



**BEAR RIVER HEALTH DEPARTMENT**

**PUBLIC HEALTH ORDER 2020-04**

**AMENDING SECTION 1A(b) OF PUBLIC HEALTH ORDER 2020-03**

**SURGICAL CENTERS**

*COVID-19 PANDEMIC WITHIN BOX ELDER, CACHE, AND RICH  
COUNTIES*

April 22, 2020

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to novel 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, Utah Code Annotated Section 26A-1-114 authorizes the local health department to:

- Establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health;
- Establish measures not in conflict with state law which are desirable for the promotion or protection of the public health and the control of disease; or may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability; and
- Close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;

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 13, 2020, the Governor dismissed all Utah public schools for two weeks to combat the spread of COVID-19;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines 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 23, 2020, Joseph K. Miner, MD, Executive Director of the UDOH, 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, on March 27, 2020, the Governor of the State of Utah issued a directive establishing minimum statewide standards and referenced that in order to address unique situations in different areas of Utah local authorities are authorized and may impose more stringent directives and orders;

WHEREAS, on March 28, 2020, the Bear River Health Department issued Public Health Order 2020-01 emphasizing the need to preserve valuable and scarce medical resources, including Personal Protective Equipment (PPE's) during the COVID-19 pandemic;

WHEREAS, the Bear River Health Department is continuously monitoring the COVID-19 virus and working collaboratively with federal, state and local officials, medical experts, and epidemiologists and is taking a measured approach to protect residents and visitors;

WHEREAS, on April 21, 2020, Joseph K. Miner, MD, Executive Director of the UDOH, issued an order rescinding his public health order issued on March 23, 2020 relating to elective surgeries and procedures stating:

- Hospital systems report sufficient supplies of personal protective equipment to meet near term needs;
- 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;
- Many procedures postponed as a result of my March 23, 2020, order are now more urgent and medically necessary;

WHEREAS, hospital systems in the Bear River Health District report sufficient supplies of personal protective equipment to meet near term needs;

WHEREAS, the Bear River Health Department is continuously monitoring the COVID-19 virus and working collaboratively with federal, state and local officials, medical experts, and epidemiologists and is taking a measured approach to protect residents and visitors.

Based on the foregoing, and in accordance with the authority set forth in Section 26A-1-114, and being fully advised and finding that the factual basis and legal requirements have been established, the following amendment is made to Section 1A(b) of Public Health Order 2020-03 regarding surgical centers:

- b. Surgical Centers.** Surgical Centers and elective procedures will be governed by the public health order issued on April 21, 2020 by the Executive Director of the Utah Department of Health.

~~Surgical Centers will follow the CMS Guidance for limiting all non-essential planned surgeries and procedures, including dental. All decisions shall incorporate the critical need to preserve Personal Protective Equipment.~~

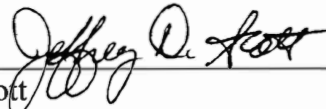
- ~~i. Tier 1a and Tier 1b surgeries should be postponed.~~
- ~~ii. Tier 2a surgeries — Intermediate acuity surgery/healthy patient procedures should be postponed if possible. These cases will be reviewed by surgeons within each facility for appropriateness and urgency considering morbidity and mortality or requiring the need for an in hospital stay.~~
- ~~iii. Tier 2b — Intermediate acuity/unhealthy patient surgeries should be postpone if possible.~~
- ~~iv. Tier 3a and Tier 3b surgeries should be performed in hospitals and not be postponed.~~
- ~~v. The tiered framework that CMS provides includes the following definition of **emergent or urgent** as attention to save a life, preserve organ function, and avoid further harm from underlying condition or disease.~~

**Effective Date:** This order with its amended language is effective immediately.

By Order of the Bear River Health Department Health Department



Craig Buttars  
Cache County Executive  
Board of Health Chairman



Jeff Scott  
Box Elder County Commissioner



Bill Cox  
Rich County Commissioner



Lloyd C. Berentzen  
Health Officer

Approved as to Form:

/s/ James M. Swink

James M. Swink  
Cache County Attorney