NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-22.1

WHEREAS, COVID-19 is a severe respiratory illness, caused by the SARS-CoV-2 virus, a new strain of coronavirus that is spread from person to person, posing a serious threat to the health and safety of the residents of North Dakota; and,

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, on March 13, a state of emergency was declared in the State of North Dakota through Executive Order 2020-03, in response to the public health crisis resulting from the novel coronavirus (COVID-19); this Order activated the North Dakota State Emergency Operations Plan (SEOP) to assist local and tribal officials, to prevent injuries and save lives, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and,

WHEREAS, North Dakotans who reside in the long-term care and other congregate housing facilities in this state are among our most vulnerable populations and particularly susceptible to complications and adverse outcomes associated with COVID-19; and,

WHEREAS, to reduce the spread of COVID-19 in our long-term care and other congregate housing facilities, to protect the health and welfare of our vulnerable citizens, a Vulnerable Population Protection Plan has been established to control occupancy and the movement of individuals in and out of facilities serving vulnerable citizens.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, in consultation with the State Health Officer and the Executive Director of the Department of Human Services has established the Vulnerable Population Protection Plan (VP3), to protect our most vulnerable citizens residing in long-term care facilities, intermediate care facilities serving individuals with developmental disabilities and other congregate living facilities.

The Vulnerable Population Protection Plan establishes protections during this coronavirus pandemic, for those vulnerable populations residing in congregate housing and includes, among other things, transfer protocols, isolation and quarantine protocols, testing and contact tracing strategies, access to personal protective equipment, rapid response capabilities, control of occupancy and movement of individuals and restrictions on visitation.

It is hereby ordered: the current restrictions on visitation in skilled nursing and basic care facilities are modified; visitation in skilled nursing and basic care facilities may resume under a phased

approach, based upon factors outlined in ND Smart Restart: Vulnerable Population Protection Plan (ND Smart Restart: VP3). The phased approach to visitation in ND Smart Restart: VP3 applies to all long-term care facilities in North Dakota, including Assisted Living Facilities.

The restrictions on non-essential personnel and volunteer staff serving long-term care facilities will be removed based upon the phased approach outlined in ND Smart Restart: VP3.

Nothing in this order is intended to modify or impede visitation under circumstances involving compassionate end-of-life care as set forth in Executive Order 2020-22.

This Order is issued based upon the following authority under the following conditions:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a public health emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

This order is in effect immediately and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 5th day of June, 2020.

Doug Burgum, Governor

ATTEST:

Secretary of State