



# The State of Maryland

## Executive Department

EXECUTIVE ORDER  
01.01.2009.05

Declaration of Emergency: Influenza Response and Mitigation

- WHEREAS, On April 26, 2009, the United States Department of Health and Human Services, pursuant to Section 319 of the Public Health Service Act, 42 U.S.C. Section 247d, determined that a public health emergency exists as a result of an influenza outbreak in several states;
- WHEREAS, The World Health Organization continues to indicate that the current outbreak may evolve into an international pandemic;
- WHEREAS, The Secretary of Health and Mental Hygiene, in consultation with State and federal public health officials, advises that the continued spread of influenza is giving rise to a public health emergency within the State of Maryland;
- WHEREAS, The Director of the Maryland Emergency Management Agency advises that an emergency exists within the entire State of Maryland as a result of the possibility of a pandemic in the State and surrounding jurisdictions.
- WHEREAS, It is prudent and appropriate for public and private sector businesses, community organizations, and others to take immediate and substantial action to prepare themselves, their employees and other individuals to respond proactively to the continued spread of influenza;
- WHEREAS, State and local governments can assist Maryland citizens and businesses to combat the spread of the disease by:
- A. Distributing educational materials that will assist individuals in assessing their health care status and seeking appropriate health care services;
  - B. Supporting efforts by Maryland's health care system to evaluate, screen, and treat potential influenza cases; and

C. Otherwise strengthening efforts to slow the transmission of influenza through combined public and private sector efforts;

WHEREAS, Continuity of Operations Plans (COOPs) are critical planning tools that enhance the ability of public and private sector businesses and community organizations to respond effectively to absenteeism caused by the outbreak ;

WHEREAS, The use of the resources of the National Guard may be required in order to respond to emergency conditions; and

WHEREAS, This Executive Order is appropriate in order to facilitate the deployment of requisite resources, and to implement the emergency powers of the Governor.

NOW THEREFORE, I, MARTIN O'MALLEY, PURSUANT TO THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF THE STATE OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND TITLES 2, 18, 19, AND 20 OF THE HEALTH GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HEREBY: DECLARE PURSUANT TO SECTION 14-3A-02 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT A HEALTH EMERGENCY, AS DEFINED IN SECTION 14-3A-01(B) OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, EXISTS WITHIN THE ENTIRE STATE OF MARYLAND; DECLARE PURSUANT TO SECTION 14-107 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT A STATE OF EMERGENCY EXISTS WITHIN THE ENTIRE STATE OF MARYLAND; AUTHORIZE THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE MARYLAND EMERGENCY MANAGEMENT AGENCY, AND OTHER APPROPRIATE STATE AUTHORITIES TO ENGAGE, DEPLOY, AND COORDINATE AVAILABLE RESOURCES DURING THIS EMERGENCY PERIOD; AND PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The Maryland Emergency Management Agency shall take appropriate emergency protective measures, and shall coordinate efforts by involved State agencies as they assist public and private sector employers that are taking proactive steps to prevent the spread of influenza among workers and their families by:

(1) Developing influenza prevention guidelines for use in the workplace;

(2) Providing educational materials and recommended leave policies that will encourage workers to minimize workplace contacts while they are in a potentially infectious state;

(3) Supporting the adoption of public hygiene campaigns for the workplace in order to limit the severity and length of any influenza outbreaks; and

(4) Taking such additional steps as are necessary to support influenza suppression efforts in all Maryland workplaces.

B. The Department of Health and Mental Hygiene (DHMH) shall implement appropriate measures to assure that:

(1) Medical resources, including but not limited to antiviral medications which are obtained from the Strategic National Stockpile or through other State and federally funded purchases, are stored, distributed and administered in accordance with directions issued by DHMH with the assistance of all other State agencies;

(2) In accordance with the best judgment of the Secretary of Health and Mental Hygiene and assigned public health officials, such medical resources are efficiently distributed and administered by licensed health care professionals and other trained personnel in a manner that will effectively support the health care needs of all Maryland citizens;

(3) These medical resources are used in a clinically appropriate fashion and, when necessary, are prioritized for treatment rather than prophylaxis usage;

(4) With the cooperation and assistance of Maryland's health occupation licensing boards, providers (including those activated under the Maryland's medical volunteer program) are given appropriate guidance regarding the evaluation, screening, and treatment of potential influenza patients; and

(5) Notwithstanding existing regulatory or other requirements, available health care resources are utilized to best meet the overall needs of Maryland citizens and patients.

C. The Secretary of Health and Mental Hygiene, by and through his authorized agents, is permitted to implement the full range of State powers set forth in Section 14-3A-01 et seq. of the Public Safety Article of the Annotated Code of Maryland and to take such other steps as are necessary to reduce the public health consequences of this influenza outbreak.

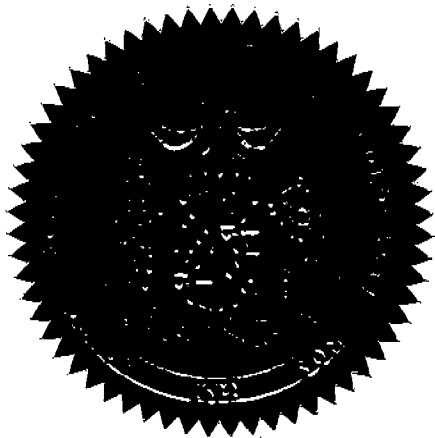
D. The Maryland Emergency Management Agency shall coordinate educational efforts undertaken by involved public and private sector organizations that are designed to assist Maryland businesses in implementing continuity of operation plans.

E. I hereby request that:

(1) All businesses, industries, and community organizations of the State voluntarily develop plans to provide mutual support and assistance to persons affected by influenza outbreak; and

(2) All citizens review the planning recommendations issued by Maryland public health officials at <http://www.governor.maryland.gov/flu/index.html>, and by the Centers for Disease Control at <http://www.pandemicflu.gov/plan/individual/index.html>.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis this 1<sup>st</sup> day of May, 2009.



Handwritten signature of Martin O'Malley in black ink.

Martin O'Malley  
Governor

ATTEST:

Handwritten signature of John P. McDonough in black ink.

John P. McDonough  
Secretary of State