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MICHIGAN STATE SENATOR  
**LANA THEIS**  
22ND DISTRICT

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

Tuesday, April 14, 2020

The Honorable Gretchen Whitmer  
Governor  
P.O. Box 30013  
Lansing, Michigan 48909

Governor Whitmer:

I am writing out of immense concern for the health and safety of vulnerable elderly populations in Livingston and Washtenaw counties, and throughout our state. It has come to my attention that recovering COVID-19 patients are being discharged from hospitals and sent to area nursing homes.

You initially issued Executive Order 2020-37 on April 5, 2020, extending the order of temporary restrictions on entry into health care facilities, residential care facilities, congregate care facilities and juvenile justice facilities. To quote your Executive Order,

“To mitigate the spread of COVID-19 and to provide essential protections to vulnerable Michiganders and to this state’s health care system and other critical infrastructure, it is reasonable and necessary to impose limited and temporary restrictions on the entry of individuals into health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities.

Executive Order 2020-7 imposed such restrictions. This order clarifies those restrictions and extends their duration, as they remain reasonable and necessary to protect the health and safety of this state and its residents from the COVID-19 pandemic. With this order, Executive Order 2020-7 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Effective immediately and continuing through May 3, 2020 at 11:59 pm, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must prohibit from entering their facilities any visitors that: are not necessary for the provision of medical care, the support of activities of daily living, or the exercise of power of attorney or court-appointed guardianship for an individual under the facility’s care; are not a parent, foster parent, or guardian of an individual who is 21 years of age or under and who is under the facility’s care; are not visiting an individual under the facility’s care that is in serious or critical condition or in hospice care; and are not visiting under exigent circumstances or for the purpose of performing official governmental functions.
2. Effective immediately and continuing through May 3, 2020 at 11:59 pm, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must perform a health evaluation of all individuals that are not under the care of the facility each time the individual seeks to enter the facility, and must deny entry to those individuals who do

not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.

3. While the restrictions of this order are in place, all health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities must make best efforts to facilitate visitations with individuals under their care by phone or other electronic communication platforms to the fullest extent possible, consistent with normal visitation policies.
4. For purposes of this order, “residential care facilities” includes, but is not limited to, homes for the aged, nursing homes, adult foster care facilities, hospice facilities, substance abuse disorder residential facilities, independent living facilities, and assisted living facilities.
5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order shall constitute a misdemeanor.”

On Saturday, April 11, 2020, it was confirmed that a Livingston County resident who resides in a nursing home where COVID-19 recovering patients are sent contracted the virus. It appears that the decision to house recovering COVID-19 patients with senior living in nursing home facilities, is causing our most vulnerable population actual risk.

The decision to house recovering COVID-19 patients seems like an incredibly dangerous decision, and completely counter to the Executive Order above that you have now issued twice. Considering what we have seen occur in such facilities in various other states, where COVID-19 has ravaged facilities’ populations with infection and death, there must be a better alternative.

Given that 64% of deceased COVID-19 patients in Michigan are over the age of 70, it does not make sense to unnecessarily increase the risk of infection and death of existing nursing home residents by moving in people who have already been infected by the new coronavirus.

I respectfully suggest that this practice be immediately be discontinued and that such persons be relocated to alternative sites, perhaps including existing field hospitals that have been constructed for the express purpose of treating COVID-19.

On behalf of the residents of the 22nd State Senate District, I thank you for your consideration on this matter.

Very Respectfully,



Lana Theis  
State Senator  
22nd District

Cc: Michigan Department of Health and Human Services  
Livingston County Health Department  
Washtenaw County Health Department  
Senatory Mike Shirkey

Representative Hank Vaupel  
Representative Ann Bollin  
Representative Donna Lasinski