



# Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

**DATE:** December 2, 2020  
**TO:** Hospitals located in Erie County  
**FROM:** Office of the Commissioner

## Directive to Postpone all Non-Essential Elective Procedures in Erie County

### Purpose

This Directive instructs and requires all hospitals in Erie County to postpone all non-essential elective procedures starting December 4, 2020 until further notice.

### Background

By way of background, on March 23, 2020, based on increasing COVID-19 case numbers, and pursuant to Executive Order 202.10, all hospitals and other health care facilities were directed to cease all non-essential elective procedures, after March 25, 2020.

After the State successfully flattened the curve and mitigated the first wave of COVID-19, on April 29, 2020, the Department issued a Directive permitting the resumption of non-essential elective procedures, provided that a hospital, as well as the county in which the hospital is located, met specific criteria. Hospitals that were allowed to perform non-essential elective procedures were subject to strict requirements to ensure that COVID-19 was not transmitted in the facility. This Directive was supplemented with Updated Guidance on June 14, 2020.

At the time that the April 29, 2020 Directive and the June 14, 2020 Updated Guidance were issued, they were premised on a determination that qualifying facilities did not have a significant risk of a COVID-19 surge, based on infection rates in that county and other data that existed at the time. However, based on current information, there is now a risk of COVID-19 surge in Erie County that threatens the availability of hospital beds for COVID-19 patients.

### Directive

Accordingly, pursuant to my authority to activate the Surge and Flex Health Care Coordination System under 10 NYCRR 360.2, all hospitals in Erie County shall postpone all non-essential elective procedures in accordance with the attached, until further notice. This directive does not apply to elective procedures at ambulatory surgery centers, office-based facilities or free-standing diagnostic and treatment centers at this time.

This Directive may be extended to other counties, if necessary, to ensure the availability of hospital beds for COVID-19 patients.

*Howard Zucker M.D.*

Dr. Howard A. Zucker, M.D., J.D.  
Commissioner of Health

### Attachment A

<b>Tiers</b>	<b>Action</b>	<b>Definition</b>	<b>Locations</b>	<b>Examples</b>
Tier 1a	Postpone surgery/procedure in counties that are not eligible	<b>Low acuity surgery/healthy patient –</b> Outpatient surgery Not life-threatening illness	HOPD* or Hospital with low/no COVID-19 census	-Carpal tunnel release -Colonoscopy for routine screening -Cataracts - Hysteroscopy -Cosmetic surgery
Tier 1b	Postpone surgery/procedure in counties that are not eligible	<b>Low acuity surgery/unhealthy patient</b>	HOPD or Hospital with low/no COVID-19 census	-Endoscopies -Cosmetic surgery
Tier 2a	Consider postponing surgery/procedure in in counties that are not eligible	<b>Intermediate acuity surgery/healthy patient</b> Not life threatening but potential for future morbidity and mortality. Requires in-hospital stay	HOPD or Hospital with low/no COVID-19 census	-Non urgent spine& ortho: including hip, knee replacement and elective spine surgery -Stable ureteral colic
Tier 2b	Postpone surgery/procedure if possible, in counties that are not eligible	<b>Intermediate acuity surgery/unhealthy patient</b>	HOPD or , Hospital with low/no COVID-19 census	
Tier 3a	Do not postpone	<b>High acuity surgery/healthy patient</b>	Hospital or HOPD	-Cancer, incl diagnostic surgery of suspected cancer -Neurosurgery -Intractable Pain -Highly symptomatic patients
Tier 3b	Do not postpone	<b>High acuity surgery/unhealthy patient</b>	Hospital or HOPD	-Transplants -Trauma -Cardiac w/ symptoms -Limb threatening vascular surgery -Dialysis Vascular Access

\* HOPD: Hospital Outpatient Department