PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
SECRETARY TRACIE C. COLLINS, M.D.

APRIL 5, 2021

Amended Public Health Emergency Order Temporarily
Limiting Long-Term Care Facilities Visitation Due to COVID-19

WHEREAS, on January 30, 2020, the World Health Organization announced the
emergence of a novel Coronavirus Disease 2019 (“COVID-19”) that had not previously circulated
in humans, but has been found to have adopted to humans such that it is contagious and easily
spread from one person to another and one country to another;

WHEREAS, COVID-19 has been confirmed in New Mexico since March 11, 2020, when
the New Mexico Department of Health confirmed the first cases of individuals infected with
COVID-19 in New Mexico and additional cases have been confirmed each day since then;

WHEREAS, on March 11, 2020, because of the spread of COVID-19, Michelle Lujan
Grisham, the Governor of the State of New Mexico, issued Executive Order 2020-004 declaring
that a Public Health Emergency exists in New Mexico under the Public Health Emergency
Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public
Health Emergency through April 30, 2021;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat
to the health, safety, and well-being of residents of long-term care facilities, who are particularly
vulnerable due to their age and underlying health conditions;

WHEREAS, COVID-19 has spread rapidly in long-term care facilities throughout New
Mexico, resulting in the deaths of hundreds of long-term care facility residents;

WHEREAS, in an effort to halt the spread of COVID-19, the State, through the New
Mexico Department of Health, has made significant progress in distributing the COVID-19
vaccine to long-term care facility residents and employees but has not yet completed the
vaccination process, leaving residents vulnerable;

WHEREAS, social-distancing remains the most effective ways to minimize the spread of
COVID-19; and

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to
the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency
Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA
1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state

OFFICE OF THE SECRETARY
1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502
(505) 827-2613 • FAX: (505) 827-2530 • www.nmhealth.org
government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Tracie C. Collins, M.D., Secretary of the New Mexico Department of Health, in accordance with authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of emergency powers under the All Hazard Emergency Management Act, do hereby ORDER and DIRECT as follows:

(1) All Long-Term Care Facilities must stay apprised of and comply with the applicable directives and guidelines issued by the Department of Health in consultation with the Aging and Long-Term Services Department and the Governor’s Long-Term Care Medical Advisory Team, which may be found at: https://cv.nmhealth.org/long-term-care-guidelines.

(2) For purposes of this Order, “Long-Term Care Facilities” include nursing homes, assisted living facilities, adult day cares, hospice facilities, and rehabilitation facilities with older adult patients.

I FURTHER ORDER AND DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order shall not abrogate any disease-reporting requirements set forth in the Public Health Act.

(3) Any person who willfully violates this Order may be subject to civil administrative penalties available at law.

(4) This Order shall take effect on April 5, 2021 and remain in effect for the duration of the public health emergency first declared in Executive Order 2020-004 and any subsequent renewals of that public health emergency declaration, unless otherwise rescinded.

ATTEST:

Maggie Toulouse Oliver
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 5TH DAY OF APRIL 2021

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

Tracie C. Collins, M.D.
SECRETARY OF THE STATE OF NEW MEXICO
DEPARTMENT OF HEALTH