



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL**

**Bill J. Crouch
Cabinet Secretary**

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**Jolynn Marra
Interim Inspector General**

April 21, 2020

To Whom It May Concern:

On April 20, 2020, the Governor issued Executive Order No. 28-20, which allows hospitals and ambulatory surgical centers regulated by the Office of Health Facility Licensure and Certification (OHFLAC) to resume more urgent elective medical procedures if specified criteria are met. A copy of Executive Order No. 28-20 is enclosed with this letter.

Hospitals and ambulatory surgical centers wishing to resume more urgent elective medical procedures shall submit to OHFLAC a letter which will serve as an application for certification to resume such procedures. The letter of application shall include the official name of the hospital or ambulatory surgical center, the facility's CMS Certification Number (CCN), date of proposed resumption of procedures, and a contact person's name with telephone number and email address. Additionally, the letter of application shall include details of how the facility will meet the following required criteria, as stated in Executive Order No. 28-20:

- There is an established plan in place to safely phase in surgeries based on sound clinical judgment; provided that such plan should use guidelines established by the American College of Surgeons as a benchmark in developing individual resumption plans.
- The established plan provides for the prioritization of surgical/procedural care and highly complex chronic disease management needs of patients; provided that select preventive services may also be necessary and appropriate as more urgent elective medical procedures.
- The established plan and all policies governing resumption of more urgent elective medical procedures ensure services can be timely and effectively adjusted in response to any change in public health conditions or surge in COVID-19 cases.
- There are measures in place to ensure necessary personal protective equipment (PPE) for medical staff and patients, following Centers for Disease Control and Prevention guidelines; such measures shall include at a minimum ensuring that providers have the following:
 - Adequate inventories of PPE, supplies, equipment, and medicine in their facilities for at least a 14-day supply;
 - A plan for conserving PPE, supplies, equipment, and medicine; and

- Access to a reliable supply chain to support continued operations and to effectively respond to an unexpected surge in a timely manner; provided that providers who practice in specialties or practice settings that may not experience a surge in COVID-19 patients must be aware of statewide PPE, supplies, equipment, and medicine needs and must be prepared to contribute as necessary.
- Guidelines developed by the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the West Virginia Department of Health and Human Resources and its agencies, and other regulatory agencies will be followed.

Guidelines shall include and take into account sufficient ability to transfer patients from the facility to applicable next levels of care within the community and an evaluation process to review effectiveness of use of supplies and resources and continued delivery of safe and high quality care through all phases of each more urgent elective medical procedure provided. The American College of Surgeons guidelines may be found at <https://www.facs.org/covid-19>.

Submitted letters of applications will be reviewed by OHFLAC to ensure that the above criteria are satisfied. Upon approval, OHFLAC will provide approval to the individual facility that it may resume more urgent medical procedures in accordance with the facility's plan. Please allow up to three business days for OHFLAC to determine whether the letter of application has been approved, denied, or more information is needed.

As stated in Executive Order No. 28-20, an applicant hospital or ambulatory surgical center may not resume more urgent elective medical procedures until such applicant has received approval from OHFLAC. Facilities that have applied and received approval from OHFLAC may resume more urgent elective medical procedures no earlier than April 28, 2020.

Letters of applications shall be submitted to the following email address: DHHROHFLACAdmin@wv.gov. If you have questions or concerns, please submit the same in writing to DHHROHFLACAdmin@wv.gov.

Sincerely,

Jolynn Marra

Jolynn Marra
Interim Inspector General

JM:dlc

Enclosure

cc: Bill J. Crouch, Cabinet Secretary
Cathy C. Slemp, State Medical Officer, Bureau for Public Health Commissioner
Cynthia E. Beane, Bureau for Medical Services Commissioner
Michele Richards, OHFLAC Program Manager