



NEWS RELEASE

STATE EMERGENCY OPERATIONS CENTER

FOR IMMEDIATE RELEASE
No. 361 – October 6, 2020

For more information contact:
[Lynn Sutfin](#)
517-241-2112

MDHHS Issues Emergency Orders Establishing Protections for Individuals and Staff in Residential Care, Congregate Care and Juvenile Justice Facilities

Directives cover communal dining, visitation, COVID-19 notifications

LANSING, MICH. Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon today issued Emergency Orders under MCL 333.2253 that maintain protections for Michigan's most vulnerable populations and staff in residential care settings.

The orders follow the Michigan Supreme Court decision on Friday, Oct 2, that invalidated COVID-19 related executive orders. Under MCL 333.2253, if the MDHHS director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws.

"Ensuring the health and safety of vulnerable Michiganders and those under our care is of the utmost importance," Gordon said. "This order reestablishes protections that have helped Michigan sharply reduce the loss of life in nursing homes. With the level of COVID in Michigan rising again, these protections are more critical than ever."

[The residential care order](#) has three major components: notice requirements regarding cases, limitations on visitations and limitations on communal dining.

With respect to notice, under the order, all covered facilities must:

- Notify employees and residents of the presence of a confirmed COVID-19 positive employee or resident within 12 hours of identification.
- Inform legal guardians or health proxies for all residents within the facility of the presence of a confirmed COVID-19 positive employee or resident within 24 hours.
- Post a notice in a conspicuous place near the main entrance of the care facility indicating the presence of a confirmed COVID-19 positive employee or resident.
- Contact the local health department in the facility's jurisdiction to report the presence of a confirmed COVID-19 positive employee or resident.

The order continues restrictions on visitation to residential care facilities, which include nursing homes, homes for the aged, adult foster care, assisted living, independent living, and SUD residential facilities. As previously, visitation is permitted to assist with activities of daily living and for compassionate care.

A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY since 1917

Restrictions on visits don't apply to medical service providers, resident physicians, and window visits when there is a barrier between the resident and visitor.

Outdoor visits are permitted with precautions, such as allowing for at least six feet separation between all people. Facilities must also meet criteria specified in the order, including having had no new COVID-19 cases originate there within the previous 14 days.

The department continues to review experiences and feedback around outdoor visitation to inform additional changes to visitation rules.

There are [different visitation rules for child caring facilities and juvenile justice facilities](#). They may permit entry of any visitors as long as they provide information about COVID-19 prevention practices and symptoms of the virus; limit visitor entry through a designated entrance and screen visitors for COVID-19 symptoms prior to entry; restrict visitation to designated areas; and require advance scheduling. Social distancing and mask use are required.

Communal dining is permitted under the order at all facilities consistent with Center for Medicare and Medicaid Services and MDHHS guidance. The community dining rules apply for the first time to independent living, hospice facilities and SUD residential facilities.

Consistent with MCL 333.2261, violation of this order is a misdemeanor punishable by imprisonment for not more than six months, or a fine of not more than \$200, or both.

This order is effective immediately and remains in effect through Friday, Oct. 30. Individuals with suggestions and concerns are invited to submit comments via email to COVID19@michigan.gov.

Information around this outbreak is changing rapidly. The latest information is available at Michigan.gov/Coronavirus and CDC.gov/Coronavirus.

###