



**BEAR RIVER HEALTH DEPARTMENT
PUBLIC HEALTH ORDER 2020-03**

COVID-19 PANDEMIC WITHIN BOX ELDER, CACHE, AND RICH COUNTIES

April 13, 2020

WHEREAS, on March 6, 2020, Governor Gary R. Herbert issued an Executive Order declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19); and

WHEREAS, the Governor's Executive Order recognizes the need for state and local authorities, and the private sector to cooperate to slow the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency based on the continuing spread of COVID-19; and

WHEREAS, on March 13, 2020, the Governor dismissed all Utah public schools for two weeks to combat the spread of COVID-19; and

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued guidelines to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, on March 17, 2020, Joseph K. Miner, MD, Executive Director of the Utah Department of Health ("UDOH") issued a State Public Health Order closing dine in restaurant and bar services and recommendations for all individuals and businesses to help protect the citizens of Utah during the global COVID-19 outbreak; and

WHEREAS, on March 27, 2020, the Governor of the State of Utah issued a directive establishing minimum statewide standards and referenced that in order to address unique situations in different areas of Utah local authorities are authorized and may impose more stringent directives and orders; and

WHEREAS, Utah Code Annotated Section 26A-1-114 authorizes the local health department to:

- Establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health;
- Establish measures not in conflict with state law which are desirable for the promotion or protection of the public health and the control of disease; or may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability; and
- Close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health; and

WHEREAS, Bear River Health Department (“Health Department”) recognizes that confirmed community transmission in the State of Utah and within the local community significantly increases the risk of exposure and infection to the general public within Bear River Health district which creates a public health risk that may spread quickly; and

WHEREAS, the Bear River Health Officer (“Health Officer”) finds the above facts raise the likelihood of community transmission occurring among the general public, and that it is imperative for the Health Department and the public to work cooperatively, proactively, and in measured ways to slow the spread of COVID-19 in order to address any challenges that may arise due to this disease in Box Elder, Cache, and Rich Counties;

WHEREAS, it appears that due to the public following the provisions and orders contained in Public Health Order 2020-01 and Public Health Order 2020-02 the transmission of COVID-19 is being stemmed among the general public and evidences that such measures need to be continued;

NOW, THEREFORE, PURSUANT TO UTAH CODE 26A-1-114, BE IT HEREBY ORDERED BY LLOYD C. BERENTZEN, MBA, BEAR RIVER HEALTH OFFICER, AS FOLLOWS:

Section 1. General Prohibitions. Effective immediately, the following prohibitions shall apply throughout Box Elder, Cache, and Rich Counties:

- A. **Public Gathering Places.** Gatherings of more than ten (10) individuals is prohibited; provided, however, that this prohibition of gatherings of more than ten (10) individuals does not apply to critical government services such as fire, police, emergency response, and court services, or to other necessary services such as hospitals, domestic violence shelters, homeless shelters, licensed or contracted residential care providers, grocery stores, stores that sell other commodities, gas stations, convenience stores, building and construction worksites, and the shipping, transportation, and airline industry (the "Exempted Services"). These Exempted Services are encouraged to use appropriate precautions to prevent and control the spread of COVID-19. Grocery stores and gas stations are encouraged to remain open to provide necessary food items, fuel and other goods.
 - i. This Order shall not be interpreted as requiring a business to limit staff in a single location to a maximum of ten (10) employees. Rather, businesses are encouraged to use social distancing and teleworking wherever possible.
 - ii. Nothing in this Order shall prohibit the gathering of members of a single household or living unit.
- B. **Access to long-term care facilities.** Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare and Medicaid Services, Center for Clinical Standards and Quality.

Section 1A. Additional Prohibitions:

- a. **Additional Public Gathering Places.** All places of public amusement and activity, whether indoors or outdoors, including: amusement parks, carnivals, water parks, public swimming pools and spas, splash pads, museums, arcades, fairs, children’s play centers, movie and other theaters, concert and musical halls or venues, and social clubs, shall be closed to members, guests, patrons, and the general public.
 - i. **Close Contact and Team Sports.** Individuals shall not engage in close contact or team sports. Sports fields and courts may be open, but should only be used individually or by members of the same household.
 - ii. **Recreations Areas.** Recreational areas, including courts, dog parks, trailheads, trails, and sports fields shall only be used while maintaining six feet of space between people. Individuals shall not congregate at trailheads, parking lots, and other outdoor spaces.
- b. **Surgical Centers.** Surgical Centers will follow the CMS Guidance for limiting all non-essential planned surgeries and procedures, including dental. All decisions shall incorporate the critical need to preserve Personal Protective Equipment.
 - i. Tier 1a and Tier 1b surgeries should be postponed.
 - ii. Tier 2a surgeries - Intermediate acuity surgery/healthy patient procedures should be postponed if possible. These cases will be reviewed by surgeons within each facility for appropriateness and urgency considering morbidity and mortality or requiring the need for an in-hospital stay.
 - iii. Tier 2b - Intermediate acuity/unhealthy patient surgeries should be postpone if possible.
 - iv. Tier 3a and Tier 3b surgeries should be performed in hospitals and not be postponed.
 - v. The tiered framework that CMS provides includes the following definition of **emergent or urgent** as attention to save a life, preserve organ function, and avoid further harm from underlying condition or disease.

Section 2. Food Service Establishments. Each food service establishment, as defined in this Order, shall close to members, guests, patrons, customers, and the general public, except as permitted on a limited basis subject to the following requirements and restrictions:

- a. “Food service establishment” means:
 - i. a restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or

- ii. a hotel with an on-premise or attached restaurant, self-serve buffet, salad bar, unpackaged self-serve food service, bar, tavern, nightclub, private liquor club, or saloon; or
 - iii. a convenience store that sells a hot food item or a self-serve drink.
- b. A food service establishment may not:
- i. provide dine-in food service, including dine-in food service provided outside the food service establishment (i.e., outdoor seating);
 - ii. admit a member, guest, patron, or customer inside the food service establishment except to allow the member, guest, patron, or customer to order, pick up, or pay for food, except that this Subsection (2)(b)(ii) does not apply to a convenience store; or
 - iii. if the food service establishment is a hotel, serve a complimentary meal other than a prepackaged, take-out meal that is eaten in an area other than a common area of the hotel.
- c. A food service establishment may:
- i. provide drive-through food service;
 - ii. provide take-out or curbside pick-up food service;
 - iii. provide food delivery service; and
 - iv. utilize a third-party food delivery service, including DoorDash or UberEats, except as otherwise prohibited or restricted by the Health Department.
- d. A food service establishment shall:
- i. clean each high-touch surface area of the food service establishment using best practices identified by the Health Department at [https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#How%20to%20Clean%20and%20Disinfect.](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#How%20to%20Clean%20and%20Disinfect.;);
 - ii. ensure that an employee who handles cash or a credit card during the course of business uses cleansing measures between each transaction, including using any best practices issued by the Health Department;
 - iii. prohibit an employee who handles cash or a credit card during the course of business from participating in food preparation, handling, or delivery without first using cleansing measures, including using any best practices issued by the Health Department;

- iv. ensure that a manager or supervisor, or another employee if no manager or supervisor is available, checks each employee on a daily basis and at the beginning of the employee's shift for any symptom of illness consistent with COVID-19;
 - v. prohibit an employee who presents any symptom of illness consistent with COVID-19 from being physically present on the premises of the food service establishment; and
 - vi. restrict a gathering or line formation in or around the physical premises of the food service establishment of individuals who are not employees of the food service establishment as follows:
 - A. if a gathering or line formation can be reasonably avoided, by prohibiting a gathering or line formation of any number of individuals; or
 - B. if a gathering or line formation cannot be reasonably avoided, by requiring each individual in a gathering or line to maintain a physical distance of at least six feet from any other individual, unless that individual is a member of the same household or residence, or the individuals are separated by a physical barrier capable of preventing the transmission of respiratory droplets.
- e. An employee of a food service establishment may not:
- i. participate in food preparation, handling, or delivery if the employee handles cash or a credit card during the course of business unless the employee first uses cleansing measures, including using any best practices issued by the Health Department; or
 - ii. be physically present on the premises of the food service establishment if the employee presents any symptom of illness consistent with COVID-19.
- f. An employee of a food service establishment who handles cash or a credit card during the course of business shall use cleansing measures between each transaction, including using any best practices issued by the Health Department.
- g. An employee of a third-party food delivery service or food service establishment that provides food delivery may not:
- i. engage in physical contact with a customer during a food delivery; or
 - ii. participate in food preparation, handling, or delivery if the employee presents any symptom of illness consistent with COVID-19.
- h. An employee of a third-party food delivery service or food service establishment that provides food delivery shall use cleansing measures between each delivery, including using any best practices issued by the Health Department.

Section 3. Hair and Nail Salons; Tanning Salons; Body Art Studios. All hair salons, nail salons, beauty shops, cosmetology salons, esthetician salons, advanced practice esthetician salons, eyelash salons, barber shops, tanning salons, and body art studios shall comply with the following restrictions and limitations:

- a. All employees shall wash their hands frequently throughout the business day.
- b. Sanitizer shall be available at each workstation and throughout the establishment.
- c. It is strongly recommended that all employees and patrons wear a non-surgical mask or face covering that completely covers the nose and mouth whenever possible.
- d. All lobbies shall be closed to clients, patrons and customers.
- e. Social distancing (minimum of six feet) shall be implemented between workstations. "Workstation" is defined as the entire space used by clients, patrons, customers, and cosmetologist to provide services. The parameter of each individual workstation shall be separated by at least six feet.
- f. All tools, chairs, and supplies shall be sanitized after serving each client, patron, or customer consistent with standards identified by the Health Department.
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#How%20to%20Clean%20and%20Disinfect>
- g. Lobbies and establishments shall be cleaned frequently.
- h. Management shall ensure, on a daily basis and at the beginning of each shift, that no employee who presents any symptom of illness consistent with COVID-19 will be permitted to work. Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become ill during the day shall be separated from other staff and sent home immediately.
- i. Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged.
- j. Clients, patrons and customers shall be screened by phone and/or in-person prior to entering the establishment. If they are exhibiting any of the following symptoms, the client, patron or customer shall be rescheduled to the later of fourteen (14) days or three (3) days following the elimination of symptoms:
 - Cough
 - Shortness of Breath
 - Chills
 - Fever
 - Sneezing with nasal discharge

Section 4. Physical Therapy Clinics and Services. All physical therapy clinics and services shall comply with the following restrictions and limitations:

- a. Therapy may be administered on-site in accordance with the proscriptions and guidelines set forth in this section.
- b. All lower acuity and routine visits are encouraged to either be delayed or transitioned to telehealth/virtual visits. For any services that cannot be done remotely, the following measures shall immediately be implemented:

Screening. Patients shall be screened by phone and/or in-person prior to entering the clinic or facility. If they are exhibiting any of the following symptoms, the patient shall be rescheduled to the later of fourteen (14) days or three (3) days following the elimination of symptoms:

- Cough
- Shortness of Breath
- Chills
- Fever
- Sneezing with nasal discharge
- All clinical and support staff shall also conduct daily self-screening for symptoms. Any employee presenting symptoms consistent with COVID- 19 must be sent home to self-quarantine for fourteen (14) days.

Spacing and Distancing

- All lobbies shall observe social distancing and not place patients, clients or patrons within six (6) feet of each other.
- All non-remote care must be one-on-one. Group therapy sessions are prohibited.
- Patient spacing must be actively monitored.
- Vendors, observers, and other non-essential individuals are prohibited from entering the clinic or facility.
- Social distancing (minimum of six feet) shall be implemented between workstations. "Workstation" is defined as the entire space used by patient and therapist to provide therapy. The parameter of each individual workstation shall be separated by at least six feet.
- All clinics and facilities shall operate at 50% or less occupancy, unless otherwise able to achieve acceptable social distancing.

Hygiene

- Handwashing and hygiene protocols must be implemented with clinical and support staff.
- Mandatory hand washing upon patient arrival and departure must be implemented.

- All tools, chairs, and supplies shall be sanitized consistent with standards issued by the Health Department after serving each patient.
- Alcohol-based sanitizer and/or soap and water must be available in all clinics and facilities for patient and employee use.
- Sanitizer shall be available at each workstation and throughout the clinic or facility.
- Lobbies and clinics shall be cleaned frequently.
- Cash payments are strongly discouraged. Staff who take cash or credit card payments shall use cleansing measures between each transaction, including using any best practices issued by the Health Department. Where possible, on-line (e.g.; *Venmo*, *Squarecash*, *Googlepay*, and similar payment apps) and telephonic credit card transactions are highly encouraged.

Section 5. Child Day Care Centers and Facilities. All child day care centers and facilities shall comply with the following restrictions and limitations:

- a. Providers shall conduct a health and wellness check of children and staff upon their arrival at the center or facility each day. Health and wellness checks are a great way for providers to take a few moments to notice how each child or staff member is looking, feeling, and acting when they first arrive. A child or staff member who presents signs of illness shall be sent home. Upon arrival, all children and staff shall wash their hands with soap and water.
- b. Providers shall question the adult who drops off the child as to whether any other family members residing in the home present signs of illness. Where other family members present such signs of illness, the provider shall prohibit the child from entering the center or facility, and send him or her home with the adult. Providers shall keep a daily log of every person who is physically present at the center or facility, including children, children's family, staff, and visitors. The log should include: date, time, name, association (child, parent, teacher, staff, etc.), health and wellness check results, and reliable phone number.
- c. Providers shall restrict groups of individuals within the center or facility to ten (10) or less. These groups include children and staff. A provider can allow more than ten (10) individuals in the center or facility if each group of (10) individuals or less is in a room separated by full walls from the other group(s).
- d. Providers shall limit child drop-off or pick-up at the clinic or facility to one family at a time. No other families shall be present during the drop-off or pick-up.
- e. Providers shall conduct daily health and wellness checks on all children and staff throughout the day. Having conducted a health and wellness check upon arrival will make it easier to notice if the child's or staff member's behavior or symptom's change throughout the day.

- f. Provider shall ensure that any visitors to any center or facility, including families seeking care, wash their hands with soap and water or an alcohol-based hand sanitizer before touching any center or facility surface.
- g. Providers must stay vigilant about hand hygiene and keeping a close eye on children and staff who are showing signs of illness.
- h. Providers shall protect children and staff by taking the following additional precautions:
 - a. Staff must wash their hands frequently throughout the day with soap and water for at least twenty (20) seconds. If soap and water are not available, use an alcohol-based hand sanitizer.
 - b. Staff must avoid touching their eyes, nose, and mouth with unwashed hands.
 - c. If possible, staff should cover coughs or sneezes with a tissue, then throw the tissue in the trash.
 - d. Staff must clean and disinfect frequently touched objects and surfaces. More specifically, staff must ensure that surfaces and areas that are used and touched often are cleaned and sanitized after each use (i.e.; shared toys, keyboards, desks, and remote controls), or at least twice a day (i.e.; doorknobs, light switches, toilet handles, sink handles, and counter tops).

Section 6. Gymnasiums and Fitness Centers. Effective immediately.

- a. Management shall ensure, on a daily basis and at the beginning of each shift that no employee who presents any symptom of illness consistent with COVID-19 will be permitted to work. Employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day shall be separated from other employees and sent home immediately.
- b. Clients, patrons and customers shall be screened by phone and/or in-person prior to entering the establishment. If they are exhibiting any of the following symptoms, the client, patron or customer shall be excluded from entry to the facility:
 - Cough
 - Shortness of Breath
 - Chills
 - Fever
 - Sneezing with nasal discharge
- c. Management shall allow only 1 individual per 100 square feet and shall ensure at least 10 feet of separation in all directions between patrons.

- d. No team or group activities shall be allowed
- e. Locker room and shower areas shall not be used. Use of toilets, hand sinks and urinals is allowed.
- f. All equipment shall be disinfected after each use.
- g. No sign in sheets, touch pads or touch surfaces shall be required for entry to the facility
- h. It is strongly recommended that individuals over the age of 60 and individuals who are immunocompromised or have underlying health conditions not use the facility
- i. It is strongly recommended that all employees and patrons wear a non-surgical mask or face covering that completely covers the nose and mouth whenever possible.

Section 7. Recommendations for All Individuals. The Department supports the “Directives for Individuals” as stated in Governor Gary Herbert’s March 27, 2020 declaration “The Governor’s Coronavirus Directive for Utah” <https://coronavirus.utah.gov/full-text-governors-stay-home-stay-safe-directive/>. Additionally, the Department recommends:

- a. All individuals practice good social distancing (six feet) measures.
- b. All individuals should refrain from visiting nursing care facilities, assisted living facilities, and retirement homes except to provide critical assistance.
- c. All individuals should avoid discretionary travel, shopping trips (other than shopping for food and other essentials), and social visits.
- d. Individuals over the age of 60 and individuals who are immunocompromised should avoid contact with other individuals.

Section 8. General Protocols for All Businesses. The Department supports the “Directives for For-Profit and Nonprofit Organizations” as stated in Governor Gary Herbert’s March 27, 2020 declaration “The Governor’s Coronavirus Directive for Utah” <https://coronavirus.utah.gov/full-text-governors-stay-home-stay-safe-directive/>. Effective immediately, all establishments shall comply with the following regulations:

- a. Where possible, a business should encourage its employees to telecommute.
- b. If telecommuting is not possible or practicable, a business should review and implement industry best practices with regard to physical distancing in the workplace, including:
 - i. grouping employees into cohorts of no more than ten individuals that have limited contact with the other cohorts in the workplace;

- ii. encouraging employees to avoid close contact with other individuals; and
 - iii. when close contact is necessary, encouraging employees to follow good hygienic practices of keeping distances between individuals to a minimum of six feet, engaging in appropriate regular and frequent hand washing and sanitizing, engaging in regular and frequent disinfecting of high-touch surfaces, avoiding physical contact with other individuals, and avoiding touching hands to any part of the face.
- c. An employee who handles cash or a credit card should use cleansing measures between transactions, including using best practices issued by the Department. Cash transactions are discouraged but not prohibited. Where possible, online (e.g., Venmo, Squarecash, Google Pay, Apple Pay) and telephonic credit card transactions are strongly encouraged.
 - d. Management should screen each employee, on a daily basis and at the beginning of each shift, for any symptom consistent with COVID-19.
 - e. An employee, member, guest, patron, or customer who presents any symptom consistent with COVID-19 should be excluded from the physical premises of the business.
 - f. A business that serves a customer in person should use cleansing measures on high-touch surfaces and equipment, including using best practices identified by the Department at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#How%20to%20Clean%20and%20Disinfect>.
 - g. Management shall provide measures to ensure social distancing to protect patrons while on the premises, including on the exterior of the facility.

Section 9. Long-Term Care and Other Care Facilities. Access to long-term care facilities shall be governed by the guidance issued by the Centers for Medicare & Medicaid Services and Center for Clinical Standards and Quality.

Section 10. Self-Isolation and Quarantine. “Self isolation or quarantine notice” means any instruction, guideline, or order from the Bear River Health Department regarding an individual who tests positive for COVID-19 or who is exposed to an individual who tests positive for COVID-19. The following individuals shall comply with a self-isolation or quarantine notice:

- a. an individual who tests positive for COVID-19;
- b. an individual who is exposed to an individual who tests positive for COVID-19; and
- c. an individual who is a member of the same household or residence of an individual who tests positive for COVID-19.

Section 11. Duration. This Order supersedes prior Health Orders 2020-01 and 2020-02 and shall remain in effect through May 1, 2020, unless adjusted or further extended.

Section 12. Publication. This Order shall be on file for public inspection with the Bear River Health Department and available at <https://brhd.org/coronavirus/>.

Section 13. Appeal. This Order may be appealed to the Bear River Board of Health within ten (10) calendar days in accordance with Bear River Health Department grievance policy.

Section 14. Enforcement. Residents and businesses are urged to comply with this Order, and every effort will be made to educate people to achieve compliance. The Health Department will continue to respond to issues and reports of violation.

The purpose of this Order is to protect individuals' health, not to hold them criminally liable; however, repeat or egregious offenders may be cited and charged. While penalties outlined by state code for violating a local public health order classify the offense as a misdemeanor (class B for the initial offense, class A for repeat offenses), the Health Department has asked local municipalities to enforce the public health order initially via warnings rather than citations.


Effective Date: April 13, 2020

By Order of the Bear River Health Department



Craig Butters
Cache County Executive
Board of Health Chairman


Jeff Scott
Box Elder County Commissioner


Bill Cox
Rich County Commissioner
Board of Health Chairman


Lloyd C. Berentzen
Health Officer

Approved as to Form:


James M. Swink
Cache County Attorney