

General ruling of Neustadt an der Weinstraße, 17 March 2020: concerning the restriction of visiting rights in hospitals, nursing facilities, care facilities and facilities for the disabled because of the coronavirus SARSCoV-2 (COVID-19)

In accordance with §§ 16, 28 of the Protection against Infectious Diseases Act (=Infektionsschutzgesetz = IfSG), dated 10 February 2020, in conjunction with corresponding federal ordinances and the enactment of the Ministry of Social Affairs, Labour, Health and Demography of the 16 March 2020, further measures are taken to reduce contact because of infections with the coronavirus in Rhineland-Palatinate.

Neustadt an der Weinstraße enforces a new general ruling about entering care facilities, nursing homes and the hospital Hetzelstift. This new ruling overrules the one from the 15th of March 2020.

A summary of the new general ruling:

Because the coronavirus is spreading quickly all around the world, all efforts should be made to prevent its further spreading. Therefore, protective measures will be increased. These measures are especially important for people with pre-existing conditions, elderly people and, in general, people in need of care and nursing.

In accordance with §28 of the Protection against Infectious Diseases Act (German: IfSG), paragraph 1, sentence 1, the following general ruling is issued:

1. If you are a visitor who
is a contact person of category I or category II according to the definition of the Robert-Koch-Institut or
is already infected with the coronavirus or
spent time in an area which is a risk area or was declared a risk area up to 14 days after your stay there and you didn't spend at least 14 days outside of such a risk area, you are prohibited to enter these institutions, establishments and facilities¹:
 - a. Institutions according to § 23, paragraph 3, no. 1 and 3 to 7 as well as § 36, paragraph 1, no. 2 of the IfSG (especially also hospices),
 - b. full-stationary care institutions according to § 72, paragraph 2, Volume 11 of German social law (SGB XI),
 - c. institutions for disabled people according to § 2, paragraph 1, Volume 9 of German social law (SGB IX), if providing integration assistance day and night,
 - d. assisted living groups for adults in need of care according to §5, sentence 1, no. 1 LWTG,
 - e. assisted living groups for the disabled and people with pre-existing conditions according to §5, sentence 1, no. 3 LWTG,
 - f. assisted living groups for people in need of intensive care or with extensive cognitive impairment according to §5, sentence 1, no. 2 LWTG,
 - g. assisted living groups for disabled people or people with pre-existing conditions according to §5, sentence 1, no. 4 LWTG,
 - h. assisted living groups for elderly people according to §5, sentence 1, no. 6 LWTG,

¹ From this point on, only the term „institutions“ will be used when “institutions, establishments and facilities” are meant.

- i. institutions providing short-term care according to §5, sentence 1, no. 7 LWTG,
- j. institutions according to § 5, no. 7 LWTG, if these institutions apply to points d. to i.

This website provides you with details about category I and category II contact persons:

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Kontaktperson/Management.html

Everyone who had a test confirm their infection is considered an infected person.

All risk areas are listed here:

www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikogebiete.html

Short-term presence in these areas are not considered a stay there, even if you made contact with a local inhabitant when e.g. having a coffee or refueling your car.

Each patient or resident of an institution, which is listed above, is allowed one visitor, who does not belong to those described in No. 1, sentence 1, first half of the sentence, for exactly one hour each day. This does not apply to children under the age of 16 and people with identifiable repository infections.

2. Exceptions can be granted by the institutions if legitimate interest is given. If an exception is granted, necessary protective measures must be taken to protect employees and other people.
3. Please note the provisions on administrative fines according to § 73, paragraph 1a, no. 6 IfSG as well as the penal provisions according to § 74 IfSG.
4. This general ruling is effective starting with the day after it is made public.

justification

Because the coronavirus is spreading quickly all around the world, all efforts should be made to prevent its further spreading. Therefore, protective measures will be increased. These measures are especially important for people with pre-existing conditions, elderly people and in general, people in need of care and nursing.

Concerning No. 1:

If sick patients, suspects of carrying the disease, those who might transmit the disease or carriers are identified or a deceased was ill, suspected to carry the virus or a carrier, the relevant authority (according to § 28, paragraph 1, sentence 1) has to act upon.

If you are infected with the coronavirus, you cannot enter any of the institutions a. – j. mentioned above until your full recovery from the disease has been confirmed by a doctor. If you have just come back from a risk area and have risk category I or II, you are also not allowed to visit any of the institutions listed in a. – j. for at least 14 days (corresponding to the incubation period).

According to the definition by the Robert-Koch-Institut, contact persons of category I and category II are people who had contact with an infected person from the second day before showing symptoms. You are generally advised to avoid being around other people. In order to maintain medical assistance and care, the prohibition is only effective for contact persons who are visitors.

There are indicators by the RKI, which are defined to help declare risk areas. The risk of infection is higher in these areas. It does not matter whether the conducted assessment of risk leads to declaring an area to be a risk area when a person was still physically present in the area or afterwards. You can still be considered at risk of being infected with the disease anyway.

Short-term presence, e.g. to refuel your car or to go to the restrooms, are not counted as stays in the risk area, even if you had contact to a local inhabitant. Stays up to 15 minutes are still considered short-term.

The number of infected people and those suspected to be infected increases steadily. It can be assumed that chains of infection are complex and many infected persons are asymptomatic. The known symptoms can be confused with the symptoms of a cold or the flu. Thus, it is possible that visitors, who do not know that they are infected, can infect vulnerable people.

Hygienic regulations, in the environment of people who are particularly at risk, are not sufficient and can be easily disregarded.

Hence, there is an acute risk of these persons being infected by visitors. If entry to these institutions and contact to people at risk would not be restricted, constitutionally protected spheres may be violated and the health and life of these people are endangered. Additionally, the spreading of the virus would be accelerated without the measures.

To guarantee extensive protection, each patient is allowed only one visitor for one hour each day, given that this visitor is not named in No. 1, sentence 1, first half of the sentence.

Concerning No. 1, letter a.:

These institutions are home to many people who would be affected by the disease in a particularly serious manner. Therefore, the protective measures are necessary. The measures prevent the spreading of the virus, support medical care and decrease potential infections of medical staff. This is beneficial to maintain our capacity to supply and care.

Concerning No. 1, letter b.:

The same explanation applies as for letter a. Additionally, the following can be added: It is mostly elderly people who are cared for in full-stationary care institutions. They are also likely to be affected by the virus in a particularly more serious manner than others.

Concerning No. 1, letter c.:

Explanations given in a. and b. apply here, too. Disabled persons are likely to be affected by the virus in a particularly serious manner as well.

Details about this risk group can be found here:

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikogruppen.html

Concerning No. 1, letter d. – g.:

All the arguments outlined above are relevant for d. – g. as well. However, please note that not all disabled persons qualify as being particularly endangered in a more drastic way than usual by the virus. Further details can be found on this website:

https://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Risikogruppen.html

Concerning No. 1, letter h. and i.:

People falling under h. and i. can be compared to those in b. For h., this is because of how contracts of the providers of these institutions are constructed. These contracts allow residents and patients to have more freedom. The people in i. only differ from those in b. with regard to the length of their stay in the institution. The risk for these persons is significant as well since their stay can last up to three months.

Concerning No. 1, letter j.:

These institutions often take care of people who fit the definition(s) given before (d. – g.). Therefore, an increased need for protection is required.

Concerning 2.:

Exceptions are permitted in special cases, e.g. children, emergencies, palliative situations or caring for someone who is dying. Hygienic rules and visiting hours may need to be adapted. A risk for others has to be ruled out.

It is part of the responsibilities of the “Kreisordnungsbehörden” to introduce and take measures in order to fight the disease.

The general ruling is immediately enforceable, legal remedies cannot delay these measures.

This general ruling is effective starting with the day it is made public.

Concerning No. 3:

Any violation is considered an administrative offence, which can be penalised with a fine up to 25000 euros (§ 73 Abs. 1a Nr. 6 und Abs. 2 IfSG). A custodial sentence (imprisonment) (according to § 74 IfSG) can be imposed on intentional violations facilitating the spreading of the disease. The ruling is a measure according to § 28 Abs. 1 Satz 1 IfSG.

Concerning No. 4:

The general ruling is effective from the day after it was made public. There is no time-limit to this ruling but it will be partially or fully lifted depending on assessments of risk.

information on legal remedies

Objections against this general ruling can be made within a month of the date of the public announcement. An objection can be lodged

1. in writing or for recording at the municipal administration (Stadtverwaltung Neustadt, address: Marktstraße 1, 67433 Neustadt an der Weinstraße),
2. in accordance with Article 3 No. 12 of the EU directive No. 910/2014, with the help of electronic identity and trust services for electronic transactions of the internal market and repealing of Directive 1999/93/EG (ABl. EU Nr. L 257 S. 73) via email including a qualified electronic signature (email address: stv-neustadt-weinstrasse@poststelle.rlp.de) or

3. via De-Mail when using the variant of an approved secure login according to the De-Mail law.

Neustadt an der Weinstraße, 17 March 2020
Municipal Administration Neustadt an der Weinstraße

Marc Weigel