

Executive Order No. 2019-27

WHEREAS, the National Hurricane Center has determined from the latest forecast models that Hurricane Dorian, which is currently a category 5 hurricane, may impact the State of South Carolina and other areas in the southeastern region of the United States; and

WHEREAS, the undersigned has been advised that Hurricane Dorian, including the associated wind, heavy rain, flash flooding, and other severe weather, represents a significant threat to the State of South Carolina, which requires that the State take timely precautions to protect and preserve property, critical infrastructure, communities, and the general safety and welfare of the people of this State; and

WHEREAS, due to the potential impact of Hurricane Dorian, the undersigned issued Executive Order No. 2019-26 on August 31, 2019, declaring that a State of Emergency exists throughout the State of South Carolina and activating the South Carolina Emergency Operations Plan; and

WHEREAS, the anticipated impacts of Hurricane Dorian represent an imminent threat to the safety, security, and welfare of the residents and patients of certain healthcare facilities in the State of South Carolina; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to direct and compel the evacuation of all or part of the populace from any stricken or threatened area if such action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; and

WHEREAS, upon consultation with the South Carolina Emergency Management Division (“EMD”) and the South Carolina Department of Health and Environmental Control (“DHEC”), the undersigned has determined that the evacuation of healthcare facilities in and surrounding the threatened areas is necessary for the preservation of life and that, due to time and logistical concerns, such evacuation should begin prior to any general population evacuation.

NOW, THEREFORE, by virtue of the authority vested in me as the Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective immediately, I hereby order a mandatory medical evacuation of all healthcare facilities licensed by DHEC and located in the following Evacuation Zones, which are detailed further in **Exhibit A**: Jasper (Zone A), Beaufort (Zone A), Colleton (Zones A and B), Charleston (Zones A, B, and C), Dorchester (Zone D), Berkeley (Zones B and G), Georgetown (Zone A), and Horry (Zone A). Accordingly, for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Healthcare Facilities

For purposes of this Order, healthcare facilities shall include acute care hospitals, psychiatric hospitals, alcohol and substance abuse hospitals, rehabilitation hospitals, nursing homes, community residential care facilities (also called assisted living facilities), ambulatory surgical facilities, hospice facilities, radiation therapy facilities, abortion facilities, day care facilities for adults, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability (“ICFPID”), narcotic treatment programs, inpatient facilities that treat individuals for psychoactive substance abuse or dependence, and birthing centers.

Upon the effective date and time of this Order, all healthcare facilities in the above-referenced Evacuation Zones are hereby ordered to initiate evacuation procedures and to stop admission of any non-emergent patients. All inpatient facilities in the above-referenced Evacuation Zones shall immediately begin to reduce their census of patients, limit services to emergent or essential patient needs (for example, non-elective procedures, dialysis, giving birth, medications, and chemotherapy), and take other measures as necessary to ensure evacuation is completed pursuant to this Order.

It is important to begin evacuating healthcare facilities in advance of the approaching hurricane and prior to any general population evacuation to ensure the safety of patients. Each healthcare facility is unique with different needs and should begin implementing its plan now. Recognizing that fully evacuating takes time and the needs of each healthcare facility are different, each healthcare facility must notify DHEC upon completion of its evacuation so that the State has a census of healthcare facilities. Such notification to DHEC may be made by email at acc-healthreg@dhec.sc.gov or by telephone at 1-800-833-0099.

Section 2. Obtaining Exemption from the Mandatory Medical Evacuation

In accordance with applicable law and regulations, a hospital seeking an exemption from this Order must request the exemption from DHEC. DHEC will base its exemption decisions on the hospital's Critical Data Sheet ("CDS") on file with DHEC. Based upon the CDSs and other relevant criteria, DHEC may grant exemptions from a full mandatory evacuation to those hospitals that qualify. Nursing homes, ICFIDs, and hospice facilities generally are *not* allowed an exemption. Under limited circumstances, DHEC may exempt nursing facilities (nursing homes), ICFIDs, and hospice facilities pursuant to Regulations 61-17, 61-13, and 61-78 of the South Carolina Code of Regulations, respectively. Attached to this Order as **Exhibit B** are DHEC's Mandatory Medical Evacuation Protocols, which shall be enforced while this Order is in effect.

DHEC shall maintain the list of hospitals that are granted exemptions from the requirement to evacuate. DHEC may revoke an exemption as needed, such as due to deteriorating conditions. Those facilities requesting exemptions should be aware that assistance may not be available due to the severe weather or the effects of the severe weather.

Section 3. Approving Shelter-in-Place for Medically-Fragile Patients

Under limited circumstances, a physician may determine that it is medically advisable for a medically-fragile patient to shelter-in-place in a hospital that has otherwise evacuated. In this scenario, such hospital should work through this issue according to DHEC's protocols. Attached to this Order as **Exhibit B** are DHEC's Mandatory Medical Evacuation Protocols, which shall be enforced while this Order is in effect.

Section 4. Re-Entry

After a county is evacuated, decisions regarding re-entry into the county will be made at a local level based on local conditions. Accordingly, if a hospital requests to re-establish emergency services, including those services necessary to support emergency services, within a part of the hospital after the hurricane has subsided but before the expiration of this Order, or after the expiration of this Order but before a county is allowing re-entry, the hospital must work with DHEC and the *local emergency management authority* to gain re-entry into the county and facility. The hospital, in consultation with DHEC, must conduct an inspection of the facility to determine if that section can function safely and meet regulatory requirements. The inspection must be certified by the facility manager and the chief executive officer or their designees. Upon approval from DHEC, the hospital must obtain approval of the local emergency management authority in the county prior to re-establishing services. The local emergency management authority is appropriate to assist in re-entry decisions as they will have intimate knowledge of the local conditions, such as road conditions and risks to patients' lives and safety.

This Order is effective immediately. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued verbally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH**

**CAROLINA, THIS 1st DAY OF
SEPTEMBER, 2019.**

**HENRY MCMASTER
Governor**