Maryland
DEPARTMENT OF HEALTH

DIRECTIVE AND ORDER REGARDING ESTABLISHMENT OF RESPONSE TEAMS

Pursuant to Executive Order No. 20-04-05-01 Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities

I, Robert R. Neall, Secretary of Health, finding it necessary for the prevention and control COVID-19 and for the protection of vulnerable populations residing in a variety of congregate living health care facilities, hereby issue this Order and Directive ("Order") regarding the establishment of response teams. **This Directive and Order amends, replaces, and supersedes the Directive and Order Regarding the Establishment of Response Teams, dated April 13, 2020.**

1. Pursuant to Executive Order No. 20-04-05-01 Authorizing Various Actions Related to Nursing Homes and Other Health Care Facilities and under the proclamation of the existence of a catastrophic health emergency issued March 5, 2020, I hereby direct the Deputy Secretary for Public Health Services, in conjunction with the Maryland Institute for Emergency Medical Services Systems ("MIEMSS"), to establish teams to respond to requests for assistance from health care facilities as defined in section 19-114(d)(1) of the Health-General Article of the Maryland Code.

2. The Deputy Secretary shall establish a mission for each team or type of team by written directive, which may include, but shall not be limited to, performing medical examinations or testing and assisting the health care facilities with the implementation of quarantine, isolation, or disinfection procedures.

3. The Deputy Secretary may, from time to time, designate individuals who have relevant skills, qualifications, and experience ("Members") to serve as members of one or more Teams, who may be any of the following:

   a. employees of the State or any political subdivision;

   b. members of the militia on State active duty;

   c. members of the teams sent to Maryland by the U.S. Department of Health and Human Services;

   d. employees of private health care organizations; or

   e. volunteers.

4. All Teams and Members shall be subject to the oversight and direction of the Deputy Secretary, who shall issue to each Member a letter of authorization ("LOA"), which shall, at a minimum:

a. state that the Member is designated to serve on one or more Teams under the catastrophic health emergency proclamation and this directive and Order;

b state the Mission(s) of the Team(s), as defined by the Deputy Secretary's applicable Directive;

c. state that the Member is granted the authority to perform the Mission(s) of the Team(s) on behalf of the Maryland Department of Health for the period of time stated in the LOA;

d. instruct all health care providers, facilities, and other persons and entities to give the Member access to all places, persons, things, and information necessary for the Member's performance of the Mission, including without limitation, protected health information about patients who are the subject of the Mission(s);

e. require the Members to maintain the confidentiality of the all of the information shared with the Members by the health care facilities; and

f. state that health care providers who act in good faith under the proclamation of a catastrophic health emergency are entitled to the immunity provided in Section 14-3A-06 of the Public Safety Article of the Maryland Code.

5. The Deputy Secretary may, at any time, disband any Team and/or rescind the LOA for any Member.

6. Except for members of the militia on State active duty, no person may be compelled to serve as a Member of a Team.

7. It shall be a violation of this Order for any Member to use or attempt to use a LOA except in good faith and in connection with the Mission of their Team.

8. The Deputy Secretary, in conjunction with MIEMSS, and the State Emergency Operations Center, shall establish protocols for (a) local health officers and local emergency managers to request the assistance of a Team established under this Directive and Order; (b) the Teams to follow in offering and providing assistance to health care facilities; and (c) any other procedure or process deemed necessary for the operation of the Teams.

9. General Provisions

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Directive and Order.

b. A person who knowingly and willfully violates this Directive and Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

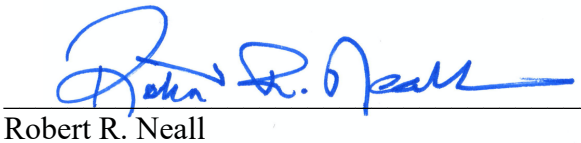
c. This Order remains effective until the state of emergency has been terminated

and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. 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.

e. 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.

THIS DIRECTIVE AND ORDER IS ISSUED UNDER MY HAND THIS 19TH DAY OF APRIL 2020 AND IS EFFECTIVE IMMEDIATELY.



Robert R. Neall
Secretary