THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

EXECUTIVE ORDER TO ENSURE THE SAFETY OF EMPLOYEES AND RESIDENTS OF NURSING HOMES AND LONG-TERM CARE FACILITIES

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and

WHEREAS: The number of COVID-19 cases in Georgia continues to rise; and

WHEREAS: The Georgia Department of Public Health has determined that COVID-19 is spreading throughout nursing homes and other long-term care facilities, requiring the implementation of certain restrictions to limit the spread; and

WHEREAS: The Centers for Disease Control and Prevention has determined that older adults, people of any age who have serious underlying medical conditions, and certain other groups may be at higher risk for more serious complications from COVID-19; and

WHEREAS: Georgians residing in nursing homes and other long-term care facilities, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes are part of the vulnerable population identified by the Centers for Disease Control and Prevention that may be susceptible to more serious complications from COVID-19; and

WHEREAS: To reduce the spread of COVID-19 in Facilities, and to protect the public health, welfare, and safety, prevent the transmission of COVID-19, and save lives, it is necessary to authorize actions to

monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in nursing homes and long-term care facilities; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: Code Section 38-3-51(d)(4.1) vests the Governor with the power to compel a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary for emergency response. The use of such health care facility may include transferring the management and supervision of the health care facility to the Department of Public Health for a limited or unlimited period of time not extending beyond the termination of the public health emergency; and

WHEREAS: Code Sections 31-2A-4 and 31-12-4 vest the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when said individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO AFOREMENTIONED GEORGIA LAW AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the term "Facility" (or collectively, "Facilities") as used in this Order shall include:

1. "Intermediate care facilities," "personal care homes," and "skilled nursing facilities" as defined by Code Section 31-6-2.
2. "Nursing homes" as defined by rule at GA. R. & REG. r. 111-8-56-.01(a).

3. "Inpatient hospice" as defined by Code Section 31-7-172 and licensed pursuant to 31-7-173.
4. "Assisted living communities" and all facilities providing "Assisted living care" pursuant to Code Section 31-7-12.2.
5. "Community living arrangements" as classified by the Department of Community Health pursuant to Code Section 31-2-4(d)(8).
6. "Community integration homes" operated by the Georgia Department of Behavioral Health and Developmental Disabilities.

IT IS FURTHER

ORDERED: That Facilities shall implement the following protocols.

1. Adhere to the guidelines for non-critical infrastructure businesses issued in Executive Order 04.02.20.01.
2. Adhere to Centers for Disease Control and Prevention, Centers for Medicare & Medicaid Services, and Georgia Department of Public Health guidance.
3. Adopt an infectious disease transfer communication protocol with local hospitals. The protocol should use the Centers for Disease Control and Prevention transfer tool: https://www.cdc.gov/HAI/toolkits/InterfacilityTransferCommunicationForm11-2010.pdf and should be developed in collaboration with hospital infection prevention employees.
4. A positive COVID-19 test result should not be the sole foundation of a decision to send a resident to a hospital for treatment. Any transfers should be based on the medical necessity for hospitalization, including need for respiratory assistance, or other emergent medical needs. All testing strategies should be made in consultation with and facilitated by Georgia Department of Public Health Epidemiology staff.
5. Prohibit all visitors and non-essential personnel, except for certain compassionate care situations in accordance with Executive Order 04.02.20.01.
6. Provide in-room dining services if feasible.
7. Cancel all internal and external group activities as practicable.
8. Establish appropriate social distancing infrastructure for residents and employees.
9. Require all employees to practice frequent hand hygiene, including washing hands for at least 20 seconds with antibacterial or antimicrobial soap or using hand sanitizer with at least 70% isopropyl alcohol after any interaction with a resident.

10. Implement active screening of residents for fever and respiratory symptoms.
11. Screen all employees prior to beginning their shift for fever and respiratory symptoms.
12. Establish a mechanism for employees who work in multiple locations to report any exposure to a COVID-19 case in another facility.
13. To the extent feasible, require employees to self-quarantine for fourteen (14) days in accordance with Centers for Disease Control and Prevention guidelines before returning to work after exposure due to unmitigated close contact with a positive COVID-19 case. If necessary, to ensure adequate staffing, employees may continue to work in consultation with the Georgia Department of Public Health or their workplace occupational health program so long as they are asymptomatic and correctly wear personal protective equipment as required by the Department while on duty.
14. Implement universal and correct use of facemasks for all employees and require the use of additional personal protective equipment, such as gowns, gloves, eye protection, and N95 respirators by employees as needed, but particularly when interacting with residents with respiratory symptoms.
15. Use Standard, Contact, and Droplet Precautions with eye protection when caring for residents with undiagnosed respiratory infection, unless the suspected diagnosis requires Airborne Precautions (e.g., tuberculosis).
16. Utilize EPA-registered List N, hospital-grade disinfectants for frequent cleaning of high-touch surfaces and shared resident-care equipment.
17. To the extent feasible, cohort residents with symptoms of respiratory infection, including dedicating healthcare personnel to work only on affected units.
18. To the extent feasible, designate an area in the facility to quarantine patients upon admission for evaluation of their COVID-19 status.

IT IS FURTHER

ORDERED: That the Georgia Department of Public Health is authorized to issue directives under this Order, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in Facilities throughout Georgia. These directives shall be coordinated among the Georgia Department of Public Health, Georgia National Guard, and the Georgia Department of Community Health.

IT IS FURTHER

ORDERED: That compliance with Georgia Department of Public Health and Georgia National Guard directives and guidance shall be mandatory for all Facilities.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-51(d)(4.1), in the event of noncompliance by a Facility with this Order or a directive issued subject to this Order, the Georgia Department of Public Health may, after taking reasonable steps to provide notice and an opportunity to comply, assume management and supervision of the Facility.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. However, in the event of any conflict between this Order and the provisions of any quarantine or isolation Order issued to a specific person by the Department of Public Health, such quarantine or isolation order shall control.

IT IS FURTHER

ORDERED: That the Adjutant General of the Georgia National Guard and the Commissioner of the Department of Public Safety shall provide available resources as requested to assist the Department of Public Health in the enforcement of this Order.

IT IS FURTHER

ORDERED: That regardless of any action or inaction taken by the Department of Public Health, any person found in violation of this Order shall be guilty of a misdemeanor pursuant to Code Section 38-3-7.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective for a period of twenty (20) days, beginning at 12:00 A.M. on Friday, April 10, 2020, and expiring at 11:59 P.M. on Thursday, April 30, 2020.

This 8th day of April 2020, at 2:41 A.M./P.M.

B. Pl

GOVERNOR