STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7Y

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – NURSING HOME SURGE PLAN

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued twenty-five (25) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 is higher for individuals who are 60 or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, there exists a critical need to house and care for residents of long-term care facilities who have been diagnosed with COVID-19 while reducing the risk of infection to residents who have not been exposed to or diagnosed with COVID-19; and

WHEREAS, the Department of Public Health ("DPH") is implementing a medical surge plan (the "Plan") to expand capacity and slow the spread of COVID-19 in Connecticut long-term care facilities; and

WHEREAS, in order to expand capacity and make more facilities available for such Plan, it is necessary to develop existing nursing homes dedicated to the care of residents diagnosed with COVID-19 (COVID Recovery Facilities), alternate care nursing homes dedicated to the care of residents who have been diagnosed with COVID-19 (Alternate COVID Recovery Facilities) and existing facilities which can

dedicate specific units/areas within the nursing home that are separate from the rest of the facility, dedicated to the care of residents who have been diagnosed with COVID-19 (Existing Facilities); and

WHEREAS, any such COVID Recovery Facilities and Alternate COVID Recovery Facilities have been inspected and comply with all state and federal life safety code laws and regulations; and

WHEREAS, there exists a need to provide appropriate care for people receiving support and services from the Department of Developmental Services and the Department of Mental Health and Addiction Services who have been diagnosed with COVID-19 in such COVID Recovery Facilities and Alternate COVID Recovery Facilities;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT:**

1. **Requirement to Reserve Bed Suspended.** Section 19a-537 of the Connecticut General Statutes is modified to provide that a nursing home shall not reserve the bed of a hospitalized self-pay resident or a hospitalized resident who is a recipient of medical assistance upon notification by the hospital that such resident will be placed post-hospitalization into a COVID Recovery Facility or an Alternate COVID Recovery Facility due to a COVID-19 infection. Any such nursing home shall only be required to permit the return of such resident, when a bed is available, after it has been determined by two separate laboratory tests at least 24 hours or more apart, that such resident has tested negative for COVID-19.

2. **Designation of COVID Recovery Facilities.** Section 19a-535(b) of the Connecticut General Statutes is modified to authorize Sharon SNF CT, LLC, d/b/a Sharon Health Care Center, in Sharon, Connecticut and Northbridge Healthcare Center, Inc. of Bridgeport, CT, d/b/a Northbridge Healthcare Center, in Bridgeport, Connecticut, or such other nursing facility designated by the Commissioner of Public Health as a COVID Recovery Facility to transfer residents not previously diagnosed with COVID-19 and who have been determined by a laboratory test to be COVID-19 negative, to another nursing home facility where, upon arrival, such residents shall be quarantined for a period of 14 days.

3. **COVID-19 Transfer Defined and Included in Definition of Emergency.** For purposes of this order, the foregoing transfers are defined as COVID-19 Transfers. The definition of emergency in Section 19a-535(a) of the Connecticut General Statutes is modified to include COVID-19 Transfers. For the COVID-19 Transfers, the requirement in Section 19a-535(c) that a written notice of transfer be provided in advance of the transfer shall not apply. This notice must be provided as soon as practicable after transfer.

4. **Notice of Discharge and Discharge Plan Not Required for COVID-19 Recovered Discharges.** Section 19a-535 of the Connecticut General Statutes is further modified to not require a COVID Recovery Facility or an Alternate COVID Recovery Facility to provide a notice of discharge or discharge plan to a resident who is no longer infected with COVID-19

(COVID-19 Recovered) and who is being discharged to a non-institutional setting (hereinafter COVID-19 Recovered Discharge). The COVID Recovery Facility or Alternate COVID Recovery Facility shall comply with the discharge planning requirements in Section 19a-504c-1 of the Regulations of Connecticut State Agencies for all COVID-19 Recovered Discharges. In addition, the stay provisions in subsection (h) of Section 19a-535 shall not apply to a COVID-19 Recovered Discharge. Except as provided herein, no other provision of Section 19a-535 is modified by this order.

5. **No Hearing or Court Order Required for Transfer to Recovery Facility of Patients Under Conservatorship.** Section 45a-656b of the Connecticut General Statutes is modified to provide that (i) the transfer of a hospital patient to a COVID Recovery Facility or an Alternate COVID Recovery Facility, (ii) a COVID-19 transfer or (iii) a COVID-19 Recovered Discharge where such person is under conservatorship shall not require a hearing or an order by the Probate Court.

6. **Transfer Deadline Extensions Apply to COVID-19 Transfer Patients.** Section 19a-533(h) of the Connecticut General Statutes, as modified by Executive Order No. 7L, shall apply to an applicant who was subject to a COVID-19 transfer or was transferred to a COVID Recovery Facility and has been determined by testing to be COVID-19 negative.

Unless otherwise specified herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified, extended or terminated.

Dated at Hartford, Connecticut, this 11th day of April, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State