STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Commissioner's Office

Bill J. Crouch
Cabinet Secretary

Catherine C. Slemp, MD, MPH
Commissioner & State Health Officer

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SECRETARY OF STATE

ORDER REGARDING 64 CSR 7

The Commissioner of the Bureau for Public Health (the Bureau) has determined that due to an outbreak of the Coronavirus Disease 2019 (COVID-19), and subsequent declaration of a state of emergency by the Governor, that the outbreak constitutes a public health emergency, that it requires public health follow up, and that the collection of data or other information on the disease can assist in determining the need for or effectively implementing public health programs to protect and promote the health of the people of West Virginia.

Further, that on March 5, 2020, the Commissioner entered an Order amending the Legislative Rule titled *Reportable Diseases, Events and Conditions* to include COVID-19 as a Category I.A. reportable disease in accordance with W. Va. Code R. §64-7-3.3.b., and now makes additional findings with regard to long-term care facilities:

That long-term care facility residents are a highly vulnerable population of individuals living in a congregate setting, and COVID19 can readily enter a facility unknowingly through pre-symptomatic or asymptomatic individuals infected with the virus;

That the presence of COVID19 in a long-term care facility does not in and of itself reflect the quality of care or strength of infection control practices within the facility. COVID19 cases may occur in the best of long-term care facilities, and due to significant connections between the local community of long-term care facilities and persons residing and working in those facilities, there exists the potential for COVID-19 to transmit across those connections;

That the release of summary information regarding the presence of COVID-19 in long-term care facilities will protect the public's health by promoting an understanding of disease spread within the community, an understanding of the impact of COVID-19 on vulnerable populations, and by emphasizing the importance of individual and collective action aimed at preventing spread of disease to those at significant risk of complications; and

Therefore, based upon the foregoing and in accordance with W. Va. Code R. §64-7.20.3., the Commissioner hereby FINDS there to be a clear and convincing need to allow the public release of summary information related to COVID-19, within and related to, long-term care facilities in the state of West Virginia, and hereby ORDERS as follows:

1. That in the interest of public health as established in this ORDER, facility-specific information regarding COVID-19 positive cases may be published *in summary form.* In no instance shall such public release identify any individual or provide personal health information;

2. That nothing in this ORDER shall abrogate or otherwise waive a facility's obligation under any other rule to notify patients, residents, guardians, employees or any other person directly related to a facility within 24 hours of identification of positive COVID-19 cases related to the facility;

3. That this ORDER shall be effective immediately upon its filing with the Office of the Secretary of State; and

4. That the ORDER shall be made as an Appendix to W. Va. Code R. §64-7-1 *et seq.* until such time as the Legislature amends the rule series pursuant to W. Va. Code §§29A-3-1 *et seq.*

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