

LA CROSSE COUNTY HEALTH DEPARTMENT ADVISORY ORDER

WHEREAS, La Crosse County is in the midst of a pandemic that has been growing at a concerning rate in which September 2020 saw a 5-fold increase in the number of COVID-19 cases in comparison to the next highest month (August) and with a current daily case rate (26.9 cases/100,000 population) that is more than the “critical” threshold established by the Harvard Global Health Institute (<https://globalepidemics.org/wp-content/uploads/2020/06/TTSI-Technical-Advice-Handbook-2.0-June-30-2020-FINAL.pdf>); and

WHEREAS, through the contact tracing and reporting the County has undertaken, the County has identified characteristics of establishments and locations as being particularly susceptible to the spread of COVID-19; and

WHEREAS, establishments and locations particularly susceptible to the spread of COVID-19 are those with the following characteristics: places where multiple households gather in crowded spaces, in close proximity with one another, or in poorly ventilated spaces, and/or where individuals engage in activities that increase viral particles in the air such as loud speaking, shouting, singing, or physical exertion; and

WHEREAS, without a vaccine or more effective means of treating the disease, the only tools we have to slow the spread of the disease is to stay apart and wear a mask when we cannot stay apart; and

WHEREAS, outbreaks of COVID-19 in long-term care facilities has resulted in 12.5% of resident cases between September 28, 2020 and October 11, 2020 dying from complications of COVID-19; and

WHEREAS, without measures to slow the spread of COVID-19, especially among individuals ages 18-24 who were responsible for 69% of all cases during the month of September, people in La Crosse County will suffer from more unnecessary illness, vulnerability from an overwhelmed health care system, and insecurity from an unstable economy; and

WHEREAS, our region’s average number of hospitalized COVID-19 patients has more than quadrupled between September 16, 2020 and October 11, 2020 (from 7.7 to 39), hit a record-high of 44 in the past week, with our region’s largest healthcare systems residing in La Crosse County; and

WHEREAS, based on information from the Centers for Disease Control and Prevention (CDC) and input from state and local public health officials, medical professionals, and business leaders, face coverings, social distancing and limiting the size of mass gatherings is necessary to protect persons throughout the State of Wisconsin from COVID-19 (<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>); and

WHEREAS, pursuant to Wis. Stat. § 252.03, the local health officer: (i) “shall take all measures necessary to prevent, suppress and control communicable diseases;” (ii) “may do what is reasonable and necessary for the prevention and suppression of disease; and (iii) “may forbid public gatherings when deemed necessary to control outbreaks or epidemics”; and

WHEREAS, the local health officer deems the issuance of this directive and the measures to be taken as set forth herein to be reasonable and necessary to prevent, suppress and control the spread of COVID-19 in La Crosse County; and

WHEREAS, pursuant to Wisconsin Administrative Code s. DHS 145.06(6) the local health officer has authority to “direct persons who own or supervise real or physical property..., which present a threat of

transmission of any communicable disease...to do what is reasonable and necessary to abate the threat of transmission”; and

NOW, THEREFORE BE ADVISED, that while all ongoing health recommendations remain of significant importance to reduce the spread of COVID-19, the following health recommendations are critical and by this Order and Directive are hereby imposed:

Sections 1 and 2 of Emergency Order #3, Limiting Public Gatherings, issued by Wisconsin Department of Health Secretary-designee Andrea Palm issued on October 6, 2020 are incorporated by reference and state as follows:

1. Definitions.

a. **Public gathering** means an indoor event, convening, or collection of individuals, whether planned or spontaneous, that is open to the public and brings together people who are not part of the same household in a single room.

i. Places that are **open** to the **public** include, but are not limited to:

1. Rooms within a business location, store, or facility that allow members of the public to enter.
2. Ticketed events where tickets are available for free or for purchase by any individual or by any individual within a specific class of people.

ii. Places that are **not open to the public**, and therefore are not part of the definition of a public gathering and are not limited by this order, include, but are not limited to:

1. Office spaces, manufacturing plant, and other facilities that are accessible only by employees or other authorized personnel.
2. Invitation-only events that exclude uninvited guests.
3. Private residences. Except, a residence is considered open to the public during an event that allows entrance to any individual; such public gatherings are limited to 10 people.

2. Public gatherings limited.

a. Public gatherings are limited to no more than 25% of the total occupancy limits for the room or building, as established by the local municipality.

b. For indoor spaces without an occupancy limit for the room or building that is established by the local municipality, such as a 3 private residence, public gatherings are limited to no more than 10 people.

c. The following are exempt from limitations on public gatherings:

- i. Child care settings, including all licensed and certified child care providers who provide care for any age or ages of children up to 13 years of age or

children with disabilities up to 19 years of age; Head Start and Early Head Start programs; programs providing before or after school care or virtual learning support during the school day.

- ii. Placements for children in out-of-home care, including but not limited to residential care centers, group homes, foster homes, and shelter care; overnight service providers for homeless and runaway youth.
- iii. K-12 schools.
- iv. Institutions of higher education.
- v. Health care and public health operations, which includes: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and 4 dispose of medical materials and remains; personal care agencies; hospices; allied health providers; veterinary care; acupuncturists; massage therapists; chiropractors; and adult family homes.
- vi. Human services operations, which includes: long-term care and assisted living facilities, as long as the facility follows all current DHS Recommendations for Prevention of COVID-19 in Long-Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-

based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

- vii. Public Infrastructure operations, which includes: food production, food distribution and fulfillment centers, food storage facilities; construction; building management and maintenance; airports and airport operations; utilities operation and maintenance, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems.
- viii. State and local government operations and facilities, including polling locations.
- ix. Churches and other places of religious worship.
- x. Political rallies, demonstrations, and other speech protected by the First Amendment.
- xi. State facilities under the control of the Wisconsin Supreme Court and the Wisconsin Legislature.
- xii. Federal facilities under the control of the federal government.

BE FURTHER ADVISED that pursuant to s. DHS 145.06(6) and Ordinance s. 11.25, the Health Department intends to pursue corrective action and enforcement with regards to specific business if there is credible evidence demonstrating that the above guidelines are not being followed;

ENFORCEMENT AND APPLICABILITY

This advisory is not intended to be independently enforceable. La Crosse County Health Department will take complaints and investigate businesses violating the above guidelines. Violations of the health guidelines may result in enforcement under Wisconsin Administrative Code DHS s. 145.06(6) and/or La Crosse County Ordinance s. 11.25.

This means that if, based on credible, clear and convincing evidence, the Health Department's investigation finds that a business is violating the above guidelines, the Health Department may issue a specific directive to the individual business providing that business an opportunity to correct or abate the violation.

If, based on credible evidence, the business violates or does not comply with the specifics of the health directive issued to that individual business, further enforcement under DHS s. 145.06(5) or La Crosse County Ordinance s. 11.25 may be pursued in Court with the individual business having the opportunity to respond and be heard.

Dated: October 16th, 2020.

BY: _____
Jennifer Rombalski
Local Health Officer, La Crosse County