Maryland
DEPARTMENT OF HEALTH

DIRECTIVE AND ORDER REGARDING CERTAIN LICENSED FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES

Pursuant to Executive Order No. 20-04-29-01

I**,** Robert R. Neall, Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus ("SARS-CoV-2" or "2019-NCoV" or "COVID-19"), and for the protection of the health and safety of patients, residents, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease under the Governor's Proclamation of Catastrophic Health Emergency and the Order of the Governor of the State of Maryland No. 20-04-29-02, dated April 29, 2020, Amending and Restating the Order Dated April 5, 2020 Authorizing Various Actions Related to Nursing Homes and Other Healthcare Facilities.

1. Definitions

A. "Facility" means one of the following healthcare facilities licensed by the Maryland Department of Health (MDH)'s Office of Health Care Quality on behalf of the Developmental Disabilities Administration (DDA) and includes the facilities licensed pursuant to COMAR below. A site is defined as each physical residence owned or controlled by a licensed DDA provider.

COMAR 10.22.01.01B(2) Alternative Living Units
COMAR 10.22.01.01B(25) Group Home
COMAR 10.22.01.01B(9) Behavioral Respite Homes

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

D. "Individual" means a resident admitted to, residing at, or under the care of a facility.

2. Protecting Residents

A. Infection Control Guidance. Facilities shall comply with all U.S. Centers for Disease Control and Prevention (CDC), U.S. Centers for Medicare & Medicaid Services (CMS) and the Maryland Department of Health (MDH) guidance related to COVID-19 as it pertains to their respective program or facility.

Each facility shall check CDC, CMS, and MDH guidance on a weekly basis to ensure that they are complying with the most current guidance and adjust their policies, procedures, and protocols accordingly.

B. Notification of Positive COVID-19 Determinations. If either a staff member or individual at a site receives a positive COVID-19 determination, the licensed provider must promptly notify, within 12 hours of actual knowledge of the determination: (1) the local health department; and (2) the DDA Regional Office governing the region in which the site is located.

I. In its notice to the local health department, the provider must provide the minimum necessary identifiable protected health information regarding the resident or staff member who tested positive for COVID-19, sufficient for the local health department to perform its public health activities.

II. In its notice to the DDA Regional Office, the provider must provide:

(a) Minimum necessary identifiable protected health information regarding the resident who tested positive for COVID-19; and

(b) De-identified aggregate data regarding the staff member who tested positive for COVID-19.

3. Severability

If any provision of this Directive and 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 this Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THIS DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 8th DAY OF MAY 2020 AND IS EFFECTIVE IMMEDIATELY.

Robert R. Neall
Secretary