 01-20

**WHEREAS**, on Friday, March 13, 2020, the Governor issued Executive Order 01-20, Declaration of State of Emergency in Response to COVID-19 and National Guard Call-Out ("Executive Order"), declaring a state of emergency for the State of Vermont in response to COVID-19; and

**WHEREAS**, the Executive Order expressly recognized the critical need to take steps to control outbreaks of COVID-19, particularly among those who are elderly or already have underlying chronic health conditions, to minimize the risk to the public, maintain the health and safety of Vermonters, and limit the spread of infection in our communities and within our healthcare facilities; and

**WHEREAS**, in consultation with the Commissioner of the Department of Health, the Governor has directed a number of mitigation strategies for the State in order to protect individuals at risk for severe illness; and

**WHEREAS**, to aggressively address COVID-19, conservation of critical resources such as ventilators and Personal Protective Equipment (PPE) is essential, as well as limiting exposure of patients and staff to COVID-19; and

**WHEREAS**, after receiving updated recommendations from the U.S. Surgeon General and the U.S. College of Surgeons, the Centers for Medicare & Medicaid, and in consultation with the Commissioner of the Department of Health and the Vermont Association of Hospitals and Health Systems, the Governor determined it was necessary to suspend all non-essential adult elective surgery and medical and surgical procedures, including dental procedures, pursuant to Addendum 3 to the Executive Order as of March 20, 2020, in order to help protect patients, reduce exposure to healthcare providers and preserve PPE; and

**WHEREAS**, the Governor, in consultation with the Commissioner of the Department of Health and representatives of Vermont healthcare providers, has determined a limited resumption of outpatient services, including clinic visits, diagnostic imaging and limited outpatient surgeries and procedures is appropriate at this time.

**NOW THEREFORE,** I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws, hereby authorize the Commissioner of the Vermont Department of Public Health to issue mitigation requirements and procedures for the resumption of clinic visits, diagnostic imaging and such outpatient surgeries and procedures that have a minimal impact on inpatient hospital bed capacity and PPE levels, including those performed in the office or ambulatory surgical care setting.

The Commissioner of the Department of Public Health, with the approval of the Governor, may, from time-to-time, update and modify the mitigation requirements and procedures regarding the resumption of additional adult elective surgery and medical and surgical procedures, including dental procedures.

If the Commissioner of the Vermont Department of Health has determined that a COVID-19 outbreak has occurred and providers cannot safely care for Vermonters in a way that (1) limits the exposure of patients and staff to COVID-19; (2) preserves PPE and ventilators; and (3) preserves inpatient hospital capacity, it will notify and require all providers in the region to return to the standards set out in Addendum 3 to the Executive Order. Depending on the severity of the outbreak, the Vermont Department of Health may require all Vermont providers to return to those standards.

This Amendment to Addendum 3 to the Executive Order shall take effect upon signing and, except as amended hereby, Addendum 3 to the Executive Order, shall continue in full force and effect until midnight on May 15, 2020, at which time the Governor, in consultation with the Vermont Department of Health and the Department of Public Safety/Division of Emergency Management shall assess the emergency and determine whether to amend or extend Addendum 3, as amended.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Executive Order No. 01-20 – Amendment to Addendum 3

Dated: May 4, 2020