Ohio | Department of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Amy Acton, M.D., MPH, Director

DIRECTOR'S ORDER

Re: Director's Order for Non-Congregate Sheltering to be utilized throughout Ohio

I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in in R.C. 3701.04 to "[r]equire reports and make inspections and investigations that the director considers necessary"; R.C. 3701.13 to "make special orders...for preventing the spread of contagious or infectious diseases"; and R.C. 3701.14 to "investigate or make inquiry as to the cause of disease or illness, including contagious, infectious, epidemic, pandemic, or endemic conditions, and take prompt action to control and suppress it" **Order** the following to prevent the spread of COVID-19 within the state of Ohio:

1. Non-congregate sheltering be utilized throughout the state for those who are unable to safely self-quarantine in their place of residence and to isolate those diagnosed with or showing symptoms of COVID-19.

2. On March 20, 2020, the State of Ohio and FEMA entered into a FEMA/State Agreement applicable to the entire State of Ohio and authorizing applicants to apply for emergency protective measures including non-congregate sheltering.

3. The Ohio Emergency Management Agency (EMA) is to secure the necessary approvals for the use of non-congregate sheltering statewide and directing both the Ohio EMA and county emergency management agencies to take all necessary actions to identify both public and private facilities, secure available space, and enter into any contracts or mutual aid agreements that may be necessary to procure, equip, and operate non-congregate shelters throughout the state.

4. Public colleges and universities are directed to make available vacant grounds, buildings, and facilities of such college or university as determined to be necessary and suitable after reasonable consultation between the respective college or university officials and the local board of health, Ohio EMA, or county emergency management agency for temporary use as non-congregate sheltering to prevent the spread of COVID-19.

5. Public colleges and universities are further directed to negotiate a mutual aid agreement between the respective college or university officials and the local board of health, Ohio EMA, or county emergency management agency for the temporary use of such college's or university's available vacant grounds, buildings, and facilities as have been determined to be necessary and suitable for temporary use as non-congregate sheltering to prevent the spread of COVID-19. To the extent deemed necessary to implement this Order, such mutual aid agreements may include temporary private medical facility use of such college's or university's available vacant grounds, buildings, and facilities, and such college or university and its personnel shall be deemed to be performing

a public duty and entitled to the defenses to, and immunities from, civil liability provided in R.C. 2743.02, R.C. 2744.02, and R.C. 2744.03 in connection with such temporary private medical facility use.

6. Public colleges and universities are further directed to impose reasonable restrictions on the use of and access to the property and facilities of such college or university, pursuant to R.C. 3345.26(C), deemed necessary to implement this Order.

7. In accordance with R.C. 3345.042(C), except for a community college, state community college, technical college, or university branch, a state institution of higher education and its personnel, while requesting or providing assistance or aid pursuant to a mutual aid agreement under this Order, shall be deemed to be performing a public duty as defined in R.C. 2743.01 and have the defenses to, and immunities from, civil liability provided in R.C. 2743.02. Community colleges, state community colleges, technical colleges, university branches, and personnel of such institutions, while requesting or providing assistance or aid pursuant to a mutual aid agreement under this Order, shall have the defenses and immunities from civil liability provided in R.C. 2744.02 and R.C. 2744.03 and shall be entitled to all applicable limitations on recoverable damages under R.C. 2744.05.

8. Nothing in this Order prevents private Ohio colleges or universities from working with Ohio EMA and/or local authorities to provide non-congregate shelter if needed. They may enter into mutual aid agreements under section 5502.30 of the Revised Code.

9. This Order shall take effect immediately and remain in full force and it will expire in one hundred twenty (120) days or at a time to be determined by the Director of Health, whichever is sooner.

COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes.

On January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio.

On January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19.

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern.

On January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

On February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria.

On February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed.

On February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday.

On February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting.

On February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19.

On February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio.

On February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University.

On February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center.

On February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments.

On March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications.

On March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff.

On March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19.

On March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirms the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio.

On March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center.

On March 9, 2020, the Governor Declared a State of Emergency in Executive Order 2020-01D.

On March 11, 2020, the head of the World Health Organization declared COVID-19 a pandemic.

On March 11, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio.

On March 11, 2020, the Ohio Departments of Health and Veterans Services issued a Joint Directors' Order to limit access to Ohio nursing homes and similar facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit access to Ohio's jails and detention facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only.

On March 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of 50 or more people should be cancelled or postponed.

On March 16, 2020 the Ohio Department of Health issued a Director's Order closing polling locations for the March 17, 2020 primary election.

On March 17, 2020 the Ohio Department of Health issued a Director's Order for the management of non-essential surgeries and procedures throughout Ohio.

On March 17, 2020 the Ohio Department of Health issued an Amended Director's Order to limit and/or prohibit mass gatherings and the closure of venues in the State of Ohio.

On March 19, 2020, the Ohio Department of Health issued a Director's Order closing hair salons, nail salons, barber shops, tattoo parlors, body piercing locations, and massage therapy locations.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing older adult day care services and senior centers.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing family entertainment centers and internet cafes.

On March 22, 2020, the Ohio Department of Health issued a Director's Order that all persons are to stay at home unless engaged in essential work or activity.

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 known areas of infection is no longer enough to control spread.

The CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads.

Mass gatherings (10 or more persons) increase the risk of community transmission of the virus COVID-19.

Accordingly, to avoid an imminent threat with a high probability of widespread exposure to COVID-19 with a significant risk of substantial harm to a large number of people in the general population, including the elderly and people with weakened immune systems and chronic medical conditions, I hereby **ORDER** non-congregate sheltering be utilized throughout the state for those who are unable to safely self-quarantine in their place of residence and to isolate those diagnosed with or showing symptoms of COVID-19. On March 20, 2020, the State of Ohio and FEMA entered into a FEMA/State Agreement applicable to the entire State of Ohio and authorizing applicants to apply for emergency protective measures including non-congregate sheltering. The Ohio Emergency Management Agency (EMA) is to secure the necessary approvals for the use of non-congregate sheltering statewide and directing both the Ohio EMA and county emergency management agencies to take all necessary actions to identify both public and private facilities, secure available space, and enter into any contracts or mutual aid agreements that may be necessary to procure, equip, and operate non-congregate shelters throughout the state. Public colleges and universities are directed to make available vacant grounds, buildings, and facilities of such college or university as determined to be necessary and suitable after reasonable consultation between the respective college or university officials and the local board of health, Ohio EMA, or county emergency management agency for temporary use as non-congregate sheltering to prevent the spread of COVID-19. Public colleges and universities are further directed to negotiate a mutual aid agreement between the respective college or university officials and the local board of health, Ohio EMA, or county emergency management agency for the temporary use of such college's or university's available vacant grounds, buildings, and facilities as have been determined to be necessary and suitable for temporary use as non-congregate sheltering to prevent the spread of COVID-19. To the extent deemed necessary to implement this Order, such mutual aid agreements may include temporary private medical facility use of such college's or university's available vacant grounds, buildings, and facilities, and such college or university and its personnel shall be deemed to be performing a public duty and entitled to the defenses to, and immunities from, civil liability provided in R.C. 2743.02, R.C. 2744.02, and R.C. 2744.03 in connection with such temporary private medical facility use. Public colleges and universities are further directed to impose reasonable restrictions on the use of and access to the property and facilities of such college or university, pursuant to R.C. 3345.26(C), deemed necessary to implement this Order .In accordance with R.C. 3345.042(C),except for a community college, state community college, technical college, or university branch, a state institution of higher education and its personnel, while requesting or providing assistance or aid pursuant to a mutual aid agreement under this Order, shall be deemed to be performing a public duty as defined in R.C. 2743.01 and have the defenses to, and immunities from, civil liability provided in R.C. 2743.02. Community colleges, state community colleges, technical colleges, university branches, and personnel

of such institutions, while requesting or providing assistance or aid pursuant to a mutual aid agreement under this Order, shall have the defenses and immunities from civil liability provided in R.C. 2744.02 and R.C. 2744.03 and shall be entitled to all applicable limitations on recoverable damages under R.C. 2744.05. Nothing in this Order prevents private Ohio colleges or universities from working with Ohio EMA and/or local authorities to provide non-congregate shelter if needed. They may enter into mutual aid agreements under section 5502.30 of the Revised Code. This Order shall take effect immediately and remain in full force and it will expire in one hundred twenty (120) days or at a time to be determined by the Director of Health, whichever is sooner.

March 31, 2020

Amy Acton, MD, MPH
Director of Health