Ohio Department of Health

Mike DeWine, Governor
Jon Husted, Lt. Governor

Amy Acton, M.D., MPH, Director

Director's Order

RE: Director's Order for the Testing of the Residents and Staff of all Nursing Homes

I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders…for preventing the spread of contagious or infectious diseases" and because residents of nursing homes are among the most vulnerable populations for COVID-19, nursing home residents comprise 63% of deaths due to COVID-19 as of May 22, 2020, and the presence of COVID-19 must be identified so that it can be addressed, **ORDER** the following:

1. Effective May 27, 2020 at 11:59 p.m., each nursing home licensed by ODH or certified by the U.S Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) or by the Ohio Department of Medicaid, shall cooperate with the COVID-19 testing for residents and staff as required by ODH. This includes, but is not limited to, strategic testing of residents in order to prevent the spread of COVID-19 within a facility and a community.

2. Each nursing home shall require its employees to be tested in accordance with ODH Guidelines.

3. Testing shall be conducted in accordance with guidelines developed by the ODH. Such guidelines will take into account the individual circumstances of residents. The facility shall assist in creating a testing plan for residents.

4. Nursing homes may be required to provide additional information as necessary to address the health of its residents and staff related to COVID-19.

5. ODH will provide guidance to mitigate facility staffing shortages in the event staff test positive for COVID-19 and are unable to work, consistent with CDC guidance.

6. Test results shall be reported in accordance with my Journal Entry of March 14, 2020, "Amended Reporting Requirements for 2019- Novel Coronavirus Under Ohio Revised Code 3701.14 and 3701.23."

7. This Order takes into consideration and is intended to be consistent with resident rights in both R.C. 3721.13 and 42 C.F.R. 483.10.

8. This action is taken to protect our nursing home residents and staff during this unprecedented pandemic. This Order shall remain in full force and effect until the State of Emergency declared by the Governor no longer exists, or the Director of the Ohio Department of Health rescinds or modifies this Order.

246 North High Street
Columbus, Ohio 43215 U.S.A.

614 | 466-3543
www.odh.ohio.gov

The State of Ohio is an Equal Opportunity Employer and Provider of ADA Services.

This Order takes into consideration and is consistent with President Trump's May 11, 2020, statement urging testing of nursing home residents and staff, the White House's Opening Up America Again guidelines, and the CMS Nursing Home Reopening Recommendations for State and Local Officials issued on May 18, 2020.

COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes.

On January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio.

On January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19.

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern.

On January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

On February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria.

On February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed.

On February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday.

On February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting.

On February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19.

On February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio.

On February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio.

Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University.

On February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center.

On February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments.

On March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications.

On March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff.

On March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19.

On March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio. This confirms the presence of a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio.

On March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center.

On March 9, 2020, the Governor Declared a State of Emergency in Executive Order 2020-01D.

On March 11, 2020, the head of the World Health Organization declared COVID-19 a pandemic.

On March 11, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio.

On March 11, 2020, the Ohio Departments of Health and Veterans Services issued a Joint Directors' Order to limit access to Ohio nursing homes and similar facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit access to Ohio's jails and detention facilities.

On March 15, 2020, the Ohio Department of Health issued a Director's Order to limit the sale of food and beverages, liquor, beer and wine to carry-out and delivery only.

On March 15, 2020, the CDC issued Interim Guidance for mass gatherings or large community events, stating that such events that consist of 50 or more people should be cancelled or postponed.

On March 16, 2020 the Ohio Department of Health issued a Director's Order closing polling locations for the March 17, 2020 primary election.

On March 17, 2020 the Ohio Department of Health issued a Director's Order for the management of non-essential surgeries and procedures throughout Ohio.

On March 17, 2020 the Ohio Department of Health issued an Amended Director's Order to limit and/or prohibit mass gatherings and the closure of venues in the State of Ohio.

On March 19, 2020, the Ohio Department of Health issued a Director's Order closing hair salons, nail salons, barber shops, tattoo parlors, body piercing locations, and massage therapy locations.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing older adult day care services and senior centers.

On March 21, 2020, the Ohio Department of Health issued a Director's Order closing family entertainment centers and internet cafes.

On March 22, 2020, the Ohio Department of Health issued a Director's Order that all persons are to stay at home unless engaged in essential work or activity.

On March 24, 2020, the Ohio Department of Health issued a Director's Order that closed facilities providing child-care services.

On March 30, 2020, the Ohio Department of Health issued an Amended Director's Order that closed all K-12 schools in the State of Ohio.

On April 2, 2020, the Ohio Department of Health issued an Amended Director's Order that all persons are to stay at home unless engaged in essential work or activity.

On April 30, 2020, the Ohio Department of Health issued the Stay Safe Ohio Order that reopened businesses, with exceptions, and continued a stay healthy and safe at home order.

On May 13, 2020, the Ohio Department of Health issued an Order to Laboratories in Ohio to Report Results of COVID-19 Tests.

On May 14, 2020, the Ohio Department of Health issued the Dine Safe Ohio Order.

On May 14, 2020, the Ohio Department of Health issued an Order that reopened, with exceptions, hair salons, day spas, nail salons, barber shops, tattoo parlors, body piercing locations and tanning facilities.

On May 20, 2020, the Ohio Department of Health issued an Urgent Health Advisory, Ohioans Protecting Ohioans.

On May 20, 2020, the Ohio Department of Health issued an Order that reopens, with exceptions, campgrounds.

On May 20, 2020, the Ohio Department of Health issued an Order that Rescinds and Modified Portions of the Stay Safe Ohio Order.

On May 22, 2020, the Ohio Department of Health issued an Order that reopens, with exceptions, gyms, dance instruction studios, and other personal fitness venues.

On May 22, 2020, the Ohio Department of Health issued an Order that provides guidance for baseball, softball, batting cages, golf courses, miniature golf, local and public pools and aquatic centers, tennis facilities, skills training for all sports and general non-contact sports, including bowling alleys.

On May 22, 2020, the Ohio Department of Health issued a Third Amended Order that closes all K-12 Schools.

Multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control spread.

The CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads.

Since March 2020, nursing homes have been working with local health departments to test for COVID-19 and provide assistance to residents and staff. With additional testing capacity and a growing mortality rate among nursing home residents, more aggressive testing strategies are necessary.

Accordingly, I, Amy Acton, MD, MPH, Director of the Ohio Department of Health (ODH), pursuant to the authority granted to me in R.C. 3701.13 to "make special orders…for preventing the spread of contagious or infectious diseases" and because residents of nursing homes are among the most vulnerable populations for COVID-19 and the presence of COVID-19 must be identified so that it can be addressed, **ORDER** the following: Effective May 27, 2020 at 11:59 p.m., each nursing home licensed by ODH or certified by the U.S Department of Health and Human Services, Centers for Medicare and Medicaid Services or by the Ohio Department of Medicaid, shall cooperate with the COVID-19 testing for residents and staff as required by the ODH. This includes, but is not limited to, strategic testing of residents in order to prevent the spread of COVID-19 within a facility and a community. Each nursing home shall require its employees to be tested in accordance with ODH Guidelines. Testing shall be conducted in accordance with guidelines developed by the Ohio Department of Health. Such guidelines will take into account the individual circumstances of residents. The facility shall assist in creating a testing plan for residents. Nursing homes may be required to provide additional information to address the health of its residents and staff related to COVID-19. ODH will provide guidance to mitigate facility staffing shortages in the event staff test positive for COVID-19 and are unable to work, consistent with CDC guidance. Test results shall be reported in accordance with my

Journal Entry of March 14, 2020, "Amended Reporting Requirements for 2019- Novel Coronavirus Under Ohio Revised Code 3701.14 and 3701.23." This Order takes into consideration and is intended to be consistent with resident rights in both R.C. 3721.13 and 42 C.F.R. 483.10. This action is taken to protect our nursing home residents and staff during this unprecedented pandemic. This Order shall remain in full force and effect until the State of Emergency declared by the Governor no longer exists, or the Director of the Ohio Department of Health rescinds or modifies this Order.

Amy Acton MD MPH

May 27, 2020

Amy Acton, MD, MPH
Director of Health