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New Jersey Executive Order 145 Allows Elective Surgeries and Invasive Procedures to Resume in New Jersey on May 26, 2020

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On May 15, 2020, Governor Phil Murphy signed [Executive Order No. 145](#), rescinding Executive Order 109, and allowing elective surgeries and invasive procedures, both medical and dental, to resume on **Tuesday, May 26, 2020**, at 5:00 a.m. subject to policies to be issued by the New Jersey Department of Health and the Division of Consumer Affairs.

The Order directs the New Jersey Department of Health and the Division of Consumer Affairs to issue the policies by **Monday, May 18, 2020**.

The Order provides that these policies will address relevant considerations, including:

- Which types of facilities can resume these procedures;
- Which specific facilities are eligible to resume these procedures, based upon their current or potential capacity;
- Whether facilities will be required to prioritize certain procedures, and if so, what considerations should guide these decisions;
- Personal Protective Equipment requirements for facilities that resume these procedures;
- Staffing requirements for facilities that resume these procedures;
- Whether facilities should cohort COVID-19 and non-COVID-19 patients;
- Requirements for patients seeking these procedures to undergo testing, self-quarantine, or other preventive measures, as applicable;
- Policies surrounding visitors;
- Policies surrounding discharge of patients after the procedures are completed; and
- Reporting metrics regarding the resumption of these procedures.

Executive Order No. 145 also directs the Division of Consumer Affairs to issue policies by Monday, May 18, 2020, addressing similar considerations for how elective surgeries and invasive procedures may proceed in outpatient settings that are not licensed by the Department of Health.

As a result, on Monday, May 18, 2020, providers and facilities should have specific guidance on resuming elective surgeries and invasive procedures effective May 26, 2020.

Please contact [Grace Mack](#) or another member of the Wilentz [Health Law team](#) with questions concerning the Order or this blog post.

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