The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

No. 20-04-20-01

ESTABLISHING ALTERNATE CARE SITES

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, renewed on March 17, 2020, and renewed again on April 10, 2020, to control and prevent the spread of COVID-19 within Maryland, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, COVID-19 can cause severe respiratory infection, resulting in hospitalization;

WHEREAS, To reduce the spread of COVID-19, it is medically necessary to place infected persons in isolation or quarantine;

WHEREAS, There is an increased need for health care facility space for isolation, quarantine, and treatment of patients with COVID-19;

WHEREAS, The surge in demand for facility space may exceed the physical capacity of existing health care facilities, even with temporary expansions;

WHEREAS, A shortage of facility space would create significant risks to patient health and safety;

WHEREAS, Additional non-traditional health facilities can provide the capacity needed to isolate, quarantine, and treat persons with COVID-19;

WHEREAS, To protect the public health, welfare, and safety, it is necessary to authorize the use of sites other than health care facilities to provide capacity for isolation, quarantine, and patient treatment and other health care; and

WHEREAS, It is further necessary to provide temporary housing and control the use of buildings and other facilities;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO PROTECT THE PUBLIC HEALTH, WELFARE, AND SAFETY, DO HEREBY ORDER:

1. An "alternate care site" has the meaning stated in § 14-301 of the Public Safety Article of the Maryland Code ("PS").

2. The Secretary of Health ("Secretary") shall establish one or more alternate care sites for the isolation, quarantine, and treatment of persons with COVID-19, including health-related services such as hospital inpatient care.

3. The Secretary shall identify and expeditiously select contractors, subcontractors, and vendors to support the establishment, supplying, operation, and management of alternate care sites.

4. Health Services Cost Review Commission.

    a. The Health Services Cost Review Commission ("HSCRC") may, upon request by the Secretary, set rates and charges for the services to be provided at alternate care sites.

    b. In setting an alternate care site's rates and charges, the HSCRC may take into account, in addition to other relevant circumstances and factors, the rates and charges set for nearby or similar facilities or services.

5. The Secretary may, to ensure that alternate care sites have sufficient resources for ongoing operations, support related expenditures and costs with revenues from payments received for services billed at the rates set pursuant to paragraph 4.a.

6. Immunity.

    a. Health care providers, as defined in PS § 14-3A-01, at any alternate care site who act in good faith and under the catastrophic health emergency proclamation are immune from civil or criminal liability as set forth in PS § 14-3A-06.

    b. Maryland Responds Medical Reserve Corps volunteers who provide services at an alternate care site have the immunity provided by § 12-105 of the State Government Article and § 5-522 of the Courts & Judicial Proceedings Article of the Maryland Code.

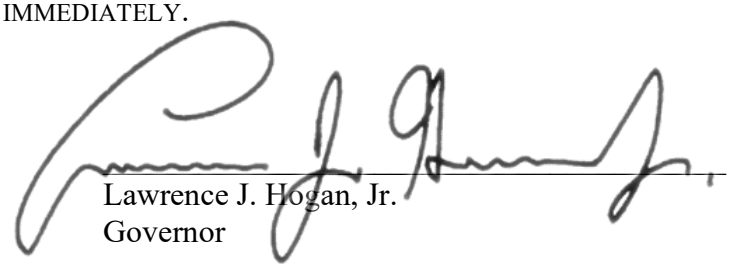
7. This Order remains effective until the state of emergency is terminated and the proclamation of the catastrophic health emergency is rescinded, or until rescinded, superseded, amended, or revised by any subsequent orders.

8. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this Order is hereby suspended.

9. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

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

ISSUED UNDER MY HAND THIS 20TH DAY OF APRIL, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor