

## Directed Health Measures – COVID-19 Frequently Asked Questions

This FAQ responds to questions that the Department of Health and Human Services (DHHS) has received regarding the **Directed Health Measures** ordered in response to the COVID-19 state of emergency. It will be updated as additional questions are received.

June 4, 2020

### Q: What gives DHHS the authority to order Directed Health Measures?

A: Nebraska Revised Statutes §§ **71-502** and **81-606** and following, along with their **implementing regulations**, authorize DHHS to order directed health measures in response to communicable diseases under specific conditions discussed below.

### Q: Who can order Directed Health Measures?

A: The Director of the Division of Public Health, acting in consultation with the Chief Medical officer, if the Director is not a medical doctor, or other DHHS medical and disease control personnel, is responsible for ordering Directed Health Measures. When ordering measures, the Director **must** consider any directives and guidelines issued by the American Public Health Association (APHA) and the Centers for Disease Control and Prevention (CDC). The Director can also consider other directives and guidelines.

### Q: What conditions must be met for a Directed Health Measure to be ordered?

A: Before ordering a Directed Health Measure, the Director **must** find that one or more members of the public have been exposed or may have been exposed to a communicable disease, and measures exist to effectively prevent, limit, or slow the spread of this disease. The Director must also find that exposure to the disease presents a risk of death or serious long-term disability; exposure is wide-spread and poses a significant risk of harm to the general population; or there is a particular subset of the population that is at increased risk because it is more vulnerable to the disease. Assuming these conditions are met, the Director must further find that a delay in the imposition of an effective Directed Health Measure would significantly jeopardize the ability to prevent or limit transmission of the disease.

### Q: What measures can be ordered?

A: Provided the specified conditions are met, the Director **may order** the quarantine or isolation of individuals; decontamination; or other protocols or measures identified as effective against public health threats by the APHA and CDC. Any of these Directed Health Measures may include, but are not limited to, periodic monitoring and reporting of vital signs; use of personal protective equipment (PPE) for performing specified tasks or at specified premises; or specific infection control measures, including cleaning and disposal of specified materials. Measures may be directed to individuals, groups of individuals or populations, or the public at large with regard to identified premises and activities.





## Q: How does DHHS determine what restrictions to order?

A: DHHS reviews information from the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC), local public health departments, health care providers and facilities treating patients, and other public health, security, and law enforcement authorities. DHHS also consults with medical and communicable disease control personnel from within DHHS, as well as considers directives and guidelines issued by the CDC and other public health authorities.

## Q: Why are different parts of Nebraska treated differently in Directed Health Measures?

A: Multiple areas of the state are experiencing community spread of the virus that causes COVID-19, but different parts of Nebraska are impacted differently. As different areas of the state experience “hot spots” or other unique risk factors, stricter guidelines are needed to help minimize the spread of disease and protect the health of people residing and working in these areas.

## Q: Why are different types of establishments (e.g., restaurants and bars) treated differently in Directed Health Measures?

A: Establishments are treated differently for a variety of reasons. These reasons may include the benefit to the public offered by the type of businesses, the kinds of exposure that may occur at the type of business because of how services are provided, the ability to social distance, and other benefits or risks to the general public and employees. Ultimately, DHHS works to balance the risk of exposure to the employees of these establishments, the general public visiting them, and the importance of maintaining critical infrastructure across the state.

## Q: Is there guidance that explains how to comply with the requirements of Directed Health Measures?

A: Yes, the DHHS [web site](#) includes reopening guidelines that explain how to comply with specific requirements of the Directed Health Measures.

## Q: I have questions about specific restrictions. Is there someone I can contact?

A: Yes, questions about what a DHM entails or why particular restrictions were imposed can be sent to [DHHS.DHM@nebraska.gov](mailto:DHHS.DHM@nebraska.gov). This e-mail address is the primary point of contact for questions about state DHMs. You should contact the DHHS Hearing Office, as discussed below, only if you want to challenge or appeal provisions of a DHM.

## Q: Can I contest a Directed Health Measure?

A: Yes, people who are subject to a Directed Health Measure ordered by DHHS can request a hearing to contest the measure’s validity. Anyone wanting to request such a hearing should contact the DHHS Hearing Office by phone, fax, email, or mail as indicated below:

- Phone: 402-471-7237;
- Fax: 402-742-2376;
- Email: [DHHS.hearingoffice@nebraska.gov](mailto:DHHS.hearingoffice@nebraska.gov);
- Mail: DHHS Hearing Office, P.O. Box 98914, Lincoln, NE 68509-8914.

## Q: Can local governments issue their own Directed Health Measures?

A: Yes, local governments can issue their own directed health measures. DHHS does not hear challenges to local measures.