

Benesch COVID-19 Resource Center: Ohio Department of Health Orders Providers to Delay All Non-Essential Elective Surgeries and Procedures

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On March 17, 2020 the Ohio Department of Health issued an order (the Order) requiring all providers in the State of Ohio to cease providing all non-essential or elective surgeries and healthcare procedures. The Order applies to hospitals, ambulatory surgery centers and any other procedure provider offices. **The order goes into effect as of 5:00 p.m., March 18, 2020.**

All healthcare providers are required to delay non-essential and elective surgeries and healthcare procedures using personal protective equipment (PPE).

Determine Essential Procedures

Healthcare providers should quickly assess their services and scheduled procedures, and begin the process of cancelling those that are nonessential. While emergency procedures can clearly continue to be provided, the Order's limitation of services to essential procedures covers a broader array of surgeries and other healthcare procedures that may continue.

The Order provides examples of categories of surgeries and healthcare procedures that will be considered essential as follows:

- Threat to the patient's life if surgery or procedure is not performed
- Threat of permanent dysfunction of an extremity or organ system
- Risk of metastasis or progression of staging
- Risk of rapidly worsening to severe symptoms

If a surgery or healthcare procedure cannot be considered essential, it should be delayed until the Order is lifted.

Document Determinations

The Order requires providers to establish an internal governance structure to ensure these guidelines are implemented. Providers should identify one or more clinical decision-making teams that will review schedules and determine essential surgeries or healthcare procedures. In any case, we strongly recommend that providers clearly document the reasons behind the decision that any

surgery or healthcare procedure is essential as well as any rationale to delay a surgery or healthcare procedure.

Assess Staffing

Providers are required to limit use of PPE by eliminating any non-essential individuals from surgery/procedure rooms and patient care areas. Providers should immediately assess staffing and determine which individuals are essential for all surgeries, healthcare procedures, and all patient care areas.

Personal Protective Equipment

Providers should assess their inventories of PPE and determine reasonable quantities that may be needed for essential surgeries or healthcare procedures. Conserving PPE is a critical element and should be a key priority in implementing this Order.

Providers are requested to contact their local emergency management agency (EMAs) to arrange for the donation of available supplies of PPE. A list of available EMAs can be found [here](#).

The Ohio Department of Health Order is available [here](#). The Ohio Board of Medicine ([link](#)) and Ohio Dental Board ([link](#)) have also issued guidance regarding non-essential procedures to physicians and dentists respectively. Ohio Hospital Association guidelines are expected shortly.

For more information on these orders or if you have questions about how to implement this order within your business, please contact the following members of the Benesch COVID-19 Task Force:

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Please note that this information is current as of the date of this Client Alert, based on the available data. However, because COVID-19's status and updates related to the same are ongoing, we recommend real-time review of guidance distributed by the CDC and local officials.

