CDC Expands Definition of Close Contact

Last week the Center for Disease Control and Prevention (the CDC) expanded the definition of "close contact." Previously, the CDC defined close contact as spending 15 consecutive minutes within six feet of a person with a confirmed coronavirus case starting 2 days before the illness onset, or for asymptomatic persons, starting 2 days prior to the positive specimen collection. The updated guidance now defines a close contact as spending 15 minutes total with an infected individual over the course of a 24 hour period during the same exposure period (2 days prior to illness onset or positive specimen collection). For instance, if a person has three five minute encounters with someone over the course of 24 hours, then they will be considered to have been in close contact with that person. The CDC's updated guidance can be found here: https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact.

The CDC states that other situations that count as a close contact include:

- You provided care at home to someone who is sick with COVID-19
- You had direct physical contact with the person (hugged or kissed them)
- You shared eating or drinking utensils
- They sneezed, coughed, or somehow got respiratory droplets on you

For employers, determining who was a "close contact" of a person who tests positive for COVID-19 has a number immediate implications per the guidance of the CDC:

- Contact tracing should be conducted for close contacts of a person who tested positive for the virus or was diagnosed as having a probable case of COVID-19.
- Close contacts should be instructed to quarantine at home for 14 days from their last known contact with the worker with COVID-19 and should be tested for COVID 19.
- Those contacts who test positive (symptomatic

or asymptomatic) should be managed as a confirmed COVID-19 case.

- For most persons with COVID-19, isolation and precautions can generally be discontinued 10 days after symptom onset and resolution of fever for at least 24 hours, without the use of fever-reducing medications, and with improvement of other symptoms
- For persons who never develop symptoms, isolation and other precautions can be discontinued 10 days after the date of their first positive test.
- Asymptomatic contacts testing negative should self-quarantine for 14 days from their last exposure (i.e., close encounter with confirmed or probable COVID-19 case).
- If testing is not available, symptomatic close contacts should self-isolate and be managed as a probable COVID-19 case.

The "close contact" definition change was triggered by a report of a 20-year-old Vermont correctional officer who was diagnosed with a COVID-19 infection in August. The guard, who wore a mask and goggles, had multiple brief encounters with six transferred prisoners whose test results showed they were positive. At times the prisoners wore masks, but there were encounters in cell doorways or in a recreational room where prisoners did not have them on, the report said.

An investigation that reviewed video footage concluded the guard's interactions with the prisoners who tested positive totaled 17 minutes during an 8-hour shift. The CDC's report on the Vermont guard can be found here: https://www.cdc.gov/mmwr/volumes/69/wr/mm6943el.htm?s_cid=mm6943el_w

This change likely will have the greatest impact on schools and workplaces where people try to stay apart but may visit communal areas (bathroom, watercooler, etc.) several times a day, and will likely result in many more close contacts being identified.

Stradling Has Resources To Help You Stay Compliant

Please do not hesitate to reach out to us for assistance in dealing with the effects of the COVID-19 pandemic on your company.

Labor and Employment Practice Group

Jeff Dinkin 805.730.6820 jdinkin@sycr.com Jared Speier 805.730.6804 jspeier@sycr.com

Corporate and Securities Practice Group

Ryan Wilkins 949.725.4115 rwilkins@sycr.com

Litigation Practice Group

Jason de Bretteville 949.725.4094 jdebretteville@sycr.com

Intellectual Property Practice Group

Steven Hanle 949.725.4126 shanle@sycr.com

Public Finance Practice Group

David Casnocha 415.283.2241 dcasnocha@sycr.com Brian Forbath 949.725.4193 bforbath@sycr.com