



MEMORANDUM

DATE: April 3rd, 2020

TO: CHRISTUS Medical Staff – All US Ministries

FROM: Sam Bagchi MD, EVP and Chief Clinical Officer

CC: Physician Executive Council
CEO Executive Council

SUBJECT: Urgent Elective Care

Dear Physicians and Advanced Practitioners,

- We continue to evaluate our approach to semi-elective care in the context of a long-duration COVID-19 event in our various geographic regions.
- CHRISTUS Health serves the community and has an obligation to support social distancing, COVID-19 response **AND ongoing Non-COVID Care.**
- Urgent procedures along with those that do not deplete COVID-19 Personal Protective Equipment (PPE) should continue where appropriate.

What Services, Procedures and Surgeries can you perform?

In TEXAS:

- Physical examinations, non-invasive diagnostic tests, lab tests, specimen collection, etc.
- A procedure or surgery that is **immediately necessary** to correct a serious medical condition, or to preserve the life, of a patient who would be at risk for serious adverse medical consequences or death if the procedure or surgery did not immediately occur.
- A procedure or surgery performed in accordance with the applicable standard of care and **that will not deplete hospital capacity or PPE** needed to fight COVID-19.

In NEW MEXICO:

- Services, procedures and surgeries that are considered **"essential."**
- A surgery or treatment that if not performed would result in a serious condition of a **patient worsening.**
- Emergency medical care or actions or treatment for patients with urgent medical needs.
- Family planning services.

In LOUISIANA:

- Procedures and surgeries to **avoid further harms** from an underlying condition or disease.
- Procedures and surgeries to treat an emergency medical condition.
- All other services that can be provided face-to-face that cannot reasonably be provided by telehealth.
- All other services that cannot be **safely postponed** thirty (30) days.

Below are the considerations to use when evaluating whether a service, procedure or surgery should be performed given the above limitations. Please contact your PBRT for any needed assistance in making these determinations.

To determine if a service, surgery or procedure meets applicable State requirements as essential, immediately necessary, necessary to avoid further harms from an underlying condition, or will not deplete hospital capacity or PPE (per State criteria summarized below), physicians should engage in the analysis below before performing a medical act, and in all cases should document the reasons why the act met the applicable State criteria (see “Required Documentation” section below).

1. First, is the medical act a surgery or “procedure”?

Texas: Services that are not procedures or surgeries are not prohibited. This includes lab and imaging testing.

New Mexico: All services, procedures and surgeries should be deemed **essential** to proceed.

Louisiana: Services that are not procedures or surgeries can be performed if they cannot be safely postponed thirty (30) days.

2. Second, does the medical act meet the appropriate State standard to proceed?

Texas: Allows for medical acts that fall into **either** of the following Categories:

Category One: Immediately Medically Necessary and Risk of Serious Adverse Medical Consequences (Must answer “yes” to two questions):

Question One: Is the procedure or surgery immediately medically necessary to correct a serious medical condition or to preserve the life of a patient? If “yes,” move to Question Two.

Question Two: Would this patient, without immediate performance of the surgery or procedure, be at risk for serious adverse medical consequences or death if the service is not performed within 30 days.

If the physician answers “yes” to these two questions, then the physician may proceed with the surgery or procedure. Otherwise, the medical act is prohibited unless it fits within Category Two below.

Category Two: Procedures That Do Not Deplete PPE or Hospital Capacity

The physician must be able to answer “no” to the question: Would performing the procedure in accordance with the commonly accepted applicable standard of care deplete hospital capacity or the PPE needed to cope with the COVID-19 pandemic?

If you have any questions about whether to perform a medical act in Texas under the above criteria, please contact your local PBRT.

Louisiana:

Category One (Further Harm to Underlying Condition/Disease): If a procedure or surgery, can it be delayed without causing further harms to an underlying condition or disease? If “no,” the act may be performed.

Category Two (Not a Procedure or Surgery, and Service Unable to be Done by Telehealth): If the service is not a procedure or surgery, is it medically appropriate and would meet the same standard of care if done by telehealth? Whether a service is medically appropriate and meets the same standard of care is a good-faith clinical determination. If “yes,” the act may **not** be performed in-person unless other valid barriers exist, e.g., no means to provide by telehealth.

Category Three (Safely Postponed for 30 Days): If the service is not a procedure or surgery, can it be safely postponed thirty (30) days? Whether a service can be safely postponed is a good faith clinical determination taking into consideration the entire clinical picture. If “no,” the act may be performed.

New Mexico:

Category One (Essential): Is the service, procedure or surgery considered “essential.” Factors to consider include: a) would a delay of three (3) months create undue risk; b) threat to life; c) threat to permanent dysfunction; d) risk of metastasis or progression; e) prenatal/postnatal care; and f) other factors that will conserve medical resources that do not otherwise create undue risk of permanent harm. If **after consideration of such factors as applicable**, the physician determines the act is “essential,” the act may be performed.

Category Two (Worsening of Serious Medical Condition): Would not performing the service, procedure or surgery result in a serious condition of the patient worsening (e.g, cancerous tumor, infection management)? If “yes,” the act may be performed.

If you have any questions about whether to perform a medical act in Louisiana or New Mexico under the applicable above criteria, please contact your local PBRT.

Required Documentation

It is **very important** that the medical record clearly reflects why a given service, surgery or procedure meets the applicable State criteria. This documentation should include information on the patient’s medical history, prescriptions, lab results, imaging, or other relevant factors used to help make the determination of the necessity and appropriateness of engaging in the surgery, procedure or service.

Attestation: When proceeding with a procedure or surgery or service, an appropriate variation of the following attestation is recommended, along with key clinical information supporting the decision to proceed with urgent procedures:

ATTESTATION FORM 1: “This [procedure/surgery/service] is immediately necessary based on the following risks.... or to prevent serious adverse medical consequences of death.”

ATTESTATION FORM 2: (For use in Texas) “Performing the procedure in accordance with the commonly accepted applicable standard of care will not deplete hospital capacity or the PPE needed to cope with the COVID-19 pandemic.”

For Physicians and Advanced Practitioners who are being delegated tasks associated with a procedure surgery or service, documentation of all appropriate information communicated with the delegation is particularly important.

For Support, Coverage or Questions, contact our Incident Command Center:

Call 1(669) 900-6833 Meeting ID: 6336306155#

Please contact your designated Medical Staff or Physician Leader with questions, concerns or ideas on how we can adjust and improve our approach to this difficult challenge.

I personally appreciate the courage, sacrifice and expertise each of you bring to our ministry every day. I am so thankful for the care you provide to our communities.

Sam Bagchi MD.
Executive Vice President,
Chief Clinical Officer
CHRISTUS Health