



## **DIRECTIVE AND ORDER REGULATING CERTAIN BUSINESSES AND FACILITIES & GENERAL DIRECTIVES CONCERNING LIMITING THE SPREAD OF COVID-19**

Pursuant to Executive Order No. 21-03-09-01

### **MDH No. 2021-03-09-01**

I, Dennis R. Schrader, Acting Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus and the disease that it causes (“SARS-CoV-2” or “2019-NCoV” or “COVID-19”), and for the protection of the health and safety of patients, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease under the Governor’s Declaration of Catastrophic Health Emergency.

#### **1. Rescinded, Superseded, Amended, or Revised Orders and Notices:**

- A. The following Maryland Department of Health (MDH) Orders shall cease to be effective and are rescinded as of 05:00 P.M. on March 12, 2021.
  - i. **Maryland Department of Health Recommendations for Infection Control & Prevention of COVID-19 in Facilities Serving Older Adults (March 10, 2020).**
  - ii. [MDH Order No. 2020-06-10-03](#) (“Amended Directive and Order Regarding Swimming Pools”). All pool operators are directed to follow all applicable federal guidance from the U.S. Centers for Disease Control and Prevention (CDC) on this subject and best practice recommendations from the relevant national pool organizations.
  - iii. [MDH Order No. 2020-06-12-02](#) (“Amended Directive and Order Regarding Youth Camp Programs”). All youth camp operators are directed to follow all applicable federal guidance from the CDC on this subject and, where applicable, the [Maryland School Reopening Guidance](#) from the Maryland State Department of Education (MSDE) and MDH (updated January 2021).

- iv. [MDH Order No. 2020-11-17-03](#) (“Amended Directive and Order Regarding Food Service Establishments”). Please see the following Section 2 of this Directive for new language.
- v. [MDH Order No. 2020-11-17-04](#) (“Amended Directive and Order Regarding Community, Recreational, Leisure, Cultural, and Sporting Gatherings and Events.”).

B. The following MDH Notices are modified and reissued as of 05:00 P.M. on March 12, 2021.

- i. [MDH Medicaid COVID-19 Order #2](#) (To Adult Medical Day Care Providers (Type 42), “Temporary Closure of Adult Medical Day Care Facilities, Interim Guidance, and Administrative Per Diem Rate). Please see the following Section 3 of this Directive for specific guidance for providers on reopening.
- ii. [Notice \(April 6, 2020\) - Breast and Cervical Cancer Diagnosis and Treatment Program](#). The Breast & Cervical Cancer Diagnosis & Treatment Program will resume redetermining eligibility in accordance with program policies beginning on April 1, 2021. Although redetermining eligibility will resume, that is to update existing program participation only, and not to disenroll program participants whose eligibility was extended per the Notice dated April 6, 2020.

All redetermination applications that have been received since April 2020 will begin the review process as of the date of this notice.

- iii. [Notice \(April 6, 2020\) - Children’s Medical Services Program](#). The Children’s Medical Services program will resume redetermining eligibility in accordance with COMAR 10.11.03.07 beginning on April 1, 2021. Although redetermining eligibility will resume, that is to update existing program participation only, and not to disenroll program participants whose eligibility was extended per the Notice dated April 6, 2020.

All redetermination applications that have been received since April 2020

- iv. [Notice \(April 6, 2020\) - Kidney Disease Program](#). The Kidney Disease will begin the review process as of the date of this notice.

Program will resume redetermining eligibility in accordance with COMAR 10.20.02.03 beginning on April 1, 2021. Although redetermining eligibility will resume, that is to update existing program participation

only, and not to disenroll program participants whose eligibility was extended per the Notice dated April 6, 2020.

All redetermination applications that have been received since April 2020 will begin the review process as of the date of this notice.

- v. [Notice \(April 6, 2020\) - The Maryland AIDS Drug Assistance Program](#). The Maryland AIDS Drug Assistance Program will resume redetermining eligibility in accordance with COMAR 10.18.05.03 or COMAR 10.18.07.03 beginning on April 1, 2021. Although redetermining eligibility will resume, that is to update existing program participation only, and not to disenroll program participants whose eligibility was extended per the Notice dated April 6, 2020.

All redetermination applications that have been received since April 2020 will begin the review process as of the date of this notice.

## 2. **Food Service Establishments**

- A. All food service establishments under the Executive Order who may serve food and beverages to customers for consumption in outdoor and indoor seating areas shall:
  - i. Allow seating at adjacent booths so long as a physical barrier (including, but not limited to a plexiglass shield) separate the adjacent booths from each other and prevent persons in adjacent booths from any physical contact while either seated or standing (i.e., a height of at least 6 feet from the floor to the top of the barrier);
  - ii. Modify table arrangements to ensure customers are seated at least 6 feet away from each other, except for households or a group seated together. For indoor dining facilities, no more than 10 people may be seated together as a group at a table;
  - iii. Establish a 6-foot marking system to visually demonstrate the recommended physical distancing at all locations where staff and customers may congregate;
  - iv. Ensure that customers seated at a bar must comply with the appropriate physical distancing guidelines of at least 6 feet, except for households or a group seated together;
  - v. Prohibit standing in a bar area;
    - a. If the bar area is used to fulfill carry-out food and drink orders, a

designated waiting area should be established with 6 feet of separation from seated customers at the bar; and

- b. Visual markings should be used to establish six feet of separation between those in line for carry-out service; and
  - vi. Clean and disinfect each table between each seating as well as all high touch surfaces. Cleaning products should be appropriate for food contact surfaces that still meet EPA criteria for use against COVID-19.
- B. Buffets may reopen, provided the establishment clearly requires physical distancing of at least six feet between individuals and masking of customers who are not seated, particularly in the buffet area.

For foods not prepackaged, deli tissue or other food grade single-use service items must be provided. High touch surfaces should be cleaned frequently, and disinfecting wipes can be provided to customers. Provide single-use deli tissues, napkins, etc. for customers to use when opening displays, handling carafes and other items at beverage stations, or for other high-touch surfaces that cannot be eliminated. Consider providing signage for customers on how to safely serve themselves.

### 3. **Medical Adult Day Care Centers**

All licensed medical adult day care centers shall follow all applicable federal and state regulations and COVID-19 specific guidance and the Executive Order with regards to wearing Face Coverings, hand hygiene, physical distancing and ventilation.

- A. All individuals who are attending the facility for in-person services shall be fully vaccinated before receiving in-person services.
- B. All staff members shall be offered the opportunity to be vaccinated and are strongly encouraged to be vaccinated.
- C. Facilities shall develop and implement reopening plans for their individual facility. The plans shall address the following considerations, in alignment with CDC guidelines where applicable: Employee and Participant Screening, Social Distancing, Personal Hygiene, Cleaning and Disinfecting Areas, Universal Masking, Personal Items, Activities and Outings, Meal Service, Visitation, PPE

Maintenance, Medical Appointments, Infection Control, and Procedures for Suspected or Confirmed COVID-19 cases.

Note: The Maryland Department of Health will work with all adult day care facilities to make COVID-19 vaccine doses available through retail pharmacy partners or local health departments in order to offer the opportunity to receive a vaccine for staff and eligible patients if they have not already received a vaccine.

Note: Additional guidance can be found in COVID-19 Provider Update #19, Reopening of Adult Medical Day Care Facilities and Availability of Administrative Per Diem Rate.

#### 4. **Retail Establishments**

- A. All retail establishments under the Executive Order shall, in good faith and to the extent possible:
- i. where any queue is expected to form, designate with signage, tape, or by other means at least six-foot spacing for persons in line;
  - ii. sanitize, or provide customers with a means to sanitize, handles of carts and baskets that are available to customers;
  - iii. provide staff and customers with clean restrooms stocked with soap or sanitizer, and allow staff to wash their hands at least once every 30 minutes; and
  - iv. post signage at each entrance advising customers about the requirement to wear Face Coverings as described in the Executive Order and above.

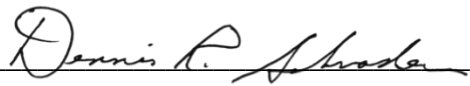
#### 5. **Personal Service Establishments**

All personal service establishments under the Executive Order shall, after providing services to each customer, clean and disinfect the area in which services were performed. Cleaning products should be appropriate for food contact surfaces that still meet EPA criteria for use against COVID-19.

6. **Severability**

If any provision of this Directive and Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of this Directive and Order or Guidance shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THESE DIRECTIVES AND ORDERS ARE ISSUED UNDER MY HAND THIS 9TH DAY OF MARCH 2021 AND ARE EFFECTIVE IMMEDIATELY.

  
\_\_\_\_\_  
Dennis R. Schrader  
Secretary (Acting)