

Amid virus spike, NM to impose new requirements

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New Mexico Gov. Michelle Lujan Grisham gives a Covid update on Tuesday October 20, 2020.
(Frame grab from video)

SANTA FE – Seeking to douse emerging COVID-19 hot spots, Gov. Michelle Lujan Grisham said Tuesday that her administration will impose more stringent requirements on restaurants and other businesses around New Mexico – including the possibility of targeted closures.

The changes come as virus cases reach record-breaking levels, and health care leaders express increasing concern about hospitalizations – due to the coronavirus and other causes – overwhelming New Mexico’s health care system.

During a remote news conference, Lujan Grisham described the new regulations as a targeted strategy to address locations with repeated outbreaks.

The governor insisted the measures, most of which will be included in a revised public health order that will take effect Friday, represented a statewide crackdown – not a shutdown.

“We’re not shutting down,” Lujan Grisham said. “We’re trying to learn to live with the virus during what’s coming, which is even tougher winter months.”

The governor last week reimposed some business and travel restrictions, including a ban on gatherings of more than five people. Masks remain required in public settings.

But she said her administration is trying to avoid shutting down in-person schooling – at least some New Mexico school districts have reopened schools under a hybrid learning model – and devastating New Mexico’s economy with broad business closures.

“Businesses are not spreading the virus,” Lujan Grisham said. “People coming to businesses are spreading the virus.”

Under the changes announced Tuesday, restaurants, breweries, retail stores, gyms and salons will be required to close for two weeks if they have four instances of infected employees – each triggering state action under the “rapid response” program – within a 14-day period.

If such a requirement were in place now, 42 businesses around the state would be closed, Environment Secretary James Kenney said.

But all restaurants and other businesses will start from zero once the new rules take effect Friday, he added.

Other changes announced Tuesday involve shutting state-run museums and historic sites, requiring restaurants to agree to submit to spot testing of employees and to keep a log of all customers, and expanding a soft curfew – a mandatory 10 p.m. closing time – to grocery, big-box and other retail stores.

New Mexico Republicans and some business leaders have criticized Lujan Grisham for her handling of the COVID-19 pandemic, saying the restrictions have damaged the state’s economy and the lives of its residents.

“Locking down New Mexico more is not the answer,” state GOP Chairman Steve Pearce said Tuesday. “It’s not going to fix the problem the governor has created.”

But the Democratic governor has defended her administration’s actions, saying Tuesday that restrictions are stricter in New Mexico because the state has “more

issues than most states,” a reference to high rates of poverty and underlying health conditions.

“We don’t have much time,” Lujan Grisham said. “If we don’t attack and snuff out the virus right now ... the virus will win.”

ICU shortage forecast

Sara Del Valle, a mathematical epidemiologist at Los Alamos National Laboratory, said Tuesday that statistical modeling suggests New Mexico may face a shortage of intensive care beds and ventilators within a week if cases climb rapidly.

Without a vaccine available, she said, people’s behavior – wearing masks, washing hands and practicing social distancing – is the key to slowing the spread of the disease.

New Mexico’s infection levels remained high Tuesday. The state reported 599 new coronavirus cases, seven more deaths and 205 hospitalizations.

The state’s seven-day rolling average of cases is now 598 a day – the highest it’s ever been and more than twice as high as the average Oct. 1. The seven new fatalities pushed New Mexico’s total to 942 deaths since the pandemic arrived in March.

The Los Alamos modeling, Del Valle said in a statement to the Journal, shows that “if case counts continue to rise as shown in the forecasts, New Mexico may run short of ICU beds and ventilators within a few weeks or even one week, depending on how rapidly case counts increase.”

Human Services Secretary David Scrase, a physician, encouraged people to continue getting their regular care.

“For the time being, we have room in the hospitals,” Scrase said Tuesday, “but we’re very, very concerned about the next two weeks.”

Eighty-one percent of the state’s general hospital beds for adults are occupied, and 71% of its intensive care beds, he said. Most of the patients are hospitalized for something other than a COVID-19 infection, Scrase said, but it’s important to maintain capacity as coronavirus cases climb rapidly.

New Mexico has had a dramatic change in its coronavirus cases since Labor Day. The number of new cases reported each day, the share of tests that come back positive and the disease spread rate have climbed beyond the state’s goals for reopening more of the economy.

Scrase said New Mexico's growth in cases is "chilling"; the state now has one of the highest spread rates in the country.

With numbers surging, Kenney said, his agency will start publishing a watchlist of businesses that have had repeated employee outbreaks but haven't been required to shut down. The list had 291 entries on Tuesday.

The goal, Kenney said, is to ensure customers can see "where COVID is in the workplace in your community."

Contact tracing

Even with more rules coming, New Mexico Restaurant Association CEO Carol Wight said the changes are a best-case scenario given the rising case numbers.

"I think (the governor is) hearing how difficult it is for businesses right now and specifically how difficult (it is) to open and close and not know what's happening tomorrow," Wight said.

Wight said member restaurants have already reached out to her to express their excitement about being able to stay open since there were fears about a ban on indoor dining being reimposed.

Still, questions about how to conduct contact tracing remain.

Wight said she hopes customers will consent to giving their phone numbers and names, because that information is already often required for reservations and carryout. But she expressed uncertainty about what additional information might have to be collected and whether restaurants will have to require identification.

A previous proposal to require restaurant customers to provide their contact information was shelved by the Lujan Grisham in May after it generated widespread concerns. Customers can currently decide whether they want to provide such information.

In an attempt to slow a surge of COVID-19 cases and hospitalizations, Gov. Michelle Lujan Grisham announced several business and public health-related changes Tuesday. These changes all take effect Friday:

- Individual businesses may face state-mandated closures more often. Food and drink establishments, gyms, salons, retail stores, places of lodging and similar businesses will be required to close for two weeks if they have four separate instances of a COVID-positive employee in a 14-day period.
- Grocery, big-box and other retail stores will have to close at 10 p.m. Restaurants and breweries already face a similar mandatory closing time.

- Restaurants and breweries will have to maintain a log of customers who dine in, agree to spot testing of employees and participate in training, if they want to continue operating at 25% capacity indoors.
- State museums and historic sites will close until further notice.
- A new watchlist will be published at www.env.nm.gov alerting the public to businesses with at least two instances of infected employees. Click the link for “Rapid Response COVID-19 Watchlist.”