

HEALTH INSPECTIONS MEMORANDUM

TO: All New Hampshire Health Officers **DATE:** July 20, 2020

FROM: Department of Health and Human Services

RE: COVID-19: Governor’s Emergency Orders & Health Inspection Protocols

As health officers, you are an integral part of the local and state public health system. The enclosed letter and these protocols are meant to direct your actions in response to requests for assistance or complaints at the community level. You are the guardians of community health and empowered to ensure sanitary conditions. As health officers, each of you has a duty to ensure the safety and health of all people in your community and across the state. In the challenging days ahead, your leadership will provide much needed security and comfort in our communities.

As you are all aware, in response to the COVID-19 pandemic, the Governor has declared a state of emergency in New Hampshire, and has issued various emergency orders to address COVID-19. In recent weeks, the Governor’s orders authorized the reopening of businesses and provided guidelines for the operation of businesses in order to reduce the spread of COVID-19. The Department of Health and Human Services is charged with enforcing the re-opening guidelines and is relying upon local health officers to assist with inspection and assessment of the risk for the spread of disease under these re-opening guidelines.

In an effort to guide you in your duties during this COVID-19 pandemic, the Department is issuing this public health memo regarding Governor Sununu’s Emergency Orders and the Re-opening Guidelines.

Reopening Guidelines Inspections and Complaints

Under [RSA 128:5 II](#) and the Department’s July 20, 2020 letter requiring local health officers’ assistance, local health officers are expected to conduct inspection and assessment of health risks activities as follows:

Phase 1: Assessment, Inspection and Education

How to triage inquiries and collaborate with other agencies. The first step is to respond to inquiries and determine if there is a need for the health officer to act. A number of agencies are involved in the process of approving and assessing the reopening process, including health, fire and police. The health officer should be the leader in areas of assessing public health impacts from the spread of COVID-19 via person-to-person droplet borne transmission and indirect transmission via shared surfaces and unsanitary conditions. The fire services should be the leader in areas of indoor and outdoor occupancy levels. Law enforcement should be the leader in any enforcement of chronic non-compliance. A meeting of these three local officials is encouraged to discuss their roles and make a plan to support each other in the areas of education and compliance. If an inquiry or complaint comes into any of these agencies, there should be a process for referral to the correct authority.

How to respond to requests for assistance and educate. The primary goal is to build public trust and promote community education. If a health officer observes a violation of the re-opening guidelines, the health officer should first try to educate individuals or businesses of what is required by the relevant guidelines and the potential public health consequences of violating such guidelines. The goal is that businesses and individuals will voluntarily comply with the orders issued by the Governor.

If possible, health officers should provide a copy of the relevant order or guidelines to the individual or business in violation. **Example:** If a restaurant is open for dine-in customers, yet not ensuring six feet between customers, the health officer should provide the restaurant with a copy of the Food Service Industry guidance document and advise them on how physical distancing can prevent the spread of respiratory viruses. **Example:** If a lodging is not requiring staff to carry or wear cloth face coverings, the health officer should provide a copy of the lodging guidance and discuss the benefits of wearing masks while within six feet of other people.

Advice can be verbal or written, but should inform individuals and/or businesses that their failure to comply with the Governor's re-opening guidelines may lead to further spread of the virus and health threats.

The potential public health consequences of non-compliance include:

- i. Increased spread of the virus from person to person, especially if a person is asymptomatic and does not know they are infected.
- ii. An increase in mild or asymptomatic cases that result in more community spread of the disease.
- iii. An increase in symptomatic cases that may result in severe illness, hospitalizations, and death, especially among vulnerable populations such as the elderly or those with chronic disease.
- iv. An increase in workplace illness, absenteeism and loss of income for the employee and the employer.
- v. The closure of individual businesses or sectors due to increased health risks.

The potential public health benefits of compliance include:

- i. Reduced spread of the COVID-19 virus and other respiratory illness such as flu and head colds.
- ii. Increased health, wellness, and reduced medical costs.
- iii. Improved individual mental health and less fear of exposure to the virus.
- iv. Improved community mental health via a return to more normal business operations and community life.

How to gather information in a standard manner. The expectation is that health officers will complete inspections upon request for assistance or in response to a complaint, rather than scheduling a routine inspection for all businesses in the community. A health officer should attempt to inspect and gather information in a standardized way for each business sector. A health officer should inspect each location with a written copy of the most current reopening guidance as a reference, or create a checklist to gather information to assess the risk for spread of disease. A set of sample checklists are available on the NH Health Officers Association website. <https://www.nhhealthofficers.org/covid-19>

Any inspection reports should include a brief summary of the public health findings, any available evidence in writing or photographs, and an estimate of the level of risk for disease spread (e.g. high or lower levels of public health concern). The report should also document any specific non-compliance with the emergency orders or reopening guidance documents. Health officers should maintain a physical or electronic copy of the report in their town-level records. If there is a need to manage compliance, the DHHS requests that you share the report with State officials and local law enforcement.

Phase 2: Non-Compliance and Enforcement

If a business, individual, or a group of individuals fails to comply after being contacted, inspected, educated and warned, then health officers must report the issue to local law enforcement. The process should be to document and share any information they have gathered with local law enforcement while protecting any private health information as appropriate. If you have any questions about these protocols, please contact the NH Health Officer Program at 603-271-3468 or Sophia.Johnson@dhhs.nh.gov or healthofficer@dhhs.nh.gov

The Department of Health and Human Services' Mission is to join communities and families in providing opportunities for citizens to achieve health and independence.