NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Directed Health Measure Order 2020-011

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 health care personnel and preserve health care 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 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 one of the goals of the following Directed Health Measures is to minimize in-person interaction, which is the main means of transmission of COVID-19.

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

That requiring individuals who test positive for COVID-19 or who have the following symptoms: fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath; and individuals who reside or have resided with individuals who have tested positive for COVID-19 or with individuals who have the above symptoms to home-quarantine, unless quarantined in a health care facility, for a period of no less than 14 days from the date of the positive test or onset of symptoms per attached Quarantine Directions is the least restrictive practical means of quarantining those individuals that effectively protects unexposed and susceptible individuals. If a Home-Quarantined individual is residing with other household members, the household members' Home-Quarantine may be discontinued 7 days after the original person has been released from home-quarantine. However, the household member(s) must continue to self-monitor for the above listed symptoms for an additional 7 days. Home-Quarantine shall be per the attached Quarantine Directions. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order.

That a home-quarantine will allow the most freedom of movement and communication with family members and other contacts without allowing the transmission of COVID-19 to others and allow the appropriate level of medical care needed for the quarantined individuals unless it is necessary to admit the quarantined individuals to a health care facility.

That hospital capacity and health care resources including health care personnel hours and/or medical supplies, such as personal protective equipment, are being depleted by elective surgeries and elective procedures and that a shortage of hospital capacity or health care resources will hinder efforts of health care personnel and health care facilities to treat persons who test positive for COVID-19.

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.

I. The following Directed Health Measures are hereby ordered for: Cass, Douglas, and Sarpy counties, effective immediately and continuing until May 3, 2020, in addition the following Directed Health Measures are also hereby ordered for Lancaster, Dodge, Saunders and Washington counties, effective immediately and continuing until May 6, 2020 and in addition the following Directed Health Measures are also hereby ordered for Hall, Hamilton, York, Seward, Butler, Polk and Merrick counties, effective immediately and continuing until May 6, 2020, and in addition the following Directed Health Measures are also hereby ordered for Madison, Stanton, Cuming, and Burt counties effective immediately and continuing until May 6, 2020 and in addition the following Directed Health Measures are also hereby ordered for Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Morrill, Cheyenne, Sheridan, Garden, Deuel, and Grant counties effective immediately and continuing until May 11, 2020 and in addition the following Directed Health Measures are also hereby ordered for Adams, Clay, Webster and Nuckolls counties effective immediately and continuing until May 11, 2020 and in addition the following Directed Health Measures are also hereby ordered for Buffalo, Dawson, Gosper, Phelps, Kearney, Harlan and Franklin counties effective immediately and continuing until May 11, 2020 and in addition the following Directed Health Measures are also hereby ordered for Antelope, Boyd, Brown, Cherry, Holt, Keya Paha, Knox, Pierce, and Rock Counties effective immediately and continuing until May 11, 2020 and in addition the following Directed Health Measures are also hereby ordered for Hooker, Arthur, McPherson, Logan, Thomas and Lincoln counties effective immediately and continuing until May 11, 2020 and in addition the following Directed Health Measures are also hereby ordered for Dakota, Cedar, Dixon, Wayne, Thurston, Boone, Nance, Platte, Colfax, Otoe, Johnson, Nemaha, Pawnee, Richardson, Fillmore, Saline, Thayer, Jefferson, Gage, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Keith, Perkins, Chase, Hayes, Frontier, Dundy, Hitchcock, Red Willow, and Furnas counties effective immediately and continuing until May 11, 2020 unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned counties are ordered to comply:

1. 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, pre-

schools, daycare facility (including in-home facilities), gymnasium, fitness center, auditorium, stadium, arena, large event conference room, meeting hall, library, or any other confined indoor or outdoor space. This also includes weddings and funerals, as well as parades, fairs, festivals, concerts, auto racing 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 and services (as defined in the Health Care Facility Licensure Act NEB. REV. STAT. §§ 71-401 to 71-475), other mental health and /or substance use treatment day programs which are not required to be licensed (such as Day Rehabilitation or Day Treatment), 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, 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.

Venues such as fitness centers/clubs, gymnasiums, gyms, health clubs, and health spas shall ensure that a minimum distance of six (6) feet be maintained between all patrons.

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-through, and delivery only. This does not apply to and/or exempts food service in health care facilities.

Lines for carry-out and drive-through 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.

2. Elective medical and dental surgeries and elective medical and dental procedures are hereby prohibited. For the purposes of this Order, this means a surgery or procedure that is scheduled in advance because it does not involve a medical or dental emergency. Surgeries or procedures that must be done to preserve the patient's life or physical health, but do not need to be performed immediately, are allowed by a case-by-case determination of the medical or dental provider.

3. Individuals who test positive for COVID-19 or who have the following symptoms: fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath; and individuals who reside or resided with individuals who have tested positive for COVID-19 or with individuals who have the above symptoms shall home-quarantine, unless quarantined in a health care facility, for a period of no less than 14 days, from the date of the positive test or onset of symptoms, per attached Quarantine Directions. If a Home-Quarantined individual is residing with other household members, the household members' Home-Quarantine may be discontinued 7 days after the original person has been released from home-quarantine. However, the household member(s) must continue to self-monitor for the above listed symptoms for an additional 7 days. Home-Quarantine shall be per the attached Quarantine Directions. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order. Please see the attached, and hereby incorporated in full, Quarantine directions, per 173 NAC 6-006.03B. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order.

II. The following Directed Health Measures are hereby ordered for **ALL** counties statewide effective immediately and continuing until May 31, 2020 unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned counties are ordered to comply:

1. All schools; public, private and parochial: are hereby ordered to cease all in-person instruction, and all extra-curricular activities except for: remote learning, child care services, meal distribution, distribution of educational materials and supplies, general building or physical plant operations and maintenance, and residential services may be continued as needed or necessary

2. Schools are defined as public, private, and parochial elementary and secondary schools.

III. The following Directed Health Measures are hereby ordered for **ALL** counties statewide effective immediately and continuing until May 3, 2020 unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned counties are ordered to comply:

1. All beauty/nail salons, barber shops, massage therapy services, gentleman's clubs, bottle clubs, indoor movie theatres, indoor theatres, and tattoo parlors/studios are hereby ordered to cease providing services to the public and are ordered closed.

2. General building or physical plant operations and maintenance, and animal care; if applicable, for the above, may be continued as needed or necessary.

IV. The following Directed Health Measures are hereby ordered for **ALL** counties statewide effective immediately and continuing until May 31, 2020 unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned counties are ordered to comply:

1. All Organized Team Sports, youth and adult, including but not limited to Club Sports are hereby suspended.

This order supersedes previous Directed Health Measure Orders 2020-001, 2020-002, 2020-003, 2020-004, 2020-005, 2020-006, 2020-007, 2020-008, 2020-009 and 2020-010 for the aforementioned counties, provided, this Order does not supersede the provisions of any Directed Health Measure(s) issued by Local Health Departments, except that the Directed Health Measures contained in this order are binding and enforceable regardless of any Directed Health Measure(s) issued by Local Health Departments.

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 — 4-24-2020

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

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