LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
Directed Health Measures 2021-26

WHEREAS, pursuant to NEB. REV. STAT. § 71-501, NEB. REV. STAT. § 71-1630(4)(d)(iii), and Chapter 8.18 of the Lincoln Municipal Code, and Lancaster County Resolution No. R-07-0035, the Director of the Lincoln-Lancaster County Health Department ("Director") may exercise her authority to order Directed Health Measures necessary to prevent or minimize the spread of communicable disease. The objectives of this order are to reduce morbidity and mortality; minimize disease transmission; protect health care personnel, and preserve health care system functioning; and,

WHEREAS, The Novel Coronavirus ("COVID-19") has impacted and continues to dramatically impact the residents of Lincoln and Lancaster County, Nebraska; and,

WHEREAS, Patricia D. Lopez has been appointed and confirmed as the Health Director of the Lincoln-Lancaster County Health Department ("LLCHD"); and,

WHEREAS, Pursuant to NEB. REV. STAT. § 71-501, the LLCHD is authorized to promulgate rules and regulations concerning contagious, infectious, and malignant diseases in Lincoln and Lancaster County; and,

WHEREAS, Pursuant to NEB. REV. STAT. § 71-1630(4)(d)(iii), the Health Director is authorized to investigate the existence of any contagious or infectious disease and adopt measures to arrest the progress of the disease; and,

WHEREAS, Pursuant to Lincoln Municipal Code § 8.18.140 and Lancaster County Resolution No. R-07-0035, the Health Director may order the closure of, or restrict access to, any business, office, healthcare facility, school, or government agency or department for the purpose of controlling the spread of disease or for any activity related to controlling the spread of disease, and the Health Director may adopt any other control measures which are consistent with applicable guidelines of a public sector partner, emergency management agency, and any other applicable laws and regulations; and,

WHEREAS, having reviewed information from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention ("CDC"), local public health departments, treating health care providers and health care facilities, and other public health, security, and law enforcement authorities; having consulted with medical and communicable disease control personnel of the LLCHD; and having considered directives and guidelines issued by the CDC and other public health authorities, the Health Director finds as follows:

1. Information from the World Health Organization, the CDC, the LLCHD, local public health departments throughout Nebraska, and members of the Lincoln and Lancaster County medical community indicates residents of Lincoln and Lancaster County have been and will continue to be exposed due to the levels of community transmission of COVID-19 in Lancaster County.

2. Exposure to COVID-19 continues to present a risk of death or serious long-term disabilities; the exposure is wide-spread and poses a significant risk of harm (including death) to people in the general population; there is a particular subset of the population more vulnerable to the threat and thus at increased risk; and the threat is from a novel infectious disease.

3. Directed Health Measures ("DHM") exist to effectively prevent, limit, and slow the spread of COVID-19 amongst the residents of Lincoln and Lancaster County and implementation will reduce transmission of COVID-19.

4. The manner in which the spread of COVID-19 cases and the number of new daily cases in Lincoln and Lancaster County occurring poses unacceptable risks to the health and welfare of the residents of Lincoln and Lancaster County and continued DHM are necessary to continue to prevent or limit the transmission of COVID-19.

5. Not having effective DHM targeted at current circumstances would significantly jeopardize the ability to prevent or limit the transmission of COVID-19 or pose unacceptable risks to members of the Lincoln and Lancaster County community.

6. Maintaining practices to mitigate the spread of COVID-19 including, but not limited to, wearing face coverings which cover the mouth and nose, are necessary to continue slowing the spread of COVID-19.

7. The CDC has identified a SARS-Co-V-2 variant of concern, the B.1.617.2 or Delta variant which has demonstrated: increased transmissibility and ability to cause more severe disease (e.g., increased hospitalizations or deaths); significant reduction in neutralization by antibodies generated during previous infection or vaccination; and reduced effectiveness of treatments or vaccines; the Delta variant has become the dominate cause of new cases of COVID-19 in Lincoln and Lancaster County, and infections by this variant has results in more severe illness and longer hospitalizations.

8. The American Academy of Pediatrics has determined universal use of face coverings in schools is necessary because a significant portion of the student population are not eligible for COVID-19 vaccination; and members of this population are engaged in in-person education, which increases the possibility of spread of COVID-19.

9. The University of Nebraska Medical Center College of Public Health ("UNMCCPH) has found the Delta variant represents a significant threat for many Nebraska communities heading into the fall of 2021 because the Delta variant is estimated to be significantly more transmissible than previous versions of the virus causing COVID-19, and it appears to cause more severe disease, even in younger persons. Further, the UNMCCPH determined congregate settings, such as schools, will represent a significant risk for transmission of COVID-19; and recommends universal face coverings in schools when indoors.

10. The CDC recommends face coverings should be worn by all individuals regardless of vaccination status if they live in an area with "substantial or high" transmission of COVID-19. The State of Nebraska and Lancaster County, Nebraska have been and remain to be declared areas with high transmission of COVID-19.

11. Hospital capacity within Lincoln and Lancaster County, as defined by both available inpatient beds and adequate staffing is limited, and the current number of individuals requiring hospitalization for COVID-19 in the community continues to be at a level warranting action to reduce spread of COVID-19 to maintain availability for hospital beds by individuals who need emergent inpatient care. Currently the health systems within Lancaster County have a census exceeding 90% of their maximum capacity; and those systems have indicated a need for continued DHM to reduce the spread of COVID-19.

12. The following DHM has been identified as effective against public health threats by the CDC and other similar public health authorities to effectively prevent, limit, or slow the spread of COVID-19.

THEREFORE, the following Directed Health Measures ("DHM") supersedes any and all previous Lincoln-Lancaster County Health Department Directed Health Measures and are hereby ordered for residents and visitors of the City of Lincoln and Lancaster County, Nebraska, effective on November 25, 2021 at 12:01 a.m. and continuing until December 23, 2021, at 11:59 p.m. unless renewed, extended, or terminated by subsequent order; however, this Order will remain in effect no longer than necessary to ensure that COVID-19 no longer poses an unacceptable public health threat, and all persons are ordered to comply:

1) Any individual or entity which owns or operates any building, business, or premises, other than a residence shall require all individuals to wear a face covering over their mouth and nose while indoors.

   Face coverings will not be required if the individual:

   a. Is under two (2) years of age;
   b. Is able to maintain at least six (6) feet of separation from any other individual at all times, or is not in the same room or workspace, of any other individual;
   c. Is seated to eat or drink, or while immediately consuming food or beverages;

d. Is engaged in exercise and is not at rest;
e. Is engaged in an occupation preventing the wearing of a face covering;
f. Is obtaining a service, purchasing goods or services, or is engaged in an activity that requires the temporary removal of the face covering during the service, purchase, or activity;
g. Is giving a speech, lecture, or broadcast to an audience so long as six (6) feet of distancing from other individuals is maintained and only while said speech, lecture, or broadcast is being delivered; or,
h. Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability, that prevents the wearing of a face covering.

2) Any individual who has been confirmed as having COVID-19 by a laboratory test, or who is determined to be exposed to an individual diagnosed with having COVID-19 by a laboratory test, shall cooperate with the LLCHD Communicable Disease Division contact tracing and abide by all instructions provided, including but not limited to isolation or quarantine as contemplated by Lincoln Municipal Code 8.14 and Lancaster County Resolution No. R-07-0035.

3) This DHM shall not apply to courts of law, meetings, or sessions of the Nebraska Legislature; state or federal operations; congregate living settings; group homes and residential drug and/or mental health treatment facilities; or shelters.

In the event of noncompliance with the terms of this DHM, staff from the LLCHD will aid the Health Director in inspection and enforcement. If compliance cannot be had in this manner, law enforcement will aid the Health Director in inspection and enforcement.

Failure to comply with this DHM may result in legal action for enforcement by civil and/or criminal remedies.

Pursuant to LMC § 8.18.170, any person who is found to have violated any provision of this DHM within the City of Lincoln shall be guilty of a City Misdemeanor and may be subjected to a fine of no more than five hundred dollars ($500), or imprisonment in the county jail for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation of this DHM continues is punishable as a separate and distinct offense.

Any person who is found to have violated any provision of NEB. REV. STAT. § 23-174 and/or NEB. REV. STAT. § 71-506 in Lancaster County except within the limits of any incorporated city or village, and except within the unincorporated area where a city or village has been granted zoning jurisdiction and is exercising such jurisdiction, may be guilty of a Class III misdemeanor and may be subjected to up to three (3) months imprisonment, up to a five hundred dollar ($500) fine, or both, and/or may be guilty of a Class V misdemeanor and subject to up to a one hundred dollar ($100) fine. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

In addition to any penalty sought or obtained under this DHM or other applicable law, the City or County Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance or to abate any nuisance resulting from violations of this DHM. Anyone subject to this DHM shall consult the Nebraska Revised Statutes, Lancaster County Resolution No. R-07-0035, or the Lincoln Municipal Code Chapter 8.14 to determine their right to seek administrative and/or judicial review.

For the Lincoln-Lancaster County Health Department:

Patricia D. Lopez

Patricia D. Lopez, RN, MSN
Director

11-23-2021
Date