

NOTICE OF EMERGENCY RULES ADOPTION AND ORDER

BY: Mark E. Escott, MD, MPH FACEP FAEMS, Interim, Medical Director and Health Authority.

ADOPTION DATE:

The Health Authority has adopted the following Emergency Rules and Order pursuant to Chapter 121 of the Texas Health and Safety Code.

EFFECTIVE DATE OF EMERGENCY RULES

The Emergency Rules and Order adopted by this notice are **effective on August 4, 2020**, and **expire on November 12, 2020**, unless the rules are withdrawn or amended.

SUMMARY OF RULES

The Emergency Rules govern individuals and sites within the unincorporated areas of Travis County; and impose requirements reasonably necessary to protect public health related to the transmission of COVID-19.

TEXT OF THE RULES

See Exhibit A attached to this Notice of Emergency Rules Adoption.

NATURE OF EMERGENCY

The Health Authority find that an imminent peril to the public health, safety, or welfare requires adoption of the rules on an emergency basis. Specifically, emergency rules are required to reduce the possibility of exposure to COVID-19 and protect public health.

AUTHORITY FOR ADOPTION OF PROPOSED RULES AND ORDER

The authority and procedure for the implementation and adoption of a rule necessary to protect the public is provided in the Texas Health and Safety Code, chapters 81 and 121, including section 121.024 (b), 81.082, 81.084 and 81.086.

REVIEWED AND APPROVED



Date: July 29, 2020

Mark E. Escott, MD, MPH FACEP FAEMS
Interim Medical Director/Health Authority
City of Austin/Travis County

NOTICE OF EMERGENCY
RULES ADOPTION

HEALTH AUTHORITY
RULES AND ORDER

EXHIBIT A,

JULY 29, 2020



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1. Definitions.

- A. COVID-19 means the pandemic that is the subject of the Local Disaster Declaration, dated March 6, 2020.
- B. COVID-19 POSITIVE means an individual who tested positive for COVID-19.
- C. FACE COVERING means a covering that fits snugly over an individual's nose and mouth, such as a commercially made or homemade fabric mask, scarf, bandana, handkerchief, or shield.
- D. GENERAL HEALTH PRE-SCREENING means:
 - 1) asking questions intended to find out whether a worker is experiencing symptoms or has been exposed to someone with COVID-19;
 - 2) reiterating public health requirements; and
 - 3) checking face covering.
- E. HAND SANITIZER means a liquid or gel generally used to decrease infectious agents on the hands that consists of at least 60% alcohol.
- F. HEALTH AUTHORITY means City of Austin /Travis County Health Authority or his designee.
- G. HIGH TOUCH ITEM means an object, surface, tool, equipment, or piece of electronics that is utilized by individuals multiple times a day. This includes, but is not limited to, levers, light switches, phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, hammers and wrenches.
- H. KNOWN EXPOSURE means close contact with an individual who is confirmed or suspected COVID-19 positive.
- I. MAINTAINS means to own, operate, manage, or oversee a site.
- J. PERSON IN CONTROL means a person who maintains a site.
- K. SITE means property. A site does not include:
 - 1) property maintained by a governmental entity;
 - 2) property where medical services are provided;
 - 3) dwelling unit where the individual resides.
- L. SYMPTOMS CONSISTENT WITH COVID-19 means cough, fever, sore throat, runny nose or congestion, chills, muscle aches, loss of smell, loss of taste, shortness of breath, vomiting, and/or diarrhea.
- M. VULNERABLE INDIVIDUAL means an individual who:
 - 1) is 65 years old and older; or
 - 2) has certain health conditions such as heart disease, lung disease, diabetes, kidney disease, Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), or a weakened immune system

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- 3) WORKER means an employee, independent contractor, subcontractor, or other similar agent present at the site

2. Rules Applicable to Individuals.

2.1. Face Coverings.

- 2.1.1. Except as provided in 2.1.2, an individual must wear a face covering when outside of his or her residence.
- 2.1.2. Exceptions. A face covering is not required for:
- 2.1.2.1. any person younger than 10 years of age (though it is still recommended for children two years of age and older);
- 2.1.2.2. any person with a medical condition or disability that prevents wearing a face covering;
- 2.1.2.3. any person while the person is eating or drinking, or is seated at a restaurant to eat or drink;
- 2.1.2.4. any person while the person is (a) exercising outdoors or engaging in physical activity outdoors and (b) maintaining a safe distance from others not in the same household;
- 2.1.2.5. any person while the person is driving alone or with passengers of the same household as the driver;
- 2.1.2.6. any person obtaining a service that requires temporary removal of the face covering for security surveillance, screening, or the need for specific access to the face, such as while visiting a bank or while obtaining a personal care service involving the face, but only to the extent necessary for the temporary removal;
- 2.1.2.7. any person while the person is in a swimming pool, lake, or similar body of water;
- 2.1.2.8. any person who is voting, assisting a voter, serving as a poll watcher, or actively administering an election, but wearing a face covering is strongly encouraged;
- 2.1.2.9. any person who is actively providing or obtaining access to religious worship;
- 2.1.2.10. any person while the person is giving a speech for a broadcast or to an audience; or
- 2.1.2.11. any person while temporary removal of the face covering is necessary for communication by or with a person who is hearing impaired; or
- 2.1.2.12. any person who is alone, or in the presence of only members of the same household or residence, in a separate room or single space not accessible to the public, and not in an indoor common area.

2.2. No more than ten individuals may stand or gather together.

2.3. Physical Distancing

- 2.3.1. Except as provided in 2.3.2, an individual must be at least six feet apart from

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- another individual.
- 2.3.2. Exceptions. An individual is not required to stay six feet from another individual in the following circumstances:
 - 2.3.2.1. When passing another individual is incidental and momentary.
 - 2.3.2.2. When all individuals reside in the same household.
 - 2.3.2.3. When it is not feasible to maintain six feet distance between a service provider and patron.
 - 2.3.2.4. When individuals are dining in groups of less than ten.
 - 2.3.3. A parent or guardian of a child who is under the age of 10 is responsible for maintaining physical distance between the child in their household and others' households.
 - 2.3.4. A group of ten or fewer individuals must be at least six feet from another group of ten or fewer individuals except when the groups are seated at tables that are at least four feet apart and separated by a solid barrier.
- 2.4. Positive Test, Pending Test, Known Exposure, or Symptomatic.
- 2.4.1. If someone in a household is COVID-19 positive or is awaiting the results of a COVID-19 test, the entire household shall isolate and avoid travel outside of the County of Travis except to seek medical attention until the household is cleared by Austin Public Health.
 - 2.4.2. When seeking medical care or emergency medical care, an individual who is COVID-19 positive, is experiencing symptoms consistent with COVID-19, or experienced a known exposure must notify the healthcare provider in advance or, in the event of an emergency, the 9-1-1 call taker and first responders.
 - 2.4.3. An individual who tested positive shall:
 - 2.4.3.1. notify Austin Public Health if the residence does not allow for physical separation from other household contacts (separate room and bathroom);
 - 2.4.3.2. notify Austin Public Health if a member of their household is over the age of 65 and/or if they have underlying medical conditions identified by the Centers for Disease Control (CDC) of increasing the risk of complications from COVID-19; or

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- 2.4.3.3. remain in home quarantine for at least 10 days following the onset of their illness and at least three days (72 hours) after the conclusion of their illness (resolution of fever without medications and improvement in cough and shortness of breath), whichever is longer.
- 2.4.4. An individual who experienced a known exposure shall:
 - 2.4.4.1. quarantine themselves at home for a period of 14 days since the last contact with an individual known or suspected to be COVID-19 positive, regardless of the presence of symptoms; and
 - 2.4.4.2. if the individual becomes symptomatic, follow the requirements in 2.4.3.

3. Rules Applicable to Sites.

- 3.1. General. Rules 3.1-3.3 do not apply to a site that where child care programs operate.
- 3.2. A person in control of a site must:
 - 3.2.1. require each individual to wear a face covering except as provided in 2.1.2;
 - 3.2.2. clean and disinfect high touch items at least twice per day;
 - 3.2.3. limit the number of individuals who gather or stand together to ten or less;
 - 3.2.4. require at least six feet between groups of individuals except when the groups are seated at tables that are at least four feet apart and separated by a solid barrier;
 - 3.2.5. conduct a general health pre-screening of each worker every day before the worker begins his or her shift;
 - 3.2.6. keep toilets clean, sanitary and operational at all times and ensure proper disposal of waste from these facilities;
 - 3.2.7. provide single use disposable paper towels and no-touch trash receptacles in restrooms and breakrooms;
 - 3.2.8. mandate workers wash their hands for at least twenty seconds at the following times:
 - 3.2.8.1. before workers begin work;
 - 3.2.8.2. after workers remove gloves;
 - 3.2.8.3. before and after the use of shared items such as tools, electronic;
 - 3.2.8.4. devices or multi-user devices;
 - 3.2.8.5. before and after any meal or restroom breaks; and
 - 3.2.8.6. after a worker's shift or work time ends; and
 - 3.2.9. for workers confirmed to have contracted COVID-19, follow all directions from Austin Public Health concerning that worker and other workers that may have come in contact with the infected worker.
- 3.3. Signs required. A person in control of a site shall post:
 - 3.3.1. at least one face covering signs at or near each entrance;

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- 3.3.2. at least one Austin Public Health “Help Prevent Disease” signs at each entrance and on each restroom door (available for download and print at: <http://www.austintexas.gov/sites/default/files/files/Health/General%20Hygiene%20Flyer%20Final2-1-eng-051120.pdf>); and
- 3.3.3. where information for workers is customarily posted, at least one sign in English and at least one sign in Spanish that explains the requirement to remain at least six feet apart and the requirement to wear a face covering.

4. Rules Applicable to Hospitals, Pharmacies, Clinics, and Similar Entities.

- 4.1. A hospital, pharmacy, clinic, or any other entity or person who performs or obtains testing for COVID-19 shall provide the Health Authority daily test results, including PCR and antibody testing, in electronic form and in the manner directed by Austin Public Health. In this provision, test results means the tests performed and those reported positive, negative, or inconclusive.
- 4.2. Any data that is required to be provided to the State of Texas under state law shall be simultaneously provided to the Health Authority if the individual is tested within the City of Austin or Travis County.

5. Rules Applicable to Specific Types of Sites.

- 5.1. Construction Sites. A person in control of a construction site shall comply with Rules Applicable to Sites and:
 - 5.1.1. institute staggered shifts for sites with more than 10 active workers and post at these sites, in languages understood by all persons working there, a notice showing the sizes and types of shift crews working there, and directions on how the person in control is limiting crew sizes and rotating shifts;
 - 5.1.2. ensure handwashing station and restroom(s) are spaced six feet apart or more from each other;
 - 5.1.3. prohibit the use of community water coolers;
 - 5.1.4. provide individual water bottles or instruct workers to bring their own;
 - 5.1.5. designate a COVID-19 safety monitor who is always on-site; and
 - 5.1.6. ensure that each worker who enters a jobsite has signed in and keep a list of and contact information for each worker that enters the jobsite every day for the purpose of identifying and notifying workers if they have shared a jobsite with someone who has been confirmed to have COVID-19.
- 5.2. Child Care Facilities.
 - 5.2.1. Notify Austin Public Health’s Nurse Line at 512-972-5560 to report any laboratory confirmed cases of COVID-19 among children or staff.

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- 5.2.2. Follow the steps provide by Austin Public Health regarding suspected or confirmed cases of COVID-19.