STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 35-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor, among other things, to enforce all laws and rules relating to the provision of emergency services and to assume direct operational control of any or all emergency service forces and helpers in the State, to use available resources of the State and of its political subdivisions that are reasonably necessary to cope with the emergency, and to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 27-20 previously ordered that all individuals who reside or work in nursing homes throughout the State be tested for the COVID-19 virus, and that local health departments and other county or city agencies throughout the State provide any and all assistance and/or resources requested to conduct such testing; and

WHEREAS, individuals in assisted living residences, under W. Va. Code §16-5D-1 *et seq.*, and residential care communities, under W. Va. Code §16-5N-1 *et seq.*, throughout the State are some of the most vulnerable in our population and any instance of the COVID-19 virus at such a facility presents a serious issue that must be immediately identified and responded to; and

WHEREAS, the health care professionals and other employees working in those assisted living residences and residential care communities must also be closely monitored and protected for their own safety and to ensure the safety of the residents of such facilities; and

WHEREAS, our child care centers must likewise be closely monitored to ensure the safety of the children in the care of such facilities, as well as their staff and employees; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, as follows:

1. The West Virginia Department of Health and Human Resources and its Bureau for Public Health (the "DHHR"), with the assistance and coordination of the West Virginia National Guard (the "WVNG"), shall immediately test or cause to be tested all individuals who reside or work in assisted living residences and residential care communities licensed by the DHHR's Office of Health Facility Licensure and Certification, such testing to be conducted pursuant to the terms of this Order unless such individuals have been previously tested under Executive Order 27-20.
2. The DHHR, with the assistance and coordination of the WVNG, shall immediately test or cause to be tested all individuals who work in child care centers licensed by the DHHR's Bureau for Children and Families pursuant to 78 CSR 1, to ensure a safe environment for the children in the care of such facilities, as well as staff and employees.
3. Local health departments and other county or city agencies throughout the State shall provide any and all assistance and/or resources to the DHHR and/or the WVNG as may be requested by the DHHR and/or the WVNG in effecting the terms of this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Sixth day of May, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE