

April 1, 2020

COVID-19 Department of Health (DOH) and Medical Task Force Matters

New DOH Administrative Orders have been issued in recent days addressing topics such as: (i) certificates of need and convenience for adding beds at hospital; (ii) the cancellation of elective surgeries; and (iii) extension of professional licenses, registrations and certifications. Also, the Medical Task force issued a protocol to prioritize the processing of molecular lab samples. Summaries of the Administrative Orders follow:

Administrative Order 427- March 26, 2020

Relaxes requirements for the granting of Certificates of Need and Convenience (CON's) to add beds to health facilities during the COVID-19 emergency. With this guidance, hospitals may request an increase of beds without holding a public hearing or commissioning a feasibility study.

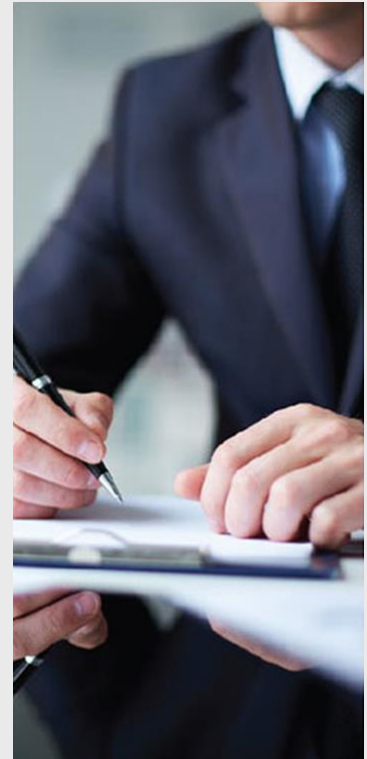
The authorization for extra beds will be issued by the Deputy Secretary of Regulation and Accreditation of Health Facilities and will be temporary. The Administrative Order also provides a procedure for requesting authorization to maintain the extra beds after the emergency.

Administrative Order 428-March 26, 2020

Orders the cancellation of elective surgeries in all hospital institutions, until the cessation of social distancing as established in OE-2020-023. Primary doctors' offices may remain open providing services in compliance with infection management protocols for the prevention and transmission of COVID-19, such as avoiding patient agglomeration.

Elective surgeries are defined as those not necessary to save a patient's life and that their indefinite postponement does not affect the health or life of the patient. Emergency surgeries and those already scheduled for inpatients are excluded from this order.

- hospital institutions are required to order the medical faculty to cease scheduled elective surgeries
- It is the doctor's medical responsibility to evaluate the category and clinical need of elective surgery and recommend postponement to the patient by explaining non-surgical treatment alternatives during the postponement of elective surgery
- Primary doctors' offices shall expand the appropriate use of telemedicine and teleconsulting resources as approved by the federal and state governments such as the Law No. 19-2020, to minimize face-to-face patient appointments and prevent COVID-19 contagion
- Exclusions are provided for certain primary doctors' offices



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Administrative Order 430- March 30, 2020

Administrative Order 430 extended the expiration date of the following, until June 30, 2020:

- Permits and licenses issued by the Examining Boards attached to the Department of Health under the Office of Regulation and Accreditation and Certification of Health Professionals and Licensing and Board of Medical Discipline
- Licenses, Certificates of Need and Convenience, specifically those that expire between March 30, 2020 and June 30, 2020, and certifications issued by the Deputy Secretary of Regulation and Accreditation of Health Facilities
- Certificates of Registration of Controlled Substances issued by the Office of Controlled Substances
- Permits, licenses and environmental health certifications issued by the Deputy Secretary of Environmental Health
- Licenses to officiants of marriages issued by the Demographic Registry

COVID-19 Medical Task Force

On March 30, 2020, the Governor's appointed Medical Task force issued a recommended protocol for clinical laboratories, setting priorities for molecular laboratory sample processing (PCR). This protocol may be changed based on receipt of new information. It establishes that once the sample is taken from the patient in the clinically indicated cases, depending on the volume of samples received by the laboratory, the laboratory may prioritize the processing of a test and obtain the result according to three orders of priority as follows:

Priority 1

1. Inpatients
2. Health workers in direct contact with patients or in contact with suspected patients
3. Pregnant women and children under 2 years old
4. Travelers identified as suspect at the airport

Priority 2

1. Patients in long-term care facilities or correctional facilities
2. Patients 65 years of age or older
3. Patients with systemic comorbidities (diabetes, hypertension, cardiac, etc.)
4. First responders with confirmed or suspected COVID-19

Priority 3

1. Workers in the food or supply distribution chain (supermarkets and pharmacies)
2. Individuals not fitting any other criteria
3. Suspicious deaths in and out of hospitals

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