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April 18, 2020

The Honorable Ralph S. Northam  
Governor of the Commonwealth of Virginia  
Patrick Henry Building  
1111 E. Broad Street Richmond, VA 23219

Re: Order of Public Health Emergency Two

Dear Governor Northam:

On behalf of the Virginia Hospital & Healthcare Association's (VHHA) member health systems, their more than 125,000 employees, and the patients and communities they serve, we extend our deepest appreciation for your leadership and dedication to the people of Virginia during this difficult time.

Significant progress has been made in combatting the COVID-19 pandemic and treating those afflicted with the virus. Your administration and Virginia's hospitals and health systems have taken aggressive action to slow the spread of COVID-19 and to identify and treat those who have contracted it. Working together, we have distributed personal protective equipment (PPE) to frontline health care workers, expanded the Commonwealth's capacity for testing suspected COVID-19 patients, increased capacity to treat COVID-19 patients, and modeled projected surge at our hospitals. These efforts, combined with your administration's directives on social distancing and Virginians' commitment to staying home, have helped stem the impact COVID-19 has had on the Commonwealth.

Another hallmark of our efforts was Virginia's hospitals' voluntary agreement on March 18, 2020, to stop all non-urgent medical procedures. This decision was advanced further when on March 23, 2020, the Virginia Disaster Medical Advisory Committee requested the issuance of an Executive Order to prohibit non-urgent medical procedures by all providers. You subsequently issued Order of Public Health Emergency Two on March 25, 2020, which prohibited all inpatient and outpatient surgical hospitals licensed under 12 VAC 5-410, freestanding endoscopy centers, physicians' offices, and dental, orthodontic, and endodontic offices from providing procedures and surgeries that require PPE, which if delayed, are not anticipated to cause harm to the patient by negatively affecting the patient's health outcomes, or leading to disability or death.

This action, in combination with efforts to expand capacity at our hospitals, has led to a tremendous availability of beds at our hospitals. There are almost 6,000 open beds at our hospitals along with 2,200 unused ventilators.

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There are currently 1,301 COVID-19 patients (confirmed and pending test results) hospitalized across Virginia. Only 21% of the 2,865 ventilators available are in use by both COVID-19 and non-COVID-19 patients. Critically, these numbers have remained consistent since the end of March. In the meantime, it is estimated that 60,000 Virginians have had their non-urgent inpatient and outpatient medical procedures canceled over the past month and 15,000 procedures will be canceled every week going forward.

While the crisis is far from over and COVID-19 will continue to be the primary focus of our hospitals and health care providers for the foreseeable future, we are mindful of the tens of thousands of Virginians who have deferred care for chronic conditions and other non-urgent medical needs. We are concerned that continuing to delay their care while we have available capacity to address and/or stabilize their conditions will have long-term negative impacts on health across the Commonwealth.

We therefore respectfully request that Order of Public Health Emergency Two not be extended when it expires on April 24, 2020. In lieu of the Order, Virginia's hospitals and health systems have developed and agree to comply with the attached "Framework for Reopening Virginia's Hospitals." This framework will guide the re-opening of non-urgent services. The framework is consistent with President Trump's recently announced *Open Up America Again Guidance*, as well as, guidance issued yesterday by the American College of Surgeons and other national organizations.

Treating COVID-19 patients in this response is a top priority for Virginia's hospitals. As this crisis has evolved, we have gained a better understanding of our capacity to meet the needs of COVID-19 patients. We believe we have the capacity to treat these patients now and as the disease progresses, while at the same time safely providing care for Virginians in need of non-urgent, but medically necessary care unrelated to COVID-19.

Thank you in advance for consideration of the request. Please do not hesitate to contact us to discuss this or any other issue related to Virginia's hospitals.

Sincerely,



Sean T. Connaughton  
President & CEO

cc: The Honorable Clark Mercer, Chief of Staff  
The Honorable Dan Carey, Secretary of Health and Human Services  
The Honorable Norman Oliver, Commissioner of Health

VHHA Board of Directors