

COVID-19 FAQ 8/17

(updates are highlighted in yellow)

1. What is a pandemic?

Per CDC, pandemic refers to an epidemic that has spread over several countries or continents, usually affecting a large number of people.

2. What is imminent threat?

A condition where there is reasonable certainty that a danger exists which poses a significant risk of death or serious harm.

3. What is a cluster of cases?

Per CDC, a cluster refers to “an aggregation of cases grouped in place and time that are suspected to be greater than the number expected, even though the expected number may not be known.”.

The cluster in Libby was an aggregation of 27 cases that were linked to a group of individuals who interact regularly as a community and was greater than the number of expected cases. This cluster was not linked to any event or establishment. As of July 26, 2020, most individuals in this cluster are now recovered and out of isolation.

Labs and Testing

4. Who should get tested?

Individuals experiencing symptoms associated with COVID, including fever, shortness of breath, sore throat, chills, fatigue, nausea/vomiting, diarrhea, or loss of taste or smell. Also, if you are identified as a close contact of a known positive and have been contacted by the Lincoln County Health Department we may or may not recommend seeking testing.

5. How do I get tested for COVID in Lincoln County?

There are a few ways to get tested. Call the CARD clinic for central community testing at 406-293-9274 or reach out to your provider to see if and when they are testing for COVID.

6. What is antibody testing?

Antibodies are the proteins the immune system produces to fight a specific infectious agent. These antibodies are present in the blood. A positive antibody test for COVID-19 would indicate previous infection with SARS-CoV-2, the virus that causes COVID-19.

7. Why are samples being sent to the Montana State Public Health Laboratory?

Samples can be sent to private labs through your provider; however, your insurance will be billed and you in turn may receive a bill. Lincoln County Health Department is sending labs to the state public health laboratory because we do not have contracts with any other labs. Also, labs being sent to the state lab are free to the individual getting the test. All surveillance tests are sent to the state lab. The state lab may send the samples out to other labs per their contracts.

8. Why are labs taking so long to come back?

The private labs that the Montana State Public Health Laboratory sends asymptomatic surveillance tests to became overwhelmed with samples and they fell behind in getting tests completed. Asymptomatic testing has been paused until labs can catch up. This is a national problem, not just a local issue.

9. How many tests have been completed in Lincoln County?

As of August 15th, 4485 tests have been completed.

Contact Tracing

10. What is contact tracing?

Contact tracing is a process when public health staff work with an individual who tested positive for COVID-19 to help them recall everyone with whom they have had close contact during the time when they may have been infectious.

11. Who is a close contact?

A close contact is anyone who was within 6 feet of an infected person for at least 15 minutes starting from 48 hours before the patient began feeling sick until the time the patient was isolated. CDC scenarios for close contact: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

12. What are close contacts expected to do?

Close contacts are required to stay home and self-quarantine for 14 days, starting from the last day they were possibly exposed to COVID-19. Self-quarantine means staying home, monitoring your health and maintaining social distance from others at all times.

13. What if I have been around someone who is identified as a close contact?

If you have been around someone who was identified as a close contact to a person with COVID-19, you do not need to self-quarantine. Monitor yourself for symptoms and continue to practice general social distancing and hygiene precautions.

14. There is rumor of scams about contact tracing. What will the health department ask for?

We will never ask for your social security number or your credit card number. We will discuss the requirements of quarantine, symptom monitoring and options for testing.

Isolation and Quarantine

15. What is isolation?

Isolation separates sick people with a contagious disease from people who are not sick. If you are in isolation because you tested positive for COVID19:

- Stay home. Most people with COVID-19 have mild illness and can recover at home without medical care. Do not leave your home, except to get medical care. Do not visit public areas.
- Take care of yourself. Get rest and stay hydrated. Take over-the-counter medicines, such as acetaminophen, to help you feel better.
- Separate yourself from other people. As much as possible, stay in a specific room and away from other people and pets in your home. If possible, you should use a separate bathroom. If you need to be around other people or animals in or outside of the home, wear a cloth face covering.
- Call ahead before visiting your doctor. Many medical visits for routine care are being postponed or done by phone or telemedicine.

16. What is quarantine?

Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick. Quarantine helps prevent spread of disease that can occur before a person knows they are sick or if they are infected with the virus without feeling symptoms. People in quarantine should stay home, separate themselves from others, monitor their health, and follow directions from their state or local health department. CDC quarantine scenarios:

<https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

17. Who has the authority to issue and enforce isolation and quarantine?

The Health Officer has the authority to issue isolation and quarantine orders if necessary. See the following from Montana Code Annotated.

50-2-118. Powers and duties of local health officers. In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

(4) establish and maintain quarantine and isolation measures as adopted by the local board of health; and

(5) pursue action with the appropriate court if this chapter or rules adopted by the local board or department under this chapter are violated.

18. How do you determine when a positive individual is recovered and can be released from isolation?

On 7/20 CDC updated their guidelines for ending isolation:

Accumulating evidence supports ending isolation and precautions for persons with COVID-19 using a symptom-based strategy. Specifically, researchers have reported that people with mild to moderate

COVID-19 remain infectious no longer than 10 days after their symptoms began, and those with more severe illness or those who are severely immunocompromised remain infectious no longer than 20 days after their symptoms began. Therefore, CDC has updated the recommendations for discontinuing home isolation as follows:

Persons with COVID-19 who have symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:

- At least 10 days have passed since symptom onset and
- At least 24 hours have passed since resolution of fever without the use of fever-reducing medications and
- Other symptoms have improved.

Persons infected with SARS-CoV-2 who never develop COVID-19 symptoms may discontinue isolation and other precautions 10 days after the date of their first positive RT-PCR test for SARS-CoV-2 RNA.

19. Should a person in isolation get a test to ensure that they are negative?

We used to use the test-based strategy to of at least two negative tests more than 24 hours apart to end isolation. Due to the lag time in laboratory reporting and the updated guidelines from CDC, we are not currently using this strategy.

Masks/Face Coverings

20. Who is required to wear a face covering?

All individuals, except those listed in question 21, are required to wear a face covering. Wearing a face covering is not required if it is impractical or unsafe to do so. However, an alternative such as a face shield should be considered. It is important to remember that face coverings are not an alternative to social distancing and good hygiene practices.

21. Who is not required to wear a face covering?

- Children under the age of five.
- All children between the ages of two and four, however, are strongly encouraged to wear a face covering;
- Children under the age of two should not wear a face covering;
- persons consuming food or drinks in an establishment that offers food or drinks for sale;
- persons engaged in an activity that makes wearing a face covering impractical or unsafe, such as strenuous physical exercise or swimming;
- persons seeking to communicate with someone who is hearing impaired
- persons giving a speech or engaging in an artistic, cultural, musical, or theatrical performance for an audience, provided the audience is separated by at least six feet of distance;
- persons temporarily removing their face covering for identification purposes;
- persons required to remove face coverings for the purpose of receiving medical evaluation, diagnosis, or treatment; or
- persons who have a medical condition precluding the safe wearing of a face covering.

22. What are the requirements for a face covering?

Face covering means a fabric, paper, or disposable face covering that covers the nose and mouth and which does not have an exhalation valve. The term “face covering” includes face shields.

23. Who is responsible for making sure people wear face coverings in indoor public places?

All businesses, government offices, or other persons responsible for indoor spaces open to the public shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering that covers their mouth and nose at all times while entering or remaining in any indoor spaces open to the public.

24. If I put up a sign that says masks are required unless they have a medical condition, can I assume anyone without one has a qualifying condition?

No. Businesses need to post a sign with language from the order at entries and exits, as well as around the indoor setting: “Mask or face covering use required for ages 5 and older”. Businesses need to require a face covering and cannot assume that a person has an exemption.

25. Am I required to wear a face covering outdoors?

Sometimes, at all outdoor gatherings of 50 or more people, whether or not it constitutes an organized outdoor activity, face coverings are required while in attendance when physical distancing of six feet or more is not possible or is not observed.

25. Do my employees need to wear a face covering?

Employees who are public facing are required to wear a face covering. Employees who are not public facing while in their office or workspace are not required to wear a face covering, however, they should wear a face covering when arriving and exiting the workplace.

26. The Governor’s directive and Local Health Officer’s Order state that businesses may deny entry or refuse service to a person who refuses to wear a face covering. Does this mean that requiring face coverings is optional for businesses?

The mask mandate provision of the Order is found in Section 2.a. and provides:

Except as provided in Section 4 of this Order, all businesses...**shall require** and take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering...

Face coverings **shall** be provided for all employees and volunteers.

All points of entry open to the public **shall** have a clearly visible sign posted stating: “Mask or face covering use required for ages five and older.”

The mandate is clear. Businesses both 1) **shall** require all employees, contractors, volunteers, customers, or other members of the public wear a face covering, and 2) **shall** take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a

face covering. There is nothing in the Order that erodes that mandate other than the exceptions provided in Section 4 (i.e. children under the age of 5, consuming food or drink, medical condition, etc.).

The enforcement provision of the Order is found in Section 6. As applied to businesses those enforcement provisions simply identify measures business may take to enforce the mandate placed up on the business in Section 2.a. The pertinent provisions are as follows:

- b. This Order is enforceable only against businesses and other persons who are responsible for indoor spaces open to the public...
- c. ...
- d. Businesses . . . **may** deny entry, refuse service, or ask to leave any person, except those provided for in section 4 of this Order, who refuse to wear a face covering. If such a person refuses to wear a face covering and refuses to leave the premises, a peace officer may enforce the State’s trespassing law and any other laws the person may violate.
- e. ...
- f. Businesses . . . are entitled to reasonably rely in good faith on the representations of the employees, volunteers, contractors, customers, visitors, or members of the public regarding the applicability of the exceptions in section 4 of this Order. Reasonable, good faith reliance on such representations is an affirmative and complete defense to any enforcement proceedings brought pursuant to this Order.

The “may” as used in Section 6.b. of the Order identifies measures businesses may take to meet their mandate as stated in Section 2.a. They are not required to choose one measure or the other. Rather they can choose. For example one business may choose to ask an individual to leave, and another business may choose to not the individual in the business in the first place. Either option is acceptable and available to the business. There are obviously other measures not stated in the Order that are available to the businesses as well (i.e. call the police, call the Health Department, call the individual’s family and ask for assistance in getting them to comply, etc.). Simply stated, there is no required measure for businesses to enforce the mandate imposed upon the businesses in Section 2.a. Each business can choose a reasonable measure of enforcement that works best for them. The key is the mandate as stated in Section 2.a. continues to apply to the business so they 1) **shall** require all employees, contractors, volunteers, customers, or other members of the public wear a face covering, and 2) **shall** take reasonable measures to ensure that all employees, contractors, volunteers, customers, or other members of the public wear a face covering.

The above analysis is offered consistent with settled Montana Supreme Court jurisprudence regarding statutory construction, which includes interpreting Sections so as not to read obsolete other Sections. The argument advanced that the word “may” in the Section 6 enforcement provision somehow erodes or obviates the Section 2.a. mandate is not supported by that Montana Supreme Court Jurisprudence as it would read Section 2.a. obsolete. Thus, Section 2.a and Section 6 must be read together giving meaning to both: Section 2.a. requires businesses to take reasonable measures to ensure people wear a face covering and Section 6 identifies measures businesses may take in that regard.

27. Please define “public facing workspace”.

A workspace, such as a kiosk or counter, where employees may have direct, in person contact with non-employees.

28. Do meeting attendees and hosts need to wear masks during discussions?

Depends. If the meeting is open to the public, the presenter does not have to wear a face covering while presenting, but must maintain 6’ of separation from the audience. If the meeting is not open to the public, the attendees and hosts are not required to wear face coverings, however it is still recommended that they maintain physical distancing.

29. Do customers in my restaurant, bar or casino need to wear face covering?

Face coverings are required while entering and exiting the restaurant, using the restroom, or otherwise walking through the inside of the business. However, face coverings do not need to be worn while consuming food or drink and seated at a table inside. Patrons using outdoor seating are encouraged to wear face coverings and must wear a face covering if they have to enter the business. Servers should wear face coverings at all times. Restaurants can adopt more restrictive policies.

30. Do members of a house of worship have to wear cloth face covering while singing and worshipping?

During services, speakers may remove their masks while speaking to the attendees. All attendees should wear a mask during the service, including while singing.

31. What if someone refuses to wear a face covering who comes into my business or event?

Businesses are entitled to reasonably rely in good faith on the representations of employees, customers, visitors or members of the public regarding the applicability of the exception of those that are not required to wear a face covering. Face shields are an acceptable alternative and reasonable accommodations should be made for employees.

32. Do businesses have the right to ask employees who claim a medical exemption about underlying medical conditions?

Employers have the right to ask if the employee has a medical condition which precludes the safe wearing of a face covering. Employers must work with employees who cannot wear face coverings to identify a safe, alternative, reasonable accommodation for their specific work setting. Options include but are not limited to things like remote work, wearing of a face shield instead of a mask, or moving/modifying the workspace to ensure that the unmasked employee is not in an area accessible to the public and is able to maintain 6 feet between coworkers.

33. Does a person with a medical condition that prevents wearing a face covering need to show businesses proof of that medical condition?

Customers do not need to provide proof of a medical condition. Even so, businesses may refuse entry to individuals without a face covering even if the individual states that they have a medical condition that prevents wearing a face covering. Businesses may ask about how to accommodate an individual's disability. Customers can request reasonable accommodations including but not limited to face shields, curbside pick-up, and over-the-phone or internet transactions. Individuals and businesses alike should be aware that there are no exemption cards being issued by the State of Montana or any other government agency.

34. Please define "penalties, trespass enforcement, and other formal enforcement mechanisms for only the most egregious, repeat violations that put the public at risk".

1. Penalties for violation of health officer order or obstructing a local health officer are found at Section 50-2-124(2), M.C.A.
 - a. A person who does not comply with rules adopted by a local board is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$200.
 - b. Except as provided in 50-2-123 and subsection (1) of this section, a person who violates the provisions of this chapter or rules adopted by the department under the provisions of this chapter is guilty of a misdemeanor. On conviction, the person shall be fined not less than \$10 or more than \$500 or be imprisoned for not more than 90 days, or both.
 - c. Each day of violation constitutes a separate offense.
 - d. Fines, except justice's court fines, must be paid to the county treasurer of the county in which the violation occurs.
2. Trespass enforcement – Section 7 of the Governor's Directive and Section 6(d) of the Lincoln County Health Officer Order allow businesses to deny entry to those who refuse to wear a face covering and do not fall within any of the exceptions. If those individuals refuse to leave the premises, the business may request law enforcement to enforce the state's trespassing laws or other applicable statutes.
3. Other formal enforcement mechanisms – Obstructing a health officer in the performance of duties is unlawful and is punishable under Section 50-2-124(2) (see above). Section 50-2-118 enumerates the Health Officer's authority to issue written orders and to "take steps to limit contact between people to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events."
4. The emphasis with regard to enforcement is education, as set forth in both the Governor's Directive and the Health Officer's Order. However, where education does not bring about compliance, it may be necessary to resort to any of the above measures to gain compliance.

35. Does the Local Health Board or Local Health Department have to adopt the Governors Cloth Face Covering Order to make it an enforceable law, or is the Governors order sufficient?

The Health Officer, under Section 50-2-118, has the power to issue an order independently of the Board of Health. Both the Governor's Directive and the Health Officer Order are enforceable in their own right. The Health Officer has the ability to issue an order that is more stringent than the Governor's Directive, but may not be less stringent. The Board of Health may, but is not required, to adopt either the Governor's Directive or the Health Officer's Order, or both. Whether the Board of Health adopts either the Governor's Directive or the Health Officer's Order has no effect on their enforceability.

36. What if a business is not following the orders?

If you have a complaint regarding compliance with the Governor's directive or Health Officer's order, please call the COVID Information line at 293-6295. Please do not call 911 to report non-compliance.

When a complaint is received, the Health Department will notify the business of the complaint and advise on current requirements of the Governor's Directive and Local Health Officer Order. If a second complaint is received, the Health Department will send a written notice describing the alleged violation(s). If a third complaint is received, the Health Department will consult with the Local Health Officer and a warning letter may be issued. If further complaints are received, they will be forwarded to the County Attorney's office for potential enforcement action.

37. What number of active cases in the county constitutes a more restrictive or less restrictive management?

Per the 7/21/2020 Local Health Officer Order, the local health order for face coverings remains effective until "the Health Officer revises or rescinds it." This means that we do not fall under the Governor mandate of fewer than 4 active cases. This is in place to ensure our case count remains low and we do not yo-yo (possibly daily) between mandatory masks or not.

Events

38. How is the Health Department working with event organizers to keep people safe?

Sponsors/organizers of events of more than 50 people are required to submit a written plan for their event. The Health Department reviews the plan with the organizer to ensure that requirements for social distancing, face coverings, hand washing, signage, etc. are being followed. However, vulnerable individuals are advised to avoid gatherings.

39. Does the six feet of physical distance apply to families or members of the same household?

No. Per Governor Bullock's Phase 2 directive issued on May 19th, physical distancing guidelines for groups and gatherings do not apply to household members.

40. Does the Health Officer have the authority to cancel events?

Yes, the Health Officer does have the authority to cancel events. See the following for Montana Code Annotated.

50-2-118. Powers and duties of local health officers. In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall:

- (2) take steps to limit contact between people in order to protect the public health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events

41. Are schools going to open?

We are working with schools to develop their plans on reopening in the fall. Each school has a different, phased approach. Please contact individual school districts for their specific plans.