



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
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Commissioner

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**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH EXEMPTING HOSPITALS  
FROM THE REQUIREMENTS OF M.G.L. c.111, §231**

On March 10, 2020, Governor Charles D. Baker declared a State of Emergency in the Commonwealth to respond to the spread of COVID-19. The Public Health Council has approved and authorized me 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, consistent with the Governor's declaration.

Accordingly, having received that authorization from the Council, and with the approval of the Governor, I issue the following Order, which updates my March 24, 2020 Order, to address and align with the Commonwealth's reopening framework. Any hospital that is licensed or operated by the Department that has submitted an attestation to the state certifying that they meet clinical, capacity, safety standards, and governance requirements to resume providing high-priority preventative care and urgent procedures or services that cannot be delivered remotely and would lead to high risk or significant worsening of the patient's condition if deferred, must meet the acuity-assessed staffing and nurse-to-patient ratio requirements under G.L. c 111, § 231 prior to beginning any of these activities.

Any hospital licensed or operated by the Department of Public Health that does not meet established available capacity requirements for adult ICU and adult medical-surgical beds shall be exempted from the acuity-assessed staffing and nurse-to-patient ratio requirements of G.L. c. 111, § 231 and shall not perform any urgent elective invasive procedures. All such facilities must ensure that staffing levels remain adequate to meet the patients' needs, and staff is trained and competent to meet the needs of their patients.

Facilities subject to this order must continue to comply with all applicable statutes, regulations, and guidance not inconsistent with this Order.

This Order shall remain in effect from May 18, 2020, until the State of Emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.

Handwritten signature of Monica Bharel in black ink.

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Monica Bharel, MD, MPH  
Commissioner, Massachusetts Department of  
Public Health

May 18, 2020