The State of Maryland

Executive Department

ORDER

OF THE

GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-04-05-01

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, and renewed on March 17, 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 60 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. Definitions. As used herein:

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

b. "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.

c. "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.

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

II. Authority of Secretary to Issue Directives.

a. The Secretary is hereby ordered 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 Nursing Homes.

b. 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.

III. 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.

IV. 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 II above.

b. A person who knowingly and willfully violates this Order, or any directive issued by the Secretary pursuant to paragraph II 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.

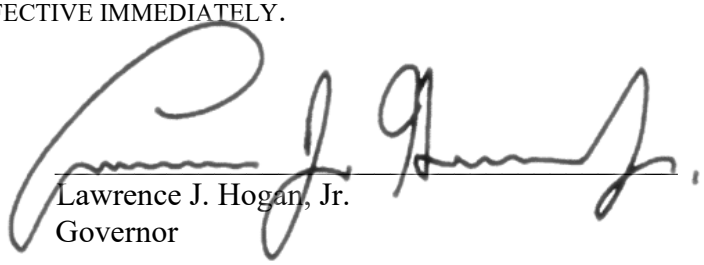
c. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

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 5TH DAY OF APRIL, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor