



CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH

ORDER RESCINDING THE

**EMERGENCY ORDER CONCERNING OPERATION OF LONG-TERM CARE
FACILITIES AND ACTIVITIES OF RESIDENTS TO PREVENT THE SPREAD OF
2019 NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, the 2019 novel coronavirus disease, COVID-19, can cause severe disease and death, particularly in older adult and other vulnerable populations; and

WHEREAS, on March 6, 2020, in response to the emerging spread of COVID-19, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency which has been renewed and is still in effect; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic, or global epidemic; and

WHEREAS, on March 12, 2020, the City's Board of Health by emergency regulation added COVID-19 to the City's list of reportable and quarantinable diseases; and

WHEREAS, on March 17, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order prohibiting operation of non-essential businesses to prevent the spread of COVID-19; and

WHEREAS, on March 19, 2020, the Governor and the Secretary of the Pennsylvania Department of Health issued orders requiring all non-life-sustaining businesses to close across the Commonwealth, to help stop the spread of the virus and the Governor and Secretary updated the aforementioned orders and list of life-sustaining and non-life sustaining businesses on March 20, 2020 and multiple times thereafter; and

WHEREAS, on March 22, 2020, the Mayor and the Health Commissioner jointly issued an Emergency Order Temporarily Prohibiting Operation of Non-Essential Businesses and Congregation of Persons to Prevent the Spread of COVID-19, which superseded the Emergency Order issued by the Mayor and Health Commissioner dated March 17, 2020, and which was approved as a regulation of the City by the Board of Health on March 26, 2020, which expressly authorized the Health Commissioner to issue such additional orders as the Commissioner determines are necessary or appropriate to limit the spread of COVID-19; and

WHEREAS, on April 8, 2020, the Health Commissioner issued the Emergency Order Concerning Operation of Long-Term Care Facilities and Activities of Residents to Prevent the Spread of COVID-19, which was adopted by the Board of Health by regulation effective April 23, 2020 ; and

WHEREAS, on April 23, 2020, the Governor announced a *Plan for Pennsylvania* that set residents and businesses on a path to recovery from the COVID-19 pandemic while continuing to protect life from the dangers of this deadly virus, which included, *inter alia*, Red, Yellow, and Green Phases of reopening; and

WHEREAS, the Mayor and Health Commissioner determined on May 29, 2020, that Philadelphia could move to the Yellow Phase with additional, Philadelphia-specific restrictions that would apply in addition to restrictions established by the Governor, including limitations on outdoor dining, and executed an Order entitled “Emergency Order Allowing Limited Reopening of Businesses, Advising Philadelphians That They are Safer at Home, and Establishing Safety Measures to Prevent the Spread of 2019 Novel Coronavirus (COVID-19): Yellow Phase of Reopening” (“Yellow Phase Order”) to implement that decision, effective on the date determined by the Governor that the City of Philadelphia should move into the Yellow Phase, expected to be June 5, 2020; and

WHEREAS, on June 4, 2020, the Governor and Secretary of Health’s amended their respective orders for Limited Opening of Businesses, Lifting of Stay at Home Requirements, and Continued Aggressive Mitigation Efforts, to apply to Philadelphia effective June 5th, which generally moved the City into the Yellow Phase pursuant to the Governor’s guidelines; and

WHEREAS, since that time, the Mayor and Health Commissioner, in recognition that cautious reopening with constant review of potential impacts on public health is in the best interests of Philadelphia, have issued a series of Orders gradually easing restrictions with respect to, *inter alia*, use of pools, personal grooming services, retail businesses, outdoor sports and other activities, and outdoor gatherings; and

WHEREAS, although the Governor announced that Philadelphia was authorized to join other southeastern Pennsylvania counties in moving to the Green Phase of reopening on June 26, 2020, the Mayor and Health Commissioner, in consideration of public health data and the noted effects on public health in June and July in states that have hastily reopened, including marked increases of positively identified COVID cases, the City is taking a cautious approach to moving to the Green Phase; and

WHEREAS, Philadelphians are working hard to turn back COVID-19, and they are succeeding. Because of social-distancing actions and the various City Orders protecting the public health, daily COVID-19 case counts have fallen significantly from counts in mid-April and mid-May.

The rate of community spread of COVID-19 in Philadelphia remains high, however, and measures to continue to reduce its spread must be maintained and observed; and

WHEREAS, on June 26, 2020, the Mayor and Health Commissioner issued an order requiring the wearing of masks in many indoor and outdoor situations, and on July 1, 2020, the Governor issued a similar order; and

WHEREAS, on July 3, 2020, the Mayor and Health Commissioner issued an order that moved the City from the Yellow Phase to a Modified Green Phase (“Modified Green Phase Emergency Order”); and

WHEREAS, average daily case counts have been falling through the month of August and into September; and

WHEREAS, the Board of Health has expressly authorized the Health Commissioner to relax the requirements and modify all emergency regulations adopted by the Board for the purpose of governing the control and prevention of COVID-19 that the Health Commissioner determines in good faith are no longer necessary or appropriate control or prevention measures; and

WHEREAS, on July 20, 2020 and September 3, 2020 the Secretary of Health of the Pennsylvania Department of Health issued detailed guidance for long-term care facilities that apply statewide, and in deference to this guidance, and the current nature of the pandemic in Philadelphia, the Philadelphia Department of Health has determined that the control and prevention measures reflected in the Emergency Order Concerning Operation of Long-Term Care Facilities and Activities of Residents to Prevent the Spread of COVID-19 are no longer necessary; and

WHEREAS, Sections 6-205 and 6-206 of The Philadelphia Code and applicable state law provide that the Department of Public Health may by order forbid the congregation of persons when necessary to prevent the further spread of a communicable and quarantinable disease and may take such other measures as are necessary to prevent the spread of such disease; and

NOW, THEREFORE, I, Dr. Thomas A. Farley, Health Commissioner of the City of Philadelphia, in my capacity as head of the Philadelphia Department of Public Health and pursuant to all authority granted under the Philadelphia Home Rule Charter, The Philadelphia Code, the Regulations of the Board of Health of the City of Philadelphia and applicable state law, hereby **ORDER** as follows:

Section 1. Rescinding April 8, 2020 Emergency Order

The April 8, 2020 Emergency Order Concerning Operation of Long-Term Care Facilities and Activities of Residents to Prevent the Spread of COVID-19 is hereby rescinded.

Enforcement of the Second Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 (Long-Term Care Facilities), which adopted the April 8, 2020 Emergency Order, is likewise suspended until the Board of Health may meet to vote on formally rescinding the regulation.

Date: September 23, 2020



Thomas A. Farley, MD, MPH
Health Commissioner