



## Rapid Response COVID-19 Watchlist

New Mexico Environment Department

### Frequently Asked Questions

#### 1. What is a rapid response?

Generally speaking, state agencies initiate a rapid response when one or more employees tests positive for COVID-19. The goal of a rapid response is to protect employees and customers while minimizing disruptions to the workplace and helping them reopen as soon as it is safe to do so.

Some agencies, including the Public Education Department, also initiate rapid responses when a student or students test positive.

#### 2. What happens during a rapid response?

A typical rapid response consists of (1) isolating positive cases, (2) quarantining close contacts for 14 days, (3) ceasing operations to the extent necessary to isolate affected areas, (4) disinfecting these areas, (5) implementing safety procedures, and (6) resuming operations. Typically, operations are ceased for less than 24 hours before it is safe to reopen.

#### 3. Will you conduct a rapid response when an employee tests positive, but the employer can document that they were not in the workplace?

The typical rapid response outlined above will be limited to confirming [COVID-Safe Practices](#) are in effect at the establishment in these instances. Such cases do not count toward inclusion on the Rapid Response COVID-19 Watchlist, but are reflected in the “All Rapid Responses” dataset.

#### 4. Are employers required to report all positive employees to the New Mexico Environment Department?

Yes. Employers are required to report all COVID-19 positive employees to the Environment Department’s Occupational Health and Safety Bureau within four hours of learning of the positive test result. To learn more about this requirement and how to report a COVID-19 positive employee, click [here](#).

#### 5. How does an establishment get on or off the Rapid Response COVID-19 Watchlist?

If there are two or more rapid responses in the prior 14 calendar days at a location, the business location will appear on the Rapid Response COVID-19 Watchlist. The business will remain on the Rapid Response COVID-19 Watchlist until there are less than two rapid responses in the prior 14 calendar days.

#### 6. How often is the Watchlist and other rapid response data updated?

The data is updated daily around 3 p.m. Mountain Time.

**7. Why does the Environment Department post this data?**

The New Mexico Environment Department publishes the Watchlist and other rapid response data to provide transparency to the public, as well as offer the public the chance to make more informed decisions about which establishments they visit and when.

**8. What is the “Agency Assigned” column?**

The “Agency Assigned” column indicates the state agency that initiated that rapid response. Please contact that agency for more details related to a specific rapid response.

**9. When does one rapid response end and another begin?**

Generally, a rapid response is completed once the positive employees and close contacts have been isolated and quarantined, or the state has determined that the positive employees were not in the workplace while they were infectious. There may be one or multiple COVID-19 positive individuals associated with a single rapid response.

**10. Which businesses will close for two weeks once they reach four or more rapid responses in 14 calendar days?**

Any “food and drink establishment,” “place of lodging,” “retail space,” or “essential business” (other than those which meet the definition of a healthcare operation, utility, or media service) in which members of the public regularly visit, must immediately close for 14 days if there are four or more rapid responses within the last 14 days. These establishments are defined in the current [public health order](#).

When there are four or more rapid responses at a location that meet the criteria for inclusion on the Watchlist (see question 3) within 14 calendar days, the New Mexico Environment Department will refer the establishment to the Department of Health. Both Departments evaluate and decide on establishment closure. An “essential business” may be permitted to continue operating if the Department of Health, after consultation with the Environment Department, determines that the business is a necessary provider of goods or services within a community.

Alternatively, essential businesses subject to the closure requirement and engaged in regular surveillance testing and contact tracing pursuant to an executed agreement with the state can avoid mandatory closure after meeting the four-or-more rapid response threshold. See FAQ 11 for more information.

**11. What is the surveillance testing and contact tracing agreement? Does signing mean I won’t have to close my business for 14 days?**

On Nov. 24, 2020, the Environment and Health Departments rolled out a new proactive testing and contact tracing agreement to increase surveillance testing and prevent mandatory 14-day closures triggered by four or more rapid responses in the workplace.

This agreement is available to essential businesses – as described in the applicable public health order – that are subject to the closure requirement. This includes essential businesses (other than those which meet the definition of a healthcare operation, utility or media service) which members of the public regularly visit.

In addition to the executed agreement, essential businesses subject to the closure requirement must submit and follow a facility-specific surveillance testing and contact tracing plan (Plan) to the Departments of Health and Environment. Businesses must agree to test 100 percent of their employees on a regular basis. The agreement is available [here](#). Once both the Agreement and Plan are in place, a rapid response resulting from surveillance testing will not count towards advancement on the Rapid Response COVID-19 closure requirement. Those rapid responses will count toward inclusion on the state's Watchlist.

**12. Who will enforce the public health order requirement to close for 14 days?**

The New Mexico Department of Health will enforce the closure requirement. The Department of Health, the New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, the Environment Department and other state agencies are authorized to take all appropriate steps to ensure compliance with other aspects of the public health order. Report violations of the public health order [here](#).

**13. What are the consequences for a business that does not follow the public health order?**

Failure to comply with the Public Health Order may result in penalties up to \$5,000 per day by the New Mexico Department of Health and legal action. Other state agencies may separately initiate enforcement proceedings against the business.

**14. What is the "All Rapid Responses" data tab?**

The "All Rapid Responses" data is a minimally processed dataset that represents positive cases in the workplace that are reported to the state through the Department of Health or by employers through the mandatory reporting requirement. Think of it as a readout of all positive cases reported as we received them.

Some important notes about this data:

- Typically, the agency assigned to conduct the rapid response will consolidate multiple positive cases reported on the same day into one rapid response. For example, multiple entries for the same business on the same day may ultimately be counted as one rapid response.
- All positive cases reported are included in the spreadsheet. Positive cases may include employees who were not in the workplace while infectious (i.e. teleworking or on vacation)
- Occasionally, an employer reports the same positive case twice. In this case the data will appear as two cases at a single establishment. This error is generally discovered as the rapid response team works with the business. However, due to time and resource constraints we do not retroactively make changes to the "All Rapid Responses" data.
- The "Agency Assigned" column indicates the state agency that initiated that rapid response. Please contact that agency for more details related to a specific rapid response.