

Elkhart County Health Department
Public Health Order No. 02-2020

Long-term Care Facility Visitation Restriction

The outbreak of a new coronavirus continues to cause the disease called COVID-19. COVID-19 is having a direct impact on the health and safety of Elkhart County residents. Elkhart County is continuing to experience a high positivity rate among COVID-19 tested individuals. The State of Indiana has recognized Elkhart County's high positivity rate and ordered, in Executive Order 20-36 (dated July 16, 2020), Elkhart County to remain in Stage 4. In order to protect public health, restrictions must be established to help curb the spread of COVID-19 and protect our vulnerable populations.

With this understanding, I hereby Order the following, effective immediately.

A. Long-term Care Facility Visitation Restriction

Long-term care facilities are not required to offer, and should restrict, indoor visitation by non-medical professionals.

To the extent a long-term care facility wishes to offer indoor visitation as permitted by the Indiana State Department of Health, it must develop an indoor visitation plan to implement measures and institute safeguards to ensure a safe environment for its residents, workers, and visitors. The plan must meet all of the requirements and recommendations set forth by the Indiana State Department of Health ("ISDH") and the Centers for Medicare and Medicaid Services ("CMS"). The facility must provide each employee or staff with a physical or electronic copy of the plan and must post the plan publicly on the facility's website and at the facility itself.

Long-term care facilities should continue to offer outdoor visitation to the extent possible while maintaining the safety and health of its residents.

B. Exceptions to Long-term Care Facility Visitation Restriction

The Elkhart County Health Department recognizes an exception for compassionate care situations, such as an end-of-life situation. In end-of-life situations, long-term care facilities must follow the guidelines and recommendations set forth by ISDH and CMS.

C. Visitor Requirements

Every visitor of a long-term care facility must adhere to the restrictions set forth in this Order and follow the requirements set forth in any long-term care facility indoor visitation plan developed pursuant to this Order.

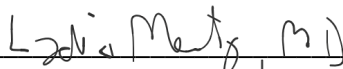
D. Intent and Use of this Order

On June 29, 2020, the Indiana State Department of Health (“ISDH”) issued Visitation Guidelines for Long-term Care Facilities (“Guidelines”). Effective July 17, the Guidelines updated the waivers to reflect that facilities must offer at least four (4) hours of visitation daily including evening and weekend hours, unless the facility is under visitor restrictions due to a new facility-onset COVID-19 case. The four (4) hours permit a mixture of outdoor and indoor visitation unless weather prevents outdoor visitation. On July 16, 2020, ISDH issued a Visitation Guidance Update (“Update”) in its Long Term Care Newsletter, attached as Exhibit A, acknowledging that stricter visitation limits may be appropriate in communities with increased COVID-19 cases. In the Update, ISDH also verified the Elkhart County Local Health Officer’s authority to issue this Order. The Update also confirmed that the stricter visitation limits set forth in this Order supersede the ISDH Guidelines and that facilities in Elkhart County must adhere to this Order. This Order is intended for and should be used to protect the health and safety of a known vulnerable population.

E. Scope and Duration

This Order goes into effect immediately upon its execution. This Order will remain in effect until Elkhart County moves out of Stage 4 or upon rescission by the Elkhart County Local Health Officer. Prior to rescinding this Order, the Health Officer intends to examine the number and percentage of positive cases in Elkhart County in comparison to the State of Indiana. For the duration of this Order, this Order supersedes the Guidelines issued by the Indiana State Department of Health. Compliance with this Order is not required to the extent necessary to comply with any federal, state, or local laws, rules, and regulations.

Signed and issued July 17, 2020, in Elkhart County, Indiana.



Dr. Lydia Mertz, Elkhart County
Local Health Officer



Indiana State
Department of Health

LONG TERM CARE NEWSLETTER

ISDH Long Term Care Newsletter
Issue 2020-52
July 16, 2020

Today's Issue:

- **Visitation Guidance Update**

On Wednesday, July 16, 2020, Governor Holcomb extended Stage 4.5 of Indiana's "Back on Track" plan for at least another two weeks. In light of this announcement, facilities have asked if ISDH will modify its operative [Visitation Guidelines for Long-Term Care Facilities](#) issued on June 29, 2020. ISDH has decided it will **not modify** the guidance because it has worked well so far and is consistent with the extension of Stage 4.5. However, in response to questions and communications, we want to clarify/amplify a few issues:

- Because each facility has responsibility for the safety and health of its residents, a facility may, in certain instances, temporarily impose stricter visitation limits than set out in the ISDH guidance. Before imposing stricter limits, a facility must (a) determine the limits are clinically necessary due to increased COVID-19 cases in the facility or surrounding community, and (b) notify and consult with ISDH about the facility's specific situation and concerns.
- The operative guidance states that by July 17, facilities must provide four hours of visitation "per day." This "per day" guideline does not require four hours of visitation on each weekend day (Saturday and Sunday). Rather, the guidance requires at least four hours of visitation for the entire weekend, e.g., on one day or split over both. Of course, facilities are free and encouraged to provide four hours or more of visitation on each weekend day in accordance with ISDH guidance.
- Outdoors currently remains the preferred venue for visitation. However, for assorted reasons some residents – e.g., those in memory care or hospice, or bedridden, or seriously disabled – cannot take part in outdoor visitation. ISDH **strongly** urges providers to facilitate indoor visitation for these residents, even if indoor visitation is not generally available on a given day. At this phase of the pandemic, residents having personal contact with their families and loved ones is as vital as staff wearing masks and other COVID-19 precautions.

- Some localities have ordered or recommended stricter visitation limits than set out in the ISDH guidance. Facilities in those localities should, of course, adhere to such orders and recommendations.