STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-03

Protecting Residents of Minnesota Veterans Homes during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Science tells us that COVID-19 is particularly dangerous for our elderly population and those with chronic health conditions. The Minnesota Veterans Homes, owned and operated by the Minnesota Department of Veterans Affairs, are designed to ensure that our nation's heroes and their spouses can live in a caring community that enriches their lives. The Minnesota Veterans Homes are located in Fergus Falls, Hastings, Luverne, Minneapolis, and Silver Bay.

Minnesota veterans and the Minnesota Veterans Homes face many challenges due to COVID-19. There is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care and boarding care facilities, including the Minnesota Veterans Homes. The federal Centers for Medicare & Medicaid Services ("CMS") issued memorandum entitled "Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in Nursing Homes (*REVISED*)" addressing the prevention and control of COVID-19 in nursing homes on March 13, 2020. CMS has recommended that "facilities should

restrict visitation of all visitors and non-essential health care personnel, except for certain compassionate care situations, such as an end-of-life situation." Current law and regulations prevent Minnesota's Veterans Homes from complying with this guidance.

For these reasons, I order as follows:

1. Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(1), to protect residents and staff of Minnesota Veterans Homes, the Commissioner of Veterans Affairs is authorized to implement a temporary visitor policy consistent with any of the guidelines contained in CMS's March 13, 2020 "Guidance for Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in Nursing Homes (*REVISED*)" and any subsequent revisions of that document, up to and including a ban on all visitation. Such a ban will not apply in end-of-life situations and to state and federal nursing home regulatory authorities when requesting access to Minnesota Veterans Homes. The Commissioner is encouraged to support residents during this time and find ways to replace personal visits with phone calls, video conferencing, or other methods of communicating with friends, family, and other would be visitors.

2. Minnesota Veterans Homes may deny admission or readmission to any person who meets the qualification to become a resident of a Minnesota Veterans Home unless that person has been screened prior to entry for signs or symptoms of COVID-19, including high fever, cough, or difficulty breathing, or contact with a person with a confirmed diagnosis of COVID-19 in the past 30 days, or are under investigation for COVID-19. Precautionary measures may be required for persons admitted to a Minnesota Veterans Home. Precautionary measures include, but are not limited to, isolation or quarantine, wearing personal protective equipment, social distancing, or visiting in designated locations.

3. Minnesota Veterans Homes may prohibit a person to work or volunteer in a Minnesota Veterans Home unless the person has been screened for symptoms at the start of every shift and does not show any symptoms associated with COVID-19, including high fever, cough, or difficulty breathing.

4. Residents of a Minnesota Veterans Home may be subject to isolation in their rooms away from other people when one or more residents, staff, contractors, volunteers, or visitors of that Minnesota Veterans Home are subject to MDH or local health department recommendations or order of isolation or quarantine for COVID-19. A resident can choose to be discharged from a facility at any time.

5. Because compliance with Minnesota Statutes 2019, section 144.651, subdivisions 26(a) and 27, and Minnesota Rules 2019, part 9050.1070, subparts 6 and 11, will prevent, hinder, or delay necessary action under this Executive Order, those provisions, and any other provisions in Minnesota Statutes or Rules that are inconsistent with this Executive Order, are waived and suspended during the peacetime emergency declared in Executive Order 20-01.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 16, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on March 16, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed on March 16, 2020
Office of the Minnesota
Secretary of State,
Steve Simon