



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

Emergency Order Under MCL 333.2253 – Exceptions to temporary restrictions on entry into congregate care and juvenile justice facilities

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4, declaring a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33. And, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, the Governor issued Executive Order 2020-127 on June 18, 2020, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan.

Considering the above, and upon the advice of scientific and medical experts employed by the Michigan Department of Health and Human Services, I have concluded under MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I find that control of the epidemic is necessary to protect the public health and that it is necessary to establish procedures to be followed during the epidemic to ensure the continuation of essential public health services and enforcement of health laws.

On June 26, 2020, the Governor issued Executive Order 2020-136 entitled “Temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities,” which established a new set of restrictions pertaining to these care facilities. Section 1 of that order provides that its restrictions apply to care facilities “[e]xcept as otherwise provided by the order of the Director of the Department of Health and Human Services.” The order further provides that “[t]he Director of DHHS may issue orders and directives to implement this order, including to specify exceptions to section 1 of this order.” The absence of visitors has of course been difficult for many congregate care and juvenile justice facility residents, and in some cases may result in delayed placement of children in family settings.

This order specifies exceptions to the visitation restrictions for congregate care facilities and juvenile justice facilities, to ensure continuation of essential public health services while also providing clarity on the circumstances under which visitation is allowed in these facilities.

I therefore order that:

1. A congregate care facility or a juvenile justice facility governed by Executive Order 2020-136 may permit entry of any visitors if it does all of the following:
 - a. Provides information to all potential visitors on the following topics:

- i. Recognition of the signs and symptoms of COVID-19;
 - ii. Who to notify if they develop signs or symptoms of COVID-19 at the facility, or within 14 days of visiting the facility;
 - iii. Appropriate hand washing and sanitization techniques;
 - iv. Appropriate methods for donning and doffing masks, and face coverings; and
 - v. Appropriate methods for containing coughs and sneezes;
 - vi. Social distancing recommendations;
 - vii. Updated information regarding conditions that increase the risk of severe complications from COVID-19 infection. Specifically, the following information must be provided: “While children have been less affected by COVID-19 compared to adults, children with certain conditions may be at increased risk for severe illness. Children who are medically complex, who have serious genetic, neurologic, metabolic disorders, and with congenital (since birth) heart disease may be at increased risk for severe illness from COVID-19. Similar to adults, children with obesity, diabetes, asthma and chronic lung disease, or immunosuppression may be at increased risk for severe illness from COVID-19.”
- b. Limits all visitor entry only through designated entrances that allow proper screening;
 - c. Posts signage at any visitor entrance instructing visitors to be assessed for symptoms of COVID-19 before entry.
 - d. Posts signage instructing persons who have symptoms of a COVID-19 infection, including, but not limited to, fever, cough, difficulty breathing or shortness of breath, sore throat, muscle pain, chills, new loss of taste or smell, nausea or vomiting, and/or diarrhea, to not enter the facility;
 - e. Consistent with Executive Order 2020-136, performs a health evaluation of visitors each time a visitor seeks to enter the facility, and denies entry to those visitors who do not meet the evaluation criteria. The evaluation criteria must include assessment of signs and symptoms related to a COVID-19 infection: fever $\geq 100.0^{\circ}\text{F}$, cough, difficulty breathing or shortness of breath, sore throat, muscle pain, chills, new loss of taste or smell, nausea or vomiting, and/or diarrhea;
 - f. Provides supplies for respiratory hygiene and cough etiquette, including the safe use of alcohol-based hand rub with 60-95% alcohol, tissues, and no-touch receptacles for disposal available within the facility, including intake areas, visitor entries and exits, visitation rooms, common areas, restrooms, and dining areas;
 - g. Restricts all visitation to a designated visitation room or other designated locations;
 - h. Permits visitation only as scheduled in advance during select hours and limits the number of visitors per resident (e.g. no more than 2 visitors at one time per resident);
 - i. Requires visitors to wear a mask or other face covering in all shared spaces, both indoors and outdoors unless the visitor is unable medically to tolerate a mask or other face covering. Except for limited visitation for medical purposes, or visitation with a parent, foster parent, prospective adoptive parent, or guardian of an individual who is 21 years of

age or under and who is under the facility's care, all other in-person visitation of residents who have tested positive for COVID-19 should be deferred until the resident is able to meet CDC criteria for discontinuation of isolation. Any visitor who is providing necessary medical care, or is a parent, foster parent, prospective adoptive parent, or guardian to the COVID-19 positive resident who remains under active isolation, must wear all recommended personal protective equipment (PPE) appropriate for the level of contact with the resident and the nature of the tasks being performed. Those who are providing medical care for which a N-95 respirator mask is advised must be fully evaluated and fit-tested as part of a comprehensive respiratory protection program. If facilities choose to impose additional PPE requirements for visitors beyond a mask or face covering, the facility must make the visitor aware of the requirement ahead of time, and must supply the visitor with the additional PPE. Entry may not be denied based on a visitor not having the additional PPE required by the facility;

- j. Requires all visitors to practice social distancing, staying at least 6 feet away from others, except the resident they are visiting;
 - k. Excludes visitors from resident rooms during aerosol-generating procedures or collection of respiratory specimens unless deemed necessary by facility staff for the care and well-being of the resident;
 - l. Requires residents returning from an off-campus visit to enter through the visitor entrance and be evaluated in the same way as visitors by answering screening questions and submitting to a health evaluation. Off-campus visits will be permitted only in the following circumstances:
 - i. Off-campus visits to a parent, foster parent, or prospective adoptive parent will be permitted if the person or persons being visited have agreed in advance to abide by safety measure as recommended by the CDC to reduce exposure to COVID-19 for at least two weeks prior to the scheduled visit, and the parent, foster parent, or prospective adoptive parent does not have known exposure to COVID-19 or symptoms of COVID-19 or has received a negative test result since their last known exposure.
 - ii. Other off-campus visits in the community must be in the same region where the congregate care or juvenile justice facility is located.
 - m. Requires residents with known exposure to COVID-19, but presenting no signs or symptoms, to be quarantined in a private room for 14 days; and
 - n. Isolates residents with signs or symptoms of COVID-19 and tests them for COVID-19.
 - o. Considers additional precautions for minimizing transmission during the visits if a resident or any visitor to that resident have a high-risk condition.
2. For purposes of this order, "congregate care facility" and "juvenile justice facility" means Child Caring Institutions and juvenile detention facilities.
 3. For purposes of this order, "visitors" means any person entering the congregate care facility for the purpose of visiting a resident for any reason.
 4. If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

This order is effective immediately and remains in effect until lifted.

Date: June 29, 2020

A handwritten signature in cursive script that reads "Robert Gordon". The signature is written in black ink and is positioned above a horizontal line.

Robert Gordon, Director
Michigan Department of Health and Human Services