ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND
NUMBER 20-05-06-01

AMENDING AND RESTATING THE ORDER OF MARCH 30, 2020, PROHIBITING LARGE GATHERINGS AND EVENTS AND CLOSING SENIOR CENTERS, AND ALL NON-ESSENTIAL BUSINESSES AND OTHER ESTABLISHMENTS, AND ADDITIONALLY REQUIRING ALL PERSONS TO STAY AT HOME

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, April 10, 2020, and May 6, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings;

WHEREAS, The currently known and available scientific evidence and best practices support limitations on large gatherings and social distancing to prevent exposures and transmissions, and reduce the threat to especially vulnerable populations, including older individuals and those with chronic health conditions;

WHEREAS, To reduce the threat to human health caused by transmission of the novel coronavirus in Maryland, and to protect and save lives, it is necessary and reasonable that individuals in the state refrain from congregating;

WHEREAS, To protect the public health, welfare, and safety, prevent the transmission of the novel coronavirus, control the spread of COVID-19,
and save lives, it is necessary to control and direct the movement of individuals in Maryland, including those on the public streets;

WHEREAS, It is further necessary to control and direct in Maryland the occupancy and use of buildings and premises, as well as places of amusement and assembly; and

WHEREAS, the Coronavirus Response Team will continue to advise on related public health and emergency management decisions;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Administrative and Implementing Provisions.

a. The Order of the Governor of the State of Maryland, dated March 12, 2020, entitled “Prohibiting Large Gatherings and Events and Closing Senior Centers,” as amended and restated on March 16, 2020, and further amended and restated on March 19, 2020 by Order Number 20-03-19-01, and further amended and restated on March 23, 2020 by Order Number 20-03-29-01, and further amended and restated on March 30, 2020 by Order Number 20-03-30-01 is further amended and restated in its entirety as set forth herein.

b. The Secretary of Health is hereby authorized to issue directives under this Order (“Secretary’s Directives”), as the Secretary deems necessary, to monitor, treat, prevent, reduce the spread of, and suppress COVID-19 in relation to any activity permitted under this Order or any business, organization, establishment, or facility that is permitted by this Order to be open to the general public, which directives may include, without limitation, binding requirements and/or non-binding recommendations.

c. Political subdivisions are not prohibited from opening outdoor public spaces to the general public (such as parks, sports fields and courts, beaches, dog parks, and playgrounds), subject to the following:

i. The decision to do so shall be made after consultation with the health officer for the county in which the outdoor public space is located (or, in the case of outdoor public spaces located in Baltimore City, the Commissioner of Health for Baltimore City) (the “Local Health Officer”).

ii. The Local Health Officer may issue such directives or orders as may be necessary to monitor, prevent, reduce the spread of, and suppress COVID-19 with respect to the use of the outdoor public space (“Health Officer

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ii. The political subdivision must require persons using the outdoor public space to comply with applicable Secretary’s Directives, applicable Health Officer Directives, and applicable social distancing guidance published by the U.S. Centers for Disease Control and Prevention (“CDC”) and the Maryland Department of Health (“MDH”).

II. Stay-at-Home Order.

a. All persons living in the State of Maryland are hereby ordered, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residences (“Homes”) except:

i. to conduct or participate in Essential Activities (defined below) or Permitted Outdoor Activities (defined below);

ii. staff and owners of businesses and organizations that are not required to close pursuant to paragraph IV or paragraph V below may travel:

1. between their Homes and those businesses and organizations; and
2. to and from customers for the purpose of delivering goods or performing services; and

iii. staff and owners of Non-Essential Businesses (defined below) may travel:

1. between their Homes and those Non-Essential Businesses for the purpose of engaging in Minimal Operations; and
2. to and from customers for the purpose of delivering goods.

b. As used herein, “Essential Activities” means:

i. Obtaining necessary supplies or services for one’s self, family, household members, pets, or livestock, including, without limitation: groceries, supplies for household consumption or use, supplies and equipment needed to work from home, laundry, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence;

ii. Engaging in activities essential for the health and safety of one’s self, family, household members, pets, or livestock, including such things as seeking medical or behavior health or emergency services, and obtaining medication or medical supplies;

iii. Caring for a family member, friend, pet, or livestock in another household or location, including, without limitation, transporting a family member, friend, pet, or livestock animal for essential health and safety activities,
and to obtain necessary supplies and services;

iv. Traveling to and from an educational institution for purposes of receiving meals or instructional materials for distance learning;

v. Travel required by a law enforcement officer or court order; or

vi. Traveling to and from a federal, State, or local government building for a necessary purpose.

c. As used herein, “Permitted Outdoor Activities” means the following, done in compliance with paragraph III below, applicable Secretary’s Directives, Health Officer Directives, and social distancing guidance published by CDC and MDH:

i. Outdoor exercise activities, such as walking, hiking, running, biking, or individual and small group sports such as golfing, tennis, and similar activities;

ii. Outdoor fitness instruction;

iii. Recreational fishing, hunting, shooting, and archery;

iv. Recreational boating;

v. Horseback riding; and

vi. Visiting cemeteries.

III. Gatherings Larger Than 10 Persons Prohibited.

a. Social, community, spiritual, religious, recreational, leisure, and sporting gatherings and events of more than 10 people (“large gatherings and events”) are hereby prohibited at all locations and venues, including but not limited to parades, festivals, conventions, and fundraisers.

b. Planned large gatherings and events must be canceled or postponed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

IV. Closure of Non-Essential Businesses, Generally.

a. This Order controls the occupancy and use of all businesses, organizations, establishments, and facilities that are not part of the critical infrastructure sectors identified by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency (currently described at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19) (collectively, “Non-Essential Businesses”).
b. Subject to paragraph IV.c, all Non-Essential Businesses shall remain closed to the general public.

c. Staff and owners may continue to be on-site at Non-Essential Businesses for only the following purposes (“Minimal Operations”):

   i. Facilitating remote working (a/k/a/ telework) by other staff;

   ii. Maintaining essential property;

   iii. Preventing loss of, or damage to property, including without limitation, preventing spoilage of perishable inventory;

   iv. Performing essential administrative functions, including without limitation, picking up mail and processing payroll;

   v. Caring for live animals; and

   vi. In the case of Non-Essential Businesses that are retail establishments, continuing to sell retail products on a delivery basis.

d. All businesses, organizations, establishments, and facilities that are required to close pursuant to paragraph V, pursuant to any other Order of the Governor of the State of Maryland or any other Order of a political subdivision, shall be and remain closed in accordance with paragraph V or such other Order, as the case may be.

V. Closure of Certain Specific Businesses, Organizations, and Facilities.

   a. **Senior Centers.** All senior citizen activities centers (as defined in Section 10-501(i) of the Human Services Article of the Maryland Code) shall remain closed until after termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded.

   b. **Restaurants and Bars.**

      i. This Order controls the occupancy and use of restaurants, bars, and other similar establishments that sell food or beverages for consumption on-premises in Maryland (“Restaurants and Bars”). This Order does not apply to food or beverage services in health care facilities, which are expressly excluded from the definition of “Restaurants and Bars.”

      ii. All Restaurants and Bars shall remain closed to the general public, except that, to the extent permitted by applicable law, and in accordance with any social-distancing recommendations of MDH, food and beverages may be:

         1. sold if such food or beverages are promptly taken from the premises, i.e., on a carry-out or drive-through basis; or
2. delivered to customers off the premises.

c. *Fitness Centers*.

i. This Order controls the occupancy and use of fitness centers, health clubs, health spas, gyms, aquatic centers, and self-defense schools in Maryland ("Fitness Centers").

ii. All Fitness Centers shall remain closed to the general public, except that the portion of any Fitness Center that is licensed or otherwise permitted by applicable law, regulation, or order to provide child care services may remain open to the general public for the purpose of continuing to provide such child care services.

d. *Theaters*.

i. This Order controls the occupancy and use of theatres in Maryland at which live performances occur or motion pictures are shown ("Theaters").

ii. All Theaters shall remain closed to the general public.

e. *Malls*.

i. This Order controls the occupancy and use of shopping centers in Maryland that have one or more enclosed pedestrian concourses ("Enclosed Malls").

ii. The following portions of Enclosed Malls shall remain closed to the general public:

1. pedestrian concourses and other interior common areas open to the general public, including without limitation, food courts; and

2. retail establishments only accessible to the general public from enclosed pedestrian concourses or other interior areas.

iii. This paragraph V.e does not require closure of retail establishments attached to Enclosed Malls that are directly accessible from the outside.

iv. Notwithstanding paragraph V.e.ii, local governments may approve access by the general public to the following parts of Enclosed Malls:

1. retail establishments (a) that primarily sell groceries or pharmacy products, or (b) at which licensed professionals provide health care services; and

2. pedestrian concourses and other interior common areas, but solely to the extent necessary for the general public to access the retail
establishments described in paragraph V.e.iv.1.

f. Other Recreational Establishments.

i. This Order controls the occupancy and use of the following establishments in Maryland (“Recreational Establishments”):

1. bingo halls;
2. bowling alleys;
3. pool halls;
4. amusement parks;
5. roller and ice skating rinks;
6. miniature golf establishments;
7. social and fraternal clubs, including without limitation, American Legion posts, VFW posts, and Elks Clubs; and
8. any other establishment not listed above that is subject to the admission and amusement tax under Title 4 of the Tax-General Article of the Maryland Code.

ii. All Recreational Establishments shall remain closed to the general public (including members, in the case of private clubs).

iii. Effective as of 7:00 a.m. on May 7, 2020, notwithstanding anything to the contrary elsewhere in this Order, the following establishments in Maryland may open to the general public, subject to paragraph III above and all applicable Secretary’s Directives and physical distancing guidance published by CDC and MDH:

1. golf courses and driving ranges;
2. outdoor archery and shooting ranges;
3. marinas and watercraft rental businesses; and
4. campgrounds.

g. Other Miscellaneous Establishments.

i. This Order controls the occupancy and use of the following establishments in Maryland:

1. tattoo parlors;
2. tanning salons;
3. barber shops; and
4. beauty salons and all other establishments that provide esthetic services, provide hair services, or provide nail services (as described in Title 5, Subtitle 2 of the Business Occupations Article of the Maryland Code).

ii. The establishments listed in paragraph V.g.i above shall remain closed to
the general public.

VI. Specific Exclusions. For avoidance of doubt:

a. This Order does not require the closure of, or prohibit the movement of any staff or volunteer traveling to, from, or in connection with their duties at any:

   i. federal, State, or local government unit, building, or facility;
   ii. newspaper, television, radio, or other media service; or
   iii. non-profit organization or facility providing essential services to low-income persons, including, without limitation, homeless shelters, food banks, and soup kitchens.

b. Paragraph II of this Order does not apply to:

   i. Persons whose homes or residences have become unsafe, such as victims of domestic violence; and

   ii. Persons who are experiencing homelessness, but governmental and other entities are strongly encouraged to make shelter available for such persons to the maximum extent practicable, in a manner consistent with the social distancing guidelines of the CDC and MDH.

VII. Government Buildings and Facilities with Large Occupancy or Attendance.

a. State and local government buildings and facilities with an expected occupancy or attendance of more than 10 people shall:

   i. Promptly and conspicuously post in the building or facility a copy of the MDH recommendations for social distancing; and

   ii. Provide all occupants and attendees with the capability to wash their hands.

b. A copy of this Order shall be made available to all occupants or attendees at any State or local government building and facility with an expected occupancy or attendance of more than 10 people.

VIII. General Provisions.

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

b. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

c. This Order remains effective until after termination of the state of emergency and
the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended to the extent of the inconsistency.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

f. If any provision of this Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.

**ISSUED UNDER MY HAND THIS 6TH DAY OF MAY, 2020, AND EFFECTIVE IMMEDIATELY.**

Lawrence J. Hogan, Jr.
Governor
AMENDED DIRECTIVE AND ORDER REGARDING VARIOUS HEALTHCARE MATTERS


I, Robert R. Neall, Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus (“SARS-CoV-2” or “2019-nCoV” or “COVID-19”), and for the protection of the health and safety of patients, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease under the Governor’s Declaration of Catastrophic Health Emergency. This Directive and Order replaces and supersedes the Directives and Orders Regarding Various Healthcare Matters, dated April 5, and March 23, 2020 and the Directive and Order regarding Availability of Testing dated March 20, 2020.

COVID-19 TESTING & REPORTING

1. Testing Order Priority

   A. Testing Criteria: Healthcare providers should use their judgment to determine if a patient has signs and symptoms compatible with COVID-19 and whether the patient should be tested. Clinicians are encouraged to test for other causes of respiratory illness.

   Clinicians shall regularly check the U.S. Centers for Disease Control and Prevention (CDC) guidance for evaluating and testing persons for COVID-19, located here: https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-criteria.html

   B. Testing Priorities: Healthcare providers shall prioritize COVID-19 test orders using the most expeditious means available (e.g., a hospital lab, commercial lab, or the State Laboratory) to the following groups:

   I. Symptomatic hospitalized patients;

   II. Symptomatic patients and staff in nursing homes, long-term care facilities, or other congregate living facilities housing individuals who are medically fragile, or as directed by the Maryland Department of Health (MDH);

   III. Symptomatic emergency medical service personnel, healthcare workers, correctional officers, law enforcement personnel, and other first responders;

   IV. Symptomatic high-risk unstable patients whose care would be altered by a diagnosis of COVID-19;
V. Persons identified through public health cluster and selected contact investigations; or

VI. Persons without symptoms who are prioritized by MDH or a local health department, or at the direction of an MDH-designated response team.

2. Positive COVID-19 Test Reporting

A. Pursuant to Health General Article §§ 18-205 and 18-904, and COMAR 10.06.01.03 and .04, a medical laboratory performing a diagnostic test for COVID-19 shall report a positive test result of an individual immediately to the Maryland Department of Health ("MDH") and the appropriate local health officer. Contact information for MDH and the local health officer for each county is attached.

B. The medical laboratory shall immediately notify the requesting healthcare provider of the positive test result and provide a written or electronic report of the positive test result to the requesting healthcare provider to give to the patient.

3. Negative COVID-19 Test Reporting

A. Pursuant to Health General Article §§ 18-205, 18-206, 18-904, a medical laboratory performing a diagnostic test for COVID-19 shall report the total number of tests performed and its negative test results for tested individuals no less than once a week to MDH at Mdh.CovidAggLab@maryland.gov.

B. A laboratory that is already submitting HL-7 formatted electronic laboratory reports (ELRs) to MDH shall send reports for negative and inconclusive test results in addition to positive test results.

C. A laboratory that does not already submit HL-7 formatted ELRs to MDH shall submit a summary report to MDH at Mdh.CovidAggLab@maryland.gov at least once per week that contains the following: the total number of specimens tested, the number of positive results, the number of inconclusive results, and the number of negative results.

4. Other Testing Items

A. Availability: All healthcare providers, facilities, and entities that offer COVID-19 testing shall make that testing available to any person presenting at the testing site with a healthcare provider’s order and/or who meets the CDC criteria without regard to that person’s ability to pay, type of health insurance, or participation in any particular provider network.

B. Costs: MDH shall make available appropriate financial support to those providing testing to the extent that the costs of that testing are not covered by payment from individuals and health insurance carriers. Laboratories processing COVID-19 tests for Maryland residents must accept reimbursement from the patients’ insurance - private, Medicare, or Medicaid. If a patient is uninsured, providers and laboratories should use this process for reimbursement:
HEALTHCARE PROVIDER MATTERS

5. Elective and Non-urgent Medical Procedures - Licensed Healthcare Facilities and All Healthcare Providers

A. Prohibition of Elective and Non-Urgent Medical Procedures

Pursuant to the Executive Order of March 16, 2020 relating to various healthcare matters and in accordance with the guidance issued by MDH and posted on its website at http://coronavirus.maryland.gov, all licensed hospitals, ambulatory surgical centers, and all other licensed healthcare facilities shall cease all elective and non-urgent medical procedures effective at 5 p.m., Tuesday, March 24, 2020 and not provide any such procedures for the duration of the catastrophic health emergency.

Pursuant to the Executive Order of March 16, 2020 relating to various healthcare matters and in accordance with the guidance issued by MDH and posted on its website at http://coronavirus.maryland.gov, all providers of healthcare licensed, certified, or otherwise authorized under the Health Occupations Article shall perform only medical procedures that are critically necessary for the maintenance of health for a patient. All elective and non-urgent medical procedures and appointments shall cease effective at 5 p.m., Tuesday, March 24, 2020 and shall not be performed for the duration of the catastrophic health emergency.

B. Resumption of Elective and Non-Urgent Medical Procedures - Conditions

All licensed healthcare facilities and healthcare providers may resume elective and non-urgent medical procedures and appointments at 7:00 A.M., May 7, 2020 provided all of the following measures are in place:

I. Licensed healthcare providers shall exercise their independent professional judgment in determining what procedures are appropriate to perform, which appointments should occur, and which patients to see in light of widespread COVID-19 community transmission.

II. Any licensed healthcare facility or healthcare provider resuming elective and non-urgent medical procedures shall have at least one week’s supply of personal protective equipment (PPE) for themselves, staff, and as appropriate, for patients.

   a. Note: PPE requests to any State or local health or emergency management agency will be denied for elective and non-urgent medical procedures.

   b. Note: The healthcare facility or healthcare provider must be able to procure all necessary PPE for its desired services via standard supply chains.

   c. Note: For hospitals with COVID-19 patients, MDH will determine a daily PPE per patient use rate for PPE requests.
III. Social distancing requirements must be strictly maintained in all settings where people must wait in order to minimize direct contact between individuals within the healthcare setting and use of non-traditional alternatives is encouraged (e.g., call ahead registration; waiting in a car until called).

IV. All healthcare workers, patients, and others must be screened for COVID-19 symptoms upon arrival for shift or visit. Staff must stay home if they are showing COVID-19 symptoms.

V. All healthcare facilities and healthcare providers must plan for and implement enhanced workplace infection control measures in accordance with the most current CDC guidelines: https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html

   o Note: All healthcare providers and staff shall wear appropriate face coverings, to include cloth face coverings, surgical face masks or N-95 masks, respirators, and/or face shields.

   o Note: Patients should wear a face covering whenever possible.

VI. Any healthcare facility or healthcare provider who is unable to provide PPE for themselves, staff, and patients where appropriate shall immediately restrict operations to urgent and non-elective procedures and appointments.

C. Certification and Other Matters

I. A healthcare facility’s managing authority or the responsible healthcare provider shall certify to MDH via secretary.health@maryland.gov that all of the above conditions for resumption of elective and non-urgent medical procedures have been met prior to resuming operations. A copy of this self-certification notice shall be posted prominently in the facility for the attention of patients and staff.

II. Complaints about a healthcare facility’s implementation of these measures may be directed to the Office of Health Care Quality at https://health.maryland.gov/ohcq/Pages/Complaints.aspx. A healthcare provider’s failure to comply with the terms of this order shall be considered to constitute unprofessional conduct, and written complaints about such failures may be directed to the appropriate health occupation board.

III. MDH does not construe the immunity provisions in Pub. Safety Art. § 14-3A-06 or Health Gen. Art. § 18-907 to apply to a healthcare provider or facility performing non-COVID-19 related procedures or appointments.
6. **Personal Protective Order Conservation**

Subject to availability, all healthcare providers are required to immediately implement the U.S. Centers for Disease Control and Prevention’s Strategies to Optimize the Supply of PPE and Equipment, to include, but not limited to:

A. Use facemasks beyond the manufacturer-designated shelf-life during patient care activities.

B. Implement limited re-use of facemasks. The healthcare provider must not touch the outer surfaces of the mask during care, and mask removal and replacement must be done in a careful and deliberate manner.

C. Prioritize facemasks for:
   
   I. Provision of essential surgeries and procedures;
   
   II. During care activities where splashes and sprays are anticipated;
   
   III. During activities where prolonged face-to-face or close contact with a potentially infectious patient is unavoidable; and

   IV. Performing aerosol generating procedures, if respirators are no longer available.

D. Exclude healthcare providers at higher risk for severe illness from COVID-19 from contact with known or suspected COVID-19 patients.

**HEALTHCARE FACILITY MATTERS**

7. **Hospital Contingency Plans**

All licensed hospitals shall implement the medical staff plans required by COMAR 10.07.01.24G(2) to grant temporary disaster privileges. The plans shall remain in effect for the duration of the catastrophic health emergency.

8. **Off-Campus Hospital Facilities**

Notwithstanding the provisions of COMAR 10.07.01.06, off-campus hospital facilities may be used for inpatient hospital care if the proposed off-campus facility would be operated by an existing licensed Maryland hospital under the terms of that hospital's license and such use would not adversely affect the safety and health of patients served at the off-campus facility.
OTHER HEALTHCARE MATTERS

9. Pursuant to the Executive Order of March 16, 2020 relating to various healthcare matters, manufacturers, wholesale distributors, or other entities engaged in the sale, purchase, distribution or transfer of FDA-approved prescription devices for emergency medical reasons relating to COVID-19 response measures are exempt from Maryland licensure requirements provided that the manufacturer, wholesale distributor, or other entity is licensed or otherwise authorized to engage in such activity in the state in which it is located.

10. **Severability**

If any provision of this Directive and Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of this Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THESE DIRECTIVES AND ORDERS ARE ISSUED UNDER MY HAND THIS 6TH DAY OF MAY 2020 AND ARE EFFECTIVE IMMEDIATELY.

Robert R. Neall  
Secretary