

ORDER #3 OF THE HEALTH OFFICER

The Daviess County, Indiana Health Officer (the “Health Officer”) hereby issues the following order of abatement:

1. During the current COVID-19 pandemic, the President, Governor and Daviess County Indiana Board of Commissioners have enacted Emergency Declarations to protect the health and well-being of residents of Daviess County, Indiana (the “County”); and,

2. The Health Officer has learned of a condition and scenario which may transmit, generate or promote the spread of the novel Coronavirus (COVID-19) among the most vulnerable and highest risk of our population, i.e. people over 65 years of age or with compromised health issues that require that they reside permanently in nursing homes, assisted living facilities or other similar type living arrangements; and

3. Pursuant to I. C. 16-20-1-25(b) the Health Officer has the power and obligation to issue an order to abate and prevent an unlawful condition which may transmit, generate or promote disease in the County; and

4. The Health Officer has received notifications that nursing home, assisted living or other similar providers may be moving or planning to move positive COVID-19 residents into facilities in the County from facilities out of county; and

5. These same residents that could be moved are not being tested, testing is inadequate or inconclusive, and facilities and care for COVID-19 may be inadequate, and these conditions may contribute to transmitting, generating or promoting COVID-19 among the vulnerable residents and workers of these facilities in the County.

6. After the initial order, certain impacted nursing homes, assisted living or similar facilities requested more information, and for this purpose, the earlier order is being modified to remove the exemption for Daviess Community Hospital.

7. After the initial orders, the Health Officer became aware that operators of nursing homes, assisted living or similar facilities (a “Facility” or the “Facilities”) located in Daviess County, Indiana were intending to transfer and discharge elderly and/or vulnerable residents to other facilities. The Health Officer is informed that minimal notice was provided and if any, it

was over the weekend, and the notice did not inform residents of their rights to appeal, to be represented, or any deadlines or how to lodge a complaint as required by statute and Indiana Admin. Code, and such action is in apparent violation of state, local, and federal guidelines, and is inappropriate and unlawful, and would be action impacting the vulnerable local Facility residents. This order is related to the health, safety, and welfare of vulnerable residents of the Facilities, and slowing the spread of COVID-19.

IT IS THEREFORE ORDERED BY THE DAVIESS COUNTY HEALTH OFFICER THAT AN ORDER OF ABATEMENT SHALL BE ISSUED IMMEDIATELY AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY THE HEALTH OFFICER AS FOLLOWS:

- A. No person shall be transferred from a nursing home, assisted living or similar facility in any other county, state or country into a similar facility located in Daviess County, Indiana.
- B. This order is being issued pursuant to I.C. 16-20-1-25 and the County Health Officers federal, state, and local powers.
- C. All nursing homes, assisted living or similar facilities that have received COVID-19 positive patients, wards or individuals from any other facility outside of Daviess County, Indiana shall have those patients, ward or individuals immediately removed and without delay.
- D. This order shall apply to all nursing homes, assisted living or similar facilities, including those owned in whole or in part by Daviess Community Hospital.
- E. No resident shall be transferred or discharged from a Facility in the county to any nursing home, assisted living or similar facility anywhere outside the County without first obtaining written consent of the resident or their authorized representative, or the written approval of the Health Officer.
- F. Any resident transferred before receipt of this Order shall be transferred immediately back to their former room or living arrangement.

Dated this 7th day of April, 2020 at 11:30 o'clock a.m.

signed 1230 p.m. 4/7/2020.

Dr. Merle Holsopple, MD
Daviess County Health Officer

