NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
Directed Health Measure Order 2020—PHHD-002

Pursuant to Neb. Rev. Stat. §§ 71-502 and 81-601 and Title 173 Neb. Admin. Code Ch. 6 the Nebraska Department of Health and Human Services ("Department") may exercise its authority to order Directed Health Measures necessary to prevent the spread of communicable disease, illness, or poisoning. The objectives of this order are to reduce morbidity and mortality; minimize disease transmission; protect health care personnel and preserve health care system functioning.

Having reviewed information from the United States Department of Health and Human Services Centers for Disease Control and Prevention ("CDC"), local public health departments, treating health care providers and health care facilities, and other public health, security, and law enforcement authorities; having consulted with medical and communicable disease control personnel of the Department; and having considered directives and guidelines issued by the CDC and other public health authorities, the Director finds as follows:

That a member or members of the public have been exposed to a communicable disease known as COVID-19; there are now confirmed cases of "community spread" or "community transmission" of COVID-19 in the areas subject to this Directed Health Measure.

That 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 persons traveling from known areas of infection is no longer enough to control spread.

That exposure presents a risk of death or serious long-term disabilities to any person; the exposure is wide-spread and poses a significant risk of harm to people in the general population; there is a particular subset of the population that is more vulnerable to the threat and thus at increased risk; and the threat is from a novel infectious disease.

That the immediate implementation of the following Directed Health Measures is necessary to ensure that members of the public do not gather in large numbers, in close proximity to each other, or in enclosed spaces, thereby endangering the health of themselves and the public.

That one of the goals of the following Directed Health Measures is to minimize in-person interaction, which is the main means of transmission of COVID-19.

That gatherings, entertainment venues, restaurants, and bars increase and encourage talking, touching, and other social interaction in environments with a multitude of hard surfaces.

That requiring individuals who test positive for COVID-19 or who have the following symptoms—fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath—and individuals who reside or have resided with individuals who have tested positive for COVID-19 or with individuals who have the above symptoms to home-quarantine, unless quarantined in a health care facility, for a period of no less than 14 days from the date of the positive test or onset of symptoms per attached Quarantine Directions is the least restrictive practical means of quarantining those individuals that effectively protects unexposed and susceptible individuals. If a Home-Quarantined individual is residing with other household members, the household members' Home-Quarantine may be discontinued 7 days after the original person has been released from home-quarantine. However, the household member(s) must continue to self-monitor for the above listed symptoms for an additional 7 days. Home-Quarantine shall be per the attached Quarantine Directions. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order.

That a home-quarantine will allow the most freedom of movement and communication with family members and other contacts without allowing the transmission of COVID-19 to others, and a home-quarantine will allow the appropriate level of medical care needed for the quarantined individuals unless it is necessary to admit the quarantined individuals to a health care facility.

That hospital capacity and health care resources including health care personnel hours and/or medical supplies, such as personal protective equipment, are being depleted by elective surgeries and elective procedures and that a shortage of hospital capacity or health care resources will hinder efforts of health care personnel and health care facilities to treat persons who test positive for COVID-19.

That a failure to implement an effective Directed Health Measure would significantly jeopardize the ability to prevent or limit the transmission of COVID-19 or pose unacceptable risks to any person or persons.

That the following Directed Health Measures have been identified as effective against public health threats by the CDC and other similar public health authorities to effectively prevent, limit, or slow the spread of COVID-19.

I. Based on conditions in the following areas, the following Directed Health Measures are hereby ordered for Fillmore, Saline, Thayer, Jefferson and Gage counties, effective 12:00 AM, May 18, 2020 and continuing until May 31, 2020; unless

renewed, extended, or terminated by subsequent order, all persons in all the aforementioned county(s) are ordered to comply:

1. Gatherings are hereby prohibited;

   A gathering is defined as any event or convening that brings together more than ten (10) patrons, customers or other invitees, excluding staff, in a single room or single space at the same time, including but not limited to, pre-schools, beauty/nail salons, barber shops, massage therapy services, tattoo parlors/studios, gymnasium, fitness center, auditorium, stadium, arena, large event conference room, meeting hall, library, or any other confined indoor or outdoor space. This also includes parades, fairs, festivals, concerts, auto racing and other indoor and outdoor events.

   For the purpose of clarity, a gathering does not include normal operations at airports, bus and train stations, health care facilities and services (as defined in the Health Care Facility Licensure Act NEB. REV. STAT. §§ 71-401 to 71-475), other mental health and /or substance use treatment day programs which are not required to be licensed (such as Day Rehabilitation or Day Treatment), shopping malls and centers, or other spaces where ten or more persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present but it is typically unusual for them to be within six feet of one another. It also does not include events at which members of the media may need to be present, courts of law, public utilities, state, county, and city operations, election offices and polling places on election day, logistics/distribution centers, or family residences housing ten or more people. It also does not include religious services (see Religious service section below). However these settings are directed to use heightened, diligent and effective disinfection of exposed surfaces meeting the directions of the Nebraska Department of Health and Human Services, Centers for Disease Control and Prevention and the Environmental Protection Agency.

   In addition to the aforementioned restriction on Gatherings, venues such as fitness centers/clubs, gymnasiums, gyms, health clubs, and health spas, shall ensure that a minimum distance of six (6) feet be maintained between all patrons.

   Beauty/nail salons, barber shops, massage therapy services, tattoo parlors/studios shall require the use of masks, or other item sufficient to cover an individual's mouth and nose, for all staff, practitioners and patrons.

Liquor, beer, and wine sales are restricted, unless served with a meal (see food and beverage sales below), to carry-out sales and delivery only, to the extent permitted by law. This includes bars, taverns, and private clubs, regardless of name or characterization.

In order to mitigate COVID-19 related food disruption, and maximize meal availability food and beverage sales at restaurants, bars, taverns, private clubs, and any dine-in establishments are allowed, but restricted to no more than 50% of the rated occupancy maximum at a time. Dining party(s) must be seated at individual tables (counter or bar seating is prohibited), dining party(s) must maintain a minimum of 6 feet of separation, and consist of no more than 6 individuals. Items should not be shared or distributed between different dining parties or tables. Carry-out, drive-through, and delivery are permitted. The sale and consumption of liquor, beer, and wine is permitted on premises when sold and consumed with a meal.

Self-service buffets and self-service food bars are prohibited.

Lines for carry-out and drive-through in the above-referenced establishments must have an environment where patrons and staff maintain social distancing (a distance of six feet away from other persons) whenever possible.

All businesses are hereby reminded to follow any COVID-19 related safety guidelines established or published by their respective professional, regulatory or advisory associations or agencies relating to or regarding the use of PPE.

2. Elective surgery and elective procedures;

The following Directed Health Measures are hereby ordered for all Acute Care Hospitals, Critical Care Hospitals and Children's Hospitals effective May 4, 2020 and continuing until May 31, 2020: Elective medical surgeries and procedures are allowed in the aforementioned facilities so long as those facilities maintain and dedicate 30% of general bed capacity, 30% of ICU bed capacity, and 30% of ventilator capacity for non-elective surgery/procedure patients. In addition these facilities must maintain a two week supply of necessary PPE, to sustain Hospital operations at 100% capacity. For the purposes of this Order, an "elective medical surgery or procedure" means a surgery or procedure that is scheduled in advance because it does not involve a medical emergency.

3. Individuals who test positive for COVID-19 or who have the following symptoms—fever of 100.4 F. or above, or a sudden onset of a cough or sudden onset of shortness of breath—and individuals who reside or resided with individuals who have tested positive for COVID-19 or with individuals who have the above symptoms shall home-quarantine, unless quarantined in a health care facility, for a period of no less than 14 days, from the date of the positive test or onset of symptoms, per attached Quarantine Directions. If a Home-Quarantined individual is residing with other household members, the household members' Home-Quarantine may be discontinued 7 days after the original person has been released from home-quarantine. However, the household member(s) must continue to self-monitor for the above listed symptoms for an additional 7 days. Home-Quarantine shall be per the attached Quarantine Directions. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order. Please see the attached, and hereby incorporated in full, Quarantine directions, per 173 NAC 6-006.03B. Individuals with the above-listed symptoms who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition and individuals who reside or have resided with individuals who have tested positive for influenza or an alternative diagnosis including seasonal allergies or other chronic condition are **not** subject to quarantine under this Order.

4. All elementary and secondary schools—public, private, and parochial—are hereby ordered to cease all in-person instruction, and all extra-curricular activities except for: remote learning, child care services, meal distribution, distribution of educational materials and supplies, general building or physical plant operations and maintenance, and residential services may be continued as needed or necessary.

5. All gentleman's clubs, bottle clubs, indoor movie theatres, and indoor theatres, are hereby ordered to cease providing services to the public. General building or physical plant operations and maintenance, if applicable, for the above, may be continued as needed or necessary.

6. All organized team sports, youth and adult, including but not limited to club sports are hereby suspended.

7. Religious services, including weddings or funerals, are allowed but shall be limited to the ceremony or service only. During religious ceremonies and services, party(s) must maintain a minimum of 6 feet of separation and consist of a household unit or individual. Items should not be shared or distributed between different parties.

8. Daycare/childcare services: Not withstanding any other state statute, regulation, or order, daycare/childcare services may not exceed the lessor of the current license limit or 15 children per room/space. Statutory and regulatory staff-to-child ratio requirements are still applicable and enforceable.

II. This order supersedes previous Directed Health Measure Orders 2020-001, 2020-002, 2020-003, 2020-004, 2020-005, 2020-006, 2020-007, 2020-008, 2020-009, 2020-010, 2020-011 and PHHD-001 for the aforementioned county(s), provided, this Order does not supersede the provisions of any Directed Health Measure(s) issued by Local Health Departments, except that the Directed Health Measures contained in this order are binding and enforceable regardless of any Directed Health Measure(s) issued by Local Health Departments or municipalities.

This Order will remain in effect no longer than necessary to ensure that individuals or groups affected by COVID-19 no longer pose a public health threat.

Failure to comply with this Order will result in legal action for enforcement by civil and/or criminal remedies.

In the event of noncompliance with the terms of this Order, law enforcement and other Municipal and Local Public Health Department personnel will be required to aid the Department in enforcement of the Order, pursuant to 173 NAC 6 and NEB. REV. STAT. § 71-502.

Any person subject to this Order may request a contested case hearing to contest the validity of the Order. A request can be made to the DHHS Hearing Office by fax at 402-742-2376 or requested by phone at 402-471-7237.

Upon request, the Department will schedule a hearing to be held as soon as reasonably possible under the circumstances. Unless requested otherwise, the hearing will be scheduled no sooner than three days after the request is received by the Department. The hearing will be conducted in accord with the Department's rules of practice and procedure adopted pursuant to the Administrative Procedure Act.

The parties to the hearing will be limited to the Department and requesting party unless one or more additional persons have requested contested case hearings on substantially identical issues; the interests of administrative economy require that the matters be consolidated; and no party would be prejudiced by consolidation, in which case notice of the consolidation will issue.

A party may be represented by counsel at the party's own expense, or may appear *pro se* if a natural person.

Reasonable prior notice of the time and place for hearing will be given. The hearing may be conducted in whole or in part by telephone.

The purpose of the hearing is to determine if the factual bases for the Order exist and the reasonableness of the ordered measures. The Director may affirm, reverse or modify the Order by a written Findings of Fact, Conclusions of Law, and Order to be issued as soon as reasonably possible after the hearing.

For the Nebraska Department of Health and Human Services:

Gary Anthone, MD — 5-11-20

Gary Anthone, MD
Chief Medical Officer/Director of Public Health

Date

Pursuant to Title 173 Neb. Admin. Code. Ch. 6, 007.02, this Order has been provided to and shall be disseminated through mass media.

Quarantine Directions

Symptoms of the subject disease and course of treatment:

These symptoms may appear 2-14 days after exposure: fever of 100.4 degrees Fahrenheit or above, cough, and shortness of breath. Follow your medical provider's directions for course of treatment. Emergency warning signs for COVID-19 require medical attention immediately. Emergency warning signs include: trouble breathing, persistent pain or pressure in the chest, new confusion or inability to arouse and bluish lips or face. Consult your medical provider for any other symptoms that are severe or concerning.

Instructions on the disinfecting or disposal of any personal property;

Surfaces

- Wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after each cleaning. If reusable gloves are used, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other purposes. Consult the manufacturer's instructions for cleaning and disinfection products used. Clean hands immediately after gloves are removed.
- If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection.
- For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective.
    - Diluted household bleach solutions can be used if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser. Unexpired household bleach will be effective against coronaviruses when properly diluted.
        - Prepare a bleach solution by mixing:
            - 5 tablespoons (1/3rd cup) bleach per gallon of water or
            - 4 teaspoons bleach per quart of water
    - Products with EPA-approved emerging viral pathogen claims https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2 are expected to be effective against COVID-19 based on data for harder to kill viruses. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time, etc.).
- For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning:
    - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water

setting for the items and dry items completely, or Use products with the EPA-approved emerging viral pathogens claims (examples at this link https://www.americanchemistry.com/Novel-Coronavirus-Fighting-Products-List.pdf that are suitable for porous surfaces.

Clothing, towels, linens and other items that go in the laundry

- Wear disposable gloves when handling dirty laundry from an ill person and then discard after each use. If using reusable gloves, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other household purposes. Clean hands immediately after gloves are removed.
    - If no gloves are used when handling dirty laundry, be sure to wash hands afterwards.
    - If possible, do not shake dirty laundry. This will minimize the possibility of dispersing virus through the air.
    - Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry from an ill person can be washed with other people's items.
    - Clean and disinfect clothes hampers according to guidance above for surfaces. If possible, consider placing a bag liner that is either disposable (can be thrown away) or can be laundered.

Precautions to prevent the spread of the subject disease;

Stay home except to get medical care.

- Stay home: People who are mildly ill with COVID-19 are able to recover at home. Do not leave, except to get medical care. Do not visit public areas.
- Stay in touch with your doctor. Call before you get medical care. Be sure to get care if you feel worse or you think it is an emergency.
- Avoid public transportation: Avoid using public transportation, ride-sharing, or taxis.

Separate yourself from other people in your home, this is known as home isolation

- Stay away from others: As much as possible, you should stay in a specific "sick room" and away from other people in your home. Use a separate bathroom, if available.
- Limit contact with pets & animals: You should restrict contact with pets and other animals, just like you would around other people.
    - Although there have not been reports of pets or other animals becoming sick with COVID-19, it is still recommended that people with the virus limit contact with animals until more information is known.

- When possible, have another member of your household care for your animals while you are sick with COVID-19. If you must care for your pet or be around animals while you are sick, wash your hands before and after you interact with them.

Call ahead before visiting your doctor

- Call ahead: If you have a medical appointment, call your doctor's office or emergency department, and tell them you have or may have COVID-19. This will help the office protect themselves and other patients.

Wear a facemask if you are sick

- If you are sick: You should wear a facemask when you are around other people and before you enter a healthcare provider's office.
- If you are caring for others: If the person who is sick is not able to wear a facemask (for example, because it causes trouble breathing), then people who live in the home should stay in a different room. When caregivers enter the room of the sick person, they should wear a facemask. Visitors, other than caregivers, are not recommended.

Cover your coughs and sneezes

- Cover: Cover your mouth and nose with a tissue when you cough or sneeze.
- Dispose: Throw used tissues in a lined trash can.
- Wash hands: Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.

Clean your hands often

- Wash hands: Wash your hands often with soap and water for at least 20 seconds. This is especially important after blowing your nose, coughing, or sneezing; going to the bathroom; and before eating or preparing food.
- Hand sanitizer: If soap and water are not available, use an alcohol-based hand sanitizer with at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry.
- Soap and water: Soap and water are the best option, especially if hands are visibly dirty.
- Avoid touching: Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid sharing personal household items

- Do not share: Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home.

- Wash thoroughly after use: After using these items, wash them thoroughly with soap and water or put in the dishwasher.

Clean all "high-touch" surfaces everyday

You have a right to an independent medical exam at your own expense.

Provisions to ensure and monitor compliance;

Self-monitor twice daily for fever and other symptoms listed above for fourteen days. Coordinate with your health care provider and local public health department.

Individuals who tested positive for COVID-19 who have symptoms may discontinue quarantine under the following conditions:

- at least seven (7) days have passed since onset of symptoms **AND**
- symptoms have improved **AND**
- the individual has been fever-free for at least 72 hours without the use of fever-reducing medication.

Individuals who tested positive for COVID-19 who do NOT have symptoms may discontinue quarantine under the following conditions:

- at least seven (7) days have passed since the date of their 1st positive test **AND**
- have had no symptom development **AND**
- for 3 days following discontinuation of quarantine, these people must continue to limit contact (stay 6 feet away from others) and when possible wear a face covering (such as a bandana or cloth mask).

Individuals who are household members of an individual who has been quarantined may discontinue quarantine under the following conditions:

- at least 7 days have passed since the original person has been released from home-quarantine **AND**
- for 7 days following discontinuation of quarantine, these people must continue to self-monitor for any symptom development.