



D 2022 045

EXECUTIVE ORDER

Colorado COVID-19 and Other Respiratory Illnesses Disaster Recovery Order

Amending and Extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, D 2022 003, D 2022 010, D 2022 013, D 2022 017, D 2022 020, D 2022 028, D 2022 035, D 2022 037, D 2022 038, D 2022 040, D 2022 043, and D 2022 044

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 amending and extending Executive Order D 2021 122, as amended and extended by D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, D 2022 003, D 2022 010, D 2022 013, D 2022 017, D 2022 020, D 2022 028, D 2022 035, D 2022 037, D 2022 038, D 2022 040, D 2022 043, and D 2022 044, which refocuses the State's efforts on recovery and incorporates Respiratory Syncytial Virus (RSV), influenza, and other respiratory illnesses in Colorado into the disaster declaration.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and 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, RSV, influenza, and other respiratory illnesses constitute 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).

Colorado has seen a sharp increase in pediatric RSV infections and hospitalizations, in addition to patients with influenza and COVID-19, over the last few months. Infections and hospitalizations for all three viruses remain high. RSV is a common respiratory virus that spreads by inhaling or having contact with virus-containing droplets produced by a person with RSV infection when talking, coughing, and sneezing. While most people who get RSV will only have

cold symptoms, it can be serious in infants, young children, and older adults. For children, RSV can cause more severe infections such as bronchiolitis, an inflammation of the small airways in the lung, and pneumonia, an infection of the lungs, especially in children one year old and younger.

Children are especially susceptible to RSV and hospitals are struggling to have enough pediatric inpatient beds for children across the Colorado healthcare system. From October 1, 2022 through December 3, 2022, there have been 1,700 RSV-associated hospitalizations and 378 outbreaks in childcare and school settings statewide. Among these outbreaks, more than half have had at least one person involved in the outbreak seek care at a hospital. Hospital reports indicate that the increase in RSV cases is putting a strain on the pediatric health care system as 88% of total RSV hospitalizations have been among children. Based on previous patterns, high levels of RSV transmission are expected to continue for at least several weeks.

The Centers for Disease Control and Prevention (CDC) has warned that this influenza season could be more severe than we have seen in years. In Colorado, 306 people were hospitalized with influenza during the week ending December 3, 2022, for a total of 952 people hospitalized since October 2, 2022. As of December 10, 2022, available pediatric intensive care unit capacity was approaching 0%. If cases continue to increase, we may continue to see bed shortages across all hospital beds in Colorado as our state experiences a rise in COVID, influenza, and RSV hospitalizations simultaneously.

This Executive Order amends and extends Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, D 2022 003, D 2022 010, D 2022 013, D 2022 017, D 2022 020, D 2022 028, D 2022 035, D 2022 037, D 2022 038, D 2022 040, , D 2022 043, and D 2022 044, which includes RSV and other respiratory illnesses into the disaster declaration and ensures that the State maintains access to federal funding and that our healthcare facilities have access to additional resources. The amendments expand the scope of practice for medical professionals to allow for additional flexibility to treat patients and to make beds and providers available to treat pediatric patients. Together these remaining directives allow the State access to federal funds, continue recovery efforts, and ensure additional resources for healthcare providers.

II. Amendments

Executive Order D 2021 122, as amended and extended by D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, D 2022 003, D 2022 010, D 2022 013, D 2022 017, D 2022 020, D 2022 028, D 2022 035, D 2022 037, D 2022 038, D 2022 040, D 2022 043, and D 2022 044, is amended as follows:

1. Strike “COVID-19” from Subsection II.i.G and amended to include the following:

I direct the Executive Director of DORA, through the Director of DPO, to promulgate and issue temporary emergency rules to implement this directive.

2. Strike "COVID-19" from Subsection II.i.K.

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, D 2021 136, D 2021 139, D 2021 141, D 2022 003, D 2022 010, D 2022 013, D 2022 017, D 2022 020, D 2022 028, D 2022 035, D 2022 037, D 2022 038, D 2022 040, D 2022 043, D 2022 044, and this Executive Order, shall expire thirty (30) days from December 10, 2022, 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 tenth
day of December 2022.

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor