NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Directed Health Measure Order 2020—ELHD-012

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 known as 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 to ensure that members of the public do not gather in large numbers, in close proximity to each other, or 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.

That 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 School Aged Individuals and other individuals to Isolate when required per attached Quarantine and Isolation Directions is the least restrictive practical means of Isolating those individuals that effectively protects unexposed and susceptible individuals.

That requiring School Aged Individuals and other individuals who have had Close Contact to home-Quarantine, unless Quarantined in a health care facility, per attached Quarantine and Isolation Directions is the least restrictive practical means of Quarantining those individuals that effectively protects unexposed and susceptible individuals. Home-Quarantine shall be per the attached Quarantine and Isolation Directions.

That Isolation or Quarantine per attached Quarantine and Isolation Directions 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 a home-Isolation or Quarantine will allow the appropriate level of medical care needed for the quarantined individuals unless it is necessary to admit the Isolated or 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. Based on conditions in the following areas, the following Directed Health Measures are hereby ordered for Madison, Stanton, Cuming and Burt counties, effective 12:00 AM, October 21, 2020 and continuing through 11:59 PM, November 30, 2020; unless renewed, extended, or terminated by subsequent order, all persons in all the aforementioned county(s) are ordered to comply:

1. Gatherings are hereby restricted;

   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, fairgrounds, fairs, festivals, auditoriums, stadiums, arenas, large event conference rooms, meeting halls, libraries, in-door or out-door arenas, tracks, bowling alleys, zoos, aquariums, swimming pools, indoor auctions, outdoor auctions, indoor theatres or any other confined indoor or outdoor space.

   Gatherings are restricted to: fifty percent (50%) for an indoor facility's applicable rated occupancy but not to exceed ten thousand (10,000) (excluding staff) or one-hundred percent (100%) for an outdoor facility of the applicable rated occupancy but not to exceed ten thousand (10,000) (excluding staff).

   Any one party at a gathering may not exceed eight (8) individuals.

   Plans for Reopening: Except in counties with a population of five-hundred-thousand (500,000) or more, venues with a rated capacity of five-hundred (500) or more individuals must submit a "plan for reopening" to the applicable Local Public Health Department BEFORE reopening. The plan must contain at a minimum the following: planned number of guests/attendees, how the venue will meet applicable social distancing guidelines, sanitation guidelines and any other applicable DHM requirement. All plans must be approved by the Local Public Health Department prior to reopening. Indoor venues previously approved for hosting events at 75% of rated occupancy must follow the new 50% restriction, but do not need to submit a new plan.

   For counties with a population of five-hundred-thousand (500,000) or more individuals, venues with a rated capacity of one-thousand (1,000) or more individuals must submit a "plan for reopening" to the applicable Local Public Health Department BEFORE reopening. The plan must contain at a minimum: planned number of guests/attendees, how the venue will meet applicable social distancing guidelines, sanitation guidelines and any other applicable DHM requirement. All plans must be approved by the Local Public Health Department prior to reopening. Indoor venues previously approved for hosting events at 75% of rated occupancy must follow the new 50% restriction, but do not need to submit a new plan.

   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, family residences housing ten or more people, or religious services. 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.

Restaurants, bars, taverns, bowling alleys, private clubs, bottle clubs, and gentleman clubs, regardless of name or characterization: Party(s) must consist of no more than eight (8) individuals. Individuals shall be required to remain seated except for the following: ordering food, restroom use, or playing games. The above-referenced establishments should have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

Wedding and funeral receptions: Party(s) may not exceed eight (8) individuals. Dancing or other activities which require individuals to gather beyond their respective tables or seats should be limited whenever possible and when allowed should adhere to any State issued guidance.

2. All businesses are hereby reminded to follow any COVID-19 related safety guidelines established or published by their respective professional, regulatory or advisory associations or agencies relating to or regarding the use of personal protective equipment.

3. Elective surgery and elective procedures; for all Acute Care Hospitals, Critical Care Hospitals and Children's Hospitals Elective medical surgeries and procedures are allowed in the aforementioned facilities so long as those facilities maintain and dedicate ten percent (10%) of staffed general beds, and ten percent (10%) of staffed ICU beds, for the care and treatment of COVID-19 patients. In addition these facilities must NOT transfer COVID-19 patients to create capacity for elective surgery or elective procedures or to otherwise circumvent or evade the above requirements.

   In the alternative, an Acute Care Hospital, Critical Care Hospital, or Children's Hospital may submit a Capacity Expansion Plan that sufficiently demonstrates the hospital's capability to increase bed capacity by an additional ten percent (10%) of staffed general beds and ten percent (10%) of staffed ICU beds within a twenty-four (24) hour period. Elective

surgery and elective procedures may continue once said plan is submitted and approved.

The Capacity Expansion Plan must be submitted to and approved by the Department of Health and Human Services' Chief Medical Officer and contain at a minimum the following:

a. Description of the criteria that triggers plan implementation
b. Description of the criteria that reverts the hospital back to normal operations
c. Description of how hospital will increase capacity to meet above requirement within 24 hour period
d. Description of and location of expanded hospital capacity
e. Hospital must agree to provide notice to DHHS should plan be implemented

For the purposes of this Order, an "elective medical surgery or procedure" means a surgery or procedure that is scheduled in advance because it does not involve a medical emergency.

4. School Aged Individuals or other individuals who have tested positive for COVID-19 or who develop a fever of 100.4 F. or above and/or one or more of the following symptoms: a sudden onset of a cough, sudden onset of shortness of breath or sudden loss of taste or smell shall home-Isolate, unless Isolated in a health care facility, when required per the attached Quarantine and Isolation Directions.

   School Aged Individuals or other individuals who have had Close Contact shall home-Quarantine, unless Quarantined in a health care facility, when required per the attached Quarantine and Isolation Directions.

   Please see the attached, and hereby incorporated in full, Quarantine and Isolation directions, per 173 NAC 6-006.03B.

5. Any employer required by law to provide housing to an employee or worker and who provides congregate or shared housing to employees or workers, must, at minimum, (1) post signage throughout the shared or congregate housing communicating prevention measures such as proper cleaning, disinfection, hand washing, cough etiquette, and avoiding non-essential physical contact, (2) daily clean and disinfect shared areas in such housing, (3) perform daily verbal screening and temperature checks of all employees or workers living in employer provided shared or congregate housing, (4) provide alternative housing arrangements for any employee or worker who tests 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 or shortness of breath – separate from housing provided to employees or workers who test negative for COVID-19 or are without symptoms, (5) provide alternative housing arrangements for any employee or worker who

had close contact with a confirmed or suspected COVID-19 case separate from housing provided to employees or workers who test negative for COVID-19 or are without symptoms, and separate from any employee or worker who tests 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 or shortness of breath, and (6) thoroughly clean and disinfect all housing areas where a confirmed or suspected COVID-19 case spent time.

II. 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, 2020-010, 2020-011, ELHD-001, ELHD-002, ELHD-003, ELHD-004, ELHD-005, ELHD-006, ELHD-007, ELHD-008, ELHD-009, ELHD-010 and ELHD-011 for the aforementioned county(s), 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 or municipalities.

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 — 10-20-20

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.*

**Quarantine and Isolation Directions**

**Symptoms of the subject disease and course of treatment:**

These symptoms (Symptoms) may appear 2-14 days after exposure: fever of 100.4 degrees Fahrenheit or above, cough, shortness of breath, and/or a sudden loss of taste or smell. Follow your medical provider's directions for course of treatment. Emergency warning signs for COVID-19 require medical attention immediately. Emergency warning signs include: trouble breathing, persistent pain or pressure in the chest, new confusion or inability to arouse and bluish lips or face. Consult your medical provider for any other symptoms that are severe or concerning.

**Instructions on the disinfecting or disposal of any personal property:**

Surfaces

- Wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after each cleaning. If reusable gloves are used, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other purposes. Consult the manufacturer's instructions for cleaning and disinfection products used. Clean hands immediately after gloves are removed.
- If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.
- For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective.
    - Diluted household bleach solutions can be used if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted.
        - Prepare a bleach solution by mixing:
            - 5 tablespoons (1/3rd cup) bleach per gallon of water or
            - 4 teaspoons bleach per quart of water
    - Products with EPA-approved emerging viral pathogen claims https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2 are expected to be effective against COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.).
- For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:
    - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water

setting for the items and dry items completely, or Use products with the EPA-approved emerging viral pathogens claims (examples at this link https://www.americanchemistry.com/Novel-Coronavirus-Fighting-Products-List.pdf that are suitable for porous surfaces.

Clothing, towels, linens and other items that go in the laundry

- Wear disposable gloves when handling dirty laundry from an ill person and then discard after each use. If using reusable gloves, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other household purposes. Clean hands immediately after gloves are removed.
    - If no gloves are used when handling dirty laundry, be sure to wash hands afterwards.
    - If possible, do not shake dirty laundry. This will minimize the possibility of dispersing virus through the air.
    - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry from an ill person can be washed with other people's items.
    - Clean and disinfect clothes hampers according to guidance above for surfaces. If possible, consider placing a bag liner that is either disposable (can be thrown away) or can be laundered.

**Precautions to prevent the spread of the subject disease:**

Stay home except to get medical care.

- Stay home: People who are mildly ill with COVID-19 are able to recover at home. Do not leave, except to get medical care. Do not visit public areas.
- Stay in touch with your doctor. Call before you get medical care. Be sure to get care if you feel worse or you think it is an emergency.
- Avoid public transportation: Avoid using public transportation, ride-sharing, or taxis.

Separate yourself from other people in your home, this is known as home isolation

- Stay away from others: As much as possible, you should stay in a specific "sick room" and away from other people in your home. Use a separate bathroom, if available.
- Limit contact with pets & animals: You should restrict contact with pets and other animals, just like you would around other people.
    - Although there have not been reports of pets or other animals becoming sick with COVID-19, it is still recommended that people with the virus limit contact with animals until more information is known.

- When possible, have another member of your household care for your animals while you are sick with COVID-19. If you must care for your pet or be around animals while you are sick, wash your hands before and after you interact with them.

Call ahead before visiting your doctor

- Call ahead: If you have a medical appointment, call your doctor's office or emergency department, and tell them you have or may have COVID-19. This will help the office protect themselves and other patients.

Wear a facemask if you are sick

- If you are sick: You should wear a facemask when you are around other people and before you enter a healthcare provider's office.
- If you are caring for others: If the person who is sick is not able to wear a facemask (for example, because it causes trouble breathing), then people who live in the home should stay in a different room. When caregivers enter the room of the sick person, they should wear a facemask. Visitors, other than caregivers, are not recommended.

Cover your coughs and sneezes

- Cover: Cover your mouth and nose with a tissue when you cough or sneeze.
- Dispose: Throw used tissues in a lined trash can.
- Wash hands: Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.

Clean your hands often

- Wash hands: Wash your hands often with soap and water for at least 20 seconds. This is especially important after blowing your nose, coughing, or sneezing; going to the bathroom; and before eating or preparing food.
- Hand sanitizer: If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry.
- Soap and water: Soap and water are the best option, especially if hands are visibly dirty.
- Avoid touching: Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid sharing personal household items

- Do not share: Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home.

- Wash thoroughly after use: After using these items, wash them thoroughly with soap and water or put in the dishwasher.

Clean all "high-touch" surfaces everyday

**Provisions to ensure and monitor compliance:**

**Definitions:**

**School Aged Individuals:** Those individuals 5-18 years of age or who are attending K- 12 educational services.

**Self-Monitor:** Perform a self-check or be monitored twice daily for a fever of 100.4 F or above and the Symptoms (defined above) for fourteen days. Coordinate with your health care provider and local public health department.

**Close Contact:** Close Contact for individuals other than School Aged Individuals occurs when an individual has been within six (6) feet (2 meters), for at least fifteen (15) minutes, of a person whom tested positive for COVID 19, or whom develops a fever of 100.4 F. or above and/or one or more of the following symptoms: a sudden onset of a cough, sudden onset of shortness of breath or sudden loss of taste or smell. Except that, contact with a person who exhibits the above symptoms whom later tests negative for COVID-19 or later receives an alternative diagnosis (influenza, allergies, or other chronic condition) does NOT constitute close contact.

For School Aged Individuals, close contact only occurs when the School Aged Individual has been within six (6) feet (2 meters) of a person, whom tested positive for Covid-19, for at least fifteen (15) minutes.

**Quarantine:** All individuals required to Quarantine shall remove themselves from situations where others could be exposed/infected, and self-monitor for symptom development. The circumstances under which individuals, including School Aged Individuals, are required to Quarantine are set forth below.

**Isolation:** All individuals required to Isolate shall eliminate contact with others. The circumstances under which individuals, including School Aged Individuals, are required to Isolate are set forth below.

**Initial Positive Case**: The individual who is first identified as COVID-19 positive in an indoor school space.

**Extracurricular Event:** Means a school-sponsored event (sporting activity or other extracurricular activity), or an otherwise club-sanctioned team sport activity or event for School Aged Individuals. For the purposes of determining Close Contact for School Aged Individuals, the duration of an Extracurricular Event includes only the period of time actually performing or participating in the event(s) or an actual scheduled, formal practice(s) for the event(s). It does

not include, for example, transportation to or from the event(s), pre or post event(s) activities or preparations, or other activities ancillary or in addition to the actual event(s) or practice(s). This definition also does not include events or activities sponsored or organized to avoid the requirements of any Directed Health Measure or Quarantine and Isolation Directions.

**Club Sport or Sporting Club**: A group or organization formed for the purpose of playing a "School Aged Individual" (youth) sport.

**Who is required to Isolate or Quarantine:**

Quarantine is required for all individuals who have had a Close Contact.

Isolation is required for all individuals who have tested positive for COVID-19 or whom develop a fever of 100.4 F. or above and/or one or more of the following symptoms: a sudden onset of a cough, sudden onset of shortness of breath or sudden loss of taste or smell.

**You have a right to an independent medical exam at your own expense.**

**Specific exceptions for School Aged Individuals:**

*In an outdoor Extracurricular Event or in an indoor Extracurricular Event held in a gymnasium, the Initial Positive Case will isolate at home, and the School Aged Individual(s) who had Close Contact may self-monitor in lieu of quarantine.*

*In any other indoor school space where **everyone is masked,** including the Initial Positive Case, the Initial Positive Case will isolate at home, and the remainder of the School Aged Individual(s) will self-monitor for symptoms.*

*In any other indoor school space where the **Initial Positive Case is not masked,** the Initial Positive Case will be Isolated at home, and any School Aged Individual(s) who had Close Contact will Quarantine at home. In an indoor school space where **the Initial Positive Case is masked but others are not,** the Initial Positive Case will Isolate at home, those School Aged Individual(s) without masks and had Close Contact with Initial Positive Case who were exposed will Quarantine at home, and the remainder of the School Aged Individual(s) in the indoor school space will Self-Monitor for symptoms.*

*In any other indoor school space where **no School Aged Individual was masked,** the Initial Positive Case will be Isolated at home, and any School Aged Individual(s) who had Close Contact with Initial Positive Case will Quarantine at home.*

*School Aged Individuals who are required to self-monitor are required to wear masks.*

**Specific exception for Educational Workers:**

For pre-K-12 teachers, para-educators and other certificated and non-certificated staff employed by schools and ESUs (Educational Workers); who have had close contact with a person whom has tested positive, or has had close contact with a person whom has a test pending and is symptomatic, or has had close contact with a person whom has one or more of the following symptoms: fever of 100.4 F. above or sudden onset of a cough or sudden onset of shortness of breath or sudden loss of taste or smell, Educational Workers may meet the following Conditions while performing their duties of their employment with schools and ESUs In Lieu of Quarantine*:

- appropriately wear a face covering or mask for 14 days following exposure AND
- practice social distancing **AND**
- self-monitor twice daily for fever and other symptoms listed above for fourteen days and have no symptom development

Please consult your local health department for further COVID-19 guidance on each situation. Schools should also perform and document temperature and symptom checks prior to starting work each day and retain documentation for local health departments.

*If symptom development occurs within the 14 day quarantine period or Conditions In Lieu of Quarantine, please refer to Isolation instructions.

**Isolation Duration**

Isolation shall continue until:

- at least ten (10) days* have passed since onset of symptoms **AND**
- symptoms have improved **AND**
- the isolated individual has been fever-free for at least 24 hours without the use of fever reducing medication.

*For patients with severe illness or are severely immunocompromised this length of time may need to be extended. Please consult your health care provider or local health department for further guidance on those situations.

However, individuals who tested positive for COVID-19 and do NOT have symptoms may discontinue isolation under the following conditions:

- at least ten (10) days have passed since the date of their 1st positive test **AND**
- have had no symptom development **AND**
- for 3 days following discontinuation of isolation, these people must continue to limit contact (stay 6 feet away from others) and when possible wear a face covering (such as a bandana or cloth mask).

## Quarantine Duration

Quarantine may discontinue under the following conditions:

- at least 14 days have passed since the quarantined individuals last Close Contact (see definition above) exposure **AND**
- has had no symptom development

Note: If COVID-19 symptoms develop during the individuals quarantine period, the individual should seek testing. If the individual tests positive for COVID-19, then the individual moves to Isolation.