



## D 2021 136

### EXECUTIVE ORDER

#### **Colorado COVID-19 Disaster Recovery Order Amending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, and D 2021 132**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, I, Jared Polis, Governor of the State of Colorado, issue this coronavirus disease 2019 (COVID-19) Executive Order to amend and extend Executive Order D 2021 122, as amended and extended by D 2021 124, D 2021 125, D 2021 129, and D 2021 132.

Further, pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I hereby authorize the continued employment of the Colorado National Guard to support and provide planning resources to State and local authorities for the recovery.

#### **I. Background and Purpose**

The Governor is responsible for meeting the dangers to the State and its people presented by disasters. C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act (Act) defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic.” C.R.S. § 24-33.5-703(3). The threat posed by COVID-19, an illness that spreads from person to person, constitutes a disaster for purposes of the Act. The Governor has authority to take any action “in prevention of, preparation for, response to, and recovery from disasters.” C.R.S. § 24-33.5-702(1)(d). For purposes of the Act, recovery is “the short, intermediate, and long-term actions taken to restore community functions, services, vital resources, facilities, programs, continuity of local government services and functions, and infrastructure to the affected area.” C.R.S. § 24-33.5-703(7.3).

We have lost over 8,000 Coloradans to COVID-19. Hundreds of thousands of Coloradans have become ill, and our healthcare professionals continue to work tirelessly to ensure that COVID-19 patients are treated with the best medical care we can offer. This pandemic has required extraordinary sacrifices from each and every resident of our State. I thank all Coloradans for rising to meet this moment in world history. Every aspect of our lives has changed, but despite the enormous challenges, we undertook these actions to protect ourselves, our friends, our families, and our community.

The State has made tremendous progress in terms of containing and treating infection and distributing the COVID-19 vaccine. Over seventy-eight percent of Colorado's eligible population has now received at least one dose of the lifesaving COVID-19 vaccine. On July 8, 2021, I rescinded all previous Executive Orders issued due to COVID-19 and amended Executive Order D 2021 122 to focus only on those measures related to the State's recovery from the COVID-19 pandemic emergency.

Despite significant progress, there has been an increase in COVID-19 cases, largely due to the highly contagious Delta variant and the 20% of Coloradans who have yet to get the highly effective, safe vaccine. The State now faces a severe staffing shortage in hospitals and other health facilities due to COVID-19. Because of the rise of COVID-19 cases and this shortage, we must undertake targeted efforts to respond and mitigate the effects of the pandemic, prevent further spread, preserve our health care resources, and provide needed flexibility to address the collateral consequences of the pandemic.

This Executive Order amends and extends Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, and D 2021 132, to reduce paperwork and to further refocus our efforts on recovery, facilitate administration of the lifesaving COVID-19 vaccine, ensure that our healthcare facilities have sufficient resources to treat COVID-19 patients, improve our economic recovery, maintain access to additional federal funding, and continue the State's disaster declaration and essential directives for response and continuity of State government. Together, these directives ensure agency access to State and federal funding, enable the State to continue COVID-19 response and recovery activities, and ensure the State can execute rapid procurement processes when needed to respond to the changing COVID-19 environment due to variants and stressors on our health care system.

This Executive Order: removes provisions related to the Colorado Department of Labor and Employment's Jumpstart program that are no longer necessary; clarifies that the activation of applicable State, local, and inter-jurisdictional disaster emergency plans includes the crisis standards of care approved by the Governor's Expert Emergency Epidemic Response Committee (GEEERC); and directs the Colorado Division of Insurance to promulgate emergency regulations to address the severe staffing shortages facing hospitals.

## **II. Amendments**

Executive Order D 2021 122, as amended and extended by Executive Orders D 2021 124, D 2021 125, D 2021 129, and D 2021 132, is amended as follows:

1. Delete Subsections II.ii.A., II.ii.B., II.ii.C., II.ii.D., II.ii.E., and II.ii.F.
2. Replace Subsection II.iv.D. with the following:

Pursuant to C.R.S. § 24-33.5-704(5), I hereby activate the disaster response and recovery aspects of applicable State, local, and inter-jurisdictional disaster emergency plans, which includes the crisis standards of care approved by the

Governor's Expert Emergency Epidemic Response Committee (GEEERC) on April 5, 2020, as amended. Furthermore, I authorize the employment and use of any forces to which such plans apply, and for use or distribution of any supplies, equipment, and materials, and facilities assembled, stockpiled, or arranged to be made available under the Act or other applicable law.

3. Insert new Subsection II.iv.Q. at the end of Section II.iv.:

Q. Due to severe staffing shortages facing hospitals related to COVID-19 and other emergency hospitalizations and an associated decrease in intensive care unit capacity, and to allow clinical staff to focus on patient care by reducing staff time associated with completing utilization reviews, I direct the Colorado Division of Insurance, pursuant to authority in C.R.S. §§ 10-1-108(7), 109, to promulgate emergency regulations to reduce the administrative burdens associated with discharging, transferring, and caring for patients by temporarily suspending those utilization review requirements necessary to protect insured patients, including any or all prior authorization and preauthorization requirements.

### III. Duration

Executive Order D 2021 122, as amended and extended by Executive Orders D 2021 124, D 2021 125, D 2021 129, D 2021 132, and this Executive Order, shall expire thirty (30) days from October 31, 2021, unless extended further by Executive Order, except that the funds described in subsection II.iv.C. of Executive Order D 2021 122, as amended and extended, shall remain available for the described purposes and the described time period stated in subsection II.iv.C. In all other respects, Executive Order D 2021 122, as amended and extended, shall remain in full force and effect as originally promulgated.



GIVEN under my hand and  
the Executive Seal of the  
State of Colorado, this thirty-  
first day of October 2021.

Jared Polis  
Governor