



State of Louisiana
Louisiana Department of Health

HEALTHCARE FACILITY NOTICE/ORDER
NOTICE #2020-COVID19-ALL-020

FOR IMMEDIATE RELEASE

TO: (1) All Licensed Health Care Facilities in Louisiana
(2) Healthcare Professionals licensed, certified, authorized, or permitted by any board, authority, or commission under LDH

FROM: LDH Office of Public Health
Jimmy Guidry, M.D., State Health Officer

Jimmy Guidry, M.D.

RE: SUPPLEMENTAL AMENDED AND UPDATED NOTICE:
Medical and Surgical Procedures
Dental Visits, Procedures and Surgeries
Other Healthcare Services

DATE: June 4, 2020

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This Healthcare Facility Notice/Order will provide updated information on (1) Medical and Surgical Procedures, (2) Dental Visits, Procedures and Surgeries, and (3) Healthcare Services, Other than Medical and Surgical Procedures. This Healthcare Facility Notice/Order shall supersede the information in LDH Notice #2020-COVID19-ALL-010 dated April 20, 2020, as to Section I "Medical and Surgical Procedures" and Section III "Other Healthcare Services". The provisions of Section II entitled "Dental Visits, Procedures and Surgeries" of LDH Notice #2020-COVID19-ALL-0010 remain in place at this time. Additionally, the information in this Healthcare Facility Notice/Order will supersede the April 24, 2020 Clarification issued by LDH, as to allowable Medical and Surgical Procedures.

This directive is applicable to all licensed health care facilities in Louisiana, as well as all healthcare professionals licensed, certified, authorized, or permitted by any board, authority, or commission under LDH.

The State of Louisiana, Department of Health ("LDH"), is committed to taking critical steps to ensure public health and safety. To prevent the spread of COVID-19, the State of Louisiana, Department of Health, is **DIRECTING AND REQUIRING** that all licensed healthcare facilities in Louisiana and all healthcare professionals licensed, certified, authorized, or permitted by any board, authority, or commission that is under LDH, adhere to the following provisions, restrictions, and limitations, **EFFECTIVE at 12:01 a.m. on June 5, 2020, and shall remain in effect through July 5, 2020, unless otherwise continued, modified or suspended by the State Health Officer.**

RATIONALE AND LEGAL AUTHORITY:

Louisiana continues under a state of public health emergency resulting from the outbreak of “coronavirus disease 2019” (“COVID-19”), but Louisiana has now entered Phase 1 of re-opening and will enter Phase 2 of re-opening on June 5, 2020. LDH recognizes that it is important to allow medical facilities and providers to provide care for patients needing non-emergent, non-COVID-19 healthcare.

LDH stresses the importance of allowing medical facilities and providers to provide care for patients needing healthcare, while still ensuring that there is staffing, personal protective equipment (PPE), and capacity for a medical surge should it be necessary.

LDH recognizes that patients have ongoing healthcare needs and understands the need for expanding allowable medical and surgical procedures, as well as allowing chronic disease care/management, certain preventative care, and vital and essential elective procedures. LDH encourages preventative healthcare visits to detect health conditions that cannot be diagnosed by telehealth.

The measures in this Order/Notice are necessary to protect the health and safety of the public, to preserve Personal Protective Equipment (PPE), and to utilize hospital staff and capacity to address potential medical surge, while at the same time ensuring that patients with ongoing healthcare needs receive care and treatment. The measures ordered herein are in line with the best guidance and direction from the U.S. Centers for Disease Control and Prevention, as well as the Centers for Medicare & Medicaid Services (CMS) Recommendations for Re-opening health care facilities. The State Health Officer expressly finds that the measures ordered herein are necessary to help control and prevent further spread of COVID-19, a communicable, contagious, and infectious disease that represent a serious and imminent threat to the public health.

NOW THEREFORE, pursuant to the powers vested in me by L.R.S. 40:1 *et seq.*, particularly La. R.S. 40:4(A)(13) and La. R.S. 40:5(A)(2), I, Jimmy Guidry, M.D., State Health Officer, do hereby issue the following emergency order:

SECTION I. MEDICAL AND SURGICAL PROCEDURES¹

A. Allowable Procedures: Medical and Surgical Procedures Allowed, Effective June 5, 2020, at 12:01 a.m.:

(1) Medical and surgical procedures are allowed to treat an emergency medical condition, as defined in 42 CFR §489.24.

¹ Dental Providers should follow Section II of this memo.

(2) Medical and surgical procedures are allowed based on the needs of the specific patient, appropriately documented in the medical record, subject to the following conditions:²

- (a) The facility/healthcare provider shall perform an appropriate pre-operative clinical evaluation on each patient to minimize the risk that the patient has COVID-19; such clinical evaluation shall include appropriate COVID-19 testing, if available;
- (b) The facility/healthcare provider shall educate and encourage each patient undergoing such a medical or surgical procedure to comply with appropriate non-medical interventions and with strict social distancing measures from the time of the pre-operative clinical evaluation through the day of the surgery;
- (c) The facility/healthcare provider shall have an adequate and appropriate supply of personal protective equipment (PPE) to treat the patient, as well as treat any other patient, including COVID positive patients, in the facility, per CDC guidance.
- (d) The facility/healthcare provider shall have sufficient and adequate resources across the phases of care to safely meet the needs of the patient, including staffing, medical equipment, supplies, testing capacity, post-acute care, and medications;
- (e) All staff of the facility/healthcare provider shall utilize appropriate PPE at all times. Further, procedures involving the mucous membranes including the respiratory track, with a higher risk of aerosol transmission, should be done with great caution and staff shall utilize appropriate respiratory protection such as N95 masks and face shields.

NOTE: Such Medical and Surgical Procedures SHALL BE IMMEDIATELY DISCONTINUED upon notice by the State Health Officer.

B. Professional Medical Judgment. The decision to proceed with any medical or surgical procedure will be up to the professional medical judgment of the medical professional acting within his/her scope of practice and pursuant to the standard of care for that procedure; the medical professional should consider the entire clinical picture of that patient. Providers acting in good faith shall not be found to be in violation of this directive.

C. In addition to the required conditions set forth above, LDH recommends compliance with the Centers for Medicare and Medicaid Services (CMS) issued Recommendations on April 19, 2020 (or the most recent available), regarding Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare: Phase I.

SECTION II. DENTAL VISITS, PROCEDURES AND SURGERIES

At this time, all dental providers shall continue to follow the provisions of Section II of Healthcare Facility Notice/Order #2020-COVID19-ALL-010, dated April 20, 2020. However, all dental providers may discontinue the provisions of Section II, Paragraph C, relating to the contacting of patients within 10-14 days after the procedure. Further,

² *The facility/healthcare provider should prioritize medical and surgical procedures and high-complexity chronic disease management procedures, but may also perform preventative services and procedures as necessary based on the client's healthcare needs.*

**SECTION III. Healthcare Services, Other than
Medical and Surgical Procedures**

A. The Department hereby encourages maximum use of all telehealth modalities. Providers shall make a determination about the appropriateness of telehealth on a case-by-case basis. Providers may encounter legitimate and valid barriers to telehealth delivery and may not be able to shift all services to telehealth. Providers acting in good faith shall not be found to be in violation of this directive.

B. For appropriate in-person healthcare services:

(1) The Department recommends that any in-person healthcare service be postponed when patient outcomes would not be compromised; however, the Department recognizes that many in-person healthcare services are important, vital and essential, including chronic disease care/management and preventative/primary care. The Department encourages preventative/primary care visits to detect health conditions that cannot be diagnosed by telehealth. Providers shall use their best medical judgment within the scope of their license to make these determinations. Providers shall consider the entire clinical picture when determining if a service can be safely postponed, including the consequences to the patient of postponement and the consequences to the healthcare system. Providers acting in good faith shall not be found to be in violation of this directive.

(2) The Department encourages and recommends facilities and healthcare providers to follow LDH and CDC recommendations to reduce exposure to themselves, their staff, and their patient/clients, should in the healthcare provider's professional medical opinion, an in-person visit be needed.

(3) The Department directs that facilities and healthcare providers require the following for in-person visits:

- (a) All patients shall wear cloth face coverings.
- (b) All staff of the facility/healthcare provider shall wear surgical face masks at all times.
- (c) All patients shall be screened for symptoms of COVID-19, including temperature checks.
- (d) Staff shall be routinely screened for symptoms of COVID-19, including temperature checks.

C. In addition, LDH recommends compliance with the Centers for Medicare and Medicaid Services (CMS) issued Recommendations on April 19, 2020, (or the most recent available), regarding Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare: Phase I.

Dr. Courtney N. Phillips
Secretary

Dr. Jimmy Guidry, M.D.
State Health Officer