

Maryland Governor Outlines Phased Reopening Plan Post-COVID-19 Shutdown

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Maryland Governor Larry Hogan has introduced the [Maryland Strong: Roadmap to Recovery](#), a three-stage plan for the state to restart its economy and begin lifting COVID-19 restrictions.

The Governor suggested that the first phase might begin as early as May, but he stressed that the Plan would be put into action only when data shows the COVID-19 is under control, the number of hospitalizations begins to level off, and the state's public health system is prepared for any future spikes in COVID-19 cases.

The Plan is based on four "building blocks" that are precursors to restarting the economy: (1) expanding testing capacity; (2) increasing hospital surge capacity; (3) ramping up the supply of personal protective gear; and (4) instituting contact tracing. Governor Hogan said the state is making progress in all four areas.

Maryland Strong: Roadmap to Recovery

The Plan is divided into three stages and incorporates principles of the National Governors Association's [Roadmap to Recovery](#), utilizes the [guidelines](#) issued by the White House, and takes into account much of the recovery plans published by the [American Enterprise Institute](#) and [Johns Hopkins University](#).

The White House's guidelines enumerate specific steps, or "gating criteria," that should be met before states begin easing COVID-19-related restrictions. For example, one requires a downward trajectory of COVID-like syndromic cases reported within a 14-day period.

Under the Plan, Maryland's primary gating benchmarks will focus on: (1) the hospitalization rate (including the usage rate of ICU beds) for COVID-19 patients; and (2) the daily number of COVID-19 deaths.

The Plan emphasizes that people should be prepared to continue teleworking, wearing masks or face coverings, and practicing social distancing until the lifting of the State of Emergency.

The Plan stresses that each stage of the recovery will be a gradual rollout over a period that will be subject to certain "stop signs" requiring the slowing or even reversing of some of the reopenings or easing of restrictions. These "stop signs" include:

- An increase in hospitalizations or a sustained increase in cases requiring intensive care.
- Indications that people are disregarding physical distancing guidelines.
- Significant outbreaks of community transmission where contact tracing cannot establish the route of the spread.

Stage One

Stage One will lift the stay-at-home order, allow reopening of low-risk businesses, and involve certain community, religious, and quality-of-life improvements. Examples of activities that could be allowed at this stage include:

- Reopening of small shops and certain small businesses.
- Curbside pickup and drop-off for businesses.
- Elective medical and dental procedures done outside of hospitals.
- Small outdoor religious gatherings.
- Limited outdoor gym and fitness classes.
- Outdoor recreation activities such as boating, fishing, golf, tennis, hiking, and hunting.
- Reopening of car washes.
- Outdoor work with appropriate distancing measures.
- Limited personal services.

Stage Two

Stage Two will involve many medium-risk businesses and activities reopening. Businesses that reopen during this stage will still need to comply with strict physical distancing and other safety protocols. Additionally, there will be sub-phases of Stage Two with increasing capacity restrictions set according to gating protocols. Examples of changes that could be implemented include:

- Raising the cap on social gatherings.
- Reopening indoor gyms and fitness classes.
- Reopening childcare centers.
- Return to normal transit schedules.
- Indoor religious gatherings.
- Reopening smaller restaurants and bars with restrictions.
- Elective and outpatient procedures in hospitals.

Stage Three

Stage Three would allow the reopening of high-risk entities, such as large entertainment venues, but there is no realistic timeline for achieving this stage. According to the Governor, this stage requires a widely available FDA-approved vaccine or safe, effective therapeutic treatment for COVID-19.

This stage will have sub-phases of reopening with capacity restrictions based on the gating protocols. Examples of changes that could be implemented include:

- Larger social gatherings.
- Reopening of high-capacity bars and restaurants.
- Lessened restrictions on visits to nursing homes and hospitals.
- Reopening of entertainment venues.
- Larger religious gatherings.

Regional Flexibility

The Plan contemplates offering a degree of flexibility to health officers of county and municipal governments and considering regional differences in COVID-19 conditions.

In each stage of the Plan, the state will evaluate which localities meet appropriate gating criteria in the jurisdiction or region. If a locality has satisfied the gating criteria, county health officers will be permitted to expand the permitted activities and businesses under the parameters of the current stage identified by the state.

Industry-Specific Advisory Groups

At the Governor's direction, the Maryland Department of Commerce formed 13 Industry Recovery Advisory Groups to develop recommendations and best practices for their industries to reopen and operate responsibly. The recommendations will be reviewed by the Governor and public health experts. Key industry sectors include:

- Retail
- Accommodations
- Sports
- Restaurants and Bars
- Attractions
- Destinations
- Tourism
- Transportation
- Manufacturing
- Professional and Financial Services
- Personal Services and Small Business
- Construction and Development
- Arts

In addition, the Governor has established two advisory groups through the Governor's Office of Community Initiatives to receive ongoing input during the recovery from religious groups and nonprofit organizations. The advisory groups include:

- Faith-Based Organizations and Churches
- Service Organizations and Nonprofits

Jackson Lewis has a [dedicated team](#) tracking and responding to the developing issues facing employers as a result of COVID-19. Please contact a team member or the Jackson Lewis attorney with whom you regularly work if you have questions or need assistance.

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