



FIFTH AMENDED PUBLIC HEALTH ORDER 20-38
LIMITED COVID-19 RESTRICTIONS
July 30, 2021

PURPOSE OF THE ORDER

I am issuing this Public Health Order (PHO or Order) in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order supersedes PHO 20-36 COVID-19 Dial and PHO 20-29 Voluntary and Elective Surgeries and Procedures, and implements reduced restrictions for individuals, businesses and activities, as well as reporting requirements for hospitals, to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. On March 10, 2020, Governor Jared Polis verbally declared a disaster emergency regarding COVID-19 in Colorado, and on March 11, 2020 Governor Polis issued **Executive Order D 2020 003**, memorializing the disaster declaration. The Governor's verbal declaration of a disaster emergency is now memorialized in **Executive Order D 2021 122**. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home, Safer at Home, and Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of July 30, 2021, there have been 575,082 Coloradans diagnosed with COVID-19, 32,859 have been hospitalized and 7,208 Coloradans have died from COVID-19. Multiple sources of data show that COVID-19 transmission and the use of the hospital system due to COVID-19 have leveled off in Colorado.

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4. With the rescission of PHO 20-36 COVID-19 Dial, but the pandemic ongoing, it remains critical for individuals, communities, businesses, and governments to remain vigilant regarding the spread of COVID-19. Individuals are encouraged to remain at least 6 feet away from non-household contacts, wash their hands, and wear a face covering to reduce the likelihood of disease transmission. As we continue to combat COVID-19 in our communities, continuing some limited requirements to mitigate disease spread remain appropriate.

5. The following additional public health orders remain in effect:

- a. PHO 20-20 Requirements For Colorado Skilled Nursing Facilities, Assisted Living Residences, Intermediate Care Facilities, And Group Homes For COVID-19 Prevention And Response;
- b. PHO 20-33 Laboratory Data Reporting for COVID-19; and
- c. PHO 21-01 Vaccine Access And Data Reporting For COVID-19.

INTENT

This Order includes limited requirements for individuals and businesses to mitigate the spread of COVID-19 in Colorado. The Order requires face coverings in some settings. Additionally, the Order maintains some restrictions on certain activities while we continue to take steps to limit the spread of COVID-19 in Colorado, and includes a provision that authorizes CDPHE to require a county to comply with additional restrictions should certain metrics be met. The Order also includes hospital reporting requirements regarding bed capacity to provide the State with critical information to assess the status of the COVID-19 pandemic relative to the statewide capacity to provide necessary medical care and services to Coloradans.

ORDER

This Order superseded and replaced Public Health Orders 20-29 and 20-36, as amended, on April 16, 2021.

I. COVID-19 RESTRICTIONS

A. FACE COVERINGS AND COVID-19 TESTING

- 1. Face coverings are required for unvaccinated or not fully vaccinated patients, residents, and visitors, and medical grade face masks are required for unvaccinated or not fully vaccinated staff in the following settings that serve vulnerable or at-risk populations:
 - a. Homeless shelters;

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- b. Prisons;
 - c. Jails; and
 - d. Emergency medical and other healthcare settings (including hospitals, ambulatory surgical centers, urgent care centers, clinics, doctors' offices, and non-urgent care medical structures).
2. Exceptions to the face covering requirements include
 - a. individuals 11 years of age or younger,
 - b. individuals who cannot medically tolerate a face covering, and
 - c. individuals participating in one of the following activities:
 - i. individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
 - ii. individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
 - iii. individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel; or
 - iv. individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service.
 3. Nothing in this Order changes or abrogates the Centers for Disease Control and Prevention's (CDC) Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be found at <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>.
 4. All of the settings and facilities identified in paragraph 1 of this subsection A are strongly encouraged to require all of their unvaccinated and not fully vaccinated staff to participate in COVID-19 testing as follows:
 - a. Daily rapid testing every day that they work in the facility or setting, and/or
 - b. Once weekly polymerase chain reaction (PCR) testing.

B. ALL BUSINESSES AND GOVERNMENT ENTITIES. All businesses and government entities shall comply with the requirements in this Section I.B.

1. Work Accommodations. Employers are strongly encouraged to provide reasonable work accommodations, including accommodations under the Americans with Disabilities Act (ADA) for individuals who cannot obtain access to COVID-19 vaccine or who for medical or other legal reasons cannot take a

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COVID-19 vaccine.

2. Face coverings. All employers must implement the face covering requirements in Section I.A of this Order, as applicable.
3. Disease mitigation practices. Employers and sole proprietors are strongly encouraged to follow the best practices for disease mitigation found in [CDPHE Guidance](#).

C. Repealed.

D. Repealed.

E. ADDITIONAL COUNTY RESTRICTIONS

1. CDPHE may require counties whose resident hospitalizations threaten to exceed 85% of hospital or hospital system capacity to implement additional restrictions to mitigate disease transmission.

F. NON-CONGREGATE SHELTERING

1. Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness whenever possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the public in their jurisdiction as necessary to protect all members of the community.

II. HOSPITAL FACILITY REPORTING

A. COVID-19 Case Reporting. All Colorado hospitals shall report to CDPHE in a form and format determined by CDPHE, certain information for all suspected (pending laboratory test) and confirmed (positive laboratory test) cases of COVID-19, including but not limited to:

1. race and ethnicity;
2. numbers of suspected and confirmed cases who are hospitalized, who are hospitalized and using a ventilator, or who are in the emergency department waiting for an inpatient bed;
3. numbers of suspected and confirmed cases who are discharged and in recovery;
4. deaths due to COVID-19; and

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- 5. medical equipment and supply information, including but not limited to total bed and intensive care unit (ICU) bed capacity and occupancy, ventilator availability and utilization, and availability of N95 masks.

Reporting by hospitals shall be done in CDPHE’s EMResource reporting system on a daily basis, Monday through Friday each week, or as otherwise required by this Order.

B. Hospital Bed Capacity Reporting. All Colorado hospitals shall report to CDPHE the following in EMResource daily, Monday through Friday each week, at 10:00 a.m.:

- 1. The daily maximum number of beds that are currently or can be made available within 24 hours for patients in need of ICU level care; and
- 2. The daily maximum number of all staffed acute care beds, including ICU beds, available for patients in need of non-ICU hospitalization.

III. DEFINITIONS

A. **Fully Vaccinated** means two (2) weeks after a second dose in a two dose-series of the COVID-19 vaccine, such as the Pfizer or Moderna vaccine, or two (2) weeks after the single-dose vaccine ,such as Johnson & Johnson’s Janssen vaccine.

IV. ENFORCEMENT

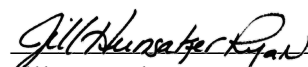
This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

V. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VI. DURATION

This Order shall become effective on Sunday, August 1, 2021 and will expire at 12:01 AM on September 1, 2021 unless extended, rescinded, superseded, or amended in writing.



Jill Hunsaker Ryan, MPH

7/30/2021

Date

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Executive Director