



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 Executive Order 20201, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

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 23, 2020, I issued a state public health order restricting elective surgeries and medical procedures in order to protect supplies of personal protective equipment and hospital capacity preparatory to a surge of COVID-19 infections;

WHEREAS, hospital systems report sufficient supplies of personal protective equipment to meet near term needs;

WHEREAS, recent data show that the transmission rate of COVID-19 in Utah has decreased, that the growth in new hospitalizations due to COVID-19 has decreased; and the statewide percentage of ICU beds occupied by COVID-19 patients has stabilized below 20 percent;

WHEREAS, many procedures postponed as a result of my March 23, 2020, order are now more urgent and medically necessary;

WHEREAS, under Utah Code §§ 26-1-30(3), (5), and (6), the Department has the power and 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 the following, effective as of 12:01 a.m. on April 22, 2020:

1. The state public health order issued on March 23, 2020, relating to elective surgeries and procedures, is hereby rescinded.
2. As used in this Order:
 - a. “Covered healthcare provider” means a person, partnership, association, corporation, or other facility or institution, licensed in Utah, who causes to be rendered or who renders health care or professional services as a healthcare facility, physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, licensed direct-entry midwife, dentist, dental hygienist, optometrist, physical therapist, podiatric physician, chiropractic physician, naturopathic physician, osteopathic physician, practitioner of obstetrics, licensed athletic trainer, or veterinarian.
 - b. “Covered healthcare provider” does not mean:
 - i. a hospital;
 - ii. an ambulatory surgical facility; or
 - iii. a covered healthcare provider employed by or given privileges to practice in a hospital or an ambulatory surgical facility, while practicing at the hospital or ambulatory surgical facility.
3. Each covered healthcare provider shall:
 - a. implement the following protocols regarding the use of face masks:
 - i. except as provided in Subsection (3)(a)(ii), require each individual in a healthcare facility, including each staff member, patient, and individual accompanying a patient, to wear a mask that covers the nose and mouth when within six feet of another individual; and
 - ii. a patient is not required to wear a mask during a procedure involving a facial area of the patient the mask would otherwise cover;
 - b. permit no more than one individual to accompany each patient;

- c. ensure that no individual is permitted to congregate in or near the healthcare facility, including to the extent practicable, requiring a patient to wait outside the healthcare facility or in the individual's vehicle and escorting the patient directly to a treatment room with minimal social interaction;
 - d. remove any toy, magazine, and other similar item from each waiting room or area;
 - e. screen each individual who enters the healthcare facility by:
 - i. taking the individual's temperature; and
 - ii. administering a questionnaire regarding any symptom consistent with COVID-19 experienced by the individual or a member of the individual's household or residence;
 - f. require any individual who shows any symptom consistent with COVID-19, or who reports that a member of the individual's household or residence shows any symptom consistent with COVID-19, to leave the healthcare facility as soon as reasonably practicable under the circumstances;
 - g. install a protective barrier that separates patients from front desk personnel or require front desk personnel to wear a mask that covers the nose and mouth;
 - h. require each healthcare professional to wear a face shield or goggles that seal around the eyes when performing a treatment that creates an aerosol; and
 - i. maintain using the Electronic Medical Records System, or other appointment log, patient contact information to assist with contact tracing efforts.
4. Each hospital and ambulatory surgical center operating in Utah shall follow the protocols developed by the Utah Hospital Association in consultation with the Utah Department of Health, titled "Utah Roadmap for Resuming Elective Procedures" and dated April 21, 2020.

This Order shall remain in effect until 11:59 p.m. on May 1, 2020, unless otherwise modified, amended, rescinded, or superseded.

Made at 6 PM this 21st day of April, 2020

Joseph K. Miner, MD

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