

## THOUGHT LEADERSHIP

LEGAL UPDATES

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Healthcare

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# Governor Abbott Issues New Executive Order – No Elective Surgeries in Bexar, Dallas, Harris and Travis Counties

In response to the recent increase in COVID-19 cases and hospitalizations in Texas, Governor Greg Abbott issued Executive Order GA-27 on June 25, 2020, to ensure hospital bed availability for COVID-19 patients in certain counties. In an attempt to find the least restrictive means of combatting the threat to public health, while protecting the health and safety of Texans and ensuring sufficient hospital beds for COVID-19 patients, the governor's order suspends elective surgeries at hospitals in Bexar, Dallas, Harris, and Travis Counties. The governor can add or subtract from the list of counties based on the need to address surges in hospitalizations that may arise in other parts of the state.

This executive order directs all hospitals in these counties, licensed under Chapter 241 of the Texas Health and Safety Code, to postpone all surgeries and procedures that are not immediately medically necessary to correct a serious medical condition or to preserve the life of a patient, as determined by the patient's physician. This prohibition shall not apply to any surgery or procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not deplete any hospital capacity needed to cope with the COVID-19 disaster. This executive order also does not apply to Ambulatory Surgical Centers licensed under Chapter 243 of the Texas Health and Safety Code.

When issuing this executive order, Governor Abbott stated that, "As Texas faces a rise in COVID-19 cases, we are focused on both slowing the spread of this virus and maintaining sufficient hospital capacity for COVID-19 patients...today's action is a precautionary step to help ensure that the hospitals in these counties continue to have ample supply of available beds to

treat COVID-19 patients. As we work to contain this virus, I urge all Texans to do their part to help contain the spread by washing their hands regularly, wearing a mask and practicing social distancing.”

This executive order will be effective at 11:59 p.m. on Friday, June 26, 2020, and will be in effect until modified, amended, rescinded or superseded by the governor. Failure to comply with this executive order is a punishable offense by a fine not to exceed \$1,000 and may be subject to regulatory enforcement.

### **Contact us**

For more information on this order or other Texas orders or regulations regarding COVID-19, please contact Joseph Geraci, Eric Weatherford, Mark Vane, Spencer Smith or your Husch Blackwell attorney.

### **Comprehensive CARES Act and COVID-19 guidance**

Husch Blackwell’s CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.