

State Legislative Update

States With Elective Medical Procedures Guidance in Effect (Updated May 1, 2020)



The US Oncology
Network

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State	Guidance Summary	Effective Until
Arizona	The governor issued an executive order (No. 2020-32) removing restrictions on conducting elective surgeries for hospitals, health care facilities and providers that meet certain preparedness criteria. This order went into effect May 1 and does not have an expiration date.	May 1, 2020
California	The governor announced plans on April 22 to allow hospitals and health systems to resume delayed medical care such as heart valve replacements, angioplasty and tumor removals, and key preventive care services, such as colonoscopies which were deferred as the state's health care delivery systems prepared for a surge of COVID-19 patients. The decision was based on progress toward preparing California hospitals and health systems for a surge in COVID-19 patients – one of the six critical indicators the governor unveiled as part of the state's framework for gradually modifying California's stay-at-home order.	
Colorado	On April 26, 2020, Governor Polis issued Executive Order D 2020 045 stating that “Voluntary or elective medical, dental, and veterinary surgeries and procedures may resume if facilities are following required safety protocols” on the 27 th . The governor allowed voluntary or elective surgeries and procedures to begin under strict protocols. This has been extended to May 30.	April 27, 2020
Delaware	The governor released a three-phase plan to reopen the state. Allowing elective surgeries to resume is a component of Phase 2 of the plan. This plan will not be put into action until there is a 14-day decline in the percent of positive cases, there is an ability to treat COVID-19 patients in hospitals without crisis care, and if there are extensive testing programs for health care workers.	
Florida	<p>Update 5/1: On April 29, Governor DeSantis announced Executive Order 20-112 which allows “Medical services, including elective procedures, surgical centers, office surgery centers, dental offices, orthodontic offices, endodontic office and other health care practitioners' offices may fully re-open” under the condition of assisting nursing homes and long-term care facilities (FAQ)</p> <p>The Department of Public Health issued updated elective surgery and procedures guidance, providing that, beginning May 11, hospitals may begin to perform elective surgeries and procedures if specific criteria are met. The guidance provides criteria based on whether a procedure is inpatient or outpatient, as well as addressing regional and facility criteria. Examples of criteria are COVID-19 prevalence in the area or facility, hospital or facility utilization and capacity, COVID-19 testing for prospective patients, protective equipment, and infection control.</p>	May 4, 2020 12:01 AM
Georgia		



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Illinois	<p>On April 24, the Illinois Department of Public Health announced new guidance in which hospitals and ASTCs may begin to perform elective surgeries and procedures on May 11 provided for specific, stringent criteria</p> <p>Update 5/1: On May 1, the Chicago Tribune reported that “The governor’s new order allows certain state parks to reopen and some elective medical procedures to resume, particularly in areas with fewer cases of the new coronavirus,” however, as of this writing, the Illinois Department of Public Health has not updated its previous guidance</p>	May 11, 2020
Indiana	On April 24, Governor Holcomb signed Executive Order 20-24 to allow health care providers and facilities to resume elective medical procedures provided they have sufficient quantities of PPE and consult the best practices and recommendations developed by their medical associations or industries	April 27, 2020 (*Midnight April 26)
Kentucky	The Kentucky Healthcare Reopening plan began on April 27. Phase one allows non-emergent/non-urgent outpatient healthcare services including diagnostic radiology and laboratory services. On May 6, outpatient/ambulatory surgery and invasive procedures may resume. On May 13, non-emergent/non-urgent inpatient surgery and procedures may resume at 50% of preCOVID-19 shutdown volume. On May 27, non-emergent/non-urgent inpatient surgery and procedures may resume at volume determined by each facility.	
Massachusetts	Department of Public Health (DPH) Commissioner Monica Bharel signed an order on March 15 directing all hospitals and ambulatory surgical centers to implement procedures published by the DPH regarding the scheduling, cancelation and performance of non-essential, elective invasive procedures until the state of emergency is terminated.	
Maryland	<p>Authorizes the Secretary of Health to restrict the use of health care facilities for elective medical procedures.</p> <p>Update 4/27: Governor Hogan released the Maryland Strong Roadmap to Recovery on April 24, which indicates that elective procedures will resume in “Low Risk” and “Medium Risk” stages</p>	For the Duration of the State of Emergency



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Minnesota	<p>Beginning March 23, non-essential or elective surgeries and procedures, including non-emergency or elective dental care that use PPE or ventilators are to be postponed indefinitely (FAQ)</p> <p>Update 5/1: On April 30, the Minnesota Department of Health released draft guidance on the resumption of elective medical procedures for comment, indicating that Governor Walz may lift the postponement (Media Source)</p>	For the Duration of Executive Order 20-01
Missouri	<p>Missouri is one of those States that seemed to point to the March 2020 CMS elective surgery guidance and didn't issue a specific order. More recently, Governor Parsons issued an Executive Order on April 27, 2020 that became effective today. The order does not specifically mention elective medical procedures but there is a relevant FAQ about it:</p> <p>Question: Does this order prevent me from receiving non-emergency healthcare, such as a routine eye exam or dental care?</p> <p>Answer: Medical providers, such as dentists and optometrists, may provide usual services at their discretion. The social distancing requirements do not apply to individuals performing job duties that require contact with other people closer than six feet (6'). Medical providers should develop and implement public health and safety measures for employees and patients, using the above direction as a guide, in addition to any guidance provided by the Centers for Disease Control and Prevention (CDC). Implementing a system where patients can wait inside their vehicles prior to entering the office is strongly encouraged, as are pre-scheduled and spaced out appointments to minimize interaction between people.</p>	
North Carolina	<p>The Department of Health and Human Services Secretary Mandy Cohen released a letter on March 20 to hospital and ambulatory surgery center leaders in the state requesting that they suspend elective and non-urgent procedures as of March 23. The letter defines such procedures as, "...any procedure or surgery that if not done within the next 4 weeks would cause harm to the patient." The letter also stated that beginning March 20, "...hospitals and ambulatory surgery centers should institute an explicit, real-time review of all non-time sensitive procedures and surgeries."</p>	
Nevada	<p>Nevada Governor Steve Sisolak announced the Nevada Hospital Association is preparing to resume medically necessary procedures for care that has been delayed after the hospitals began to cease such procedures to support COVID-19 efforts to ensure hospitals could safely and effectively respond to the pandemic and provide healthcare to patients.</p>	
New York	<p>Hospitals will be able to resume performing elective outpatient treatments on April 28, 2020 if the hospital capacity is over 25 percent for the county and if there have been fewer than 10 new hospitalizations of COVID-19 patients in the county over the past 10 days</p>	April 28, 2020



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Ohio	<p>Revised March 17 policy of all non-essential or elective surgeries and procedures that utilize PPE should not be conducted. Eliminate non-essential individuals from surgery and procedure rooms and patient care areas to preserve PPE.</p> <p>Update 4/27: New order effective April 22 directing healthcare professionals to review any postponed procedures or surgeries with their patients</p> <p>Update 5/1: On April 30, OhioHealth announced that in accordance with Governor Mike DeWine's guidance, it will begin a gradual return to elective surgeries which do not require an overnight stay at all hospital and outpatient surgery centers starting Friday, May 1</p>	May 1, 2020
Oklahoma	<p>The governor issued an order allowing for low acuity surgeries starting April 30. This order states that health care providers and facilities will be considered "businesses or individuals" for the purpose of limiting liability in an emergency. Under this order, health care providers and facilities will not be liable for damages unless the damage was caused by the gross negligence or willful or wanton misconduct of the individual or entity rendering the emergency care, aid, shelter or assistance. This order went into effect April 20 and expires May 20.</p>	
Oregon	<p>By March 23, all elective and non-urgent procedures across all care settings that use PPE are to be cancelled or rescheduled no earlier than June 15 so that PPE can be conserved and redirected for COVID-19 response efforts</p> <p>Update 4/27: On April 23, Governor Kate Brown announced she will be lifting her order delaying non-urgent procedures for health care providers, as long as they can demonstrate they have met new requirements for COVID-19 safety and preparedness on May 1</p>	May 1, 2020
Pennsylvania	<p>The Pennsylvania Department of Health directs that all dental treatment except for emergencies be ceased and provides guidance on the procedures to be implemented at sites for emergency dental care</p> <p>Update 4/27: On April 27, Health Department released guidance to provide a process for hospitals and ambulatory surgery facilities to resume elective surgeries, procedures and admissions</p>	April 27, 2020
Rhode Island		



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Texas	<p>All surgeries and procedures not immediately medically necessary, as determined by the patient's physician, are to be postponed. The order is in effect until the end of April 21.</p> <p>On April 17, Governor Abbott issued a new executive order loosening the restrictions imposed on elective surgeries in March. Beginning at 11:59 pm on April 21 and continuing until 11:59 pm on May 8, the order requires that all licensed health care professionals and facilities continue postponing all surgeries and procedures that are not medically necessary. However, the order provides an exemption from the prohibition for: any procedure that would not deplete the hospital capacity or the PPE needed to cope with the COVID-19 disaster; or any surgery or procedure performed in a licensed facility that has certified in writing to the Texas Health and Human Services Commission both, "...(1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and (2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID 19 disaster."</p>	<p>April 22, 2020 (*Midnight April 21))</p>
Virginia	<p>All healthcare facilities are directed to cease procedures and surgeries that require PPE if the delay will not cause harm to the patient. Outpatient visits delivered in hospital-based clinics are excluded from the order. The order does not apply to family planning services and procedures nor to treatment for patients with emergency or urgent needs. The order was to remain in effect until April 24, 2020</p> <p>Update 4/27: On April 23, Governor Ralph Northam today extended the current ban on elective surgeries by one week, until May 1</p>	<p>May 1, 2020</p>
Washington	<p>Health care services, procedures, and surgeries that, if delayed, are not anticipated to cause harm to the patient within the next 3 months are prohibited. Exclusions from the prohibition include outpatient visits at hospital based clinics, the full suite of family planning services and procedures, procedures or treatment for emergency or urgent needs, and surgery that, if delayed would result in a patient's condition worsening.</p> <p>Update 5/1: On April 29, Gov. Inslee announced new guidance that "...gives health care providers more leeway to resume some nonurgent medical procedures that he had halted in response to the coronavirus pandemic." However, according to local media, "Inslee's actions don't materially change his order on medical procedures, originally announced March 19, which stopped all nonurgent medical and dental procedures. Instead, he is issuing new guidance in how his initial order should be interpreted." (Media Source)</p>	<p>May 18, 2020</p>



Questions on Updates?

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