

Norfolk County-8 Coalition

MDPH/LBOH WEBINAR 11/6/2020



Inter-agency Staff on the Webinar

- Jana Ferguson, Assistant Commissioner, DPH
- Ron O'Connor, Office of Local and Regional Health, DPH
- Dr. Catherine Brown, Bureau of Infectious Disease and Laboratory Sciences, DPH
- Helene Bettencourt and Anne Gilligan, Department of Elementary and Secondary Education
- Michael Flanagan, Mary Dozois, and Adam Kinney, Department of Labor Standards
- Gerben Scherpbier and Sarah Wallach, Executive Office of Energy and Environmental Affairs
- Cheryl Sbarra, Massachusetts Association of Health Boards

Updates to All Documents

- COVID-19 Order No. 53, Requiring Early Closing for Certain Businesses and Activities
- COVID-19 Order 55: Revised Order Requiring Face Coverings in Public Places to prevent against the transmission of COVID-19
- Language requiring cooperation with Health Officials and maintenance of customer logs

Announcements:

New COVID-19 Executive Orders:

Q: Can customers remain in a restaurant after 9:30 pm, if the restaurant is open for take-out but does not allow new customers? If so, can they stay beyond 10:00 pm?

A: If customers are seated and have been served, can stay beyond 9:30 pm to complete their meal, but they must be out by 10:00 pm. If someone comes in at 9:29, they probably would not be able to meet the 10:00 pm deadline.

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Q: As many municipalities have town meetings and city council meetings that begin after 7 pm and extend past 9:30pm, are these bodies exempted from the early closure requirement for indoor events under order no. 53?

A: These two types of meetings are legislative; they are exempted from gathering order. Government is not listed on list of sectors that need to close, so they are exempted from that. Early closing does not apply to government.

Q: Are businesses such as restaurants required to maintain a list of all event attendees in order to assist with contact tracing should someone report a positive test?

A: Yes, this was included in new guidance ([indoor and outdoor events](#)) updated Monday. They need to be able to provide this to the CTC, DPH, whoever is requesting it. Maintain list only for events being hosted.

Q: Are churches among those hosts/venues required to report cases to the LBOH?

A: Any [host/venue](#) is required to report this information to LBOH.

Q: For administrative offices where occupancy is below the sector requirement and partitions are in place, are masks required at all times? How should a government office determine which spaces are open to the public?

A: In the [face covering order](#) itself, it mentions that there are [sector specific standards](#) that apply to a specific area, then these standards are what should be adhered to. If there are places open to the public, then you need to wear a face covering. The determination is whether or not the public can enter that space. Requires a little bit of judgement evaluating what circumstance you are in. If there is a security desk at an entrance, or town clerk's office is open, this becomes a public space. City managers and town administrators have been asking this question as well. Otherwise it's the office safety standards that apply.

Q: Can health agents ask for proof of exemptions to face coverings (particularly from businesses when they investigate complaints about employees not wearing face coverings?) Can an employer request documentation of medical exemptions from face coverings order to customers or other patrons other than employees? Can LBOH require employers to request this documentation?

A: LBOH cannot ask for documentation from businesses or schools. Asking [for exemption paperwork](#) is an internal matter (HR), or a very school specific issue between the student and school administrators.

EEA: Documents updated and will be posted later this morning. Sports guidance, and outdoor recreational experience and educational activities, had lots of changes in particular.

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Hockey Order, expires at 12:01 am. They are now allowed to open starting tomorrow. Reason why we are issuing updated guidance today is because it's effective tomorrow, and not only for hockey but all sports. Also applies to winter sports, such as skiing, ski resort guidance.

Face coverings: Update—removes exemption for “high-intensity” activity, and still exempts water sports and documented medical condition/disability.

Q: Cross-country teams? Do they need to wear face coverings while running?

A: Yes, the rule is universal across the board that you have to wear a mask when participating in a sport. But, if you are running in the woods with no one around, you don't need to wear a mask because you aren't in public, but the moment you come across another person then you need to wear a mask.

Modifications to sport: High-risk sports are split up into 3 categories. High contact indoor sports (wrestling, martial arts, competitive cheer) can only reach a modified level 2 cohort play. Moderate contact (lacrosse, hockey, basketball) and high contact outdoor (football, rugby) can reach level 3 play.

Cooperation with health officials: If operators and organizers do not keep rosters and provide that information *upon request* by state officials & LBOHs (or authorized agents) then they risk shutdown or suspension of activities.

Update of non-compliance: “Facility operators shall not knowingly allow an Activity Organizer to use a facility if the Activity Organizer is continuing to organize sports activities despite a notice of non-compliance or directive from the Department of Public Health, Department of Labor Standards, or a Local Board of Health. The Department of Public Health, Department of Labor Standards and/or a Local Board of Health may issue a civil fine for failure to comply with this requirement of \$300 per violation for each incident and for each day the violation(s) occur.”

Tournaments: People started going to New Hampshire to play tournaments because of their standards. Only low risk sports can participate in tournaments. 2 back-to-back games against 2 different teams are allowed in one day for facilities with adequate space for transitions and multiple surfaces. Adds “weekend series” and “jamboree” to tournament definition.

Travel/out-of-state players: Any facility of activity organizer that hosts an out-of-state team/player for high/moderate risk sports risks closure or suspension of activities. Any team that chooses to leave the state to participate in an out-of-state sporting event also risks same suspension.

Locker rooms: Except for accessing restrooms and for educational institutions that require a place for students in “in-person” learning to have a place to change (limited to no more than 10 students at a time and locker rooms cannot be used before, during, or after games or for any team meetings.)

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Transportation: No transport of individuals that are not immediate family members, and if that is necessary, all parties in the vehicle must wear face coverings.

Indoor spectator rule: Spectators, parents, were taking turns going into the facility to watch games and then tailgating outside the venue. Indoor facilities are limited to 50% capacity, but spectators are limited to 2 adult chaperones and siblings of a participating player, does not apply to adult amateur sports.

Parking lots: Facility owners and activity organizers should ensure that individuals are not congregating in common areas or parking lots before, during, or following practices or events (such as tailgating)

Outdoor recreational experiences: Chairlifts—riders may ride with members of household/reservation group OR 50% capacity, defined as 1 rider per 2-person lift, 2 singles on a 3-person, 2 singles on a 4-person, 2 singles or 2 pairs of doubles on opposite side of a 6-person lift. Lodges—occupancy is limited to 50% capacity and facilities must adhere to relevant restaurant, retail, etc. sector guidance. Face coverings—required at all times by guests and staff, in line with [COVID-19 Order 55](#). If you have ski areas, and have questions reach out to Gerben.

Fitness/health centers v sports: The fitness center should follow fitness center guidelines. The pools portion needs to follow pool guidance, tennis courts follow sports guidelines and need to wear a mask on the tennis courts.

DLS: Sector specific rules about face coverings in the sector specific standards are what apply at the moment. There are circumstances where a participant will be allowed to lower their face coverings, these standards have not been altered because of the new order.

- Mandatory closing hours affect the following: Restaurants, arcade and indoor/outdoor recreation, indoor/outdoor events, theatres/performance venues/movie theatres (indoor and outdoor), drive-ins, youth and amateur sports, outdoor recreation, golf, recreational boating and boating businesses, outdoor recreational experiences and educational activities, casino, horse racing tracks, and simulcast facilities, driving and flight schools, zoos/botanical gardens/wildlife reserves/nature centers, close contact personal services, fitness centers and health clubs, indoor and outdoor pools, museums/cultural & historical facilities/guided tours. Fitness centers need to be staffed to clean equipment between uses, so it is absolutely not acceptable to have unsupervised fitness centers.
- Restaurant rules to mandatory closing time (9:30 pm – 5: 00 am): patrons may not be admitted, except for takeout. Food and beverages cannot be served after 9:30 pm, except takeout. Table service customers seated before the start of the mandatory closing period may remain at the table to finish any food and beverages that have been

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ordered and served to them before 9:30 pm. Table service customers must exit the premises by 10:00 pm regardless of the state of their meal. No restaurant may sell or provide alcohol of any kind during mandatory closing. Events, performances, and other activities must all be concluded and participants must disperse by 9:30 pm. Restaurants may permit employees to stay on the premises during the mandatory closing period, from 9:30 pm – 5:00 am. Ex. Employees cleaning up, or coming into the morning for donuts, whatever needs to do be done before opening as long as its limited to just the employees.

Q: Drive-thrus, can these be open during the mandatory closing time?

A: Yes.

Additional announcement: Home Depot, DLS been working very closely with them. If you have any Home Depot complaints forward them to DLS and DLS will deal with these cases.

DESE: Ventilation in classrooms and face masks. New [FAQ on ventilation in classroom from 11/2](#). Addresses guidance on classroom in cold weather and what schools should consider if they are thinking of buying a classroom air purifier. Mask breaks will look different across all schools, whatever the school thinks is acceptable. Also, schools have the authority under order No. 55 to ask for documentation from students and staff refusing to wear face masks.

Questions from emails:

Q: Tents, we know fire chief needs to have input, but are sides required to be open for outside tents?

A: The requirement to have a certain number of sides up or down is no longer applicable. Safety concern for fire if they have any heating equipment in the tent. I behoove you to have the fire chief check every single tent and heating set up.

Q: Photography, can a family take their masks off for a picture when photographing an event? Such as a wedding, or bar/bat mitzvah?

A: Yes, as long as they are 6 ft away or more from the photographer.

Q: Masks and town halls—what is considered public space in town halls?

A: Answered above.

Q: BINAXnow testing and its efficacy?

A: It behooves all of us to continue to stay up to date on all the scientific evidence going around. BINAXnow is an antigen test, but not all antigen tests are created equally. CDC and DPH

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suggest that BINAXnow is a more accurate antigen test than others. Data recommends this for symptomatic individuals.

Questions from attendees in Q&A box:

Kerri Oun - 9:34 AM

Q: Can out of State teams practice in MA? I

-Gerben Scherpbier - 9:49 AM

A: Only for sports categorized as "lower risk"

Trevor Brusio - 9:53 AM

Q: So High School basketball can take place as long as the participants can wear mask?

-Gerben Scherpbier - 9:55 AM

A: Yes, however a school, league (e.g. MIAA), town, etc. may have further restrictions.

Rachel Lee - 9:54 AM

Q: Are school buses still allowed to be used for transport of sports team members or should families be transporting their own family members to sports events?

-Gerben Scherpbier - 9:57 AM

A: Yes, this would follow school transportation guidance. It is not prohibited by the EEA guidance.

Cathryn Hampson - 9:58 AM

Q: The restriction on travel for teams - does that include day trips to another border, higher risk state for a tournament? So the team does not stay overnight, but they do go and compete, for example at a tournament in RI. -

-Gerben Scherpbier - 9:59 AM

A: Yes, day trips are included in the restriction.

Additional questions please email: Michael.j.coughlin@mass.gov