



published by the DPH regarding the scheduling, cancelation, and performance of non-essential, elective, invasive medical procedures.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a memorandum from the Massachusetts DPH directing all hospitals and ambulatory surgical centers to postpone or cancel any nonessential, elective, invasive medical procedures during the State of Emergency.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the March 24, 2020 Order issued by Chief Justice Rabner of the New Jersey Supreme Court, recognizing that “the COVID-19 pandemic has resulted in a critical need for the uninterrupted services of many doctors, nurses and healthcare professionals” and mandating the suspension of any all depositions and participation in court proceedings for all individuals and entities involved in responding to the COVID-19 public health emergency.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Emergency Order – Closure of Facility and Discharge of Residents to CareOne, entered by the State of New Jersey Department of Health on March 24, 2020, in the matter of St. Joseph’s Senior Home Nursing Center and Assisted Living.

8. Attached hereto as **Exhibit 7** is a true and correct copy of an article obtained from dailyrecord.com entitled “All 94 residents of NJ nursing home presumed positive for coronavirus.”

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: April 30, 2020

/s/ Cheryl B. Pinarchick  
Cheryl B. Pinarchick

## **EXHIBIT 1**

EXECUTIVE ORDER NO. 103

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, COVID-19 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread to the Hubei Province and multiple other countries; and

WHEREAS, symptoms of the COVID-19 illness include fever, cough, and shortness of breath, which may appear in as few as two or as long as 14 days after exposure, and can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern," which means "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response," and thereafter raised its global risk assessment of COVID-19 from "high" to "very high"; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, as of March 9, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 114,000 confirmed cases of COVID-19 worldwide, with over 4,000 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were more than 500 confirmed cases of COVID-19 in the United States, with 22 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional "Persons Under Investigation" spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

WHEREAS, as of March 9, 2020, there were 142 positive cases of COVID-19 in the State of New York and seven presumptive positive cases in the Commonwealth of Pennsylvania; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, if COVID-19 spreads in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the spread of COVID-19 may make it difficult or impossible for citizens to obtain consumer goods and other necessities of life due to supply chain disruption and price increases, as well as hamper the delivery of essential services such as police, fire, and first aid; and

WHEREAS, the State's public bidding act, N.J.S.A. 52:34-6 et seq., provides a public exigency exemption, N.J.S.A. 52:34-10(b), that in the event of a threat to the life, health, or safety to the public, advertised bidding is not required to obtain those

goods and services necessary to address the public exigency where the Division of Purchase of Property provides preapproval in accordance with Treasury Circular 18-14-DPP; and

WHEREAS, in the event of a declared emergency pursuant to Treasury Circular 19-10-DPP, the threshold for delegated purchasing by individual State Departments is raised to \$100,000 such that purchases at or below that amount do not require prior approval or action by DPP; and

WHEREAS, the spread of COVID-19 may disrupt the timely delivery of State contracted goods or services, the immediate delivery and fulfillment of which is necessary for the life, safety, or health of the public; and

WHEREAS, the State of New Jersey has been working closely with the CDC, local health departments, and healthcare facilities to monitor, plan for and mitigate the spread of COVID-19 within the State; and

WHEREAS, through Executive Order No. 102, which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by COVID-19; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, the State of New Jersey also acts as an employer with tens of thousands of employees, and the spread of COVID-19 requires preparedness for staffing shortages and flexibility in work rules to ensure that its employees can fully comply with all

medically appropriate measures while also ensuring the continuous delivery of State services performed by Executive branch agencies; and

WHEREAS, the continuous delivery of services at the county and municipal level performed by those governments and their employees is also essential; and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State; and

WHEREAS, it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirms that there exists a public health emergency in the State; and

WHEREAS, New Jersey's Consumer Fraud Act, N.J.S.A. 56:8-107 et seq., prohibits excessive price increases during a declared state of emergency, or for 30 days after the termination of the state of emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, DO DECLARE and PROCLAIM that a Public Health Emergency and State of Emergency exist in the State of New Jersey, and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any such emergency measures as the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of county and municipal emergency operations plans, in order to fully and adequately protect the health, safety and welfare of the citizens of the State of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, is authorized to coordinate the relief effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, shall also supervise and coordinate all activities of all State, regional and local political bodies and agencies in order to ensure the most effective and expeditious implementation of this order, and, to this end, may call upon all such agencies and political subdivisions for any assistance necessary.

3. Given the concurrent invocation of both a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., I reserve the right as specifically contemplated by N.J.S.A. 26:13-3 to exercise the authority and powers specific to the Emergency Health Powers Act as I deem necessary and appropriate to ensure the public health for New Jersey's residents.

4. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every

political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management and the Commissioner of DOH in all matters concerning this state of emergency.

5. The Coronavirus Task Force established under Executive Order No. 102 is continued with the Commissioner of DOH as the chair, and shall provide assistance on the State's efforts preparing for and responding to the public health hazard posed by COVID-19.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of DOH. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. All State agencies, and specifically the Departments of Banking and Insurance, Health, Human Services, Education, and the Civil Service Commission are authorized to take appropriate steps to address the public health hazard of COVID-19, including increasing access and eliminating barriers to medical care, protecting the health and well-being of students, and protecting the health and well-being of State, county, and municipal employees while ensuring the continuous delivery of State, county, and municipal services.

8. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

9. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to utilize all property, equipment, and facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

10. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

11. In accordance with the N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this emergency.

12. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

13. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous impacted municipality within this State, nor to any impacted municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management in conjunction with the Commissioner of DOH.

14. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this  
9<sup>th</sup> day of March,  
Two Thousand and Twenty, and  
of the Independence of the  
United States, the Two  
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Matthew J. Platkin  
Chief Counsel to the Governor

## **EXHIBIT 2**

EXECUTIVE ORDER NO. 109

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, in light of the dangers posed by COVID-19, I issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as of March 21, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 292,000 confirmed cases of COVID-19 worldwide, with over 12,000 of those cases having resulted in death; and

WHEREAS, as of March 20, 2020, there were more than 15,000 confirmed cases of COVID-19 in the United States, with at least 201 of those cases having resulted in death; and

WHEREAS, as of March 23, 2020, there were at least 1,914 positive cases of COVID-19 in New Jersey, with at least 20 of those cases having resulted in death; and

WHEREAS, in recognition that the CDC has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact

when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which ordered steps to mitigate community spread of COVID-19 limiting the unnecessary movement of individuals in and around their communities and person-to-person interactions in accordance with CDC and DOH guidance and requiring all businesses or non-profits, wherever practicable, to accommodate their workforce for telework or work-from-home arrangements and reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 107 (2020) required the closure of facilities where personal care services are performed that, by their very nature, result in noncompliance with social distancing guidelines, including but not limited to cosmetology shops; barber shops; beauty salons; hair braiding shops; nail salons; electrology facilities; spas, including day spas and medical spas, at which solely elective and cosmetic medical procedures are performed; massage parlors, tanning salons, tattoo parlors, and public and private social clubs, whether or not they serve alcohol; and

WHEREAS, Executive Order No. 107 (2020) did not limit, prohibit, or restrict in any way the provision of health care or medical services to members of the public, and allowed to remain open health facilities that provide medically necessary or therapeutic services; and

WHEREAS, even as we institute social distancing measures, the number of COVID-19 cases in New Jersey is likely to increase for the immediate future, and, consequently, requires the State to

take additional steps to preserve our health care system's capacity to treat those who require emergency or intensive care; and

WHEREAS, limiting exposure of healthcare providers, patients, and staff to COVID-19 and conserving critical resources such as ventilators, respirators, anesthesia machines, and Personal Protective Equipment ("PPE") are essential to combatting the spread of the virus; and

WHEREAS, the Centers for Medicare and Medicaid Services have issued guidance to limit non-essential adult elective surgery and medical and surgical procedures, including all dental procedures, to assist in the management of vital healthcare resources (including PPE) during this public health emergency and to limit potential exposure of healthcare providers, patients, and staff to the virus; and

WHEREAS, the United States Surgeon General has encouraged hospitals and healthcare systems to consider stopping elective procedures; and

WHEREAS, limiting non-essential adult elective surgery and invasive procedures, whether medical or dental, will assist in the management of vital healthcare resources during this public health emergency; and

WHEREAS, while certain surgeries and invasive procedures are medically appropriate, they are not time-sensitive and a postponement will not endanger the health of the patient, and at the same time, these procedures, whether undertaken in a hospital, ambulatory surgery center or provider office, necessarily draw upon the skill and time of critical health care professionals and involve the use of equipment and supplies that may be needed to treat those who are critically ill; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Beginning at 5:00 p.m. on Friday, March 27, 2020, all "elective" surgeries performed on adults, whether medical or dental, and all "elective" invasive procedures performed on adults, whether medical or dental, are suspended in the State. An "elective" surgery or invasive procedure, for purposes of this Order, is defined 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. An "elective" surgery or invasive procedure does not include the administration of vaccines.

2. Providers planning or determining whether to perform surgery and invasive procedures in their offices must also consider any possible post-operation complications that may place additional stress on local hospitals that do not have the capacity to accept transfers and need to coordinate any possible post-operation admissions with local hospitals prior to performing surgeries or invasive procedures. Ambulatory surgery centers are to coordinate any possible post-surgery admissions with local hospitals prior to performing any surgery or invasive procedure.

3. Each hospital or ambulatory surgery center shall establish written guidelines to ensure adherence to the provisions of this Order, a copy of which shall be provided to DOH. In establishing such guidelines, the hospital or ambulatory surgery center shall include a process for consultation with the treating provider about a designation that the surgery or invasive procedure is elective under the terms of this Order.

4. Nothing in this Order shall be construed to limit access to the full range of family planning services and procedures, including terminations of pregnancies, whether in a hospital, ambulatory surgery center, physician office, or other location.

5. The Commissioner of DOH shall have the authority to issue binding guidance, in consultation with the Director of the Division of Consumer Affairs, on any of the provisions contained in Paragraphs 1 through 4.

6. All elective surgeries or invasive procedures, whether medical or dental, already scheduled for after 5:00 p.m. on Friday, March 27, 2020, are to be cancelled or postponed indefinitely. Facilities are to immediately notify all patients and providers that have scheduled elective surgeries or invasive procedures that these operations cannot proceed as scheduled under the terms of this Order.

7. 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 PPE, ventilators, respirators, or anesthesia machines that are not required for the provision of critical health care services should 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 shall establish a process by which entities subject to this provision can submit this information.

8. The Director of the Division of Consumer Affairs, which houses over fifty professional licensure bodies, is authorized and empowered in his or her sole discretion, but in consultation with the Commissioner of DOH, to issue orders restricting or expanding the scope of practice for any category of healthcare professional or veterinarian licensed by a board in the Division of Consumer Affairs, including but not limited to, orders restricting elective surgeries, procedures, and examinations, or for further limiting the scope of practice, or the location for the delivery of service of other licensees subject to regulation by any licensing board or committee within the Division of Consumer Affairs. The Director of the Division of Consumer Affairs is also authorized and empowered in his or her sole discretion, but in consultation with the Commissioner of DOH, to waive any restriction on the entry or reentry into practice (or any restriction on the prescription of controlled dangerous substances or on access to the prescription monitoring program) of any person who has received training for employment in a healthcare profession or who has retired from practice.

9. Any actions taken by the Commissioner of DOH or the Director of the Division of Consumer Affairs pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

10. Paragraph 17 of Executive Order No. 107 (2020) is hereby superseded to the extent it is inconsistent with this Order.

11. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the

governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order.

12. Penalties for violations of this Executive Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and - 50.

13. This Order shall take effect immediately.

GIVEN, under my hand and seal this  
23<sup>rd</sup> day of March,  
Two Thousand and Twenty, and  
of the Independence of the  
United States, the Two  
Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy  
Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor

## **EXHIBIT 3**



**The Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Department of Public Health**  
**250 Washington Street, Boston, MA 02108-4619**

**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

**MARYLOU SUDDERS**  
Secretary

**MONICA BHAREL, MD, MPH**  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH**

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:

To protect patients and the healthcare workforce and conserve resources, including personal protective equipment, all hospitals operated by the Department of Public Health or licensed pursuant to 105 CMR 130, and all ambulatory surgical centers licensed pursuant to 105 CMR 140, shall implement procedures published by the Department of Public Health regarding the scheduling, cancellation and performance of non-essential elective invasive procedures. 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 March 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.

A handwritten signature in blue ink, appearing to read 'MBH', followed by a vertical line.

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

March 15, 2020

## **EXHIBIT 4**



**The Commonwealth of Massachusetts**  
Executive Office of Health and Human Services  
Department of Public Health  
Bureau of Health Care Safety and Quality  
67 Forest Street, Marlborough, MA 01752

**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

**MARYLOU SUDDERS**  
Secretary

**MONICA BHAREL, MD, MPH**  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

**Memorandum**

**TO:** Massachusetts Hospital Chief Executive Officers and Administrators  
Ambulatory Surgical Centers

**FROM:** Elizabeth Kelley, MPH, MBA, Director  
Bureau of Health Care Safety and Quality

**DATE:** March 15, 2020

**RE:** Nonessential, Elective Invasive Procedures in Hospitals and Ambulatory Surgical Centers during the COVID-19 Outbreak

The Massachusetts Department of Public Health (DPH) continues to work with state, federal and local partners on the outbreak of Coronavirus Disease 2019 (COVID-19), caused by the virus SARS-CoV-2, and we continue to appreciate the essential role you have in responding to this evolving situation.

Pursuant to an Order issued by the Commissioner of Public Health, and to focus health care personnel resources on responding to this outbreak and conserve the critical shortage of personal protective equipment, all hospitals and ambulatory surgical centers are directed to postpone or cancel any nonessential, elective invasive procedures until the State of Emergency is terminated by the Governor, or until rescinded by the Commissioner of Public Health, whichever shall happen first.

DPH recommends that providers at each hospital or ambulatory surgical center use their clinical judgment on a case by case basis regarding any invasive procedures that must be done to preserve the patient's life and health. This does not apply to the cancelation or delay of life sustaining care.

DPH defines nonessential, elective invasive procedures as procedures that are scheduled in advance because the procedure does not involve a medical emergency; provided, however, that terminating a pregnancy is not considered a nonessential, elective invasive procedure for the

purpose of this guidance. However, the ultimate decision is based on clinical judgement by the caring physician.

Examples of nonessential, elective invasive procedures may include but are not limited to:

- Any procedures involving skin incision
- Injections of any substance into a joint space or body cavity
- Orthopedic procedures (e.g. hip or knee replacement)
- Endoscopy (e.g., colonoscopy, bronchoscopy, esophagogastric endoscopy, cystoscopy, percutaneous endoscopic gastronomy, J-tube placements, nephrostomy tube placements)
- Invasive radiologic procedures
- Dermatology procedures (e.g. excision and deep cryotherapy for malignant lesions-excluding cryotherapy for benign lesions)
- Invasive ophthalmic procedures including miscellaneous procedures involving implants
- Oral procedures (e.g. tooth extraction)
- Podiatric invasive procedures (e.g., removal of ingrown toenail)
- Skin or wound debridement
- Kidney stone lithotripsy
- Colposcopy and/or endometrial biopsy

DPH strongly encourages all hospitals in Massachusetts to monitor the Centers for Medicare & Medicaid Services (CMS) website and the Centers for Disease Control and Prevention (CDC) website for up-to-date information and resources:

- CMS website: <https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>
- CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/index.html>

Additionally, please visit DPH's website that provides up-to-date information on COVID-19 in Massachusetts: <https://www.mass.gov/2019coronavirus>.

## **EXHIBIT 5**

SUPREME COURT OF NEW JERSEY

In response to the still expanding public health crisis worldwide and in this state involving the COVID-19 coronavirus, the New Jersey Judiciary continues to modify court operations to the fullest extent possible in accordance with the recommendations of the New Jersey Department of Health ("NJ DOH") and the Centers for Disease Control ("CDC").

The COVID-19 pandemic has resulted in a critical need for the uninterrupted services of many doctors, nurses, and healthcare professionals.

Recognizing that critical need, it is ORDERED that effective immediately through Sunday, April 26, 2020, all depositions of and all required appearances for any doctors, nurses, or other healthcare professionals who are involved in responding to the COVID-19 public health emergency are suspended, except for appearances and depositions (i) that are requested by the doctor, nurse, or healthcare professional; or (ii) that are for matters related to COVID-19.

For the Court

A handwritten signature in dark ink, appearing to be "S. G. ...", written over a horizontal line.

Chief Justice

Dated: March 24, 2020

## **EXHIBIT 6**



**State of New Jersey**  
**DEPARTMENT OF HEALTH**

PO BOX 358  
TRENTON, N.J. 08625-0358

[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

JUDITH M. PERSICILLI, RN, BSN, MA  
*Commissioner*

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IN RE:

ST. JOSEPH'S SENIORS' HOME NURSING  
CENTER & ASSISTED LIVING

:  
: EMERGENCY ORDER -  
: CLOSURE OF FACILITY AND  
: DISCHARGE OF RESIDENTS  
: TO CAREONE HANOVER  
:

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TO: Administrator  
St. Joseph's Seniors' Home Nursing Center & Assisted Living

Pursuant to Executive Order 103, Governor Philip D. Murphy declared the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, in the State of New Jersey for COVID-19, which is a novel coronavirus first identified in China, spread to multiple other countries, including the United States, and has been identified in New Jersey. Under the declared health emergency, the Department is empowered, pursuant to N.J.S.A. 26:13-8(a), "[to] close, direct and compel the evacuation of, or to decontaminate or cause to be decontaminated, any facility of which there is reasonable cause to believe that it may endanger the public health."

Pursuant to Executive Order 103, the spread of COVID-19 within New Jersey Constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State.

Pursuant to Executive Order 103, it shall be the duty of every person or entity in this State or doing business in this State to cooperate fully with the State Director of Emergency Management and the Commissioner of the Department of Health in all matters concerning this state of emergency.

**EMERGENCY ORDER - CLOSURE OF FACILITY AND DISCHARGE OF RESIDENTS  
TO CAREONE HANOVER**

Pursuant to the above-referenced authority, the Department hereby issues the following Emergency Closure and Discharge Order to St. Joseph's Seniors' Home Nursing Center & Assisted Living (collectively "the facility"), which is effective immediately:

- You are ordered to immediately begin discharging all residents into the care of CareOne Hanover, except those residents whose responsible parties/Powers of Attorneys choose to take them home. This exception also extends to any Sisters who will be transferred to the Convent.
- You are ordered to cooperate completely with CareOne Hanover administration.
- You are ordered to notify each residents' contacts on file, including family, guardians and powers of attorney, regarding the transfer.
- You are ordered to send the following with each resident:
  - Medical records;
  - List of physicians;
  - Medications;
  - Contact information for family, Guardians and Powers of Attorneys;
  - Copies of Powers of Attorney and Guardianship documents;
  - Documentation regarding any special dietary needs.
- The facility shall notify each resident's physician and Managed Care Organization (M.C.O.) or other insurer about the transfer.
- Upon the discharge of your last resident, your long term care facility shall close and you shall not accept any new or returning residents during this period of closure.
- This Emergency Order shall remain in effect until the Department lifts the Order.

The basis upon which the order is justified is the significant spread of COVID-19 in New Jersey, the high number of COVID-19 cases at the facility and inadequate staffing at the facility to care for its residents.

#### **RIGHT TO HEARING:**

Pursuant to N.J.S.A. 26:13-8(a)(2), the facility has the right to request a hearing regarding this Order before the New Jersey Superior Court.

#### **OTHER REMEDIES:**

Failure to comply with this Emergency Order may result in the imposition of penalties and/or other applicable remedies.

Thank you for your attention to this important matter and for your anticipated cooperation. If you have any questions, please contact the NJ Coronavirus and Poison Center Hotline at 1-800-222-1222.

A handwritten signature in black ink, appearing to read "Gene Rosenblum", written over a horizontal line.

Gene Rosenblum, Director  
Office of Program Compliance  
Division of Certificate of Need and  
Licensing

GR:LK:jac  
DATE: March 24, 2020  
REGULAR AND CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED, AND  
E-MAIL  
Control # X20028

## **EXHIBIT 7**

## All 94 residents of NJ nursing home presumed positive for coronavirus

William Westheven, Morristown Daily Record Published 11:53 a.m. ET March 25, 2020 | Updated 9:54 a.m. ET March 26, 2020

The entire resident population of a Woodbridge nursing home is being transferred to a similar facility in the Whippany section of Hanover after an outbreak of coronavirus among residents and staff, CareOne and New Jersey Department of Health officials said Wednesday.

The transfer operation was requested by state health officials after assessing the status of St. Joseph's Senior Nursing Home, 20 miles south of Newark, where 24 of the 94 patients tested positive for COVID-19. The other 70 are presumed positive.

The virus also spread to their caregivers, CareOne executives said, leaving the St. Joseph's facility severely short-staffed.

CareOne and St. Joseph's had no prior relationship, but "immediately began working with the state and local officials," CareOne Executive Vice President Lizzy Straus said. "The state determined it was in the best interest of both the COVID-19-positive residents and those not impacted by the virus, to transfer all patients to another facility."

New Jersey Health Commissioner Judith Persichilli discussed the transfer, which began Wednesday, during a daily COVID-19 press briefing on Tuesday.

"Unfortunately, we've been monitoring the organization since Friday evening, and we are working with the sisters that own and take care of the residents for an orderly transition," Persichilli said.



St. Joseph's Senior Home is seen in Woodbridge, N.J., Tuesday, March 24, 2020. Health Commissioner Judy Persichilli said that St. Joseph's Senior Home in Woodbridge is transferring its nearly 90 patients out of the facility and may have to close because of COVID-19. (AP Photo/Seth Wenig) (Photo: Seth Wenig, AP)

"The sisters told us on Friday that 12 of their employees were home, feeling ill with respiratory symptoms," Persichilli said. "The sisters were working around the clock to take care of almost 90 residents. I don't know how many were there, but when they called us, I can tell you that it was an extreme situation."

Persichilli said her department reached out to other long-term care facilities in the region to find short-term relief for the sisters at St. Joseph's.

"I can tell you that the collaboration was extraordinary," she said. "They were able to get nurses and aides to go in over the weekend."

CareOne, which operates 32 post-acute nursing and assisted living facilities in New Jersey, came up with a plan to bring the St. Joseph's patients to its COVID-19-free Whippany location.

"Reviewing the availability of rooms in our facilities, we were able to temporarily relocate our residents from CareOne at Hanover in Whippany to nearby CareOne facilities, enabling us to accommodate the St. Joseph patients," Straus said.

**Update:** [Coronavirus NJ update March 24: Morris County reports 204 cases, 3 more deaths \(/story/news/local/morris-county/2020/03/24/coronavirus-nj-update-march-24-morris-county-reports-205-cases/2908924001/\)](#)

**Testing:** [Coronavirus NJ: Morris County to open second testing center on college campus \(/story/news/2020/03/23/coronavirus-nj-morris-county-open-second-testing-center-college-campus/2897903001/\)](#)

**Update:** [Coronavirus NJ: Morris County jail officer tests positive \(/story/news/2020/03/23/coronavirus-nj-morris-county-jail-officer-tests-positive/2897024001/\)](#)

To accommodate the incoming patients, 61 residents of the Whippany facility had to be moved to CareOne facilities elsewhere: Those transferred out were all moved by Tuesday night. Thirty-one went to a CareOne facility in Morristown, another 23 to a Parsippany facility. Another resident was taken to the hospital but was later released.

The COVID-19-positive patients will be separated from the presumptive-positive patients in Whippany.



The CareOne at Hanover facility on Whippany Road, in the Whippany section of Hanover Township. March 25, 2020. (Photo: William Westhoven)

During another press briefing, Gov. Phil Murphy gave a "shout-out" to the collaboration between public and private entities that is easing the burden of the sisters at St. Joseph's.

"This started to unfold on Friday night and it was a battle over the whole weekend," he said. "We discussed it privately yesterday. It's come to a boil clearly now and the certain facilities — as usual, it's New Jersey. When in doubt we pull together and I want to give CareOne a shoutout if that's OK with you."

William Westhoven is a local reporter for DailyRecord.com. For unlimited access to the most important news from your local community, [please subscribe or activate your digital account today \(https://cm.dailyrecord.com/specialoffer?gps-source=CPNAVBARBBB&utm\\_medium=ONSITE&utm\\_campaign=2019SLJP10&utm\\_content=CPNAVBARBBB&utm\\_source=CPNAVBARBBB&onSuccess=3A%2F%2Fwww.dailyrecord.com%2F\)](https://cm.dailyrecord.com/specialoffer?gps-source=CPNAVBARBBB&utm_medium=ONSITE&utm_campaign=2019SLJP10&utm_content=CPNAVBARBBB&utm_source=CPNAVBARBBB&onSuccess=3A%2F%2Fwww.dailyrecord.com%2F).

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