State of Utah

GARY R HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Health
Executive Director's Office

Joseph K. Miner, M.D., M.S.P.H., F.A.C.P.M.
Executive Director

Marc E. Babitz, M.D.
Deputy Director

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Deputy Director
Director, Medicaid and Health Financing

STATE PUBLIC HEALTH ORDER

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued an executive order declaring a state of emergency due to coronavirus disease 2019 (COVID-19);

WHEREAS, the Governor's executive order recognizes the need for state and local authorities, and the private sector to cooperate to slow the spread of COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic;

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the global COVID-19 outbreak;

WHEREAS, on March 18, 2020, the Centers for Medicare & Medicaid Services (CMS) promulgated the CMS Adult Elective Surgery and Procedures Recommendations to provide guidance to conserve critical resources such as ventilators and personal protective equipment, and to limit exposure of patients and staff to COVID-19;

WHEREAS, on March 22, 2020, the Utah Department of Health ("Department") and Mountainstar HCA announced Utah's first COVID-19-related death;

WHEREAS, the number of diagnosed COVID-19 cases continues to rise in the state of Utah;

WHEREAS, a shortage of hospital capacity or personal protective equipment would hinder efforts to cope with the COVID-19 disaster;

WHEREAS, hospital capacity and personal protective equipment are being depleted by surgeries and procedures that are not medically necessary to correct a serious medical condition or to preserve the life of a patient, contrary to recommendation from the President's Coronavirus Task Force, the CDC, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services;

WHEREAS, under Utah Code §§ 26-1-30(3), (5), and (6), the Department has the power duty to promote and protect the health and wellness of the people within the state; to control the causes of epidemic, infectious, communicable, and other diseases affecting the public health; and to prevent and control communicable, infectious, acute, chronic, or any other disease or health hazard that the Department considers to be dangerous, important, or likely to affect the public health.

Based on the foregoing, in accordance with the authority vested in me as the Director of the Utah Department of Health by Utah Code §§ 26-1-10, 26-1-30, and 26-6-3, and being fully advised and finding that the factual basis and legal requirements have been established;

NOW, THEREFORE, I, Joseph K. Miner, M.D., Executive Director of the Utah Department of Health, hereby order that, effective as of 12:01 a.m. on March 25, 2020, all licensed health-care professionals and all licensed health-care facilities shall postpone all elective surgeries and procedures in accordance with version 3.15.20 of the CMS Adult Elective Surgery and Procedures Recommendations, promulgated by the Centers for Medicare & Medicaid Services on March 18, 2020.

This Order shall remain in effect until 11:59 p.m. on April 25, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at __6:30___PM this _23rd__day of March, 2020

Joseph K. Miner, M.D.
Executive Director
Utah Department of Health