RESOLUTION NO. 2021-002

A RESOLUTION REPEALING EMERGENCY LOCAL HEALTH RULE 2020-006 RELATING TO COVID-19 AND VISITATION AT NURSING HOMES, SKILLED NURSING FACILITIES, AND SENIOR AND ASSISTED LIVING FACILITIES

WHEREAS, on August 27, 2020, the Gallatin City-County Board of Health ("Board") adopted Emergency Local Health Rule (EHR) 2020-006, allowing limited visitation at nursing homes, skilled nursing facilities, and senior and assisted living facilities consistent with directives issued by former Governor Bullock on June 25 and July 13, 2020;

WHEREAS, EHR-2020-006 also required these facilities to certify their compliance with Centers for Disease Control and Prevention (CDC) and the Centers for Medicare and Medicaid Services (CMS) guidance before permitting visitation and clarified that, should a resident or staff member test positive for COVID-19, non-essential visitation must be temporarily suspended;

WHEREAS, pursuant to Section 5.2 of Chapter 1, Gallatin City-County Health Code, EHR-2020-006 was set to expire ninety days after its adoption, on November 25, 2020;

WHEREAS, through EHR-2020-006-A, the Board readopted and extended EHR-2020-006 for an additional ninety-day period, ending on February 4, 2021;

WHEREAS, on January 20, 2021, through EHR-2020-006-B, the Board amended EHR-2020-006 to recognize revised CMS guidance for visitation at nursing homes, which allows visitation to resume if at least 14 days, rather than 28 days, have passed since either a staff member or resident has tested positive for COVID-19;

WHEREAS, the Board also extended EHR-2020-006, as amended, for an additional ninety-day period, expiring on April 20, 2021;

WHEREAS, on February 12, 2021, newly elected Governor Greg Gianforte issued a “Directive Implementing Executive Order 2-2021,” which became immediately effective;

WHEREAS, the February 12th Directive repealed the phased approach to reopening in Montana and appears to have implicitly repealed former Governor Bullock’s directives relating to visitation at nursing homes and assisted living facilities;

WHEREAS, on April 5, 2021, the Board considered whether to extend EHR-2020-006, as amended, until the Board’s regularly scheduled meeting on May 27, 2021;
WHEREAS, after hearing from the Gallatin City-County Health Officer, and after allowing for and considering public comment, the Board decided to repeal EHR-2020-006 for the reasons stated during its April 5, 2021 meeting, which oral findings are incorporated herein by this reference.

NOW, THEREFORE, EFFECTIVE IMMEDIATELY:

1. Emergency Local Health Rule 2020-006 and its amendments are hereby REPEALED.

2. Notwithstanding the repeal of EHR-2020-006, all prior acts of the Gallatin City-County Health Officer and the Gallatin City-County Health Department and its staff taken pursuant to Emergency Local Health Rule 2020-006 are ratified and affirmed.

DATED this 5th day of April, 2021.

Becky Franks, Chair
Gallatin City-County Board of Health

ATTEST:

Eric Semerad, Clerk & Recorder