

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. 2022-10
Issued February 4, 2022

Rescinding Order No. 2021-14 Effective February 14, 2022

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:

Effective at 12:01 am on February 14, 2022, all hospitals licensed pursuant to G.L. c. 111, §51 must limit non-essential, non-urgent scheduled procedures that may require the use of bed capacity and/or services to the level specified by the Department in guidance that shall accompany this Order. The Department shall set the limitation on non-urgent procedures based on its determination of measures necessary to preserve hospitals' ability to ensure acute inpatient capacity while responding to treatment needs associated with COVID-19.

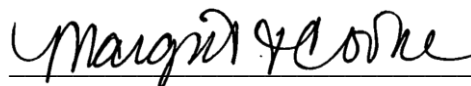
Every hospital must participate in the hospital's regional Health and Medical Coordinating Coalition meetings and make capacity available to and regularly accept transfers from other hospitals. A hospital may not transfer acute inpatient cases for the purpose of maintaining staff and capacity to perform non-essential, non-urgent scheduled procedures.

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

This Order is effective at 12:01 am on February 14, 2022, at which time COVID-19 Public Health Emergency Order No. 2021-14 shall be rescinded and superseded by the terms of this Order.

This Order 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.

A handwritten signature in black ink, appearing to read "Margret R. Cooke", written over a horizontal line.

Margret R. Cooke

Acting Commissioner, Massachusetts Department of Public Health
February 4, 2022