

Enforcement of the COVID-19 Sector Rules

Training for Local Health Departments: Sanitarians & Directors of Health

CONNECTICUT DEPARTMENT OF PUBLIC HEALTH

FRIDAY, JANUARY 8

3:00 – 4:00 PM



Agenda

- ▶ Discuss and illustrate current COVID-19 case/mortality numbers and rates
- ▶ Discuss enforcement methodology and available tools
- ▶ Review enforcement roles and responsibilities
- ▶ Review reporting tool developed by DPH
- ▶ Discuss local health standard practices: New Haven
- ▶ Review enforcement ticket process
- ▶ Question & Answer Session



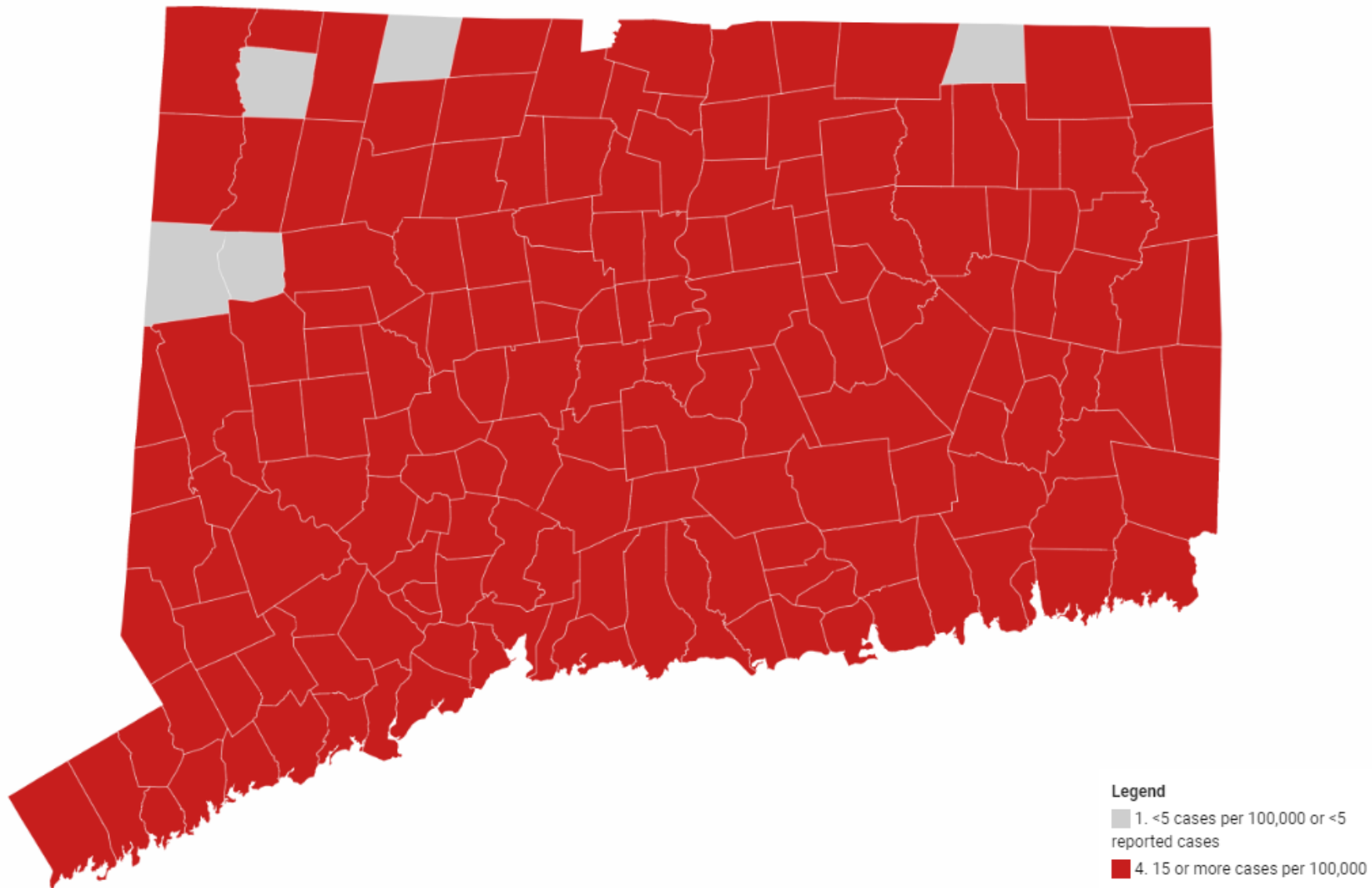
Introduction

- Lori J. Mathieu, Chief, Environmental Health and Drinking Water Branch, DPH
- Christine Hahn, Epidemiologist, Environmental Health and Drinking Water Branch
- Alexandra Daum, Deputy Commissioner, Department of Economic & Community Development
- Brenda M. Bergeron, Esq., Division of Emergency Management and Homeland Security, DESPP
- Jack Suchy, Director, Department of Consumer Protection Liquor Control



Connecticut COVID-19 Data

Average Daily Rate of COVID-19 Cases Among Persons Living in Community Settings per 100,000 Population By Town



This map shows the average daily rate of new cases of COVID-19 by town during the past two weeks. Only cases among persons living in community settings are included in this map; the map does not include cases among people who reside in nursing home, assisted living, or correctional facilities.

Map: Ver 12.1.2020 • Source: [CT Department of Public Health](#) • [Get the data](#) • Created with [Datawrapper](#)

Connecticut COVID-19 Summary

State Summary

Connecticut COVID-19 Summary

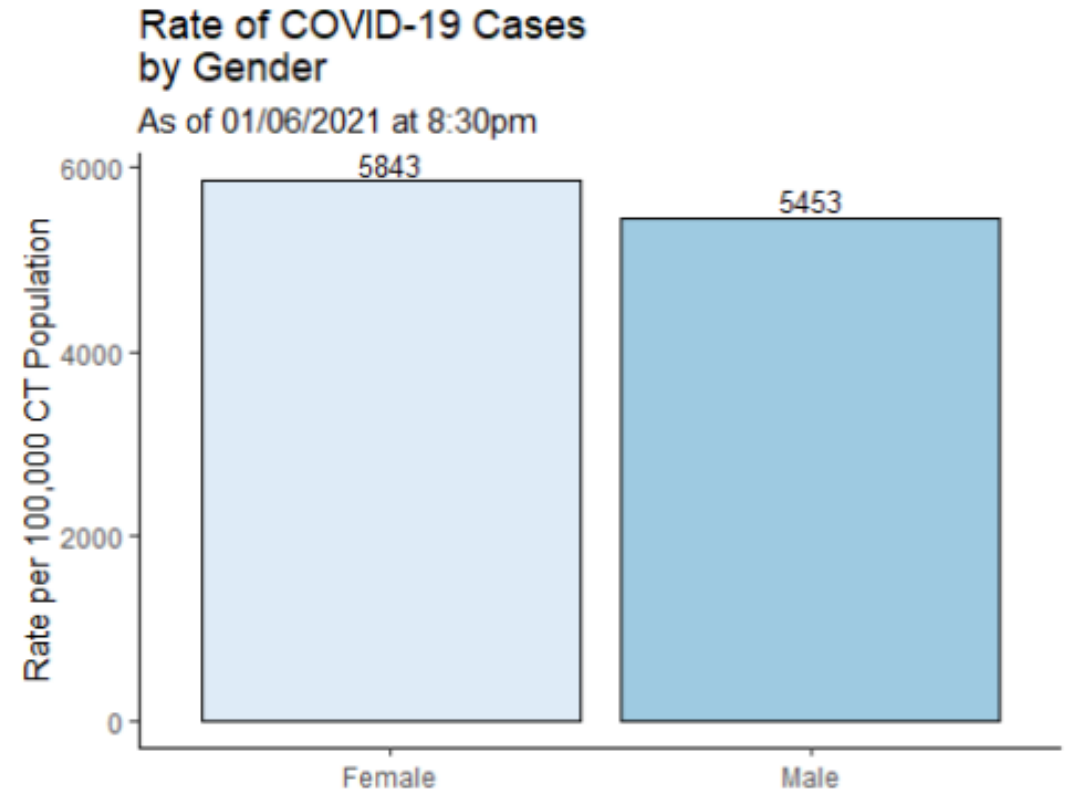
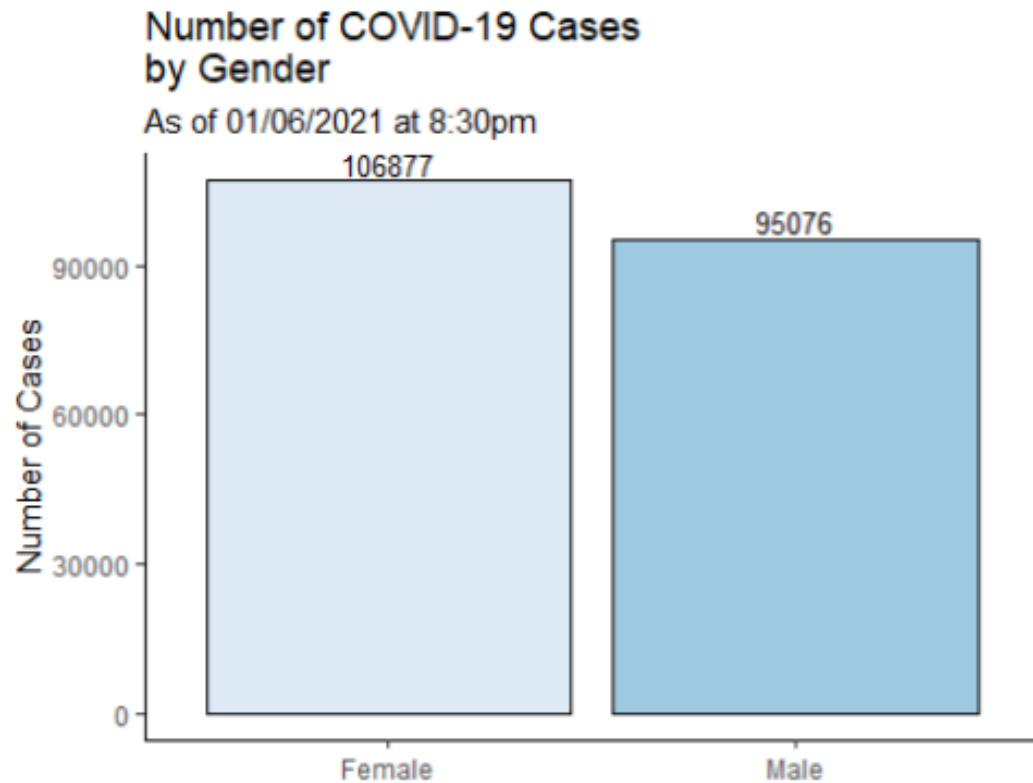
Summary for the most recent day of reporting. Includes confirmed plus probable cases; probable cases include persons with positive antigen results

Measure	Total	ChangeDirection	Change
COVID-19 Cases (confirmed and probable)	202,758	+	3,304
COVID-19 Tests Reported (molecular and antigen)	4,569,705	+	52,633
Daily Test Positivity*			6.28%
Patients Currently Hospitalized with COVID-19	1,087	-	52
COVID-19-Associated Deaths	6,287	+	57

Daily test positivity is the number of new positive molecular and antigen cases divided by the number of new molecular and antigen tests reported in the past 24 hours.

Table: Ver 12.1.2020 • Source: [CT Department of Public Health](#) • [Get the data](#) • Created with [Datawrapper](#)

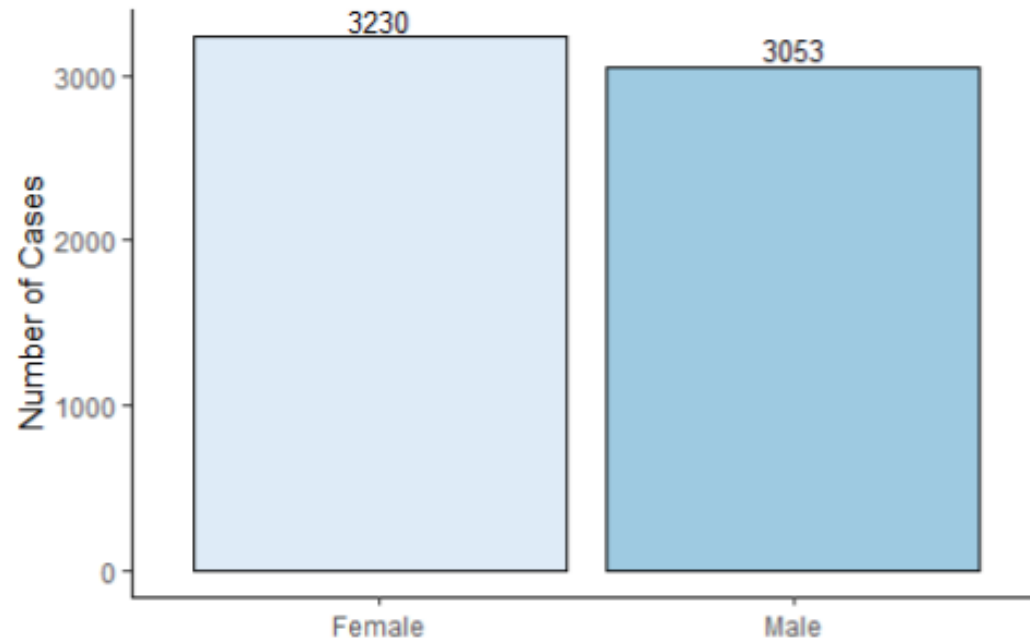
COVID-19 Case Number and Case Rate by Gender, Connecticut



COVID-19 Number and Rate of Deaths by Gender, Connecticut

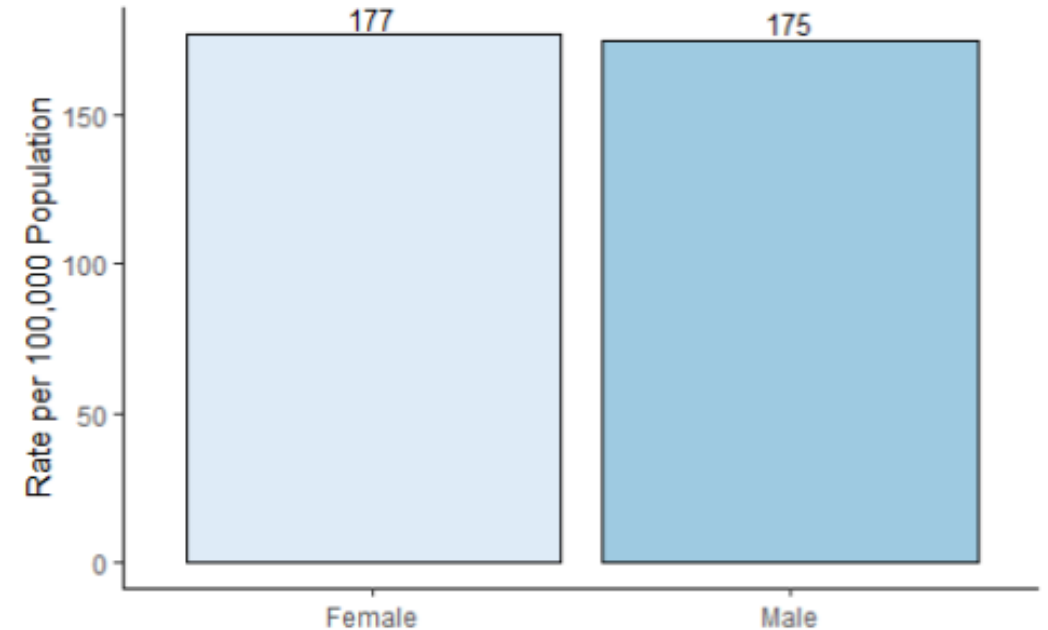
Number of COVID-19-Associated Deaths by Gender

As of 01/06/2021 at 8:30pm

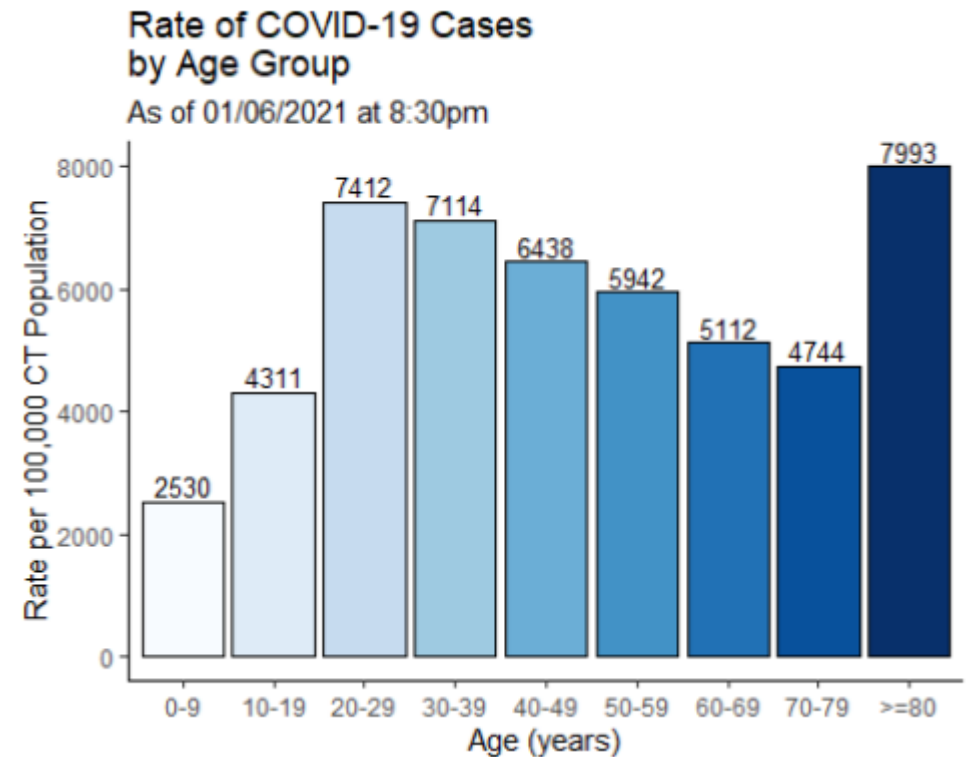
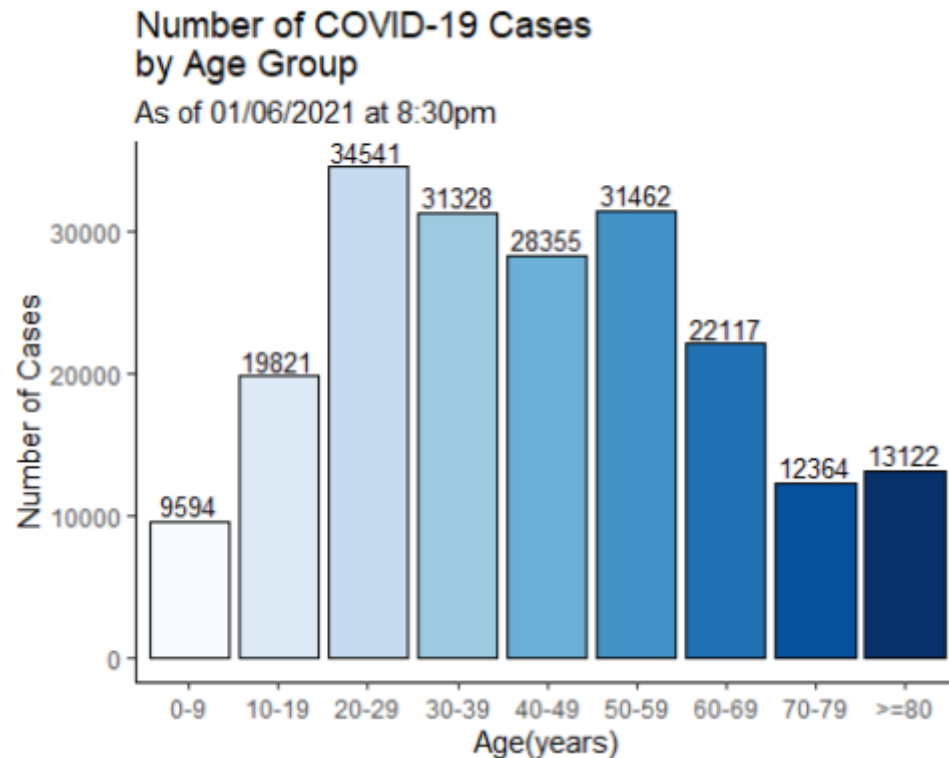


Rate of COVID-19-Associated Deaths by Gender

As of 01/06/2021 at 8:30pm



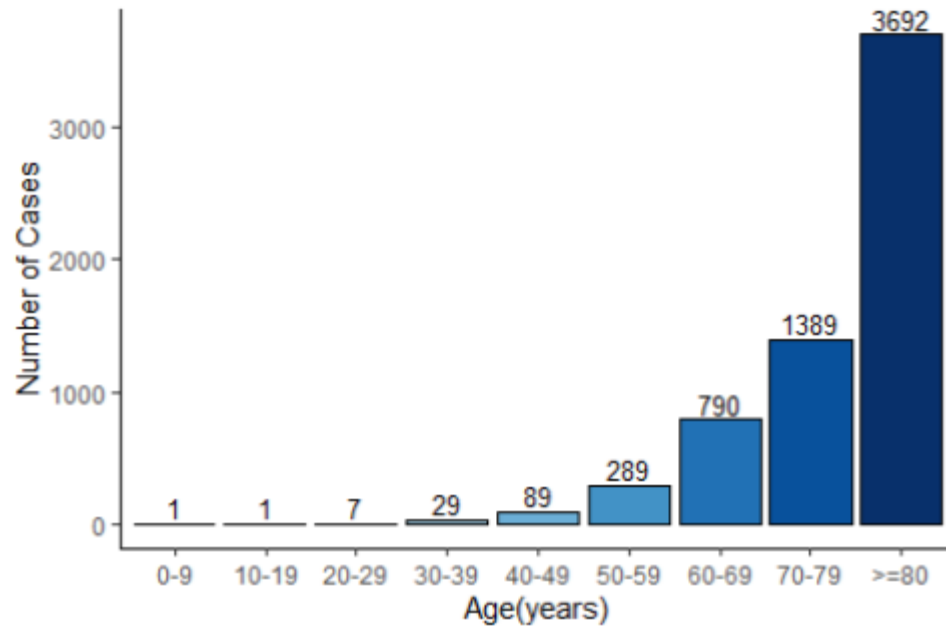
COVID-19 Case Number and Case Rate by Age, Connecticut



COVID-19 Number and Rate of Deaths by Age, Connecticut

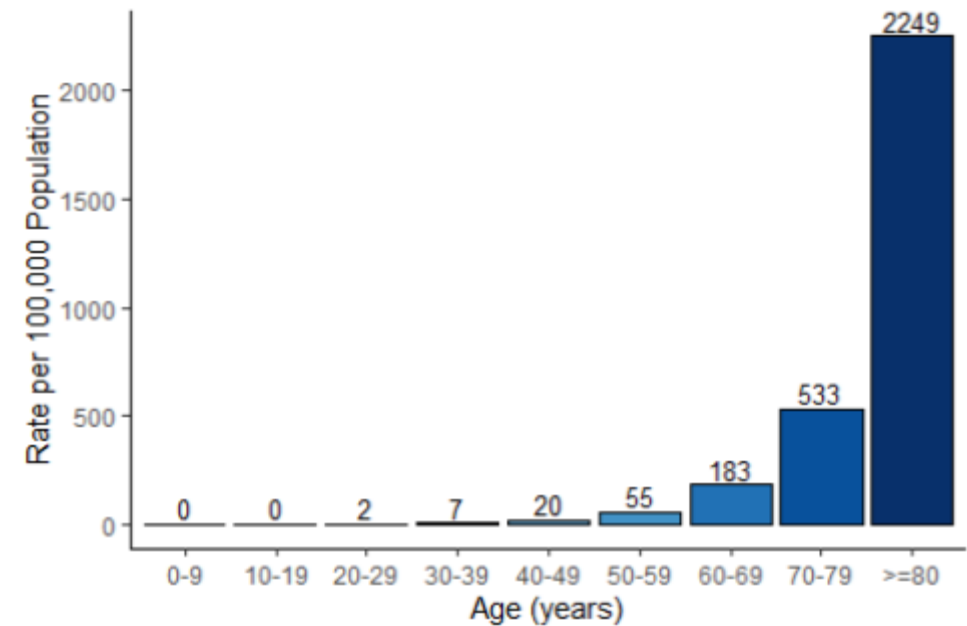
Number of COVID-19-Associated Deaths by Age Group

As of 01/06/2021 at 8:30pm

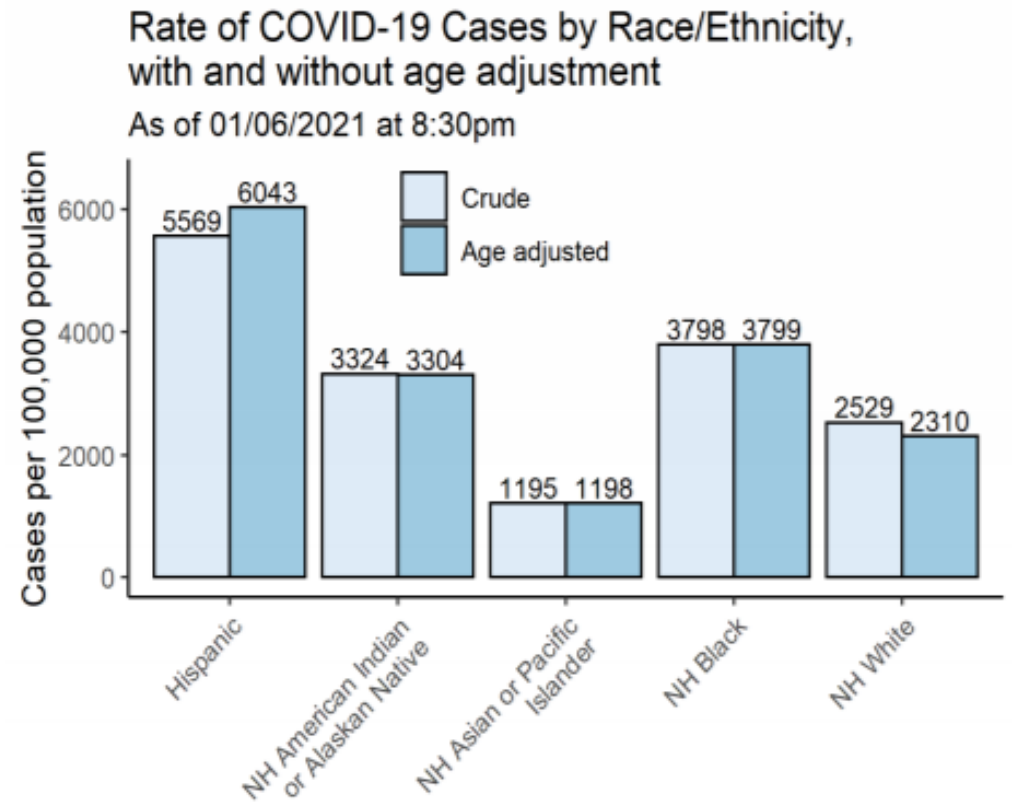
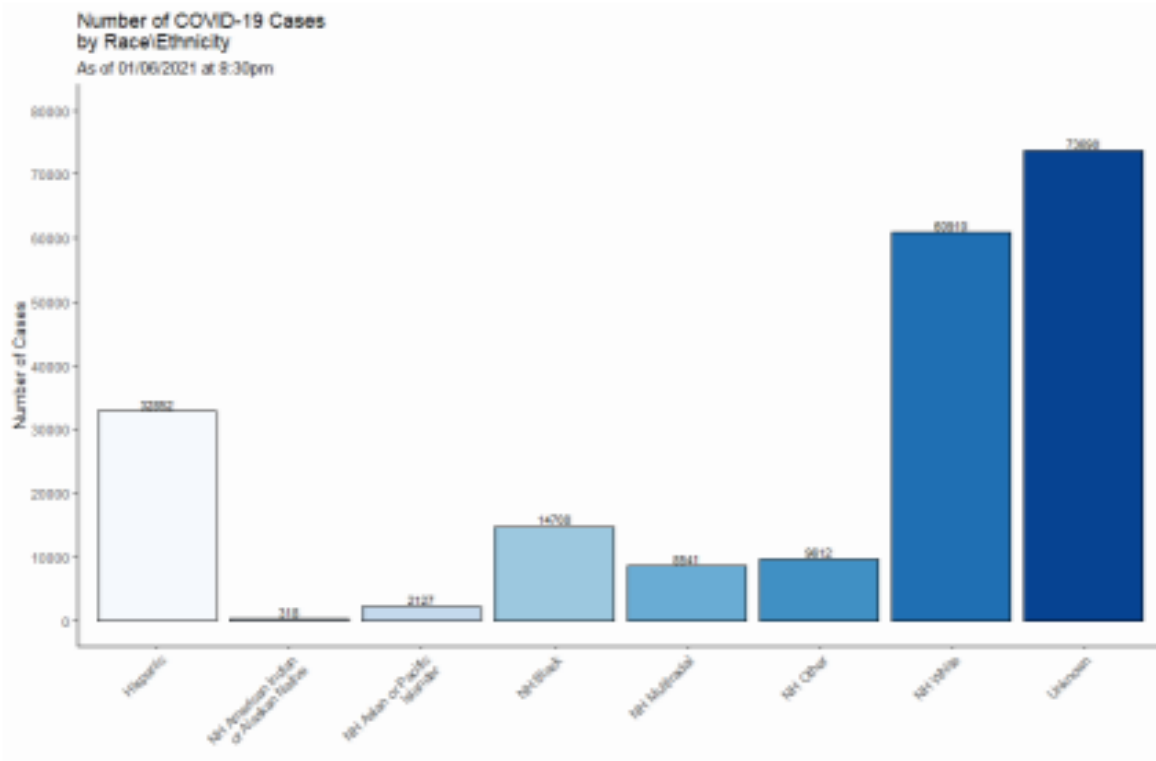


Rate of COVID-19-Associated Deaths by Age Group

As of 01/06/2021 at 8:30pm



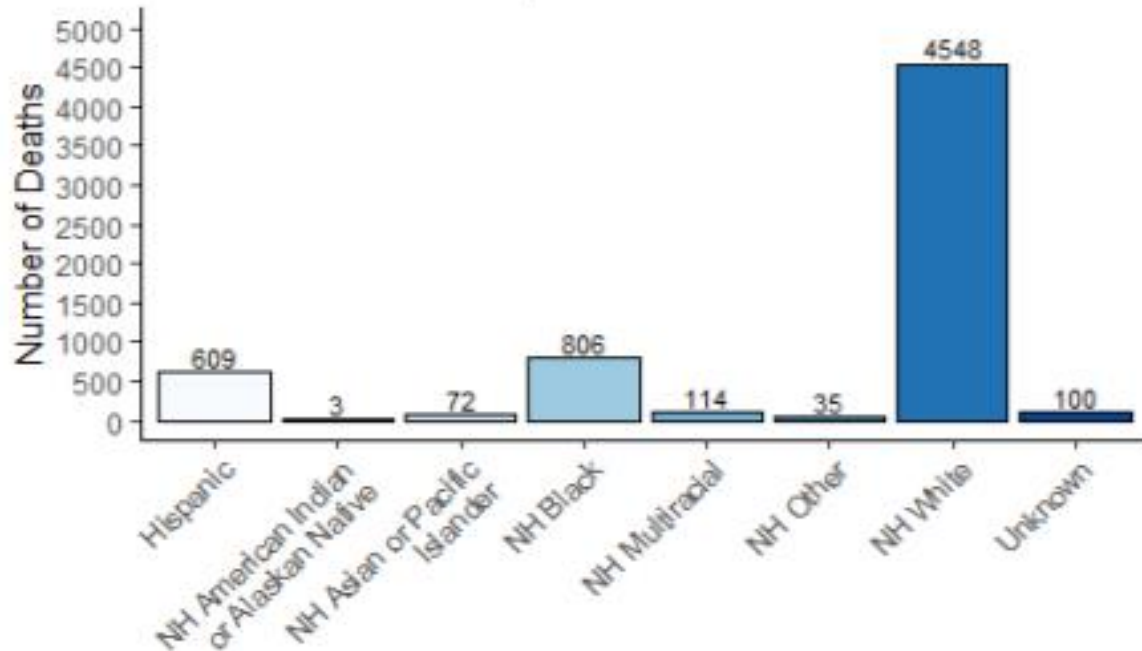
COVID-19 Case Number and Case Rate by Race/Ethnicity, Connecticut



COVID-19 Number and Rate of Deaths by Race/Ethnicity, Connecticut

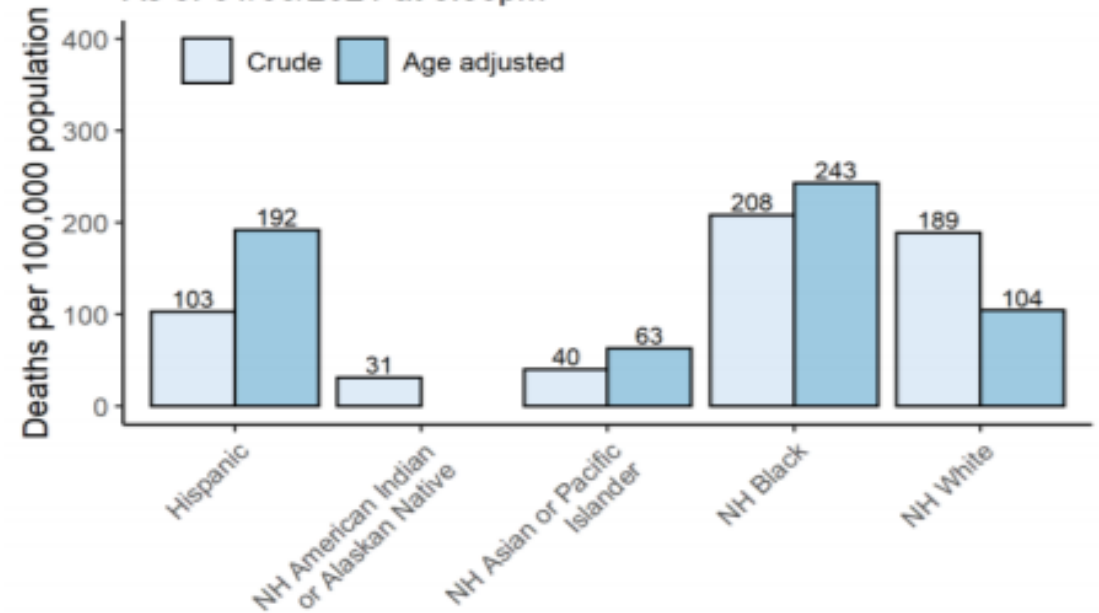
Number of COVID-19-Associated Deaths by Race\Ethnicity

As of 01/06/2021 at 8:30pm



Rate of COVID-19-Associated Deaths by Race/Ethnicity, with and without age adjustment*

As of 01/06/2021 at 8:30pm





Develop Your Team

Local Team Approach

- ▶ Develop Local Task Force Team and an approach you can all agree on
 - ▶ Conduct ongoing education sessions for team members
 - ▶ Municipal and district model
- ▶ Include CEO/CAO/LHD/LPD/Municipal Designee
- ▶ Plan enforcement strategy – Continued Effort
 - ▶ Plan – Enforcement - Work Together
 - ▶ Visit Sites Together - Malls/Areas of Large Gatherings
 - ▶ Plan secure visits
- ▶ Develop SOPs based on Sector Rules
- ▶ Double down on enforcement action





Who Does the Enforcement?

Executive Order NO. 7PP – Enforcement of Sector Rules

16

- Issued by Governor Ned Lamont on May 18, 2020
- Section 2 of [Executive Order No. 7PP](#):
 - Modifies § 19-13-B1 of the Regulations of Connecticut State Agencies to include in the definition of public nuisance a violation of the Sector Rules.
 - Modifies *Conn. Gen. Stat.* § 19a-206 and § 19-13-B2(a) of the Regulations of Connecticut State Agencies to authorize a local or district health director to order the closure of a Public Health Facility until such time as he or she determines that the Public Health Facility has abated the nuisance by coming into compliance with the Sector Rules. “Public Health Facility” is defined in the Executive Order to include hair salons, barbershops, beauty shops, nail salons, spas, tattoo or piercing establishments, restaurants, eating establishments, private clubs, or any locations licensed for on-premise consumption of alcohol, that are allowed to reopen pursuant to the Sector Rules.
 - Modifies *Conn. Gen. Stat.* § 19a-206 and § 19-13-B2(a) of the Regulations of Connecticut State Agencies to authorize a Municipal Designee to order the closure of any business other than a Public Health Facility in violation of the Sector Rules until such time as the Municipal Designee determines that such business has abated the nuisance by coming into compliance with the Sector Rules.

Executive Order NO. 9B – Authority to issue fines

- Issued by Governor Ned Lamont on September 15, 2020.
- Section 2 of [Executive Order No. 9B](#) authorizes local health directors, district health directors, and their designees; municipal chief executive officers and their designees; and state and municipal police officers, among others, to issue fines for the following violations:
 - \$100 fine for failing to wear a mask or cloth face covering while in **any public place or in any location where and for whom wearing a mask or face covering is required**
 - \$100 for a business entity, rather than the employee, **for any employee's failure to wear a required mask or cloth-face covering while at work**
 - \$250 fine for any person who attends a gathering that violates the gathering size restrictions
 - \$500 fine for any person or business entity who organizes, hosts, or sponsors a gathering that violates the gathering size restrictions

Local health can fine **any business**, not only those businesses under the public health code.

Executive Order NO. 9N – Additional Enforcement Authority Regarding Violations of Size and Capacity Limits

- Issued by Governor Ned Lamont on November 24, 2020
- Provides authority for Directors of Local Health to issue a \$10,000 fine for violating size and capacity limitations established by the DECD Sector Rules and DECD Gatherings Capacity Limits.
- To date, one fine has been issued in Connecticut



Enforcement Tool-Box

Local Team Approach with Town CEO/LHD/LPD/Muni Designee/Zoning ZEOs

1. **Respond to Complaints or on Inspection** - Find Sector Rule violations
2. **Educate** – possible corrective action plan
3. **Issue Warning** – in writing and documented, signed by Town employee, assure receipt, share explanation of Sector Rule, tiered approach – witnesses adhered to corrective action, bring team to review, everyone need to sign off prior to reopening
 - ▶ Situations different, corrective action, balance, options based on severity
4. **Issue Ticket for \$100/\$250/\$500** - Fines per EO 9B
 - ▶ Documentation important
5. **Closure** - if licensed facility - reopen temporary until full compliance
6. **Issue \$10k Civil Penalty** – per EO 9N
 - ▶ egregious, major multiple Sector Rule violations
 - ▶ Repeated issues, repeated complaints
 - ▶ well documented Sector Rule violations
7. **Pursue Liquor License Suspension**
 - ▶ In writing to DCP
 - ▶ Timely
 - ▶ Video - source of video needed

Progressive Action

01

Issue
Warning

02

Issue
Ticket

\$100/\$250/
\$500

03

Closure

04

Liquor
License
Summary
Suspension

05

**\$10,000
penalty**

**Enforcement Task Force
DPH, LHD, DECD, DEMHS, DCP**

Enforcement Tool Screenshots

Local Health Reporting of COVID-19 Enforcement Activities

Complete this form for either each business/establishment or individual that an infraction ticket was issued to.

1. Date of Enforcement Activity *

Please input date in format of M/d/yyyy 

2. Number of hours for LHD Staff? *

Half hour increments (e.g. 0.5, 1.5, etc.)

Enter your answer

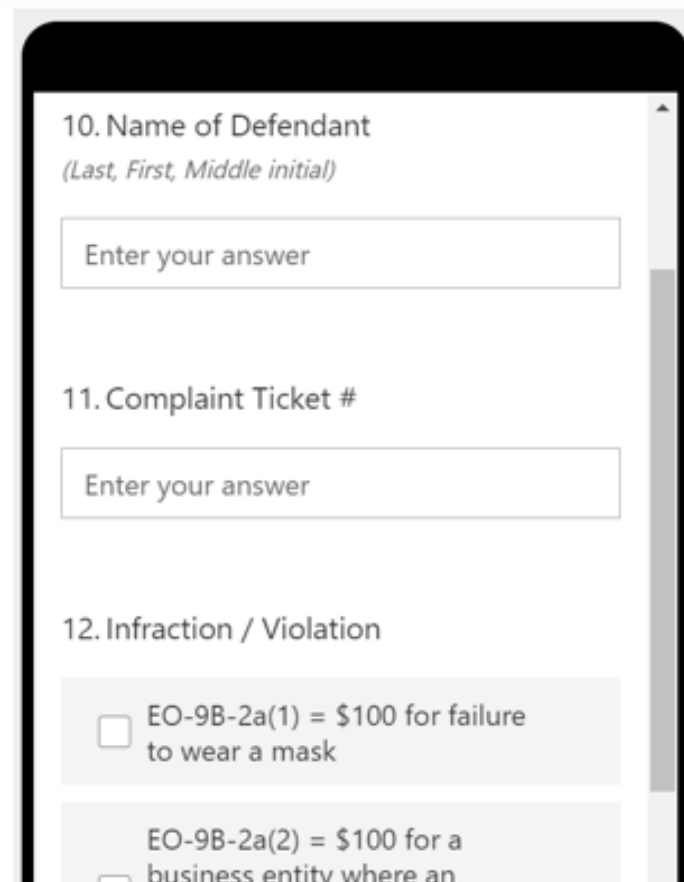
3. Enforcement Type *

Select all that apply

- Warning
- Infraction
- Closure
- Order / Notice of Violation
- Other

Judicial Branch Infraction related questions

These questions were taken from JD-CL-3a REV. 9-18 form



10. Name of Defendant
(Last, First, Middle initial)

Enter your answer

11. Complaint Ticket #

Enter your answer

12. Infraction / Violation

- EO-9B-2a(1) = \$100 for failure to wear a mask
- EO-9B-2a(2) = \$100 for a business entity where an

ACCESS
FORM
HERE

TOGETHER
NEW HAVEN



Together New Haven Initiative

COVID-19
Taskforce Goal

To educate business owners on the State of CT Sector Guidelines, CT Re-Open Sector Rules and the City of New Haven Ordinances that have been put in place to ensure the safety of our establishments and their patrons during the pandemic.

COVID-19
Taskforce
Representatives

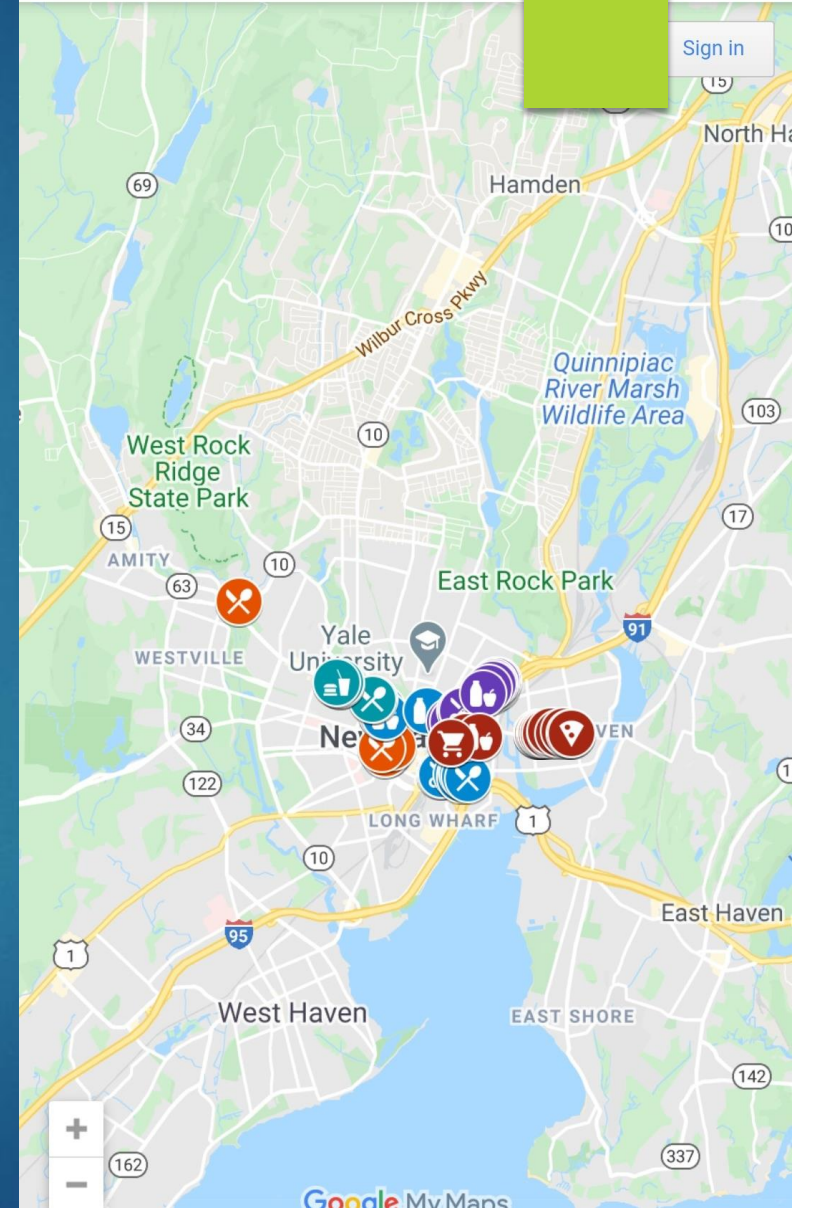
The taskforce is comprised
of several city
departments:

- Health Department
- Building Department
- Fire Marshal's Office

COVID-19
Taskforce
Establishments
Visited

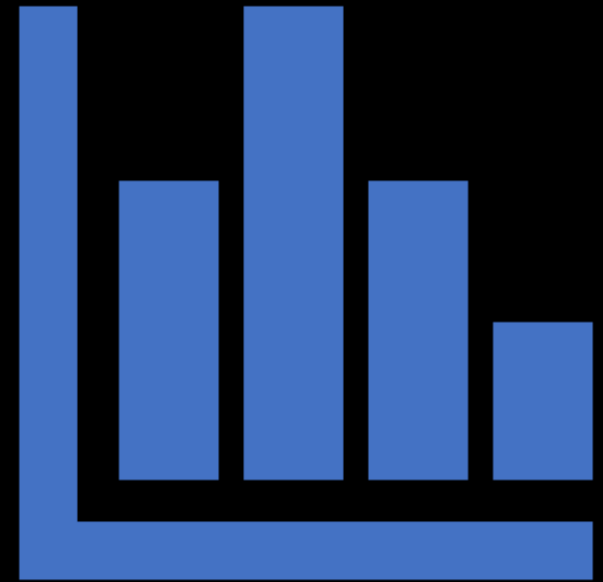
- An average of 10-12 establishments are visited weekly
- Provide COVID-19 signage, sector guidelines, technical assistance

City of New Haven Reopening Taskforce Visits



VEOCI

Data management systems
that tracks complaint
investigations



VEOCI

10:12

← Back Create

Environmental Health
Complaint Reporting Data

Date of Complaint

See Click Fix Nbr

Contact Name

Type of Establishment
-- select an option --

Select Food Establishment:
Select Entry From: List Map

Establishment Number
-- Click to Load Entries --

Establishment Name

10:10

Veoci

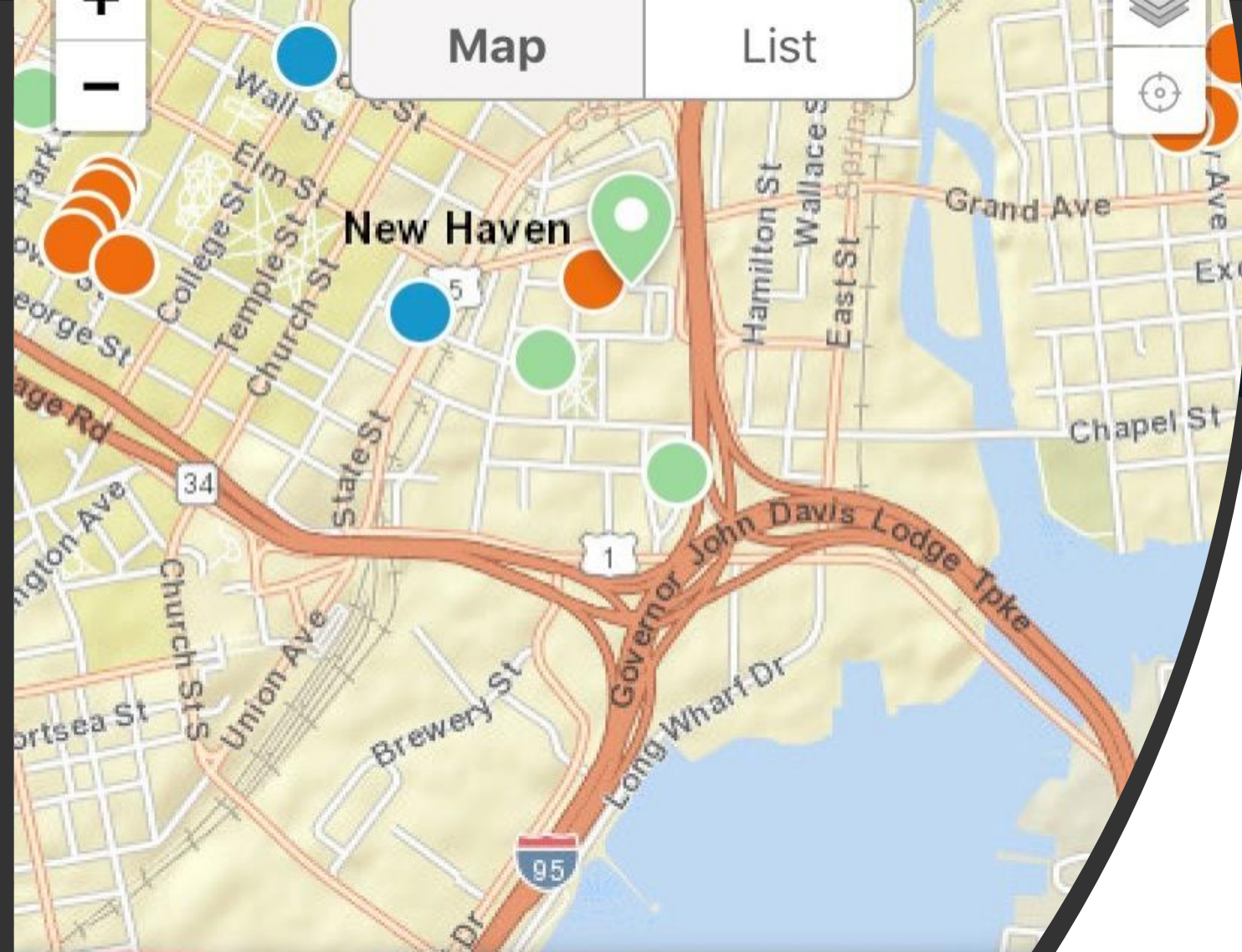
Environmental Health

Join

- Rooms
- Forms
- Workflow
- Tasks
- My Dashboard
- My Apps

See, Click, Fix

- Assists individuals to communicate and connect with their neighbors and local government services to take care of issues within their community.
- Between 5-10 complaints received daily
- Sanitarians responds to complaints within 24 hours



See, Click, Fix



Sample Checklist

- ▶ See attachment in Teams chat



Issuing Infraction Tickets

ISSUING AN INFRACTION

BUSINESS EXAMPLE

COMPLAINT TICKET				P.D. CASE NO.	
The undersigned officer complains that:					
ON (Mo., Day, Year)	AT (Time)	IN (Offense Town)	TOWN CODE		
10/16/2020	6:00 P M	Killingly	069		
NAME (Last, First, Middle Initial)					
Smith, Cody, P.					
ADDRESS (No., Street and City)					
52 Main Street, Killingly, CT					
STATE	ZIP + 4	DATE OF BIRTH	RACE	HISP.	SEX
06239		02/22/90	W	<input type="checkbox"/> Y	M
LICENSE AND MOTOR VEHICLE					
DRIVER'S LICENSE NO.		<input type="checkbox"/> "X" IF BOATING CERTIFICATE NO.		STATE	
1 9 0 3 4 3 3 3 7				CT	
REG. NO.	<input type="checkbox"/> "X" IF BOAT	STATE	MAKE/MODEL/STYLE	YEAR	COLOR
OWNED BY (Last, First, Middle Initial)					
N/A					
ADDRESS (No., Street and City)					STATE
ON (Street or Highway; If intersection, specify)					
Main Street, Killingly, CT (May Add Business Name)					
TRUCK (14-260n)		OVER 16% OVERWEIGHT (Overweight Violation)	SPEED (IF APPLICABLE)		ROAD TRAF.
<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N			
DOT #	18,000 LBS. OR MORE (Overweight Violation)	ACTUAL SPEED	POSTED LIMIT	VIS.	AREA
	<input type="checkbox"/> Y <input type="checkbox"/> N				
COMMERCIAL/HAZARD. MAT.		ANSWER DATE (Month, Day, Year)			
<input type="checkbox"/> CDL <input type="checkbox"/> CV <input type="checkbox"/> HM	DATE		10/30/2020		
did commit the following INFRACTION(S)/VIOLATION(S)					
1. EMPLOYEE VIOLATION OF FACE COVER REQUIREMENTS - BUSINESS	STAT /ORD. NO.	AMOUNT			
	EO-9B-2a(2)	\$100			
2.					
3.					
SIGNATURE (Officer)		AMOUNT DUE			
Tpr. Matt Kane		\$100 .00			
SHIELD NO.	POLICE DEPARTMENT				
433	Connecticut State Police				
PHOTO I.D.	SIGNATURE (Person receiving this complaint)				
<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	<input checked="" type="checkbox"/>				
CONNECTICUT SUPERIOR COURT JD-CR-2 Rev. 8-08					

Find Town Code Here: <https://portal.ct.gov/-/media/DMV/CTDMVTaxTownCodeList.pdf?fa=en>

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Location of the Offense

Areas Crossed out are specific to Motor Vehicle Laws

Schedule answer date for second Friday after the date of the violation, even if such Friday is a Holiday

Designates if the violator's identity was confirmed by a photograph ID.



How to obtain ticket books

- Local officials, other than local and district health departments, should send an email to: traffictickets@jud.ct.gov to request complaint ticket books.
- Local and district health departments should send an email to: DPH.LHD.E09B.violations@ct.gov to request complaint ticket books.





Other LHD Experiences



Questions & Answers



Appendix: Sanitarian Resources

Helpful Tools

- ▶ Establish a COVID-19 hotline for complaints
- ▶ Develop tiered response
 - ▶ New Haven Health Department follows a standard operating procedure (SOP) when responding to complaints of public health facilities not complying with Reopen Sector Rules. This SOP may change due to future Governor's Executive Orders or directives from the CT Department of Public Health.
 - ▶ Employ three strikes rule

First complaint

The inspector should:

1. Verify complaint by conducting a site visit or phone call.
2. Provide via supplying a hard copy, faxed, or email copy of the associated Reopen Sector Rule.
3. If the facility does not have PPE, provide list of vendors found at this link:
<https://portal.ct.gov/DECD/Content/Coronavirus-Business-Recovery/Small-Business-Reopening-Resource-Guide/Suppliers>

If the facility does not have PPE, they need to be closed until needed PPE per Sector Rule is procured. The facility should call our office when PPE is procured.

Second complaint

The inspector should:

1. Verify complaint by conducting a site visit.
2. Verbalize that if a third complaint is received and verified the Department will close the establishment until the public health facility is in compliance with Reopen Sector Rules. A letter stating such will be mailed to the facility.

Third complaint

The inspector should:

Verify complaint by conducting a site visit.

1. Consult with the Director of Health regarding findings. Discussion of closing is dependent on the Sector Rule violation.

Self-Certification

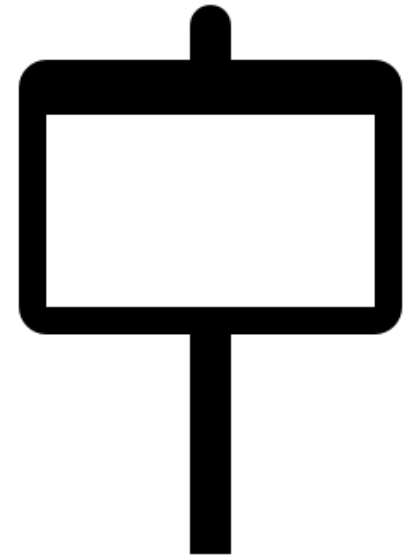
- Prior to opening, complete the self-certification on the DECD website to receive a **Reopen CT Badge**.
www.business.ct.gov/reopen
- Posting the badge at your establishment is strongly recommended to **ensure compliance with CT rules** and to build customer confidence.
- NOTE: If you already self-certified your business during Phase 1 and 2, your business will NOT need to certify again during Phase 3.



Signage

Provide **signage in both English and Spanish** throughout, especially in entrance and exit points:

- ✓ No Mask, No Entry
- ✓ Social distancing protocols
- ✓ Cleaning and disinfecting protocols
- ✓ Signs and symptoms of COVID-19
- ✓ Employees shall stay home if sick/experiencing COVID-19 symptoms
- ✓ Customers shall not enter if they are experiencing COVID-19 symptoms
- ✓ 211 hotline for COVID-19 violations



Personal Protection for Employees

All employees are required to wear a facemask or other cloth face covering that completely covers the nose and mouth

Employees that cannot wear a mask due to a medical condition must provide documentation to their employer.

All restaurant employees shall follow FDA guidelines on usage of gloves where appropriate.

Personal Protection for Customers

Customers are **required to bring and wear facemasks** or other cloth face covering that completely covers the nose and mouth.

Businesses have the **right to refuse service** to an individual who is not wearing a mask.

Employee Health Monitoring

Create

An employee log: Employees should sign in and out of work daily

Undergo

Staff must undergo a "Daily Health Check" when they arrive at work

Ensure

Staff are familiar with the signs and symptoms of COVID-19

Ensure

Staff know who to report to when they show signs and symptoms of COVID-19

Logs must always be maintained onsite and be made available to the NHHD upon request.

Per CDC recommendations, employers should check employee's temperature, using a touchless infrared thermometer, **before entering their workplace** and throughout the workday.

Any employee who has a **temperature above 100.4°F** is not allowed to work and cannot return until they have no fever and show no signs and symptoms of COVID-19.

Employees can take their temperatures themselves at home; however, the employer must conduct a visual assessment of the employee to confirm they do not have shortness of breath or a cough.