



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

BOARD OF HEALTH: April 22, 2020  
LAW DEPARTMENT: April 23, 2020  
RECORDS DEPARTMENT:

**SECOND SUPPLEMENTAL EMERGENCY REGULATION  
GOVERNING THE CONTROL AND PREVENTION OF COVID-19  
(LONG-TERM CARE FACILITIES)**

**WHEREAS**, the Pennsylvania Disease Control and Prevention Act of 1955, 1956, April 23, P.L. 1510, 35 P.S. § 52.1 *et seq.*, (the DCPA) and Chapter 6-200 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions, and further provide that the Board and the Department of Public Health are responsible for implementing appropriate disease control and prevention measures in order to limit the spread of disease in an epidemic emergency; and

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 11, 2020, the Mayor of Philadelphia issued a Declaration of Extraordinary Circumstance that allows City regulations related to addressing the pandemic to become effective immediately upon transmission to the Department of Records; and

**WHEREAS**, on March 12, 2020, the Board of Health amended the Department's *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions* to, among other things, add COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 12, 2020, the Health Commissioner issued an Emergency Order that forbids gatherings of 1,000 or more persons to prevent the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, the Mayor issued a Declaration of Emergency related to COVID-19 that, in conjunction with the Governor's proclamation, enhanced the City's ability to take action to address the pandemic's impact in Philadelphia; and

**WHEREAS**, on March 16, 2020, the Governor of Pennsylvania announced that the Commonwealth of Pennsylvania is imposing mitigation efforts to curtail the spread of COVID-19 uniformly across the Commonwealth, calling upon nonessential businesses (excluding businesses such as grocery stores and medical facilities) to close beginning at midnight on Tuesday, March 17, 2020; and

**WHEREAS**, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor of Pennsylvania announced that the Commonwealth of Pennsylvania ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8:00 p.m. on March 19, 2020 to slow the spread of COVID-19 and that enforcement actions against businesses that do not close physical locations will begin at 12:01 a.m. on Saturday, March 21, 2020; and

**WHEREAS**, the Governor of Pennsylvania updated the aforementioned order and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and again on March 21, 2020; and

**WHEREAS**, on March 22, 2020, the Mayor and the Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Health Commissioner dated March 12, 2020, which forbade mass gatherings, and the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, which prohibited operation of non-essential businesses; and

**WHEREAS**, on March 23, 2020, the Governor of Pennsylvania issued a Stay at Home Order that applies to Philadelphia and numerous surrounding counties; and

**WHEREAS**, on March 26, 2020, the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19, effective March 27, 2020, which the instant regulation supplements, and which adopted the Mayor and the Health Commissioner's March 22, 2020 Emergency Order and expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, on April 8, 2020, the Commissioner issued an Emergency Order Concerning Operation of Long-Term Care Facilities and Activities of Residents to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) pursuant to, *inter alia*, the authority granted to the Commissioner pursuant to this Board's Emergency Regulation Governing the Control and Prevention of COVID-19 as well as the Commissioner's authority under state and local law; and

**WHEREAS**, COVID-19 is easily transmitted, especially in group settings, including by people with no symptoms or mild symptoms who may unknowingly spread the disease to others; and

**WHEREAS**, such group settings are at heightened risk when individuals leave and return to group settings, particularly those such as assisted living facilities and nursing homes with large populations of older and medically vulnerable individuals; and

**WHEREAS**, COVID-19 may remain viable for hours to days on surfaces made from a variety of materials located in businesses and other places, thus contaminating certain property and places; and

**WHEREAS**, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, scientific evidence shows that preventing unnecessary close contact of individuals is an effective way to mitigate the spread of communicable diseases like COVID-19; and

**WHEREAS**, given the imminent and emerging threat of COVID-19, the Department previously respectfully requested that the Mayor suspend the requirements of Section 8-407 of the Philadelphia Home Rule Charter and allow regulations concerning COVID-19, a category which includes the instant regulation, to be promulgated as a temporary regulation while the procedures of Section 8-407 are complied with simultaneously, and the Mayor signed such a declaration on March 11, 2020; and

**WHEREAS**, consistent with such declaration, the Board hereby promulgates the below Emergency Regulation Governing the Control and Prevention of COVID-19 as a temporary regulation effective upon delivery to the Department of Records, while the remaining procedures and formalities of Section 8-407 are followed to promulgate the amendment as a permanent regulation;

**NOW, THEREFORE**, the Board of Health hereby adopts the following regulation:

**SECOND SUPPLEMENTAL EMERGENCY REGULATION  
GOVERNING THE CONTROL AND PREVENTION OF COVID-19  
(LONG-TERM CARE FACILITIES)**

1. This Second Supplemental Emergency Regulation supplements the Philadelphia Department of Public Health's *Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions*, and the *Emergency Regulation Governing the Control and Prevention of COVID-19* approved by the Board of Health on March 26, 2020.

2. The Board hereby fully adopts the April 8, 2020 Emergency Order Concerning Operation of Long-Term Care Facilities and Activities of Residents to Prevent the Spread of 2019 Novel Coronavirus (COVID-19) issued by the Health Commissioner, attached hereto as Attachment A.

3. This Second Supplemental Emergency Regulation shall be effective upon filing with the Department of Records and remain effective until expressly superseded or repealed by the Board at the conclusion of the COVID-19 emergency.

Attachment A



**CITY OF PHILADELPHIA**

**DEPARTMENT OF PUBLIC HEALTH**

**EMERGENCY ORDER CONCERNING OPERATION OF LONG-TERM CARE FACILITIES  
AND ACTIVITIES OF RESIDENTS TO PREVENT THE SPREAD OF  
2019 NOVEL CORONAVIRUS (COVID -19)**

**WHEREAS**, on March 6, 2020, in response to the 2019 novel coronavirus disease, COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

**WHEREAS**, on March 12, 2020, the Board of Health added COVID-19 to the City's list of reportable and quarantinable diseases; and

**WHEREAS**, on March 19, 2020 the Governor of Pennsylvania announced that the Commonwealth of Pennsylvania ordered all non-life-sustaining businesses in Pennsylvania to close their physical locations as of 8:00 p.m., March 19 to slow the spread of COVID-19 and that enforcement actions against businesses that do not close physical locations will begin at 12:01 a.m. Saturday, March 21; and

**WHEREAS**, the Governor of Pennsylvania updated the aforementioned order and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and again on March 21, 2020; and

**WHEREAS**, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread COVID-19, which superseded previous emergency orders issued by the City; and

**WHEREAS**, on March 23, 2020, the Governor of Pennsylvania issued a Stay at Home Order that applies to Philadelphia and numerous surrounding counties; and

**WHEREAS**, on March 26, 2020 the Board of Health approved an Emergency Regulation Governing the Control and Prevention of COVID-19, effective March 27, 2020, which adopted the Mayor and the Commissioner of Health's March 22, 2020 Emergency Order and expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determined are necessary or appropriate control or prevention measures to limit the spread of COVID-19; and

**WHEREAS**, COVID-19 is easily transmitted, especially in group settings, including by people with no symptoms or mild symptoms who may unknowingly spread the disease to others; and

**WHEREAS**, such group settings are at heightened risk when individuals leave and return to group settings, particularly those such as assisted living facilities and nursing homes with a large population of older adults and medically vulnerable populations; and

**WHEREAS**, COVID-19 can cause severe disease and death, particularly in older adult and other vulnerable populations; and

**WHEREAS**, pursuant to authority set forth in The Philadelphia Code, inherent authority set forth in The Philadelphia Home Rule Charter, state law, and Board of Health regulations, the Health Commissioner has broad authority to set forth limitations on activities during a local health emergency; and

**WHEREAS**, Sections 6-205 and 6-206 of The Philadelphia Code provides that the Department of Public Health may forbid the congregation of persons and take such other measures, including limiting the movement of individuals, and regulating the activities of health care facilities, residential facilities, and other businesses when necessary to prevent the further spread of a communicable and quarantinable disease; and

**NOW, THEREFORE**, I, Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, in my capacity as head of the Philadelphia Department of Public Health and pursuant to all authority granted me under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia, and Pennsylvania laws and regulations, hereby **ORDER** as follows:

**Section 1. Definitions**

A. The following definitions shall apply to this Order. Capitalized terms not defined herein, shall have the meanings assigned to them in the March 22, 2020 Emergency Order Temporarily Prohibiting Operations of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of 2019 Novel Coronavirus (COVID-10), Order No. 2 (the “**City Emergency Order**”).

1. “**Department**” refers to the Department of Public Health
2. “**Life-Sustaining LTCF Activities**” are limited to the following, and do not include social visits or outings:
  - i. obtaining medical care and attention, including through Essential Healthcare and Social Services Businesses and Activities
  - ii. exercising outdoors (such as walking, running, cycling, operating a wheelchair, or meditating) where members of the public can be avoided and Social Distancing Rules can be strictly observed, which includes the resident staying six feet apart from all other individuals (except to the extent the medical needs of a resident require the assistance of staff of the Long-Term Care Facility) in the following places:
    - a. the onsite, outdoor premises of the Long-Term Care Facility; or
    - b. offsite, provided that adequate onsite, outdoor exercise is not feasible and the resident is accompanied by a facility staff member
  - iii. leaving because of a reasonable fear for health or safety, seeking assistance from law enforcement, or to report mistreatment or abuse

- iv. leaving at the direction of law enforcement or other government agency
- 3. **“Long-Term Care Facility”** shall mean group living facilities that provide long term medical or personal care to residents who are unable to manage independently in the community, including but not limited to assisted living facilities, nursing homes, skilled and unskilled nursing facilities, rehabilitation facilities, and similar group living facilities dedicated to the care of older adults or other medically vulnerable populations.

## **Section 2. Stay at Home Order**

All residents of Long-Term Care Facilities shall remain at the facility where such individual is a resident unless they are engaged in a Life-Sustaining LTCF Activity, as defined in this Order.

## **Section 3. Required Procedures for Preventing the Spread of COVID-19 at Long-Term Care Facilities**

- A. All Long-Term Care Facilities shall adopt and enforce policies, within 48 hours, to prevent the spread of COVID-19 that, at a minimum, include the following:
  - 1. A requirement that all residents of the facility:
    - i. remain on the grounds of the facility as a condition of continued residency except to the extent it is necessary to leave the facility to engage in a Life-Sustaining LTCF Activity as defined in this Order; and
    - ii. strictly follow all precautions specified by the facility management to reduce the risk of acquiring or spreading COVID-19, such as wearing face masks, while outside the facility and upon returning to the facility.
  - 2. A procedure, which does not result in extra charges by the facility to residents, that allows residents to obtain delivery of essential goods or services from Essential Businesses to the extent such residents were already permitted or able during normal operating times to leave the facility to obtain such essential goods or services from Essential Businesses. Pre-ordered takeout food or beverages from restaurants, groceries, medical prescriptions or supplies, or any other products from Essential Businesses for residents or their pets shall be delivered. Family members of residents may drop-off essential goods for residents to staff members of the facility, without visitation or contact with the residents. Long-Term Care Facilities should take all necessary precautions when receiving deliveries, including sanitizing items when practicable.
  - 3. A requirement that all employees of the facility must adhere to all guidance provided by the Department to Long-Term Care Facilities and to Health Care Providers, as it may be amended, which is expressly incorporated in to this order by reference and must be incorporated in to the Long-Term Care Facility’s policies, including but not

limited to Health Advisory – COVID-19: Universal Masking for Long-term Care Facility Staff (March 28, 2020), Attachment A, and any additional guidance for Long-Term Care Facilities posted on the Department’s website at <https://hip.phila.gov/EmergentHealthTopics/2019-nCoV>.

4. A requirement that all employees of the facility certify on a regular basis that they are strictly abiding by the limitations on Gatherings of Individuals and the Stay at Home Order as required under Sections 4 and 5 of the City Emergency Order.
5. A requirement that adequate staffing levels must be maintained at all times taking into consideration the needs of the facility and residents in light of the COVID-19 epidemic.

B. To the extent residents are permitted to leave a Long-Term Care Facility to exercise in normal operating times, Long-Term Care Facilities are encouraged to provide residents opportunities to exercise on the grounds of the facility consistent with Section 1.A.2.ii, in order to avoid the need of residents to travel off-site to engage in such physical activity. All such opportunities must occur where contact with members of the public can be avoided and Social Distancing Rules can be strictly observed, which includes the resident staying six feet apart from all other individuals, except to the extent the medical needs of a resident require the assistance of staff of the Long-Term Care Facility.

C. Visitation with residents continues to be prohibited. All forms of remote communication by residents with their families and friends are life-sustaining, including telephonic and video communication. Long-Term Care Facilities must assist residents with maintaining regular communication with their families and friends who would otherwise visit.

D. Nothing in this Order prohibits residents from seeking medical attention or authorized medical and healthcare professionals from entering facilities to facilitate Essential Healthcare or Social Services, except for ancillary services that can be suspended safely pursuant to federal, state or local guidance.

E. Nothing in this Order should be interpreted to conflict with or undermine the purposes of the Older Adults Protective Services Act or any other law or regulation intended to protect older adults.

F. This order should be read consistently with the Pennsylvania Supreme Court's order of March 18, 2020 (*In re: General Statewide Judicial Emergency*) and supplements thereto, or similar state or federal court directive.

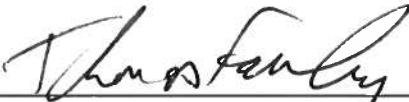
#### **Section 4. Effective Date and Duration**

This Order shall become effective as of **Wednesday, April 8 at 5:00 PM**, and shall remain in effect indefinitely, until rescinded, superseded, or amended by further Order. Failure to comply with



this Order shall result in the imposition of fines, penalties, and such other remedies as provided for by law.

Date: April 8, 2020

  
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Thomas A. Farley, MD, MPH  
Health Commissioner  
City of Philadelphia