



PUBLIC HEALTH ORDER 22-01
CONCERNING ACCESS TO TESTING AND TREATMENT FOR COVID-19
April 20, 2022

PURPOSE OF THE ORDER

I am issuing this Public Health Order (PHO or Order) in response to concerns regarding a lack of patient access to testing and treatment options for individuals with suspected or confirmed cases of Coronavirus disease 2019 (COVID-19). This Order prohibits COVID-19 testing providers administering tests provided at no cost by the State from charging a testing fee, and further sets forth eligibility terms of COVID-19 patients for access to COVID-19 antivirals and requires providers to do all they can to provide such treatments.

FINDINGS

1. On March 10, 2020, Governor Jared Polis verbally declared a disaster emergency regarding COVID-19 in Colorado, and on March 11, 2020 Governor Polis issued **Executive Order D 2020 003**, memorializing the disaster declaration. The Governor's verbal declaration of a disaster emergency is now memorialized in **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, and D 2021 141**. The Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado.
2. I have issued public health orders in response to the conditions of the pandemic since March 2020, such as requiring providers of COVID-19 vaccines to eliminate as many barriers to access as possible by eliminating identification requirements, requiring providers to provide vaccines to individuals who may not otherwise be their patients, and prohibiting providers from charging individuals for COVID-19 vaccines or administration of such. By reducing the spread of disease through broadening access to vaccines, testing, and treatment, we can mitigate the impacts of COVID-19 on individuals, communities, and critical but finite medical resources.
3. Colorado has access to a supply of COVID-19 therapeutics that is currently being underutilized. The U.S. Food and Drug Administration (FDA) has authorized the use of several COVID-19 therapeutics, including the oral antiviral medications molnupiravir¹ and Paxlovid², for the treatment of COVID-19 for certain patients who are at high risk for progression to severe COVID-19, including hospitalization or death. Providing information regarding and access to these authorized therapeutics may reduce a patient's need for hospitalization and assist the state

¹ <https://www.phe.gov/emergency/events/COVID19/investigation-MCM/molnupiravir/Pages/default.aspx>

² <https://www.phe.gov/emergency/events/COVID19/investigation-MCM/Paxlovid/Pages/default.aspx>

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in reducing the severity of COVID-19 infections and consequently reducing the need for hospital-level services.

INTENT

This Order outlines access to COVID-19 therapeutics for eligible COVID-19 patients and requires all providers to do all they can to provide such therapies.

ORDER

I. ACCESS TO COVID-19 TESTING

- A.** The State of Colorado has provided free access to COVID-19 testing services for Coloradoans throughout this pandemic through the acquisition of test materials for distribution to healthcare providers, as well as through the administration of multiple testing sites throughout the state. Providers of COVID-19 testing services that use test materials provided at no cost by the State shall not charge a fee to the patient for the COVID-19 test. To help maintain access to testing services throughout the state, providers that do not use testing materials provided by the State are encouraged to provide testing services and, whenever possible, to do so at no cost to individuals without health insurance or who can otherwise not afford the cost of the test.

II. ACCESS TO COVID-19 THERAPEUTICS

- A.** All healthcare providers such as hospitals, urgent care clinics, community health clinics, pharmacies, free standing emergency departments and medical offices that medically evaluate patients shall take all necessary steps to provide eligible Coloradans access to life-saving COVID-19 therapeutics. All non-hospitalized individuals who test positive for COVID-19 should be evaluated to determine if they are eligible for treatment. Many individuals meet the criteria to be considered high risk, as defined by the Centers for Disease Control and Prevention (CDC) [here](#), for progression to severe COVID-19 disease, such as people who are overweight/obese, people with common medical conditions, and people who are at higher risk due to where they live or work, including many people from racial and ethnic minority groups and people with disabilities. Any patient eligible under the FDA Emergency Use Authorization (EUA) for a COVID-19 therapeutic should be offered the treatment for COVID-19 after a discussion of risks and benefits with the healthcare provider. Healthcare providers are encouraged to provide COVID-19 therapeutics immediately within their healthcare setting on an outpatient basis, or if unable to do so, the provider must refer patients who are appropriate candidates for such therapeutics to outpatient settings.

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- B.** Providers may enroll with CDPHE to request and receive COVID-19 therapeutics free of charge. Enrolled providers are required to submit daily electronic reporting for molnupiravir and Paxlovid into a federal reporting database.
1. Enrolled providers will be included in a provider locator tool that patients may use to find COVID-19 therapeutic providers.
- C.** Eligibility for COVID-19 Therapeutics
1. a. In accordance with the FDA EUA for the oral antiviral [molnupiravir](#), eligible individuals for treatment of mild to moderate COVID-19 include individuals:
 - i. who are at least 18 years of age or older with positive COVID-19 test results,
 - ii. who are at high risk for progressing to severe COVID-19, including hospitalization or death, and
 - iii. for whom alternative COVID-19 treatment options authorized by FDA are not accessible or clinically appropriate.
 - b. Note that warnings regarding the use of this oral antiviral include the following conditions and specific populations:
 - i. Embryo-Fetal Toxicity: Molnupiravir is not recommended for use during pregnancy.
 - ii. Bone and Cartilage Toxicity: Molnupiravir is not authorized for use in patients less than 18 years of age because it may affect bone and cartilage growth.See full Emergency Use Authorization for additional information.
2. a. In accordance with the FDA EUA for the oral antiviral [Paxlovid](#), eligible individuals for treatment of mild-to-moderate COVID-19 include individuals who:
 - i. are 12 years of age and older weighing at least 40 kg or 18 years of age or older,
 - ii. have a positive COVID-19 test result, and
 - iii. are at high risk for progression to severe COVID-19, including hospitalization or death.
 - b. Note that a warning regarding the use of this oral antiviral includes the concomitant use of Paxlovid and certain other drugs may result in potentially significant drug interactions. Consult the full prescribing information prior to and during treatment for potential drug interactions. See full Emergency Use Authorization for additional warnings and contraindications.

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3. Individuals who meet these criteria for treatment with COVID-19 therapeutics may seek such treatment from any authorized healthcare provider without the need for a healthcare provider referral for care. Appropriate screening to confirm eligibility for this therapy shall be conducted by the treating healthcare provider.

III. ENFORCEMENT

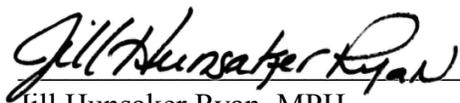
This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this Order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

IV. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

V. DURATION

This Order shall become effective on April 20, 2022 and shall continue to be in effect until **Executive Order D 2021 122**, as amended and extended, expires or is otherwise terminated, unless rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH
Executive Director

April 20, 2022

Date