

Michigan Governor Updates, Revises Stay-Home Order and Workplace Safety Order

May 22, 2020

On May 21, 2020, Michigan Governor Gretchen Whitmer signed Executive Orders 2020-96 and 2020-97. EO 2020-96 rescinds and reaffirms the measures set forth in the revised stay home order issued earlier in the week, EO 2020-92. EO 2020-97 is an amended version of EO 2020-91 which adds provisions relating to worker safety in outpatient health-care facilities.

What's New In The Executive Orders?

EO 2020-96 does not change the reopening rules announced earlier this week for Regions 6 and 8 (the Upper Peninsula and Northern Michigan counties), but now also permits retailers and motor vehicle dealerships throughout the lower peninsula to see customers by appointment beginning on May 26, 2020. Retailers outside of Regions 6 and 8, however, cannot have more than 10 customers in the store at any one time.

EO 2020-96 also further defines "retail activities" as "the selling of goods and the rendering of services incidental to the sale of the goods (e.g., any packaging and processing to allow for or facilitate the sale and delivery of the goods)," but excluding "those places of public accommodation that are [otherwise] closed under Executive Order 2020-69 and any order that may follow from it." EO 2020-69 closed the following places of public accommodation: restaurants, bars and other places offering food or beverage for on-premises consumption; hookah bars, cigar bars and vaping lounges; theatres, cinemas and indoor and outdoor performance venues; libraries and museums; casinos and racetracks; and gymnasiums, fitness centers and other facilities offering non-essential personal care services.

EOs 2020-17 and 2020-34, which required health care and veterinary facilities to implement plans to postpone certain non-essential medical and dental procedures, are rescinded statewide effective May 29, 2020. Additionally, gatherings of no more than 10 people are permitted statewide, effective immediately.

Finally, under EO 2020-97, employers may not allow their employees with a confirmed or suspected case of COVID-19 to return to the workplace until they are no longer infectious according to the latest CDC guidelines (currently 72 hours from when symptoms fully resolve and 10 days from when they first appeared).

Requirements for Outpatient Care Facilities

Under EO 2020-97, outpatient health care facilities, including clinics, primary care physician offices, dental offices, and veterinary clinics must now:

- Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure, and post signs at entrances instructing them to do so.
- Limit and mark waiting-area occupancy to ensure six feet of separation is maintained, and ask patients, if possible, to wait in cars for their appointment to be called.
- Enable contactless sign-in (e.g., sign in on phone app) as soon as practicable.
- Add special hours for the elderly and those with chronic conditions.

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- Conduct a common screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.
- Place hand sanitizer and face coverings at patient entrance(s).
- Require employees to use PPE in accordance with guidance from the CDC and OSHA.
- Install physical barriers at service points that normally require personal interaction.
- Employ telehealth and telemedicine to the greatest extent possible.
- Limit the number of appointments to maintain social distancing and allow adequate time between appointments for cleaning examination rooms after all patients (deep cleaning of rooms after patients with respiratory symptoms).
- Employ specialized procedures for patients with high temperatures or respiratory symptoms (e.g., special entrances, having them wait in their car) to avoid exposing other patients in the waiting room.
- Establish procedures for building disinfection in accordance with CDC guidance if it is suspected that an employee or patient has COVID-19 or if there is a confirmed case.

If you have questions about EOs 2020-96 and 2020-97, please contact your Miller Canfield attorney or any of the authors of this alert.

This information is based on the facts and guidance available at the time of publication, and may be subject to change.