

OFFICE OF THE GOVERNOR
STATE OF MONTANA

Steve Bullock
Governor



Mike Cooney
Lt. Governor

TO: Montanans, all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: April 7, 2020
RE: Directive implementing Executive Orders 2-2020 and 3-2020 and providing for certain notifications to emergency services providers

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-5-104(2)(a), MCA, authorizes the Governor, during a state of emergency, to "suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or action or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary actions in coping with the emergency or disaster."

COVID-19 is an easily transmissible, potentially fatal respiratory disease caused by a novel coronavirus. COVID-19 most frequently spreads person-to-person, but may also live on surfaces and remain in the air after someone coughs or sneezes for an indeterminate period of time, creating a range of opportunities for exposure. Montana currently faces a statewide emergency, with infections or the treatment thereof of infections present all across the state. Accordingly, I have determined, in consultation with public health experts, healthcare providers, and emergency management professionals, that additional measures consistent with public health guidance are necessary throughout the entire State of Montana to protect law enforcement officers, firefighters, emergency care providers, corrections officers, and substance service attendees ("emergency services providers") and to preserve increasingly scarce healthcare resources.

The intent of this Directive is to ensure that emergency services providers are informed, when possible, of potential contact with a COVID-19-infected person so that they can perform their duties in the most safe and efficient manner. Several state and federal frameworks govern when emergency services providers may be notified of potential or prior contact with a person who has tested positive for COVID-19. Clarification is needed to align the provision of this notification during the emergency. Additionally, to the extent that present law could arguably prevent such notification, I find that strict compliance with such statutes or rules would prevent, hinder, or delay necessary action in coping with the emergency. All provisions of this Directive should be interpreted to effectuate this intent.

Therefore, in accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 5, MCA, and other applicable provisions of the Constitution and Montana law, I hereby direct the following measures be in place in the State of Montana effective immediately:

- Emergency services providers are to be notified of contact with COVID-19 positive individuals.
 - Effective immediately, strict compliance with the Montana Government Health Care Information Act (GHCIA), §§ 70-36-600-611, MCA, is suspended for the duration of the