State of Wisconsin
Department of Health Services
Tony Evers, Governor
Andrea Palm, Secretary

EMERGENCY ORDER #31
Badger Bounce Back

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of April 19, 2020, 2,241,359 people around the world have tested positive for COVID-19, including 690,714 in the United States and 4,346 in Wisconsin;

WHEREAS, COVID-19 is present throughout Wisconsin, with people testing positive for COVID-19 in 65 of 72 counties as of April 19, 2020;

WHEREAS, on March 24, 2020, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, issued Emergency Order #12, Safer at Home Order (hereinafter "Safer at Home Order"), requiring that everyone in Wisconsin stay at their home or place of residence except in limited circumstances;

WHEREAS, on April 16, 2020, I modified and extended the Safer at Home Order to allow businesses new opportunities to get back to work and added new measures to keep employees and customers safer;

WHEREAS, the Safer at Home Order is working to flatten the curve of infections of COVID-19 in Wisconsin, and we have started to see meaningful gains from this proactive step;

WHEREAS, we know that the Safer at Home Order is working to prevent spikes in COVID-19 cases that could further strain our health care system and risk more lives;

WHEREAS, with the progress Wisconsin has made in flattening the curve and slowing the spread of COVID-19, we must look ahead to plan for how Wisconsin will return to business as usual;

WHEREAS, President Donald Trump's Guidelines for Opening Up America Again, issued on April 16, 2020, offer a comprehensive and thoughtful approach to restarting the economy without sacrificing the public health gains we have made in fighting this disease;

WHEREAS, led by science, the public health facts on the ground, and guidance from the Federal government, this Order implements a phased approach for dialing down the restriction in the Safer at Home Order; and

WHEREAS, as we have seen, the public health situation can evolve quickly, and this phased approach will allow individuals and businesses as much relief as possible while accounting for the inherent uncertainties of this pandemic.

NOW THEREFORE, I, Andrea Palm, Department of Health Services Secretary-designee, by the authority vested in me by the Laws of the State, including but not limited to Section 252.02(3), (4), and (6) of the Wisconsin Statutes, order the following:

1. **Phases.** Wisconsin shall adopt a phased approach to re-opening its economy and society, with each phase being incrementally less restrictive on businesses and individuals while protecting the public from COVID-19. The Department of Health Services shall announce the transition to each Phase with an order fully articulating the activities that will resume. The Phases include:

    a. **Safer at Home.** Currently in effect, as established in Emergency Orders #12 and #28.

    b. **Phase One.** Phase One will include allowing mass gatherings of up to 10 people; restaurants opening with social distancing requirements; removal of certain restrictions including retail restrictions for Essential Businesses and Operations; additional operations for non-essential businesses; K-12 schools to resume in-person operation; and child care settings resuming full operation.

    c. **Phase Two.** Phase Two will include allowing mass gatherings of up to 50 people; restaurants resuming full operation; bars reopening with social distancing requirements; non-essential businesses resuming operations with social distancing requirements; and post-secondary education institutions may resume operation.

d. **Phase Three.** Phase Three will resume all business activity and gatherings, with minimal protective and preventative measures in place for the general public and more protective measures for vulnerable populations.

2. **Progression through the Phases.** The Department of Health Services shall assess the most up-to-date data to determine when it is appropriate to progress to the next Phase. To move to the next Phase, the state must make progress toward the goals identified below as Core Responsibilities and meet the Gating Criteria.

   a. **Core Responsibilities.** The state must show progress or advancement in the following areas:

      i. **Testing.** Every Wisconsin resident who has symptoms of COVID-19 has access to a lab test. Results will be reported to the patient and public health officials within 48 hours of collection. The ultimate goal is 85,000 tests per week or approximately 12,000 tests per day.

      ii. **Tracing.** Increase contact tracing by up to 1,000 people and implement technology solutions to ensure everyone who is infected or exposed will safely isolate or quarantine.

      iii. **Tracking.** Building on systems used to track influenza and the COVID-19 pandemic, track the spread of COVID-19 and report on the Wisconsin Gating Criteria and other related metrics.

      iv. **Personal Protective Equipment (PPE).** Procure PPE and other necessary supplies to support health care and public safety agencies.

      v. **Health Care Capacity.** Assess the need for and readiness to support surge capacity for our healthcare system.

   b. **Gating Criteria.** The state must meet the following Gating Criteria, based on state-wide public health data:

      i. **Symptoms:**

         1. Downward trajectory of influenza-like illnesses reported within a 14-day period; and

         2. Downward trajectory of COVID-19-like syndromic cases reported in a 14-day period.

ii. **Cases:** Downward trajectory of positive tests as a percent of total tests within a 14-day period.

iii. **Hospitals:**

1. Treatment of all patients without crisis care;

2. Robust testing programs in place for at-risk healthcare workers; and

3. Decreasing numbers of infected healthcare workers.

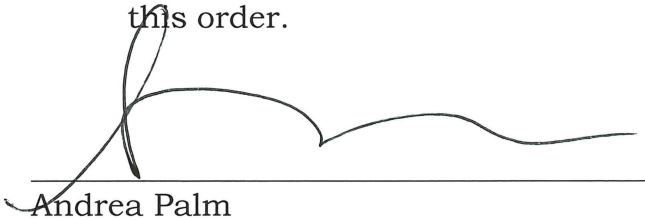
3. **Interim progress within a Phase.** In addition to progressing through each Phase above, the Department of Health Services, in consultation with the Wisconsin Economic Development Corporation, shall issue additional orders to reduce restrictions on certain businesses or sectors if it is determined that removing the restrictions will have minimal impact on the state's ability to meet its Core Responsibilities and Gating Criteria.

4. **Local orders.** The Department of Health Services, in consultation with local health officials, may address localized outbreaks with a localized order. Such order may include adjusting the Phase or instituting tailored restrictions based on the needs of a particular location, county, or region.

5. **Safer at Home remains in effect.** Nothing in this Order modifies, alters, or supersedes Emergency Orders #12 and #28, Safer at Home Order. However, orders instituting the phases under Section 2 and interim orders reducing restrictions under Section 3 may be issued prior to the expiration of Emergency Order #28, if appropriate under the criteria stated above.

6. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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.

7. **Supremacy.** This Order supersedes any local order that is in conflict with this order.



Andrea Palm
Secretary-designee
Department of Health Services
State of Wisconsin

04/20/2020
Date