PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
ACTING SECRETARY BILLY J. JIMENEZ

NOVEMBER 18, 2020

Public Health Emergency Order Implementing Additional Contact Tracing Information Requirements for All Laboratories and Submitters Submitting Notifiable Condition COVID-19 Test Results to the New Mexico Epidemiology and Response Division

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 December 11, 2020;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, all physicians, laboratories, health care professionals, and other persons having knowledge of diseases or conditions covered by 7.4.3.1 NMAC, Control of Disease and Conditions of Public Health Significance, are required to provide to the Epidemiology and Response Division all reports including electronic laboratory reports of notifiable conditions which pursuant to 7.4.3.13(A) NMAC must include the disease or condition being reported, the patient's name, data of birth/age, gender, race/ethnicity, address, patient phone numbers and occupation;

WHEREAS, in the effort to stop further spread of COVID-19 in the State of New Mexico, the Epidemiology and Response Division conducts contact tracing of positive cases of COVID-19 in the effort to halt the spread of this notifiable condition; and

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WHEREAS, the New Mexico Department of Health possess legal authority pursuant to the Public Health Act, NMSA, 1978, Sections 24-1-1 to -40 the Public Health Emergency Response Act, NMSA 1978, 12-10A-1 to -19, the Department of Health Act, NMSA 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.

NOW, THEREFORE, I, Billy J. Jimenez, Acting Cabinet Secretary 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 by as directed by the Governor pursuant to the full scope of emergency powers under the All Hazard Emergency Management Act, do hereby declare the current outbreak of COVID 19 a condition of public health importance, as defined in NMSA 1978, Section 24-1-2(A) as an infection, a disease, a syndrome, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.

I ORDER AND DIRECT as follows:

(1) All laboratories and submitters submitting the required reports of the notifiable condition, including COVID-19, to the Department of Health pursuant to 7.4.3.13(A) NMAC must submit all such reports electronically by HL7 messaging or other format specified by the Department of Health, and shall include in such reports all information currently required to be submitted, which includes (1) the disease or condition being reported; (2) patient's name, date of birth/age, gender, race/ethnicity, address, patient telephone numbers, and occupation; (3) physician or licensed healthcare professional name and telephone number; and (4) healthcare facility or laboratory name and telephone number.

(2) In addition to the information required to be reported by 7.4.3.13(A) NMAC, all laboratories and submitters shall provide the following demographic information to the New Mexico Epidemiology and Response division with each notifiable condition report: (1) patient's email address(es); (2) name of patient's employer; (3) address of patient's employer; (4) phone number of patient's employer; (5) name of patient's school if applicable (Grade K-12 or Higher Educational Institution); and (6) address of patient's school if applicable.

(3) Any person who willfully violated this Order may be subject to civil administrative penalties, including fines up to $5000 per violation under NMSA 1978, Section 12-10A-19, in addition to other civil or criminal penalties that may be available at law.

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 take effect on November 18, 2020 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. This Order may be renewed consistent with any direction from the Governor.

ATTEST:

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 18TH DAY OF NOVEMBER 2020

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

BILLY J. JIMENEZ
ACTING CABINET SECRETARY OF THE STATE OF NEW MEXICO DEPARTMENT OF HEALTH