



ROAD TO RECOVERY: Moving to a New Normal

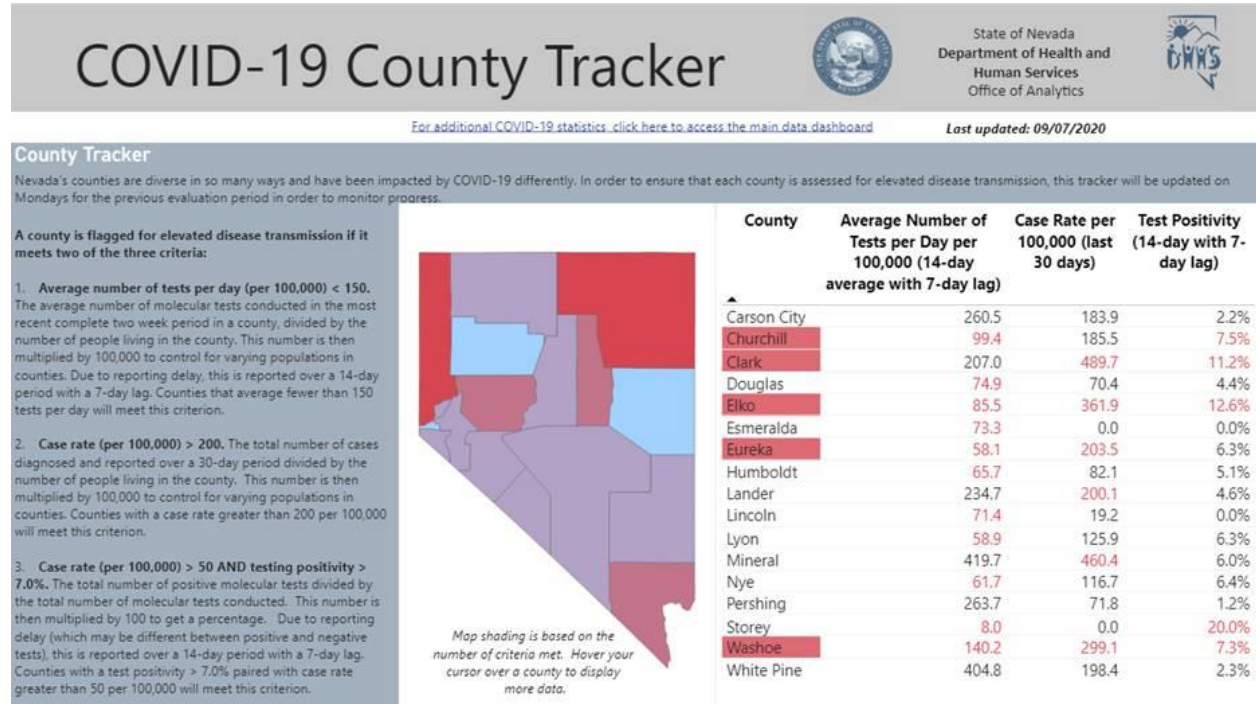


Nye County Jurisdictional Assessment,
Action Plan, and Amended Request to
Reopen Liquor Establishments

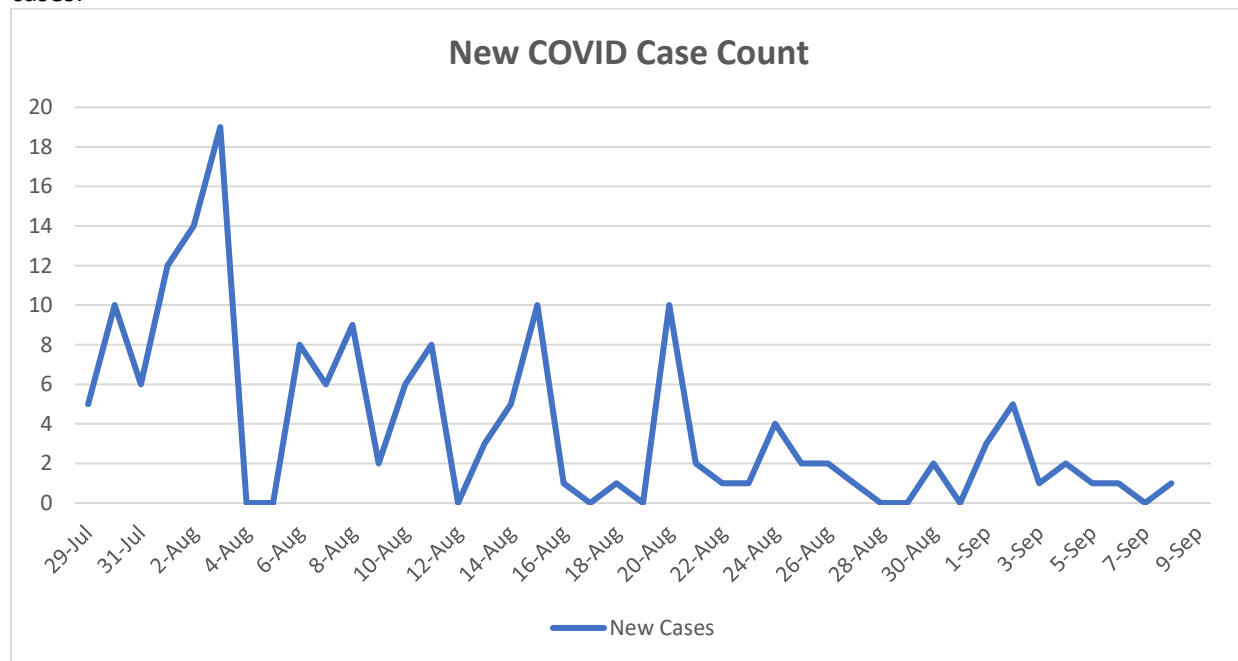
September 9, 2020

Overall Assessment:

According to the most recent data maintained by Nevada DHHS, Nye County is no longer flagged for elevated disease transmission:



This is exciting news and evidence that Nye County’s consistent and persistent COVID mitigation efforts have been effective. Additionally, Nye County as a whole continues to show a declining trend in COVID cases:



Bars, pubs, taverns, breweries, distilleries, and wineries (“liquor establishments”) in rural areas of Nye County have been reopened for almost three weeks with no showing of an overall increase in COVID cases or any cases attributable to these establishments.

Nye County remains in the red for average tests completed but there are two probable reasons for this:

Reliance on Deep Nasal Pharyngeal Tests

Although the county has had opportunities to conduct mass testing using the popular self-administered shallow swab test, we have opted against this common practice. As indicated during the last Task Force meeting, Nye County has seen several instances of false negatives obtained after a shallow swab from patients who had initially and subsequently tested positive using the deep nasal-pharyngeal test. This was a difficult public health decision to make since our residents are: 1) eager to reopen; and 2) desirous to utilize the more comfortable and less invasive testing method. Rather than “cooking the books” by utilizing the unreliable shallow test to increase our testing numbers, the county has opted to continue using the deep nasal-pharyngeal test to avoid promoting a false sense of security that comes with a false negative test. The Nye County Sheriff’s Office recently issued a [video press release](#) informing the public of this policy.

Nye County Residents testing in Clark County

Because of our proximity to Clark County, many Nye County residents work in Las Vegas and/or decide to test in Las Vegas. Clark County becomes a more appealing venue for testing for residents who seek privacy and confidentiality outside of the relatively small town of Pahrump. Also, Clark County utilizes the more user-friendly shallow swab test which makes testing in Nye County less enticing in comparison. Nye County has been actively seeking to obtain consistent and reliable information on residency status of COVID tests that may have been conducted on Nye residents in Clark County but has thus far been unsuccessful.

Requested Action

Based on the forgoing, Nye County respectfully renews its request that all liquor establishments¹ in Nye County be permitted to operate as outlined under Directive 021, Sections 25 and 26.

Justification

Nye County believes the above request is justified based on the following:

- Nye County is no longer flagged for elevated disease transmission.
- Nye County has expanded its testing capacity as outlined below.
- Since the start of the pandemic, there have been no COVID cases attributable to bars, pubs, taverns, breweries, distilleries, and wineries in Nye County.
- As noted above, COVID cases have continued to decline over the last month.
- Nye County is not seeking unrestricted reopening of liquor establishments. The guidelines in Directive 021, Sections 25 and 26 are sufficient to prevent the spread of COVID in the establishments.

¹ Bars, pubs, taverns, breweries, distilleries, and wineries.

- To the extent that the guidelines in Directive 021, Sections 25 and 26 are inadequate, the county's proposed enforcement plan below compensates for any deficiencies and minimizes any corresponding risk.
- Bar owners and employees have expressed willingness and capacity to abide by the guidelines set forth in Directive 021, Sections 25 and 26. This was evident in the [testimonies of numerous Pahrump bar owners and employees](#) given during the 9/1/2020 Board of County Commissioners meeting.
- Bar owners and employees were responsive to and compliant with Directive 021, Sections 25 and 26 for the brief amount of time it was in effect.
- During the most recent OSHA audit, Pahrump had a commendable 100% compliance rating. While this figure obviously did not include liquor establishments, it demonstrates a community-wide willingness to abide by the State's directives.
- No Pahrump business has received an OSHA fine for failing to comply with the Governor's directives as far as we are aware.
- Restaurants that serve alcohol are currently able to operate as "quasi-bars" with patrons simply ordering alcohol in food establishments. If this is permissible, there is little justification for disallowing actual bars, pubs, taverns, breweries, distilleries, and wineries to reopen.

If the request to reopen bars, pubs, taverns, breweries, distilleries, and wineries in rural areas is granted, the County intends to implement the following:

- The County will notify all liquor establishment owners of the [Industry & Activity Specific Guidance](#) pertaining to their respective establishments referenced in Directive 021, Sections 25 and 26. Specifically, these requirements include:
 - 50% capacity limitation
 - 6-foot distancing
 - Standing and open congregate areas remain generally closed
 - Requiring symptomatic employees to stay home
 - Providing PPE for staff
 - Frequent handwashing and sanitizing
 - Requiring customers waiting to be seated to remain outside and separated
 - Daily deep cleaning and disinfecting of high contact surface areas
- Modification of contact tracing questions to ask all COVID-positive individuals if they have attended liquor establishments during the probable exposure period.
- Increased compliance auditing for liquor establishments to ensure risks are being properly mitigated and State directives are being followed.
- Enforcement protocols as follows:
 - 1st violation – verbal warning
 - 2nd violation – written warning
 - 3rd violation – referral to State OSHA
 - 4th violation – closure of liquor establishment

Depending on the severity of the infraction or violation, the county may begin on any step as required to address or prevent a public health concern.

- Upon determination that a liquor establishment was the actual point of exposure for a positive COVID case, the County will require that establishment to close.

- The County will continue to work in conjunction with the State to monitor COVID cases in Nye County and if a spike occurs there, discuss revoking or amending the granted approvals.

Critical Statewide Metrics:

Hospital Capacity:

- Desert View Hospital is a 25-bed critical access hospital located in Pahrump. Currently there is no ICU or Med Surge beds occupied by COVID patients and the hospital remains at approx. 65-70% capacity. With no more than two COVID-19 patients admitted at any time with other co-morbidity related issues
- The hospital is equipped with ventilators; however, none are in use by COVID patients.
- Desert View reports staffing models that are adequate for provided services and they continue to assess their staff daily before entering the facility. They have further limited access of non-patients into the hospital.
- Medications and treatments remain unremarkable with most patients released to self-quarantine at home.
- Desert View reports that PPE supplies are adequate and without issue.

Access to Personal Protective Equipment:

- Nye County Department of Emergency Management continues to manage a sufficient supply of PPE with prioritization to emergency responders, medical providers, testing facilities, long-term, skilled and assisted living facilities, government operations, and target hot spots.
- Nye County Emergency Management is enacting a plan to train EMTs throughout the County to assist with potential COVID-19 vaccinations. We are also early ordering supplies in support of this mission.

Testing Capacity:

- Nye County continues to lead in the rural counties with over 6700 tests completed. The completed test reference does not include Nye County residents who have tested outside of Nye County. Nye County continues to seek information from
- To help ensure accuracy of our testing results, Nye County conducts only deep nasal-pharyngeal tests with appropriate recommended swab kits as detailed above.
- Our testing continues through private vendors by both appointment and a regularly scheduled drive- thru center located in Pahrump. Additional testing is completed at the hospital, medical clinics, and doctor's offices.
- Nye County Department of Emergency Management regularly receives and distributes State supplied nasal-pharyngeal testing kits to the testing centers upon request.
- Pahrump has shifted from providing community-wide testing 2-3 times per week to testing every weekday. Testing in certain rural areas of the county remains available by appointment.
- Nye County has moved the testing location on certain dates from the testing provider's medical office to a more public, and visible location (Walmart parking lot).

Case Investigation and Contact Tracing:

- Nye County's contact tracing and case investigation had previously highlighted areas of concern for COVID-19 case spikes. Our current trajectory highlights our successes in mitigating these spikes as no specific areas have been identified in the past 10 days.
- Nye County believes that mitigation is essential to our success in managing COVID-19 spread and potential outbreaks. Therefore, Nye County shall continue to enforce the baseline restrictions and mitigation efforts as directed through various state directives.
- Referencing our continued downward trajectory and review of the continuing successful OSHA compliance data reinforces the fact that Nye County has exceeded many of the existing statewide restrictions and requirements by policing the use of masks, physical distancing, and reduced facility capacity. However, we shall further implement additional county modifications to address future "specific sources" of infection that we may encounter.
 - *Public/Private Partnership:* Prior to the re-closure, Nye County and Pahrump had been recognized as a leader in COVID-19 spread mitigation through OSHA and County conducted inspections of various community businesses.
 - Through a cooperative partnership with our business community, Nye County established a self-assessment and commit plan following predictive COVID-19 best practices. This partnership shall be accompanied by a public education outreach campaign spearheaded by our business leaders, our Public Information Officer, and enforcement agencies.
 - *Reporting requirements:* Although recent OSHA evaluations have identified high compliance within Nye County and Pahrump, we will not rest on our laurels and will adopt a self-reporting requirement that is reinforced through our enhanced enforcement effort that is outlined within. This shall require public and private groups to report known and confirmed cases that have originated in their business to Nye County Department of Emergency Management. Undisclosed cases or intentional disregard of compliance would automatically result in closure of the business until remediation or compliance could be ensured. We believe that this requirement best positions Nye County to avoid COVID-19 spikes due to non-compliance of existing restrictions.

Protection of Vulnerable Populations:

- Nye County continues to monitor and support the Nye County Sheriff's Office Jail, long-term, skilled nursing and assisted living facilities, and other vulnerable populations located throughout the County. This is completed by providing testing kits, PPE, and other associated prevention resource materials.

Enforcement:

- Nye County continues to embrace a joint enforcement model which includes the Nye County Sheriff's Office, Nye County Code Compliance, the Nye County District Attorney's Office, and Nevada OSHA. The County continues to maintain and monitor a dedicated hotline for reporting violations of State directives.

Since August 26, 2020, Nye County has had eleven new positive COVID-19 cases with no new deaths. All eleven reside in Pahrump. Nye County actually saw a reduction in the total cases of COVID deaths because one decedent that had inaccurately attributed to Nye County from Clark County was removed.

Working with the State Epidemiologist office, Nye County has placed over 410 patients to recovered status with additional patients under review.

Conclusion:

Nye County continues to make great strides in reducing the COVID-19 impact on our communities. Through testing and contact tracing, we continue to identify and understand community-specific risks and exposures. This in-turn allows us to take the necessary steps to minimize the influence and spread of COVID.

Submitted by:
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