

## Extension of Restrictions on Entry into Health Care Facilities and Residential Care Facilities

September 2, 2020

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To strengthen protection of the public and health care professionals from the effects of the COVID-19, the Governor extended the restrictions on visitors' entry into health care, residential care (e.g., nursing homes, adult foster homes, independent living and assisted living facilities), and certain other facilities, through September 30, 2020. A copy of this Executive Order can be found [here](#). However, the restrictions are subject to certain exceptions designated by the Michigan Department of Health and Human Services (MDHHS), described below.

### General Restrictions.

The affected facilities must prohibit from entering any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility's care; are not a parent, foster parent, prospective adoptive parent, or guardian of an individual who is 21 years of age or under and who is under the facility's care; are not visiting an individual under the facility's care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.

The facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to anyone who does not meet the evaluation criteria. The evaluation criteria must include, at a minimum, symptoms of a respiratory infection, such as fever, cough, or shortness of breath; contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.

Further, all affected facilities must make best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.

### MDHHS Exceptions and Requirements.

As noted above, the MDHHS added certain exceptions and requirements for visitation of health care and other affected facilities. These include the following:

1. A hospital, outpatient clinic, or doctor's office may permit entry of visitors only if it does all of the following:

- a. Limits visitor entry to designated entrances that allow proper screening;
- b. Posts signage at any visitor entrance instructing visitors to be assessed for symptoms of COVID-19 before entry and instructing persons who have symptoms of a respiratory infection, including, but not limited to, fever, cough, or shortness of breath to not enter the facility;
- c. Strongly discourages entering any facility to visit persons at high risk of developing severe complications from COVID-19, including older adults and persons with underlying medical conditions;
- d. Restricts visitation to the patient's room or other designated locations;
- e. Requires visitors who are medically able to wear a mask or other cloth face covering for the duration of their visit, and swiftly removes from the facility visitors who fail to abide by this requirement;
- f. For in-patient stays, makes available on-site and off-site alternatives to in-person visits, such as video or audio calls;
- g. Disallows visitation during aerosol-generating procedures or during collection of respiratory specimens unless deemed necessary by hospital staff for the care and well-being of the patient; and
- h. Permits visitation only during select hours and limits the number of visitors per patient.

A copy of this MDHHS order can be found [here](#).

2. Residential care facilities (e.g., homes for the aged, nursing homes, adult foster care facilities, independent living and assisted living facilities) may permit in-person visitation only if:
  - a. The visit supports activities of daily living ("ADLs") or is necessary to ensure effective communication with individuals with hearing, vision or speech impairments (but only for certain designated arrangements), or
  - b. When a resident is in serious or critical condition or in hospice care.

Facilities with residents that had ADL arrangements prior to March 14, 2020, or residents that have had a change of condition that could be improved with ADL arrangements, must attempt to contact the resident's next of kin to establish arrangements, and may permit entry of visitors consistent with the above, but only if certain conditions are met. A copy of this MDHHS Order can be found [here](#).

GMH's Coronavirus Task Force is here to answer your questions. Please contact any of the below lawyers for more Coronavirus support.

*THE LOCAL, STATE AND FEDERAL GOVERNMENT REQUIREMENTS RELATED TO COVID-19 MAY CHANGE, AND ADDITIONAL GUIDANCE, RULES, LAWS AND REGULATIONS MAY BE ISSUED OR AMENDED, AT ANY TIME. ACCORDINGLY, OUR GUIDANCE OR POSITION ON THESE TOPICS MAY ALSO CHANGE, WITH OR WITHOUT NOTICE, AND THE ABOVE INFORMATION IS FOR EDUCATIONAL PURPOSES ONLY AND SHOULD NOT BE INTERPRETED OR RELIED UPON AS LEGAL ADVICE. EACH SITUATION IS UNIQUE AND SHOULD BE REVIEWED WITH THE ASSISTANCE OF COMPETENT PROFESSIONALS.*



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