

**PUBLIC HEALTH ORDER  
NEW MEXICO DEPARTMENT OF HEALTH  
CABINET SECRETARY DR. DAVID R. SCRASE, M.D.**

**AUGUST 22, 2021**

**Amended Public Health Order directing State, Local, and Tribal agency personnel to Develop a Temporary Quarantine and Isolation Program utilizing Non-Congregate settings, including Hotels, College and University Dormitories, and other appropriate sites to House First Responders, homeless individuals and other At-Risk Persons as Identified by the New Mexico Department of Health**

**PREFACE**

The purpose of this Public Health Emergency Order is to officially authorize and promote the use of non-congregate settings throughout the state for temporary quarantine and isolation when deemed appropriate for fire fighters, law enforcement, medical personnel, ambulance and emergency medical response personnel, public safety personnel, homeless individuals, victims of domestic violence, and other at-risk persons as identified by the New Mexico Department of Health (“NMDOH”). It is necessary to provide safe placements for these at-risk individuals to temporarily quarantine and isolate for the safety of the individuals and the safety of all New Mexicans.

**ORDER**

**WHEREAS**, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

**WHEREAS**, on August 16, 2021, Governor Michelle Lujan Grisham renewed the declaration of a Public Health Emergency, through Executive Order 2020-049, due to the continued spread of COVID-19 in New Mexico;

**WHEREAS**, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

**WHEREAS**, COVID-19 continues to spread in New Mexico and nationally. Since Executive Order 2020-004 was issued, confirmed COVID-19 infections in New Mexico have risen more than 227,000 and cases in the United States have increased from 1,000 confirmed cases to over 38,000,000 confirmed cases;

**WHEREAS**, New Mexico’s first responders continue their heroic work to provide emergency services and response to the COVID-19 emergency while following established guidance to prevent spread of the infection. However, their response work often put these persons at a higher risk of COVID-19 infection;

**WHEREAS**, despite best efforts to implement the above practices and other NMDOH orders, Medical Personnel, Emergency Responders, Emergency Operations Center(s) personnel, public health workers, and other persons have become persons under investigation for COVID-19 and have tested positive to COVID-19. These individuals need to be temporarily quarantined or isolated to prevent the spread the virus. Often, this temporary quarantine cannot be provided at their homes due to a heightened risk of spreading COVID-19 to their families or communities. In addition, some first responders’ response efforts involve a high risk of exposure due to their public service duties, though those responders may not know if they have had a positive exposure to COVID-19;

**WHEREAS**, other individuals in New Mexico who are persons under investigation for COVID-19, or who have tested positive for COVID-19 may not have a safe place to temporarily quarantine or isolate due to a variety of circumstances including homelessness and domestic violence;

**WHEREAS**, persons who have adverse exposure to the virus are being treated and supervised by local medical operations throughout the State. NMDOH has already taken proactive actions to engage and/or contract hotels and other facilities to assist in this non-congregate sheltering effort to stop the spread of the virus;

**WHEREAS**, on May 1, 2020, then Secretary of NMDOH, Kathyleen M. Kunkel, signed a Public Health Order declaring the need for non-congregate sheltering in the state and directing the Department of Homeland Security Emergency Management (“DHSEM”) to submit a statewide non-congregate sheltering request letter to the Federal Emergency Management Administration (“FEMA”). The original order was extended through August 22, 2021. This order renews that same request for another 30 days.

**NOW, THEREFORE, I, Dr. David R. Scrase, Acting Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of her emergency powers under the All Hazard Emergency Management Act as invoked through Executive Order 2020-004, do hereby declare the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2(A) as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.**

**I HEREBY DIRECT AS FOLLOWS:**

(1) All public responder, State, Local, and Tribal agency personnel shall coordinate with the NMDOH to organize “non-congregate sheltering” to stop the spread of COVID-19. The non-congregate sheltering will occur at the direction of State, Local, or Tribal officials with the direction of the NMDOH.

(2) The State, Local and Tribal agencies will coordinate with the DOH to receive guidance and direction for the needs to temporarily quarantine or isolate designated first responders. This may include first responders who are awaiting confirmation of a test or are in positions of likely exposure who do not want to infect their families. Additional coordination and guidance may be necessary to determine the circumstances and duration of the isolation. The activities must follow DOH guidance, documentation, and tracking procedures.

(3) The target populations for this order are firefighters, law enforcement, medical personnel, ambulance and emergency medical response personnel, homeless, domestic violence victims, and other highly at-risk persons as identified and approved by NMDOH. This is usually for individuals who have tested positive for COVID-19 or have been documented as exposed to positive COVID-19 persons in the course of their duties and do not require medical care. All individuals temporarily quarantined under this order must meet the health and safety requirements for placement as determined by NMDOH. Alternate medical care sites and temporary hospitals are not considered non-congregate sheltering. This non-congregate sheltering must not duplicate the services provided by another federal agency.

(4) In addition, I direct NMDOH and DHSEM officials to develop a statewide noncongregate sheltering request letter to FEMA to seek reimbursement for expenses of non-congregate sheltering, so that State agencies, local jurisdictions, and Tribes, are coordinated on the needs for this program. This statewide effort will reduce the burden on State, Local and Tribal jurisdictions to independently develop approval for noncongregate sheltering.

**I FURTHER DIRECT as follows:**

(1) This statewide order does not preclude Local or Tribal jurisdictions from developing their own public health orders and submitting them for FEMA approval, but such actions will not be the responsibility of nor be fiscally covered by the State of New Mexico.

(2) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(3) This Order shall take effect immediately and remain in effect through August 22, 2021 and shall extend until September 22, 2021.

**THIS ORDER** supersedes any other previous orders, proclamations, or directives in conflict. This Order shall take effect immediately and shall remain in effect until otherwise rescinded.

**ATTEST:**

**DONE AT SANTA FE, NEW MEXICO  
THIS 22nd DAY OF AUGUST 2021**

**DAVID R. SCRASE, M.D.**  
**ACTING SECRETARY OF THE NEW**  
**MEXICO DEPARTMENT OF HEALTH**