MICHELLE LUJAN GRISHAM
GOVERNOR

NEW MEXICO DEPARTMENT OF HEALTH

KATHYLEEN M. KUNKEL
CABINET SECRETARY

PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
CABINET SECRETARY KATHYLEEN M. KUNKEL

MARCH 13, 2020

Public Health Emergency Order to Temporarily Limit Nursing Home Visitation Due to COVID-19

WHEREAS, on January 30, 2020, the World Health Organization (WHO) announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services (HHS) Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in our nation through its support of state and community-led preparedness and response efforts;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 ("EO 2020-004") that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, I issued a Public Health Emergency Order to limit certain mass gathering to contain the spread of COVID-19;

WHEREAS, as of March 13, 2020, the New Mexico Department of Health has confirmed ten (10) cases of individuals infected with COVID-19 in New Mexico;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from the COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), and closures of schools or other places of public gathering;

WHEREAS, COVID-19 has spread rapidly in nursing facilities in other states, such as Washington, and many residents of nursing facilities belong to populations that are particularly vulnerable to the effects of COVID-19; and

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WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, the authority granted in EO 2020-004, and in any inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, do hereby ORDER and DIRECT as follows:

I ORDER all nursing facilities to limit patient visitation to visitors who comply with certain conditions of entry and whose loved ones are receiving end-of-life care, and to temporarily prohibit other visitors. For purposes of this Order, nursing facilities include, but are not limited to, nursing homes, assisted living facilities, adult day cares, hospice facilities, and rehabilitation facilities with older adult patients.

I DIRECT that the conditions of entry for visitors must include the following:

(a) All visitors must have their temperatures taken at the facility's entrance;
(b) All visitors entering a facility must thoroughly wash their hands upon entry, or use alcohol-based and sanitizer containing at least 60% alcohol if soap and water are not available;
(c) All visitors must have no fever (body temperature below 100 degrees Farenheit) and no sign of respiratory infection, including coughing or shortness of breath;
(d) All visitors must agree to be escorted to and from the patient's room by facility staff and must agree not to leave the patient's room unescorted; and
(e) Any other condition of entry that the facility deems necessary to protect patient health and safety.

I FURTHER DIRECT that any potential visitor who cannot meet all conditions of entry described in this Order will not be permitted entry into the facility and will be advised to seek medical attention if the potential visitor has a fever and/or shows signs or symptoms of a potential respiratory infection.

I FURTHER DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.

(3) This Order shall remain in effect for the duration of Executive Order 2020-004. This Order may be renewed or rescinded at any time.

I FURTHER ADVISE other facilities where older adults reside, or that provide services to older adults, to review the restrictions set forth in this Order and to implement whatever visitation restrictions they deem necessary to protect health and safety.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Order shall take effect immediately.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 13TH DAY OF MARCH 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Kathyleen M. Kunkel

KATHYLEEN M. KUNKEL
SECRETARY OF THE STATE OF NEW MEXICO
DEPARTMENT OF HEALTH