STATE OF VERMONT

EXECUTIVE DEPARTMENT

# EXECUTIVE ORDER NO. 01-20

## Declaration of State of Emergency in Response to COVID-19 and National Guard Call-Out

**WHEREAS,** since December 2019, Vermont has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC) and with the United States Health and Human Services Agency to monitor and plan for the potential for an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), in the United States; and

**WHEREAS,** this rapidly evolving global situation required the Governor to direct the Vermont Department of Health (VDH) to activate the Health Operations Center in February 2020 when VDH began to monitor and later, test Vermonters who may have been exposed to COVID-19; and

**WHEREAS**, in March 2020, the Governor directed Vermont Emergency Management (VEM) to assemble an interagency taskforce, and later to activate the Vermont State Emergency Operations Center (SEOC), in accordance with the State Emergency Management Plan, to organize prevention, response, and mitigation efforts and share information with local and state officials; and

**WHEREAS,** on March 7, 2020 and March 11, 2020, VDH detected the first two cases of COVID-19 in Vermont; and

**WHEREAS,** on March 11, 2020 the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

**WHEREAS,** we now know that while most individuals affected by COVID-19 will experience mild flu-like symptoms, some individuals, especially those who are elderly or already have severe underlying chronic health conditions will have more serious symptoms and require hospitalization; and

**WHEREAS,** both travel-related cases and community contact transmission of COVID-19 have been detected in the region and this transmission is expected to continue; and

**WHEREAS,** if no mitigation steps are taken, COVID-19 would likely spread in Vermont at a rate similar to the rate of spread in other states and countries, and the number of persons requiring medical care could exceed locally available resources; and

**WHEREAS**, it is critical we take steps to control outbreaks of COVID-19, particularly among those who are elderly or already have underlying chronic health conditions, to minimize the risk

to the public, maintain the health and safety of Vermonters, and limit the spread of infection in our communities and within our healthcare facilities; and

**WHEREAS**, Vermonters must come together as we have before in a crisis, to do our part to protect the very ill and elderly by preventing and slowing the spread of this virus and ensure those who experience the most severe symptoms have access to the care they need.

**NOW THEREFORE,** I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont and Commander-in-Chief, Vermont National Guard, by the Constitution of the State of Vermont, Chapter II, Section 20 and under 20 V.S.A. §§ 8, 9 and 11 and Chapter 29, hereby declare a State of Emergency for the State of Vermont.

**IT IS HEREBY ORDERED:**

1. All State licensed nursing homes (as defined in 33 V.S.A. § 7102(7)), the Vermont Psychiatric Care Hospital (VPCH) and Middlesex Therapeutic Community Residence shall prohibit visitor access to reduce facility-based transmission. This prohibition shall not apply to medically necessary personnel or visitors for residents receiving end of life care. Any visitors will be screened in accordance with recommendations by the Commissioner of the Vermont Department of Health.

2. All State licensed assisted living residences (as defined in 33 V.S.A. § 7102(1)), Level III residential care homes (33 V.S.A. 7102(10)(A)), and intermediate care facilities for individuals with intellectual disability (ICF/ID) (42 C.F.R. § 440.150), shall prohibit visitor access to reduce facility-based transmission. This prohibition shall not apply to two designated visitors, medically necessary personnel or visitors for residents receiving end of life care. Any visitors will be screened in accordance with recommendations by the Commissioner of the Vermont Department of Health.

3. All State therapeutic community residences (as defined in 33 V.S.A. § 7102 (11)), and Level IV residential care homes (33 V.S.A. § 7102 (10)(B)), shall restrict visitor access as necessary to reduce facility-based transmission. This restriction shall not apply to medically necessary personnel or visitors for residents receiving end of life care. Any visitors will be screened in accordance with recommendations by the Commissioner of the Vermont Department of Health.

4. All hospitals (as defined in 18 V.S.A. § 1902), except VPCH, shall develop visitation policies and procedures that conform to a minimum standard which shall be developed by the Agency of Human Services to restrict visitor access to reduce facility-based transmission.

5. In order to limit exposure and protect state employees, all non-essential out-of-state travel by State employees for State business is hereby suspended. The Secretary of Administration shall, in consultation with the Commissioner of Health, develop guidance

for employees returning from out-of-state travel. The Secretary of Administration shall also, in consultation with the Commissioner of Human Resources, encourage and facilitate telework among those State employees with the capacity to work remotely.

6. To help preserve and maintain public health, I hereby prohibit all large non-essential mass gatherings of more than 250 people in a single room or single space at the same time for social and recreational activities, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, theater, or any other confined indoor or confined outdoor space.

   A "non-essential mass gathering" does not include normal operations at airports, bus or railway stations where 250 or more persons may be in transit. It also does not include typical office environments or retail or grocery stores where large numbers of people are present, but where it is unusual for them to be within arm's length of one another. Questions from commercial recreational entities, event sponsors and others shall be directed to the SEOC which shall provide appropriate guidance.

7. In preparing for and responding to COVID-19, all agencies of the state shall use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of VDH and the Department of Public Safety (DPS)/VEM in accordance with the State Emergency Management Plan.

8. I hereby authorize and direct the Adjutant General to call into Active State Service, for the purpose of assisting and supporting the State of Vermont, in its efforts to respond to the conditions created or caused by COVID-19 in order to alleviate hardship and suffering of citizens and communities and in order to preserve the lives and property of the State, any and all units of the National Guard of the State of Vermont as he, in consultation with DPS/VEM, may deem appropriate to carry out the purposes of this Order.

9. The Department of Financial Regulation shall, in consultation with the Departments of Labor, Tax, and Finance and Management, collect data on the state's demographics and analyze the potential and actual impacts of a COVID-19 outbreak on the state's population, the labor force and the economy, including state revenues.

10. In order to limit the spread of COVID-19 through community contacts, DPS shall, in consultation with VDH, coordinate the allocation of statewide investigatory resources to enhance VDH capacity for contact tracing.

11. The Commissioner of Motor Vehicles is hereby directed to develop a plan to extend DMV licensing and registration renewal deadlines and other statutory and regulatory DMV requirements to mitigate contagion risk by reducing customer traffic throughout all DMV district offices.

12. While many are concerned about the welfare of their children in the pre-K-through-12 schools, suspension of school at this time is not recommended by the Commissioner of Health as of the date of this Order. The Secretary of Education is hereby directed to develop a contingency plan for school closings necessitated by COVID-19 for such time as this may be recommended by VDH and VEM.

13. I hereby direct that no school superintendent or school board shall cause a student or parent to be penalized for student absences that are the result of following medical advice or the guidance of VDH or arising from the concerns of parents or guardians relating to COVID-19.

14. The Commissioner of Health shall oversee the investigation, coordination and mitigation efforts for the duration of this Order. All local boards of health shall consult with and abide by the recommendations of the Commissioner of Health prior to taking any action regarding isolation or quarantine of an individual(s). Town health officers shall work with and assist the Department as directed by the Commissioner of Health.

15. Relevant rules governing medical services shall be suspended to the extent necessary to permit such personnel to provide paramedicine, transportation to destinations including hospitals and places other than hospitals or health care facilities, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Commissioner of Health.

16. Relevant rules governing nursing services shall be suspended to the extent necessary to permit such personnel to provide medical care, including but not limited to administration of medicine, prescribing of medication, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Secretary of State in consultation with the Commissioner of Health.

17. The Agency of Commerce and Community Development shall work with U.S. Small Business Administration (SBA) and Vermont Small Business Development Center (SBDC) to survey businesses to determine the economic impact of losses for the disaster period as compared to the same period of the preceding year for the purpose of applying to the U.S. Small Business Administration (SBA) for SBA Economic Injury Disaster Loans.

18. To ensure that workers affected by COVID-19 have access to wage replacement programs, I hereby direct the Department of Labor to extend unemployment insurance to those Vermonters following the instructions of their healthcare providers to self – isolate or quarantine; to remove the work search requirement for those workers affected by temporary closure of a business; and to temporarily suspend any mechanisms that would delay the release of funds to claimants. Further, I hereby direct the Commissioner of Labor to work with the Legislature on other opportunities to extend benefits to workers affected by COVID – 19.

19. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time to time issue recommendations, directives and orders as circumstances may require.

This Executive Order shall take effect upon signing and shall continue in full force and effect until April 15, 2020, at which time the Governor, in consultation with VDH and DPS/VEM, shall assess the emergency and determine whether to amend or extend this Order.

Philip B. Scott
Governor

By the Governor:

Brittney L. Wilson
Secretary of Civil and Military Affairs

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