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Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 49

AN ORDER AMENDING REQUIREMENTS CONCERNING LONG-TERM-CARE FACILITY VISITATION AND TAKING OTHER NECESSARY MEASURES TO FACILITATE THE TREATMENT AND CONTAINMENT OF COVID-19

WHEREAS, I previously issued Executive Order No. 36, dated May 12, 2020, regarding necessary measures to facilitate the treatment and containment of Coronavirus Disease 2019 (COVID-19), and on May 22, 2020, I issued Executive Order No. 38, which among other things continued certain limitations on nursing home and long-term-care facility visitation due to that population's unique vulnerability to COVID-19; and

WHEREAS, measures remain necessary to limit community spread and facilitate containment of COVID-19 in order to protect the health and safety of Tennesseans; and

WHEREAS, it is necessary to continue nursing home and long-term-care facility visitation restrictions to limit COVID-19 exposure and spread, while recognizing the importance and benefits of visitation by family and friends for nursing home and long-term-care residents, and developing a framework to accommodate limited visitation, provided that certain safety measures are implemented; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107, provides that during a state of emergency, the Governor is authorized to delegate such powers as deemed prudent, suspend laws and rules regarding the conduct of state business to facilitate action necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare that a state of emergency continues to exist in Tennessee and order the following:

Effective at 12:01 a.m., Central Daylight Time, on June 15, 2020, Executive Order No. 38, dated May 22, 2020, is amended by deleting Paragraph 6 in its entirety and substituting instead:

6. Visitation restrictions for elderly-citizen and care-related facilities.

a. In order to mitigate risk of COVID-19 transmission, persons are highly encouraged to continue to use available electronic or virtual communication options to spend time with a family member, friend, fellow resident, loved one, or other person ("Resident") in a nursing home, retirement home, long-term-care facility, or assisted-living facility ("Facility" or "Facilities"). Persons shall not visit a Resident in a Facility unless:

i. The Facility determines in its judgment that the visit:

(A)(1) Involves accommodations for support for Residents with disabilities, the provision of critical assistance to a Resident, or religious exercise; or (2) Is to a Resident receiving end-of-life care; and

(B) May be accomplished without unreasonable risk to other Residents or staff; or

ii. The Facility determines in its judgment that the visit may be conducted in accordance with the Tennessee Department of Health's guidelines regarding Facility visitation, as may be periodically amended, which may be found at https://www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/LTCF_Visitation.pdf, and which permit:

(A) Visitation utilizing procedures designed to reduce Resident and staff risk of exposure to COVID-19, subject to any prerequisites and guidelines set forth by the Department; or

(B) Visitation to a Resident in a Facility when the visiting person has documentation that the visiting person has received a negative COVID-19 polymerase chain reaction ("PCR") test result from a sample taken within a specified amount of time preceding the visit, subject to any prerequisites and requirements guidelines set forth by the Department.

In making such determinations, the Facility may seek the professional medical opinion of the Resident's treating physician or other healthcare

providers involved in the Resident's care, as well as the Facility's medical director, as applicable, on a case-by-case basis. Facilities should ensure that any Resident with disabilities is afforded visitation, as needed, by ancillary service providers (sign-language interpreters, behavioral health support personnel, etc.), or other visitation by persons necessary to support care decisions or disability-related needs, in order to maintain open lines of communication and continuation of needed services in light of individual Resident needs.

Facilities should continue to screen any permitted visitors, including support persons, for COVID-19 symptoms to reduce the risk of infection among Residents and Facility personnel.

b. Facilities shall at all times follow the Health Guidelines and any other infection control rules, policies, or recommendations or guidance set forth by the Department of Health or other applicable state and federal agencies or departments.

c. Facilities shall take reasonable steps to minimize the movement of staff to more than one Facility location whenever possible.

d. Senior centers or equivalent facilities shall continue to be closed to members, customers, or the public; provided, that staff and volunteers may provide services via electronic or virtual means as circumstances permit.

Effective immediately, Paragraph 20.2 of Executive Order No. 36, dated May 12, 2020, is amended by deleting the paragraph in its entirety and substituting instead:

20.2 Application deadline for tax relief is extended through July 1, 2020. The provisions of Tennessee Code Annotated, Title 67, Chapter 5, Part 7, and related rules are hereby suspended to the extent necessary to suspend until July 1, 2020, the deadline for filing applications for tax relief and tax freeze.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 12th day of June, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE