



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
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**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH**

**COVID-19 Public Health Emergency Order No. 2021-14**  
**Issued November 23, 2021**

On May 28, 2021, pursuant to Section 2A of Chapter 17 of the General Laws, Governor Charles D. Baker declared that an emergency exists that is detrimental to the public health in the Commonwealth due to the continuing threat of COVID-19, and authorized the Commissioner, with the approval of the Public Health Council, to adopt measures to facilitate COVID-19 testing and vaccination, to mandate special measures to protect higher risk populations or to effectuate continued surveillance of COVID-19, and to respond as necessary to outbreaks of the virus as they may arise.

Consistent with the Governor's May 28, 2021 declaration, on June 9, 2021, the Public Health Council approved and authorized the Commissioner of Public Health to take such actions, incur such liabilities and establish such rules, requirements and procedures which are necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

Accordingly, having received that authorization from the Council and with the approval of the Governor, I issue the following Order:

To preserve hospitals' ability to respond to COVID-19 and to ensure that there is acute care inpatient capacity, any hospital licensed pursuant to G.L. c. 111, §51 that does not maintain or exceed the available staffed medical-surgical and intensive care unit bed capacity threshold ("capacity threshold") established by the Department individually or in the aggregate within a hospital system, shall reduce non-essential, non-urgent scheduled procedures that may require the use of bed capacity and/or services ("procedures") no later than November 29, 2021.

Any hospital that maintains or exceeds the capacity threshold and provides an attestation to the Department, in a form provided by the Department, is not subject to the limitations established by this order, provided that the hospital:

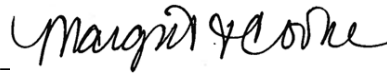
1. continues to maintain or exceed the capacity threshold;

2. participates in the hospital's regional Health and Medical Coordinating Coalition meetings and makes capacity available to and regularly accepts transfers from other hospitals; and
3. does not transfer patients or seek assistance from other hospitals for the purpose of maintaining or exceeding the capacity threshold.

The Department shall issue guidance to implement this Order. Providers subject to this order must continue to comply with all applicable statutes, regulations and guidance not inconsistent with this Order.

This Order is effective immediately and shall remain in effect until the Public Health Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.



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Margret R. Cooke

Acting Commissioner, Massachusetts Department of Public Health  
November 23, 2021