

Elective Surgeries in New Jersey Halted Due to COVID-19 Pandemic

03/25/20

Suspension of Elective Surgeries and Invasive Procedures

In the wake of the COVID-19 pandemic, on March 23, 2020, Governor Phil Murphy signed Executive Order No. 109 (the Order) suspending all medical and dental elective surgeries and invasive procedures performed on adults scheduled to take place after 5:30 p.m. on Friday, March 27, 2020. Governor Murphy indicated that the suspension of these elective procedures will aid in the preservation of essential medical equipment and supplies as well as reduce the strain on hospital capacity.

Invasive Procedures Defined

- The Order defines elective surgeries and invasive procedures as any surgery or invasive procedure that can be delayed without undue risk to the current or future health of the patient, as determined by the patient's treating physician or dentist.
- An elective surgery or invasive procedure does not include the administration of vaccines.

Notification to Patients

- Facilities are required to notify patients immediately whose operations have to be suspended.

Written Guidelines Required

- The Order requires each hospital or ambulatory surgery center to establish written guidelines to ensure adherence to the Order and provide a copy to the New Jersey Department of Health.
- The guidelines must include a process for consultation with the treating physician or dentist about whether the surgery or invasive procedure is "elective".

Family Planning

- The Order does not prohibit family planning services and procedures including termination of pregnancies.

Inventory of Personal Protective Equipment and Other Critical Equipment

- All businesses, non-hospital health care facilities, and institutions of higher learning in possession of personal protective equipment, ventilators, respirators, or anesthesia machines that do not require their use for providing critical health care services are required to take an inventory and provide their inventory results to the State.
- However, the process for submitting the inventory is not yet clear.

A copy of Executive Order No. 109 is available [here](#).

If you are a physician, dentist or other licensed health care practitioner in New Jersey with a question or concern about Executive Order No. 109, please contact [Jason Krisza](#), or another member of the Wilentz [Health Law Team](#).

Attorney

- Jason J. Krisza

Practice

- Health Law