

STATE OF MICHIGAN  
COUNTY OF OTTAWA  
OTTAWA COUNTY HEALTH DEPARTMENT

ORDER FINDING IMMINENT DANGER  
TO THE PUBLIC HEALTH  
AND  
REQUIRING STAYING SAFE MEASURES

**This Order is made pursuant to Section 2251 of the Michigan Public Health Code, MCL 333.2433 and MCL 333.2453.**

COVID-19 poses an imminent danger to public health. The Public Health Officer of the Ottawa County Department of Public Health (OCDPH) has made the following determinations and issues this order pursuant to the Michigan Public Health Code, including MCL §333.2235 and §333.2251:

Determinations:

1. The disease caused by a novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. There is currently no approved vaccine or antiviral treatment for this disease. According to the Centers for Disease Control (CDC), the virus is thought to spread mainly from person-to-person through respiratory droplets produced when an infected person coughs or sneezes. These droplets can land in the mouth or nose of people who are nearby or possibly be inhaled into the lungs. Spread is more likely when people are in close contact with one another (within about 6 feet);
2. Control of the COVID-19 epidemic is necessary to protect the public health of the citizens of Ottawa County;
3. As of October 29, 2020, there were 5,410 cases of COVID-19 in all of Ottawa County, 1870 (34.6%) of which were reported in October alone;
4. As of October 28, 2020, Ottawa County has been classified as a Risk Level E, the highest COVID-19 risk level as defined by the Michigan Department of Health and Human Services Safe Start Map.
5. In Ottawa County, the current case rate of 257.5 cases/day/million residents far exceeds the highest risk threshold of 150 cases/day/million residents set by the Michigan Department of Health and Human Services;
6. Since March 15, 2020, over 25 Long Term Care Facilities (LTCF) in Ottawa County have experienced a COVID-19 outbreak, and 11 facilities are currently in outbreak status;

7. In September 2020, 7 COVID-19 LTCF-associated cases were reported in Ottawa County; in October, 35 have been reported for 5-fold increase month-over-month;
8. Among the 132 COVID-19 cases who were residents of an LTCF, 41 have died, for a case-fatality rate of 31%, nearly 18 times higher than the overall Ottawa County COVID-19 case-fatality rate of 1.7%;
9. Epidemiological evidence indicates widespread transmission of COVID-19 in Ottawa County, affecting most demographics and geographic areas, supporting county-wide mitigation strategies to protect vulnerable populations such as LTCFs.

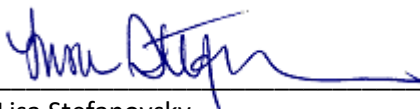
**These determinations demonstrate an imminent public health threat to the citizens of Ottawa County therefore, I hereby order that the following actions be taken for Ottawa County residential care facilities (which includes: adult care facilities, assisted living facilities, home for the aged, residential care facilities, and long-term care facilities), hereafter referred to as “facilities”:**

1. Visitation
  - a. Except as otherwise provided in this or any subsequent orders, facilities must prohibit visitors from entering their facilities. For purposes of this order, visitation includes indoor and outdoor visitation unless otherwise specified.
  - b. Visitation restrictions do not apply to:
    - 1) Window visits when a barrier is maintained between the resident and visitor. Accommodations shall be made for residents without access to ground floor window or window that does not open to an area accessible to the visitor. Accommodations may include utilizing a visitation room or space with a window or door access to visitor.
    - 2) A parent, foster parent, or guardian of a resident who is 21 years of age or under.
    - 3) Visits that support Activities of Daily Living (ADLs) or visits that are necessary to ensure effective communication with individuals with hearing, vision or speech impairments Facilities with residents that had ADL arrangements prior to this order, or residents that have had a change of condition that could be improved with ADL arrangements, must attempt to contact the resident’s next of kin or an individual identified by the resident in partnership with the local ombudsman to establish arrangements. Except in circumstances where the visitor tests positive for COVID-19, facilities that deny visitation under this section must provide written notice to the visitor with an explanation of why visitation is being denied. The denial notice must also be sent to MDHHS and the local LTC ombudsman.
    - 4) Visits that occur when a resident is in serious or critical condition or in hospice care. Except in circumstances where the visitor tests positive for COVID-19, facilities that deny visitation under this section must provide written notice to the visitor with an explanation of why visitation is being denied. The denial notice must also be sent to MDHHS and the local LTC ombudsman.
    - 5) Medical service providers such as hospice providers, podiatrists, dentists, durable medical equipment providers, social workers and other behavioral health providers, speech pathologists, occupational therapists, physical therapists, and other health care providers. These services must be provided outdoors or in a well-ventilated area whenever possible. If services must be provided indoors, the facility must restrict movement within the facility to the greatest extent possible to reduce the risk of infection.
    - 6) Non-medical service providers, such as hairdressers, nail salon technicians, cosmetologists, and providers of religious or spiritual services, when it is determined by a qualified medical professional that there will be an actual or potential negative impact on the resident when the service is not provided, and

the resident will not benefit from remote service delivery. These services may be provided to residents who have never been diagnosed with COVID-19, or who are no longer in the infectious period for COVID-19 per CDC guidance. These services must be provided outdoors or in a well-ventilated area whenever possible. If services must be provided indoors, the facility must restrict movement within the facility to the greatest extent possible to reduce the risk of infection.

- 7) Resident physicians or other clinical students.
  - 8) Volunteers who have been trained in infection control measures and are supporting visitation (e.g. scheduling visits, conducting screening of visitors, escorting visitors or residents to visitation location, and/or monitoring visits for infection control compliance).
2. Definitions. For purposes of this Order, terms are defined as follows:
- a. "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).
  - b. "Assisted living facility" means an unlicensed establishment that offers community-based residential care for at least three unrelated adults who are either over the age of 65 or need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours a day.
  - c. "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).
  - d. "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).
  - e. "Residential care facilities" means a nursing home, home for the aged, adult foster care facility, hospice facility, substance use disorder residential facility, or assisted living facility.
  - f. "Serious or critical condition or in hospice care" includes residents enrolled in hospice services, regardless of whether the resident appears to be in serious or critical condition or at the End of Life, residents receiving End of Life care who are not enrolled in hospice, residents whose wellbeing is at significant risk, based on the clinical judgment of a treating medical professional, where family visits are a potentially effective intervention, and residents who experience a significant adverse change of condition.
  - g. "End of Life" is as determined and documented by a qualified medical professional.
3. If rates of infection among facility residents continue to raise, this Order may be extended beyond November 14, 2020 or more restrictive measures may be required.
4. Failure to adhere to this Order may lead to misdemeanor charges, fines or judicial follow-up.

**This order is effective October 31, 2020 at 12:00 a.m., and remains in effect until November 14, 2020 at 11:59 p.m.**



Lisa Stefanovsky  
Administrative Health Officer  
Ottawa County Department of Public Health

10/30/20

Date