The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-29-01

AMENDING AND RESTATING THE ORDER DATED APRIL 5, 2020 AUTHORIZING VARIOUS ACTIONS RELATED TO NURSING HOMES AND OTHER HEALTH CARE FACILITIES

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, Cases of COVID-19 have been detected in residents and/or staff at more than 130 nursing homes in Maryland;

WHEREAS, Many Marylanders residing in nursing homes are part of vulnerable populations that may be particularly susceptible to complications and adverse outcomes associated with COVID-19;

WHEREAS, To reduce the spread of COVID-19 in nursing homes and other similar facilities, and to protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19, and save lives, it is necessary to authorize actions to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in nursing homes and other similar facilities; and

WHEREAS, Such actions may include, among other things, prohibiting individuals from congregating, controlling and directing the movement of

individuals, controlling and directing the occupancy and use of buildings;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. The Order of the Governor of the State of Maryland number 20-04-05-01, dated April 5, 2020, entitled "Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities" is amended and restated in its entirety as set forth herein.

II. Definitions. As used herein:

a. "CRISP" means the Chesapeake Regional Information System for our Patients.

b. "Health Care Provider" has the meaning provided in Section 14-3A-01 of the Public Safety Article of the Maryland Code.

c. "Nursing Homes" means the following Health Care Providers: facilities licensed under Title 19, subtitles 3 and 14 of the Health-General Article of the Maryland Code and COMAR 10.07.02.

d. "Other Facilities" means any Health Care Provider other than a Nursing Home, including without limitation, assisted living facilities, hospice facilities, residential treatment facilities, home health agencies, and any related institution.

e. "Response Team" means a response team established pursuant to the Directive and Order of the Secretary, dated April 19, 2020, Regarding Establishment of Response Teams.

f. "Secretary" means the Secretary of Health of the State of Maryland.

III. Authority of Secretary Related to Nursing Homes.

a. The Secretary is hereby ordered to issue directives under this Order requiring each Nursing Home to:

i. increase testing of residents and staff for COVID-19;

ii. ensure that each resident is evaluated at least daily by a physician, physician's assistant, nurse practitioner, or registered nurse for symptoms suggesting possible COVID-19 infection;

iii. develop a surge staffing plan to ensure continuity of resident care in the event of a significant outbreak of COVID-19 among residents or staff;

iv. fully cooperate with any Response Team, including without limitation, by providing access to the Nursing Home, its residents, and its staff;

v. provide periodic informational updates to their residents, resident representatives, and staff regarding COVID-19 infections related to the Nursing Home;

vi. regularly report to CRISP and the applicable local health department such information as the Secretary deems necessary to monitor the spread of COVID-19 in and around Nursing Homes;

b. The Secretary is hereby authorized to designate an appropriately qualified State employee to serve as a Special Safety and Compliance Officer, to monitor Nursing Homes' compliance with this Order and the orders and directives of the Secretary issued hereunder.

c. The Secretary is hereby authorized to issue such other directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Nursing Homes.

IV. Authority of Secretary Related to Other Facilities. The Secretary is hereby authorized to issue directives under this Order, as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in and around Other Facilities.

V. Compliance is Mandatory. All Nursing Homes and Other Facilities are hereby ordered to comply in good faith with all applicable directives of the Secretary issued under this Order, including without limitation, participation in all disease surveillance, treatment, and suppression efforts required by those directives.

VI. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order, and any directive issued by the Secretary pursuant to paragraph III or IV above.

b. A person who knowingly and willfully violates this Order, or any directive issued by the Secretary pursuant to paragraph III or IV above, is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

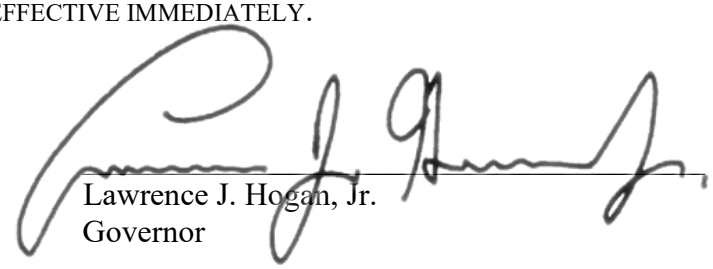
c. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

ISSUED UNDER MY HAND THIS 29TH DAY OF APRIL, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor