NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Directed Health Measure Order 2020-001

Pursuant to Neb. Rev. Stat. §§ 71-502 and 81-601 and Title 173 Neb. Admin. Code Ch. 6 the Nebraska Department of Health and Human Services ("Department") may exercise its authority to order Directed Health Measures necessary to prevent the spread of communicable disease, illness, or poisoning. The objectives of this order are to reduce morbidity and mortality; minimize disease transmission; protect healthcare personnel and preserve healthcare system functioning.

Having reviewed information from the United States Department of Health and Human Services Centers for Disease Control and Prevention ("CDC"), local public health departments, treating health care providers and health care facilities, and other public health, security, and law enforcement authorities; having consulted with medical and communicable disease control personnel of the Department; and having considered directives and guidelines issued by the CDC and other public health authorities, the Director finds as follows:

That a member or members of the public have been exposed to a communicable disease, illness or poisoning, COVID-19; there are now two confirmed cases of "community spread" or "community transmission" of COVID-19 in the areas subject to this Directed Health Measure.

That multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of persons traveling from known areas of infection is no longer enough to control spread.

That exposure presents a risk of death or serious long-term disabilities to any person; the exposure is wide-spread and poses a significant risk of harm to people in the general population; there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk; and the threat is from a novel infectious disease.

That the immediate implementation of the following Directed Health Measures is necessary as members of the public continue to gather in large numbers, in close proximity to each other, and in enclosed spaces, thereby endangering the health of themselves and the public.

That the goals of the following Directed Health Measures are to minimize in-person interaction, which is the main means of transmission of COVID-19.

Gatherings, restaurants, and bars increase and encourage talking, touching, and other social interaction in environments with a multitude of hard surfaces.

That a delay in the imposition of an effective Directed Health Measure would significantly jeopardize the ability to prevent or limit the transmission of COVID-19 or pose unacceptable risks to any person or persons.

That the following Directed Health Measures have been identified as effective against public health threats by the CDC and other similar public health authorities to effectively prevent, limit, or slow the spread of COVID-19.

The following Directed Health Measures are hereby ordered for Cass, Douglas, Sarpy, and Washington counties, effective immediately and continuing until April 30, 2020, unless renewed, extended, or terminated by subsequent order, and all persons are ordered to comply; provided, this Order does not supersede the provisions of the March 18, 2020 Order issued by Douglas County Nebraska:

Gatherings are hereby prohibited;

A gathering is defined as any event or convening that brings together more than ten (10) patrons, customers or other invitees, excluding staff, in a single room or single space at the same time, including but not limited to, a school, daycare facility (including in-home facilities), gymnasium, salon, fitness center, auditorium, stadium, arena, large event conference room, meeting hall, theater, library, or any other confined indoor or outdoor space. This also includes weddings and funerals, as well as parades, fairs, festivals, concerts and other indoor and outdoor events.

For the purpose of clarity, a gathering does not include normal operations at airports, bus and train stations, health care facilities (as defined in the Health Care Facility Licensure Act NEB. REV. STAT. §§ 71-401 to 71-475), shopping malls and centers, or other spaces where ten or more persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present but it is typically unusual for them to be within six feet of one another. It also does not include events at which members of the media may need to be present, courts of law, public utilities, critical state, county, and city operations, election offices and polling places on election day, logistics/distribution centers, or family residences housing ten or more people. However these settings are directed to use heightened, diligent and effective disinfection of exposed surfaces meeting the directions of the Nebraska

Department of Health and Human Services, Centers for Disease Control and Prevention and the Environmental Protection Agency.

Liquor, beer, and wine sales are restricted to carry-out sales and delivery only, to the extent permitted by law. No onsite consumption is permitted. This includes bars, taverns, and private clubs, regardless of name or characterization.

Food and beverage sales at restaurants, bars, taverns, private clubs, and any dine-in establishments are restricted to carry-out, drive-thru, and delivery only. This does not apply to and/or exempts food service in health care facilities.

Lines for carry-out and drive-thrus in the above-referenced establishments must have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

This Order will remain in effect no longer than necessary to ensure that individuals or groups affected by COVID-19 no longer pose a public health threat.

Failure to comply with this Order will result in legal action for enforcement by civil and/or criminal remedies.

In the event of noncompliance with the terms of this Order, law enforcement and other Municipal and Local Public Health Department personnel will be required to aid the Department in enforcement of the Order, pursuant to 173 NAC 6 and NEB. REV. STAT. § 71-502.

Any person subject to this Order may request a contested case hearing to contest the validity of the Order. A request can be made to the DHHS Hearing Office by fax at 402-742-2376 or requested by phone at 402-471-7237.

Upon request, the Department will schedule a hearing to be held as soon as reasonably possible under the circumstances. Unless requested otherwise, the hearing will be scheduled no sooner than three days after the request is received by the Department. The hearing will be conducted in accord with the Department's rules of practice and procedure adopted pursuant to the Administrative Procedure Act.

The parties to the hearing will be limited to the Department and requesting party unless one or more additional persons have requested contested case hearings on substantially identical issues; the interests of administrative economy require that the matters be

consolidated; and no party would be prejudiced by consolidation, in which case notice of the consolidation will issue.

A party may be represented by counsel at the party's own expense, or may appear *pro se* if a natural person.

Reasonable prior notice of the time and place for hearing will be given. The hearing may be conducted in whole or in part by telephone.

The purpose of the hearing is to determine if the factual bases for the Order exist and the reasonableness of the ordered measures. The Director may affirm, reverse or modify the Order by a written Findings of Fact, Conclusions of Law, and Order to be issued as soon as reasonably possible after the hearing.

For the Nebraska Department of Health and Human Services:

Gary Anthone, MD — 3-19-20

Gary Anthone, MD
Chief Medical Officer/Director of Public Health

Date

Pursuant to Title 173 Neb. Admin. Code. Ch. 6, 007.02, this Order has been provided to and shall be disseminated through mass media.