NEW MEXICO
Department of Health
Office of the Secretary

MICHELLE LUJAN GRISHAM
Governor

DR. TRACIE C. COLLINS, M.D.
Secretary-Designate

PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
SECRETARY-DESIGNATE TRACIE C. COLLINS, M.D.

JANUARY 29, 2021

Amended Public Health Emergency Order Temporarily Limiting Long-Term Care Facilities Visitation Due to COVID-19

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 ("COVID-19") that had not previously circulated in humans, but has been found to have adopted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of Health confirmed the first cases of individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Michelle Lujan Grisham, the Governor of the State of New Mexico, issued Executive Order 2020-004 declaring that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through February 5, 2021;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, and wellbeing of residents of long-term care facilities, who are particularly vulnerable due to their age and underlying health conditions;

WHEREAS, COVID-19 has spread rapidly in long-term care facilities throughout New Mexico, resulting in the deaths of hundreds of long-term care facility residents;

WHEREAS, in an effort to halt the spread of COVID-19, the State, through the New Mexico Department of Health, has begun to distribute COVID-19 vaccine to long-term care facility residents and employees but has not yet completed the vaccination process, leaving those residents vulnerable;

WHEREAS, social-distancing remains the most effective ways to minimize the spread of COVID-19; and

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA

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1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Tracie C. Collins, M.D., Secretary-Designate of the New Mexico Department of Health, in accordance with authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of emergency powers under the All Hazard Emergency Management Act, do hereby **ORDER** and **DIRECT** as follows:

(1) All Long-Term Care Facilities must stay apprised of and comply with the applicable directives and guidelines issued by the Department of Health in consultation with the Aging and Long-Term Services Department and the Governor's Long-Term Care Medical Advisory Team, which may be found at: https://cv.nmhealth.org/long-term-care-guidelines/.

(2) For purposes of this Order, "Long-Term Care Facilities" include nursing homes, assisted living facilities, adult day cares, hospice facilities, and rehabilitation facilities with older adult patients.

I FURTHER ORDER AND DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order shall not abrogate any disease-reporting requirements set forth in the Public Health Act.

(3) Any person who willfully violates this Order may be subject to civil administrative penalties available at law.

(4) This Order shall take effect on January 29, 2021 and remain in effect for the duration of the public health emergency first declared in Executive Order 2020-004 and any subsequent renewals of that public health emergency declaration unless otherwise rescinded.

I ADVISE other facilities where older adults reside, or that provide services to older adults, to review the restrictions set forth in this Order and to implement whatever lawful restrictions or conditions of entry they deem necessary to protect health and safety.

I ADVISE that nothing in this Order shall be interpreted to prohibit Long-Term Care Facilities from imposing any other lawful restrictions or conditions of entry that they deem necessary to protect the health and safety of their residents.

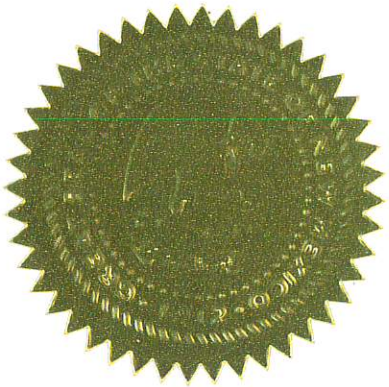
ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 29TH DAY OF JANUARY 2021

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Tracie C. Collins

TRACIE C. COLLINS, M.D.
SECRETARY-DESIGNATE OF THE STATE OF
NEW MEXICO DEPARTMENT OF HEALTH