



Health Facility Licensing and Certification

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April 8, 2020

Revised Interim COVID-19 Guidance for Elective and Non-Urgent Health Care Procedures

Background: Health care facilities currently face an enormous challenge in providing safe care to patients during a pandemic. On March 19, 2020, Governor Brown issued [Executive Order No. 20-10](#) to cancel all elective and non-urgent health care procedures that require personal protective equipment (PPE) effective March 23, 2020. Elective and non-urgent procedures can be rescheduled for no earlier than June 15, 2020. This decision was not made lightly, and the Governor recognizes the implications for the health care systems and the financial repercussions. However, this action is necessary given anticipated surges in health care need due to COVID-19, and the importance of preserving scarce PPE and other health care resources such as hospital beds and ventilators for situations in which it is most needed.

Authority: Executive Order 20-10.

Guidance

Which providers or facilities are covered?

The Executive Order applies to hospitals, ambulatory surgery centers, outpatient clinics (including community health clinics and student health centers), dental clinics, veterinary clinics and all clinics in which procedures requiring personal protective equipment are undertaken by any provider. The provider classification does not determine whether procedures are canceled; elective and non-urgent procedures for which the standard of practice requires use of PPE should be canceled.

Which procedures are exempt from the cancellation requirements?

A procedure is subject to cancellation if it is elective or non-urgent and the procedure requires the use of PPE. A procedure is exempt from the cancellation requirement if delay would put the patient at risk of irreversible harm. Risks of irreversible harm 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;
4. Risk of cancer metastasis or progression of staging; and

5. Risk of rapidly worsening condition (i.e., need for the procedure is time-sensitive).

If you, as a health care provider, believe that a patient will suffer irreversible harm if a recommended procedure is delayed or foregone, then you should provide that care, using as little PPE as is safe and consistent with applicable infection-control guidelines and laws.

Can I provide care to an individual in order to stop the spread of disease to other humans?

If you, as a provider of health care believe that a patient or other humans will suffer irreversible harm if the procedure is delayed or foregone, then you should provide that care, using as little PPE as is safe and consistent with applicable infection-control guidelines and laws.

Can I provide vaccinations?

Lack of vaccination poses a risk to the patient and to others; therefore, vaccinations are essential and should be provided.

Can I see patients for wellness visits?

Yes, if the visit does not require the use of PPE, and with appropriate screening for patients to prevent the spread of disease.

Can I provide essential reproductive health services?

Yes. Abortion, family planning services, and gender-affirming care, are time-sensitive services. If cancelled or delayed could be considered to result in irreversible harm and can be provided.

Is social distancing required for health care providers that are still providing services?

No. Health care providers that continue to provide services are not required to practice social distancing but providers should make every effort to protect patients, staff and themselves from COVID-19. Those efforts include imposing social distancing requirements for staff and patients for interactions that do not require close contact, screening patients for symptoms of COVID-19, imposing strict infection control practices for providers and staff, and using telehealth whenever possible.

Should a patient be referred elsewhere to have an elective and non-urgent procedure during the cancellation period?

No. Patients should be rescheduled and not redirected to other providers, since the Executive Order applies to all care settings. Elective and non-urgent procedures should not be performed while the Executive Order is in effect.

What equipment falls within the meaning of PPE?

PPE includes facemasks, N95 respirators, gowns and eye protection.

Should exam gloves or surgical gloves be in short supply, non-urgent and elective procedures requiring them would also be canceled.

Can providers continue to perform elective and non-urgent procedures using exclusive reusable PPE (non-disposable, available for donation or collection, if needed) during the cancellation period?

No. The Executive Order applies to all elective and non-urgent procedures during the cancellation period that require PPE, whether the PPE can be re-used or not, except as otherwise indicated under this guidance.

Can providers perform elective and non-urgent procedures without PPE while preserving infection-control practices for both patients and providers during the cancellation period?

Yes, if it is safe to perform the elective or non-urgent procedure without PPE, and not using PPE for the procedure is consistent with applicable infection-control guidelines and laws.

Can I provide care to animals to stop the spread of disease to animals or humans?

If you, as a veterinarian believe that an animal will suffer irreversible harm if the procedure is delayed or foregone, then you should provide that care, using as little PPE as is safe and consistent with applicable infection-control guidelines and laws.

Can shelters provide care to their animal population?

Shelters are impacted by the economic downturn and people are no longer able to provide care to their animals. Shelters should continue their care activities if re-usable PPE is available. OHA is putting out more specific guidance related to veterinarian care.

Can Veterinarians provide end-of-life care to prevent pain and suffering?

Yes. If you, as a veterinarian, believe that an animal is at the end-of-life, you should provide care to relieve pain and suffering. OHA is putting specific guidance related to veterinarian care.

Where should surplus PPE be donated?

You can go to the following website if you want to donate PPE:

<https://survey123.arcgis.com/share/3e02947d6e4a46559997feeac473fba6>

Are there any resources that I can use in helping make a determination about whether a procedure can be delayed?

Yes. The Centers for Medicare and Medicaid (CMS) put out guidance recently on non-emergency, elective medical services and treatment to help providers that need to conserve PPE, make difficult decisions. To review the guidance go to:

<https://www.cms.gov/files/document/cms-non-emergent-elective-medical-recommendations.pdf>.

Does Executive Order 20-10 extend any liability protections to health care providers related to delays in care and diagnosis?

The Executive Order allows health care providers to use their judgment with regard to what procedures must be cancelled or delayed, and what care must be provided to protect a patient's health and life. The Executive Order does not address liability issues.

Who can I contact if my health care provider is cancelling or delaying a procedure and I believe that delay could result in irreversible harm?

This guidance has been provided to the health care licensing boards, the Oregon Medical Association, the Oregon Association of Hospitals and Health Systems, and others, in an attempt to educate health care providers about the Executive Order, how it applies, and the fact that health care providers can use their own judgment with regard to whether procedures can and should be delayed. You are free to also discuss this guidance with your health care provider.

If you need this material in an alternate language or format,
please call 971-673-0540 or TTY (711).