

STATE HEALTH COMMISSIONER'S ORDER

Concerning Relocation of Long Term Care Facility Residents during the COVID-19 Outbreak

WHEREAS, on March 6, 2020, Governor Eric J. Holcomb issued Executive Order 20-02, which declared that a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 2019 (“COVID-19”), and which was extended in Executive Order 20-17;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, COVID-19 is a respiratory illness that can be spread from person to person. COVID-19 is thought to be spread mainly between people who are in close contact and prolonged contact with one another (about 6 feet) through respiratory droplets produced by an infected individual. COVID-19 may also be spread by touching a surface object that has virus on it and then touching their own mouth, nose or eyes. COVID-19 seems to be spreading easily and sustainably in the community;

WHEREAS, In response to the novel coronavirus pandemic, the federal Centers for Medicare & Medicaid Services has waived numerous regulations to give states the flexibility needed to respond to this unprecedented public health emergency in regulated health facilities, including allowing some facilities to operate as dedicated COVID-19 only facilities;

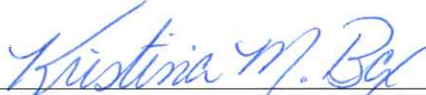
WHEREAS, The Indiana State Department of Health (“ISDH”) must have flexibility and freedom as it works to limit the spread of COVID-19 and ensure patients are treated efficiently and effectively in the most appropriate settings;

WHEREAS, ISDH is granted authority in Ind. Code 16-19-1-2 as the “superior health department of the state, to which all other health boards are subordinate”; Ind. Code 16-19-3-1 requiring the state department of health “to supervise the health and life of the citizens of Indiana” and granting “all powers necessary to fulfill the duties prescribed” in Indiana law; Ind. Code 16-19-3-9 to “do what is reasonable and necessary for the prevention and suppression of disease” and Executive Order 20-02 requiring local health officials to cooperate with the ISDH in its response to the declared public health emergency.

THEREFORE: I, Kristina Box, MD, FACOG, State Health Commissioner, do hereby order that:

1. During the public health emergency, Long Term Care Facilities ("LTCFs") are authorized to transfer, discharge, transport, or otherwise relocate patients or residents in accordance with the plans and guidance of ISDH, including transfers within a facility, transfers between facilities (including to and from hospitals), and transfers across city or county boundaries.
2. Any local health officer order or local health department order concerning the transfer, discharge, transport, or other relocation of LTCF patients or residents that is contrary or inconsistent with this Order is void.

SO ORDERED.



Kristina M. Box, M.D., FACOG
State Health Commissioner
Indiana State Department of Health

4-14-20

Date