

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
ACTING SECRETARY BILLY J. JIMENEZ**

DECEMBER 9, 2020

**Public Health Emergency Order Imposing Temporary Restrictions on
Non-Essential Surgical Procedures; Providing Guidance on Those Restrictions**

ORDER

WHEREAS, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 ("COVID-19"), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through December 11, 2020;

WHEREAS, COVID-19 is a deadly virus and has taken the lives of over 285,000 Americans and over 1,700 New Mexicans;

WHEREAS, confirmed cases in the United States have risen to more than 15.2 million and confirmed COVID-19 infections in New Mexico have risen to over 110,000, with significant recent spikes in cases in New Mexico threatening to overwhelm our hospitals;

WHEREAS, local, national, and global health experts predict that the expected continued rise in cases of COVID-19 will strain the capacity and resources of health care providers, including available space and equipment in health care facilities

WHEREAS, on December 4, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-083 ("EO 2020-083"), stating that "'Crisis Care' standards may need to be implemented over the next several weeks and our State should prepare for that possibility";

WHEREAS, on December 2, 2020, the New Mexico Medical Advisory Team notified the Acting Secretary of Health that "Crisis Care Standards" have been activated within the state and that it is appropriate to apply Crisis Care Standards in hospital settings;

WHEREAS, during a declared Public Health Emergency, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Emergency Response Act to "utilize, secure or evacuate health care facilities for public use." NMSA 1978, § 12-10A-6(A)(1). The Department of Health also possesses the legal authority under the Public Health Act to "respond to public health emergencies," "ensure the quality and accessibility of health care services and the provision of health care when health care is otherwise unavailable," "control and abate the causes of disease, especially epidemics," and "maintain and enforce rules for the control of conditions of public health importance." NMSA 1978, § 24-1-3; and

I FURTHER DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

(3) This Order shall take effect on December 11, 2020 and remain in effect through January 4, 2021.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Order shall take effect immediately and shall remain in effect for the duration indicated in the Order unless otherwise rescinded.

ATTEST:

/ S /
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 9TH DAY OF DECEMBER 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

/ S /
BILLY J. JIMENEZ
ACTING CABINET SECRETARY OF THE
STATE OF NEW MEXICO DEPARTMENT OF
HEALTH