

**Frequently Asked Questions:  
Executive Order for Targeted Distribution of COVID-19 PPE and Supplies**

- How should facilities report?
  - Facilities should use the survey tool found here: <https://arcg.is/1PPbjL0>
- When is the deadline for reporting?
  - All covered entities are required to report inventories of the specified supplies, equipment, and pharmaceuticals by 11:59 pm on 04/16/20.
- Why has the Governor chosen to issue this order?
  - The order will ensure the efficient allocation and effective use of critical medical resources, such as N95 face masks, ventilators, respirators, face shields, and certain pharmaceuticals by hospitals and healthcare facilities in the state.
- Who does the order apply to?
  - The order applies to private, public, and quasi-public healthcare providers, as well as suppliers and manufacturers of these essential supplies and equipment. This covers physician practices, hospitals, skilled nursing facilities, home health agencies, ambulatory surgical facilities, hospices, end stage renal facilities, other Department of Health licensees, and others that may have these critical assets on hand. All healthcare providers and facilities in the Commonwealth have been touched by this response in one way or another; therefore, we would expect all healthcare providers to participate in helping to get Personal Protective Equipment (PPE), supplies, and other equipment to where the need is greatest.
- Does the order apply to veterinary practices?
  - This order applies to all healthcare facilities and providers that may have these critical assets on hand. While veterinarians are not required to comply with this order, veterinarians are encouraged to consider whether they have any medical resources that can be donated to this effort in anticipation of the expected medical surge.
- Does this order apply to health care facilities that are not licensed?
  - Yes
- PEMA has restricted who can request PPE. How can you take away our ability to request PPE and take away what we have already?
  - The order is intended to ensure the most efficient allocation and effective use of critical medical resources, such as N95 face masks, ventilators, respirators, face shields, and certain pharmaceuticals, by reallocating resource from entities that do not currently need them to those that do. Resources are being pushed through the Department of Health (DOH) and PEMA from current state and federal stockpiles.
- Will providers be reimbursed for the cost of their materials?
  - Yes, Commonwealth agencies will pay affected healthcare providers and facilities, manufacturers and suppliers of PPE, pharmaceuticals, and other medical resources under terms and conditions agreed upon. The compensation price for all resources is the average price at which the same or similar consumer goods or services could be obtained in the affected areas during the last seven days immediately prior to March 6, 2020.

- What is the role of FEMA versus PEMA in handling PPE distribution?
  - FEMA works at a federal level to provide resources to the Commonwealth during disasters and emergencies. PEMA supports efforts within the Commonwealth, including supporting the Department of Health in this current public health crisis. FEMA provides PPE to the Commonwealth, and the Commonwealth then distributes that PPE. At the beginning of the emergency response, PEMA reviewed resource requests, in consultation with DOH, and distributed resources in response to those requests. At this point in the response, PPE is being provided directly from DOH and PEMA to healthcare facilities that have the greatest need.
- How will the order be enforced?
  - This effort is not meant to be punitive, but to ensure our healthcare system has what it needs in order to ensure the needs of patients can be met. The Governor strongly believes that everyone included in this order will cooperate to assist the Commonwealth in addressing the pandemic.
- How can you ensure that good actors who choose to report are not punished by having their PPE taken away compared to those who choose to fly under the radar and not report?
  - The Governor strongly believes that everyone included in this order will cooperate to assist the Commonwealth in addressing the pandemic.
- Will there be a process for entities to seek and receive waivers from being subject to the order?
  - Not at this time.
- How long will the order be in effect?
  - Until it is rescinded by the Governor, or the emergency declaration is no longer in place.
- How do providers/businesses report inventory supplies?
  - A survey tool provided above should be used by facilities and businesses to report their inventory. We ask that each facility and business report only once, unless otherwise directed by DOH or PEMA.
- How often are inventory levels to be updated?
  - The survey tool will need to be updated when directed by the Commonwealth.
- Hospitals and Ambulatory Surgical Facilities (ASFs) are already reporting inventory. Must they submit again?
  - Yes, these are two different reporting systems that collect similar, but separate, information.
- Specifically, what products are to be reported?
  - The survey tool includes 3 main categories that must be reported because they might be necessary for the Commonwealth's COVID-19 response: PPE (such as gowns, gloves, and face masks), other durable medical equipment (such as ventilators and ECMO machines), and select pharmaceuticals that may aid in the support and treatment of individuals with COVID-19 (such as paralytic drugs for intubated patients, pain medication, and airway support drugs).
- Does durable medical equipment include anesthesia machines? If yes, how will facilities like ASFs be able to perform urgent or emergency procedures?
  - Yes, durable medical equipment includes ventilators and other devices that can provide respiratory support to patients, including anesthesia machines. Only if resources are not

available through any other means would this order need to be executed, and such redistribution of equipment would take into consideration the need to provide of emergency services.

- How are providers expected to report if they have closed their offices?
  - Offices and providers who have ceased operations due to COVID-19 are expected to do a baseline report but will not have to produce subsequent reports.
- What criteria will be used to prioritize distribution?
  - This order is intended to allow for critical supplies and equipment to be reallocated from areas with less need to areas or facilities with the most need. The need will be identified by a number of factors such as the number of COVID-19 patients being treated, the use or burn rate of supplies and medications, and the lack of equipment such as ventilators. Other avenues of supplying the equipment and supplies, such as using the normal supply chain, utilizing state or federal stockpiles of equipment, or sourcing through FEMA or other alternate sources, will be used first. Only if resources are not available through any other means would this order need to be implemented.
- How will this be equitable for small providers?
  - This effort is not meant to be punitive, but to ensure our healthcare system has what it needs in the case that we cannot keep up with the needs of patients. The Governor strongly believes that everyone included in this executive order will cooperate to assist the Commonwealth in addressing the pandemic.
- How will this affect Small Business Administration paycheck loans for small providers?
  - This should not impact loan programs in place for small providers.
- Is there a threshold for supplies for be commandeered?
  - The decision to move resources will be made based on critical needs and logistical concerns surrounding the movement of the assets. While there are no “thresholds”, all decisions will be made in a way to ensure that healthcare facilities across the state are able to most effectively deal with this pandemic.
- Will providers/businesses be consulted before supplies are requisitioned?
  - Yes.
- How will providers/businesses be notified?
  - The Pennsylvania Department of Health and/or the Pennsylvania Emergency management agency will reach out to the person whose contact information is provided to the department in the survey.
- How many days will providers/businesses have to pull together the inventory reported at the time of the requirement?
  - At this time, the decision on timing to move assets will be made based on critical needs and logistical concerns. The time to pull together the inventory will be discussed at that time.
- Is there particular medication the state needs?
  - A list of pharmaceutical classes and names will be provided; only those listed will need to be reported. We are asking providers to indicate the NDC codes for the specific items they have on hand.

- Hospitals are already permitted to move pharmaceuticals between hospitals to address shortages during this disaster. The Federal Drug Supply Chain Security Act is waived during an emergency. How do you reconcile this?
  - While there are waivers and systems in place to allow facilities to transfer pharmaceuticals, the order is intended to inform the Commonwealth of current inventories, as well as provide a process of last resort to ensure that critical supplies can be delivered to where they are needed.
- Do you expect national drug wholesalers to report?
  - This order pertains to inventories physically located within the Commonwealth. If national suppliers have stocks that are based in the Commonwealth, these quantities should be included.
- Will a list of National Drug Codes be provided for the pharmaceutical requested?
  - A list of pharmaceutical classes and names will be provided; only those listed will need to be reported. We are asking providers to indicate the NDC codes for the specific items they have on hand.
- Not all wholesalers licensed in Pennsylvania have a physical facility in Pennsylvania. Instead, some will ship from out of state facilities in surrounding states. Does the order pertain to inventory of a facility that is physically located in the state of PA?
  - This order only pertains to inventories physically located within the Commonwealth.
- After an inventory report is submitted, are we permitted to continue sale of the products in the normal course unless and until directed otherwise by the state? For example, if we have backorders to our customers, what are we supposed to do in that case?
  - We expect that facilities and suppliers will continue to utilize these materials and that the supply chain will continue to flow. This initial data collection will result in baseline information that will inform future planning, including future requests for the same data. Unless the Commonwealth orders that supplies or products are to be moved elsewhere, the manufacturer or business can operate as usual. If supplies are decreased by fulfilling orders, then that information should be reported to PEMA and DOH on the next required update.
- OSHA requires, and has increased requirements since the onset of COVID-19, a certain inventory of PPE to be kept on-site for essential employees. Will supplies for the safety of essential employees be subject to inventory or commandeering?
  - This order is intended to allow critical supplies and equipment to be allocated to where they are most needed. Resources needed for critical operations will be prioritized, whether at healthcare facilities or at the facility providing resources.
- Does this just apply to end use products or does it include the supply chain / raw materials for these products?
  - The order applies only to end use products.
- How will the reported inventory information be stored within the Commonwealth?
  - A portal will be secured behind a firewall on Commonwealth servers.
- Will this information be subject to RTK or made publicly available?
  - The Commonwealth will assert all applicable exemptions available pursuant to the RTKL and will not make the information available to the public.