

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 14F

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – PROOF OF VACCINATION BOOSTER OR TESTING FOR NURSING HOME VISITORS AND PRIMARY AND SECONDARY ESSENTIAL SUPPORT PERSONS

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut in response to the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-Cov-2 virus in the United States and Connecticut; and

WHEREAS, on several occasions since March 10, 2020, acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

WHEREAS, pursuant to such declarations, I have issued executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, COVID-19 presents increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions; and

WHEREAS, the omicron variant of COVID-19 is highly contagious and spreads more easily and quickly than other COVID-19 variants; and

WHEREAS, the highly transmissible omicron variant has caused COVID-19 infections to rapidly increase within the United States and Connecticut; and

WHEREAS, given the greater transmissibility of the omicron variant, the risk of outbreaks in nursing homes is of significant concern given the medical vulnerability of residents in such settings; and

WHEREAS, the impact of COVID-19 outbreaks in nursing homes may be devastating based on the experience from prior COVID-19 surge periods where residents of nursing homes and persons over 65 experienced the highest morbidity rates; and

WHEREAS, vaccination is the most effective means of preventing infection, hospitalization, and death from COVID-19 and of limiting transmission and outbreaks of the disease, and is therefore a critical tool to respond to and slow the ongoing pandemic; and

WHEREAS, while currently available vaccines continue to protect against severe illness, hospitalizations, and deaths resulting from infection with the omicron variant, public health experts are seeing waning protection over time especially in people 65 years and older, and in response have recommended that vaccinated individuals receive a booster dose; and

WHEREAS, according to the CDC, data from clinical trials shows that a vaccine booster increases the immune response in trial participants who finished a Pfizer-BioNTech or Moderna primary series 5 months earlier or who received a J&J/Janssen single-dose vaccine 2 months earlier and with an increased immune response, people should have improved protection against getting infected with COVID-19; and

WHEREAS, the state and nursing homes have made great progress in administering booster vaccines to nursing home residents, with 74% of nursing home residents with complete primary COVID-19 vaccination having received a booster vaccine as of January 9, 2022; and

WHEREAS, while Connecticut has made significant progress in administering vaccines to Connecticut residents there is a lag in booster vaccines, with only about 44% of eligible residents having received a booster vaccine; and

WHEREAS, as of this week, of the 1,819 patients currently hospitalized with laboratory-confirmed COVID-19, 1,233 (67.8%) are not fully vaccinated; and

WHEREAS, during the holiday season, when visitation is particularly high, positive COVID-19 cases in nursing homes increased nearly 700% from 84 confirmed cases for the week of December 15 to December 21, 2021 to 679 cases for the week of December 29, 2021 to January 4, 2022; and

WHEREAS, because of the spike of COVID-19 infections amongst the public and within nursing homes, public health officials have recommended that visitors to nursing homes

present proof that they are either fully vaccinated and have received a booster vaccination, if eligible, or have tested negative for COVID-19 to mitigate the opportunity for visitors to introduce COVID-19 into nursing homes; and

WHEREAS, Section 19a-550(b)(12) of the Connecticut General Statutes provides nursing home residents with a right to associate privately with persons of the patient’s choice; and

WHEREAS, Public Act 21-71 provides that a “long-term care facility resident, or a resident representative, may designate a primary essential support person and a secondary essential support person who may visit the resident despite general visitation restrictions imposed on other visitors, provided the primary essential support person or secondary essential support person complies with any rules promulgated by the Commissioner of Public Health pursuant to section 2 of this act to protect the health, safety and well-being of long-term care facility residents”; and

WHEREAS, the Commissioner of Public Health, by the authority provided in Executive Order 13A, presently requires all visitors, regardless of vaccination status, to wear a mask when in a nursing home (in compliance with, and as required by, the Centers for Medicare and Medicaid Services (CMS)); and

WHEREAS, CMS requires visitors to nursing homes located in counties with high transmission levels of COVID-19 to wear masks, regardless of vaccination status, and to physically distance themselves from other residents and staff when in a communal area in the nursing home; and

WHEREAS, public health experts advise visitors to wear a well-fitting mask, preferably an N95, KN95, or surgical mask; and

WHEREAS, while nursing home residents have a right to receive visitors, and designate primary and secondary essential support persons, it is reasonable and necessary during the present spike in COVID-19 cases to require visitors to continue to wear a mask and show that they have received a booster vaccine, if eligible, or proof of a negative COVID-19 test to protect the public health of nursing home residents;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Definitions.** For purposes of this order, the following definitions shall apply:
 - a. “Nursing home” means any facility, agency or provider that is a nursing home, as defined in Section 19a-521 of the Connecticut General Statutes.

- b. “Visitor” means and includes family members, friends, or other persons who visit a nursing home or who enter a nursing home to engage in a face-to-face interaction with a nursing home resident.
- c. “Primary Essential Support Person” and “Secondary Essential Support Person” shall have the meanings set forth in Public Act 21-7.
- d. “Fully vaccinated” means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration (FDA), or as otherwise defined by the Centers for Disease Control (CDC).

2. **Proof of Vaccination Booster or Testing for Visitors and Primary and Secondary Essential Support Persons.** Notwithstanding Section 19a-550(b)(12) of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, a nursing home shall require a visitor or primary or secondary essential support person prior to visiting a nursing home resident to either:

- a. provide proof that they are fully vaccinated against COVID-19 and, if eligible under FDA or CDC guidance, have received a COVID-19 vaccine booster; or
- b. provide paper or electronic proof of a negative COVID-19 test result from either:
 - i. a rapid antigen test completed within the previous forty-eight hours; or
 - ii. a polymerase chain reaction (PCR) test completed within the previous seventy-two hours; or
- c. take a rapid antigen test at the nursing home in a form and manner as directed by the Department of Public Health.

3. **Visitation Restrictions.** Notwithstanding Section 19a-550(b)(12) of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, a nursing home shall deny entrance to any visitor or primary or secondary essential support person that tests positive for COVID-19 or who refuses to take a rapid antigen test provided by the nursing home. A nursing home shall not deny entrance to any visitor or primary or secondary

essential support person who is willing to take a rapid antigen test at the nursing home to comply with Section 2 above but is unable to because the nursing home is not able to provide a rapid antigen test.

4. **Test Distribution.** If a nursing home is in possession of rapid antigen tests that are not otherwise designated for use by the nursing home to comply with state or federal regulatory testing requirements of the nursing home's staff, the nursing home shall make the rapid antigen test available to visitors who do not meet the requirements of section 2a or 2b.

5. **DPH Rules Implementing Order.** The Commissioner of the Department of Public Health may issue any order or written guidance which may be imposed without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes to implement this order.

This order shall take effect on Saturday, January 22, 2022 and remain in effect through February 15, 2022.

Dated at Hartford, Connecticut, this 19th day of January, 2022.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

