

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

December 19, 2022

**Amended Public Health Emergency Order Clarifying
All Orders, Directives, Guidance and Advisories Remaining
in Effect and Imposing Certain Public Health Measures**

PREFACE

The purpose of this amended Public Health Emergency Order is to provide current guidance regarding all mandates and clarify all public health orders remaining in effect in relation to the Novel Coronavirus Disease 2019 ("COVID-19"). All New Mexicans should continue to adhere to social distancing protocols when required to protect our State as a whole.

WHEREAS, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 ("COVID-19"), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared 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, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through January 6, 2023;

WHEREAS, confirmed cases in the United States have risen to more than 99.7 million and confirmed COVID-19 infections in New Mexico have risen to over 655,000;

WHEREAS, COVID-19 is a deadly virus and has taken the lives of over 1,083,000 Americans and over 8,700 New Mexicans;

WHEREAS, the spread of COVID-19 in the State of New Mexico poses an ongoing 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, potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, nonetheless, we now have effective tools and practices to minimize the spread of COVID-19, such as COVID vaccination, earlier home-based COVID testing with adequate quarantine for those who are exposed and isolation of those who test positive, early COVID therapeutic treatment for those who test positive, the consistent and proper use of more effective face coverings, and more robust and community-specific data reporting to guide individuals and communities based on current case counts and hospitalization rates; and the effectiveness of these new tools and practices warrant the lifting of certain restrictions placed upon the State;

WHEREAS, for example, it is no longer necessary to require State correctional facilities workers to be vaccinated against COVID-19 in light of high vaccination rates and the additional tools and practices mentioned above, and lifting this requirement may help the State fill staff vacancies, which will in turn help ensure the health and safety of those working or incarcerated in those facilities; however, those workers are still strongly urged to be fully vaccinated against COVID-19 and to receive any recommended booster doses;

WHEREAS, the protection of our most vulnerable New Mexicans, including those who are immune compromised or have other pre-existing conditions that place them at high risk for serious COVID-illness, remains of paramount importance; and

WHEREAS, the New Mexico Department of Health ("NMDOH") possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -19, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety.

NOW, THEREFORE, I, David R. Scrase, M.D., Acting 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, do hereby **DECLARE** the current outbreak of COVID-19 a condition of public health importance, as defined in 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.

ORDER

I HEREBY DIRECT AS FOLLOWS:

- (1) All Public Health Emergency Orders adopted in relation to the COVID-19 public health emergency are hereby rescinded, and only those directives stated herein shall remain in effect until otherwise amended or rescinded.
- (2) All current guidance documents and advisories issued by the Department of Health in response to the COVID-19 public health emergency remain in effect.

I FURTHER DIRECT:

- (1) All facilities licensed or certified by the Centers for Medicare and Medicaid Services ("CMS"), including all hospital types, long-term care facilities, hospice facilities, and rehabilitation facilities are instructed to adhere to all COVID-related requirements prescribed by CMS, including, but not limited to, masking and patient/staff vaccination. Facilities reporting staff vaccination status in the federal CMS reporting system are not required to concurrently report such data to the state reporting system. NMDOH no longer requires weekly testing for healthcare workers whose vaccine status is not up to date.
- (2) For the duration of the public health emergency all assisted living facilities and adult day care settings are required to adhere to all COVID-related requirements to which hospitals and nursing homes are held by CMS, including, but not limited to, masking and vaccination. These facilities will continue to report staff vaccination status to the State as long as CMS requires such reporting, at the same frequency as required by CMS for the facility types listed in paragraph I above.
- (3) All facilities subject to paragraphs 1 and 2 above are advised to evaluate Centers for Disease Control and Prevention ("CDC") community transmission levels in their locality and adopt more stringent precautions, if needed. CDC community transmission levels can be accessed via the following link: https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=New+Mexico&data-type=Risk&null=Risk.
- (4) All New Mexicans should remain aware of the importance of protecting our most vulnerable population groups, including those who are older, immune compromised, or have other pre-existing conditions that place them at high risk for serious COVID illness. Additional information from the CDC about risks for illness can be accessed via the following link: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.
- (5) All New Mexicans should be aware that there are now tools that can be used to direct both isolation for those who have acquired COVID and quarantine for those who have been exposed to COVID. In these two situations, all New Mexicans are strongly encouraged to use the CDC Quarantine and Isolation Calculator that can be accessed via the following link: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>.
- (6) All businesses, establishments, and non-profit entities are recommended to adhere to the latest CDC guidance for Workplace and Businesses available via the following link: https://www.cdc.gov/niosh/emres/2019_ncov_default.html. Businesses, establishments, and non-profit entities are further recommended to adhere to CDC guidance for Cleaning and Disinfecting Your Facility, which may be accessed via the following link: https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html?CDC_AA_reVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fcommunity%2Forganizations%2Fcleaning-disinfection.html.
- (7) Nothing in this Order shall be construed as prohibiting any business, house of worship, non-profit entity, or other entity from imposing more stringent requirements.
- (8) Public, private, and charter educational institutions shall adhere to the "COVID-19 Response Toolkit for New Mexico's Public Schools," available at <https://webnew.ped.state.nm.us/reentry-district-and-school-guidance/> and may operate up to maximum capacity. Public and private educational institutions shall

follow the reporting, testing, and closure requirements set forth by the Public Education Department in the COVID-19 Response Toolkit for New Mexico's Public Schools.

(9) All Long-Term Care Facilities, including nursing homes, assisted living facilities, and hospice facilities must stay apprised and comply with the applicable directives and guidelines issued by the Department of Health in consultation with the Aging and Long-Term Services Department, which are available on the NMDOH website.

I FURTHER DIRECT as follows:

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

(2) This Order shall take effect immediately and remain in effect until amended or rescinded by the Secretary.

ATTEST:

/ S /
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 19TH DAY OF DECEMBER 2022

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

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