



NJ GOVERNOR SIGNS ORDER REGARDING ELECTIVE SURGERIES

On March 23, 2020, Governor Murphy signed Executive Order 109 [\[link to EO\]](#) (“EO 109”) requiring elective surgeries or invasive procedures (medical and dental) to be cancelled or postponed. The order is effective at 5:00 p.m. on Friday, March 27, 2020 and is indefinite.

EO 109 defines “elective” as any surgery or invasive procedure that can be delayed without undue risk to the current or future health of the patient as determined by the patient’s treating physician or dentist. Providers performing surgery and invasive procedures must also take into account possible post-procedure complications that could burden hospitals with additional inpatients. This does not include administration of vaccines. In addition, EO 109 does not affect family planning services and procedures, including terminations of pregnancies, whether in a hospital, ambulatory surgery center, physician office, or other location.

Each hospital and ambulatory surgery center must establish written guidelines to ensure adherence to the provisions of EO 109, which must be provided to the NJ Department of Health.

In addition, any business or non-hospital health care facility, including but not limited to dental facilities, construction facilities, research facilities, office-based healthcare or veterinary practices, and institutions of higher learning, in possession of personal protective equipment, ventilators, respirators, or anesthesia machines that are not required for the provision of critical health care services need to undertake an inventory of such supplies and send that information to the State by no later than 5:00 p.m. on Friday, March 27, 2020. The Office of Emergency Management will be establishing a process by which entities can submit this information.

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For assistance with compliance with EO 109 or if you have any questions, please contact the [Garfunkel Wild attorney](#) with whom you regularly work, or contact us at info@garfunkelwild.com.

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