

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Deidre S. Gifford, MD, MPH
Acting Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

ORDER

Whereas, on March 10, 2020, Governor Ned Lamont (the Governor), in response to the global pandemic of 2019 Coronavirus disease (COVID-19), declared a public health and civil preparedness emergency throughout the State of Connecticut pursuant to Sections 19a-131a and 28-9 of the Connecticut General Statutes, to remain in effect through September 9, 2020, unless sooner terminated by the Governor; and

Whereas, on March 13, 2020, the Governor, in furtherance of the authority granted by virtue of such emergency declaration, issued Executive Order No. 7A to address critical public health issues regarding COVID-19; and

Whereas, said Executive Order provides that for the duration of the public health and civil preparedness emergency, or until such time as the Governor repeals or modifies Executive Order 7A, notwithstanding Section 19a-550(b)(12) of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, the Commissioner of Public Health (Commissioner) is authorized to issue any and all orders restricting entrance into nursing home facilities, residential care homes or chronic disease hospitals (the Facility or Facilities) that she deems necessary to protect the health and welfare of patients, residents and staff; and

Whereas, on March 13, 2020, the Commissioner issued an Order imposing a complete ban on all visitors to such Facilities for a period of thirty days with certain stated exceptions and restrictions; and

Whereas, on April 21, 2020, the Commissioner issued an Order extending the March 13, 2020 Order in its entirety, with the same exceptions and restrictions, to last for the duration of the public health and civil preparedness emergency, unless sooner modified or terminated by the Commissioner by a future Order or the Governor's earlier repeal or modification of Executive Order No. 7A or termination of the public health and civil preparedness emergency; and

Whereas, on May 9, 2020, the Commissioner issued an Order modifying the April 21, 2020 order by adding specific requirements that mandate every Facility to facilitate communication between residents and their families, and other individuals; and



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Whereas, on June 12, 2020, the Commissioner issued an Order allowing in-person visitation between any parent, stepparent or legal guardian with their minor child or ward who is a patient in a Facility; and

Whereas, on August 27, 2020, the Commissioner issued an Order rescinding the Commissioner Order of May 9, 2020, and modifying the April 21, 2020 Commissioner Order to add requirements regarding general visitation provisions and to enact and expand compassionate care provisions for end stage of life and significant change of condition circumstances; and

Whereas, on September 1, 2020, the Governor renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

Whereas, the Governor's Executive Order No. 9A, dated September 8, 2020, reissued all executive orders issued pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 that are unexpired and currently in effect as of September 8, 2020, to expire on November 9, 2020, unless earlier modified or terminated; and

Whereas, on September 17, 2020, the Centers for Medicare and Medicaid Services (CMS) issued a memorandum to all State Survey Agency Directors setting forth new requirements regarding nursing home visitation and COVID-19 (CMS Visitation Memorandum); and

Whereas, the CMS Visitation Memorandum directed and expanded nursing home visitation beyond the parameters set forth in the Commissioner's Order dated August 27, 2020; and

Whereas, on September 25, 2020, as a consequence of the CMS Visitation Memorandum, the Commissioner issued an Order rescinding all previous outstanding Commissioner Orders, dated March 13, 2020, April 21, 2020, June 12, 2020, and August 27, 2020, restricting entrance into any Facility; and

Whereas, the directives of the CMS Visitation Memorandum are limited and directed to nursing homes, focus on visitation by family, friends, and others who provide personal, medical, or spiritual support to residents, and are intended to address the physical, mental and psychosocial needs of residents and support their quality of life; and

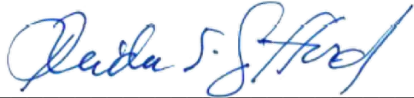
Whereas, in rescinding prior Commissioner Orders, it was not the intent of the Commissioner to open visitation for reasons other than to meet the physical, mental and psychosocial needs of the residents, nor does the CMS Visitation Memorandum require visitation not addressing such psychosocial needs beyond family, friends, and others who provide personal, medical, or spiritual support to residents; and

Whereas, Executive Order No. 7F waived personal service requirements for individuals residing in Facilities and directed service to be made upon the nursing home administrator or such other person with administrative oversight of the facility; and

Whereas, there exists a critical need to protect the health of residents and patients of various types of nursing, long term care, and psychiatric facilities while providing for essential legal proceedings under the authority of the Probate Court in order to protect the legal rights of certain such residents.

Now, therefore, pursuant to the authority vested in me by Executive Order Nos. 7A and 7F, in accordance with the CMS Visitation Memorandum, and in response to the ongoing public health crisis arising out of COVID-19, especially among elderly individuals and persons with co-morbid conditions, I clarify that restrictions to open visitation continue to exist for legal process servers and **I hereby order** that any legal process server is prohibited from entering a Facility, for the duration of the public health and civil preparedness emergencies, unless sooner modified or terminated by me by a future Order, or the Governor's earlier repeal or modification of Executive Order Nos. 7A or 7F, or termination of the public health and civil preparedness emergencies, and that the service of legal process and any Probate Court proceedings concerning a Facility resident occur in accordance with the provisions of Executive Order No 7F.

Ordered this 7th day of October 2020

A handwritten signature in blue ink, reading "Deidre S. Gifford". The signature is written in a cursive style with a horizontal line underneath the name.

Deidre S. Gifford, MD, MPH
Acting Commissioner