



District of Rendsburg-Eckernförde

The administrator
Specialist Health Service

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Your references, your letter dated from

My references, my letter dated from

Rendsburg
17.08.2021

General Decree

Of the district of Rendsburg-Eckernförde on the order for isolation (isolation or quarantine) due to an infection by the novel coronavirus (SARS-CoV-2) or the classification as a close contact person in a suitable home

According to §§ 28a paragraph 1, 28 paragraph 1 sentences 1 and 2 in conjunction with § 30 paragraph 1 sentence 2 Law on the prevention and control of infectious diseases in humans (Infection Protection Act - IfSG) in conjunction with Section 106 (2) General Administrative Act

for the state of Schleswig-Holstein (state administration law - LVwG) the following general decree is issued:

1. Persons,

a) who are aware that **a molecular biological test carried out** on them for the presence of SARS-CoV-2 viruses after this general decree has come into force has a positive result (persons who tested positive)

or

b) who are aware that a **SARS-CoV-2 rapid antigen test (PoC test)** for the presence of SARS-CoV-2 viruses **carried out by trained personnel** after this general decree has come into force has a positive result

or



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Konten der Kreiskasse:
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c) People who know that they are to be **classified as close contact persons** according to the requirements of the Robert Koch Institute (RKI); with exception of close contact persons in the field of day-care centers and child care centers as well as schools according to § 33 numbers 1 to 3 IfSG,

or

d) who were informed by the health department of the Rendsburg-Eckernförde district that the presence of SARS-CoV-2 viruses was detected on the basis of a **molecular biological examination carried out on them** (people who tested positive),

or

e) Persons who are aware that a **SARS-CoV-2 rapid antigen test ("self-test")** for the presence of SARS-CoV-2 viruses, **carried out by themselves or by untrained personnel** after this general decree has come into force, has a positive result,

are obliged to go to their home immediately after gaining knowledge and to stay there until the time specified in section 6 (domestic isolation / quarantine).

The obligation to segregate in accordance with number 1 letter c) (close contact persons) does not apply to vaccinated and recovered persons in accordance with the COVID-19 Protective Measures Exceptions Ordinance. The exception according to sentence 2 does not apply if the obligation to segregation exists because of contact with a person who is infected with a virus variant of the SARS-CoV-2 coronavirus with worrying properties defined by the Robert Koch Institute that is not yet widespread in Germany and the recovered or vaccinated person is aware of this fact.

2. The persons named under **number 1 letters a) - c)** are obliged to report immediately to the health department of the Rendsburg-Eckernförde district.

The following data must be communicated:

- First and second name,
- Date of birth,
- Phone number,
- Address,
- Classification of oneself (number 1 letters a - c),
- Symptoms of illness including notification of the day of the first occurrence,
- Day of testing,
- First and last name of everyone living in the household.

There is no obligation to report if a person legally obliged to report in accordance with Section 8 IfSG makes the report.

3. The persons named **under number 1 letters b) and e)** are obliged to have the **test result confirmed immediately by means of a molecular biological**

examination (e.g. PCR test) in a test center, a test station or a doctor. To do this, they are allowed to leave their domesticity once. This may only be done using a mouth and nose cover without using public transport and on the direct way there and back. Interruptions for other purposes are not permitted.

If no PCR testing is carried out, the persons have to isolate themselves for 14 days.

4. The persons named **under number 1 letters a) - e)** are obliged to observe the following behavioral measures:

- **No close physical contact** with family members / other people.
- A **distance** of > 1.50 - 2 m to all people must be maintained.
- Wear close-fitting **mouth and nose protection** when it is inevitable that you will have to share the room with someone else. The mouth and nose protection must be changed after two hours at the latest if it is soaked. The aforementioned sub-items do not apply to people who need or provide personal attention or care and are in the same household (closest family circle). The contacts are to be reduced to the necessary extent.
- Keep a **journal** of your symptoms, body temperature, general activities and contacts with other people. The body temperature should be measured **twice a day**.
- If **symptoms** such as fever or increased temperature, cough, irritation of the throat or runny nose occur, **the health department of the Rendsburg-Eckernförde district must be informed immediately.**

5. Persons named **under number 1 letters a) - e)** are **prohibited from exercising a professional activity** according to § 31 IfSG. An exception is home office if this can be done without contact with other people.

6. **The separation order applies until it is lifted by the health department of the Rendsburg-Eckernförde district, but no later than after 14 days.** An extension may be possible in individual cases. In the case of contact persons, the order is based on the PCR result of the index case (the initially confirmed COVID case). **For the case constellations of a positive self-test according to number 1 letter e) as well as a positive rapid antigen test (PoC test) according to number 1 letter b) and a subsequent molecular biological examination (e.g. PCR test), the obligation to separate ends automatically with exclusion of the infection if present of the negative test result.**

For persons according to number 1 letter c), the index case (i.e. the initially confirmed COVID case) is decisive. The negative test result must be presented to the responsible health department on request.

7. This general decree is effective **immediately up to and including October 31, 2021.** An extension is possible.

8. Infringements can be punished with a fine of up to € 25,000 in accordance with Section 73 (1a) No. 6 IfSG.

9. The order is immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG.

Justification

The legal basis for the measures taken is Sections 28a (1), 28 (1) in conjunction with Section 30 paragraph 1 sentence 2 IfSG. According to §§ 28a Paragraph 1.28 Paragraph 1 Clause 1 IfSG, the competent authority must take the necessary protective measures if sick people, suspected illnesses, suspects of contagion or excretors are found, or if it emerges that a deceased person was ill, suspected of being ill or excretory, as far as and as long as it is necessary to prevent the spread of communicable diseases. According to §§ 28a paragraph 1, 28 paragraph 1 sentence 2 IfSG, the competent authority can restrict or prohibit events for a larger number of people and close bathing establishments or community facilities mentioned in § 33 IfSG or parts thereof; it can also oblige people not to leave the place where they are or not to enter places designated by it until the necessary protective measures have been taken.

According to § 31 IfSG, the competent authority can prohibit sick people, suspected illnesses, contagious suspects and people who have left the company from exercising certain professional activities in whole or in part. This also applies to other people who carry pathogens in or on themselves in such a way that there is a risk of spreading them in individual cases.

The disease caused by the novel coronavirus is a disease caused by pathogens (viruses) that are transmitted from person to person by droplet infection. Transmission is possible through droplet infection with people suffering from the novel coronavirus or through contact with their vomit, stool or other body fluids. Since there is currently neither adequate protection of the population through vaccination nor a drug approved for treatment in Germany, preventing healthy people from being infected by the virus is of particular importance.

A sick person within the meaning of § 2 No. 4 IfSG is a person who is sick with a communicable disease. This is an ordinance on the extension of the reporting obligation in accordance with Section 6 (1) sentence 1 number 1 in accordance with Section 6 (1) sentence 1 no. 1 IfSG in conjunction with Section 1 (1) sentence 1 and Section 7 (1) sentence 1 of the Infection Protection Act on infections with the novel coronavirus (SARS-CoV-2), a reportable disease that first appeared in Wuhan / People's Republic of China in December 2019 and is considered highly contagious.

According to § 2 No. 7 IfSG, a person is considered to be a suspect to be infected is that it has ingested pathogens without being sick, suspect or eliminating the disease.

People who are classified as close contact persons according to the RKI guidelines are considered to be suspected of being contagious through contact with a person suffering from the new type of coronavirus. A specific definition can be obtained from the RKI

([www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Kontaktperson/Management.html;isessionid=1341B163ABC761AAA6D1D30D4218AC33.internet072?nn=13490888#doc13516162bodvText8](http://www.rki.de/DE/Content/InfAZ/N/Neuartiges_Coronavirus/Kontaktperson/Management.html?isessionid=1341B163ABC761AAA6D1D30D4218AC33.internet072?nn=13490888#doc13516162bodvText8)).

In order to be able to curb the spread of this disease effectively, the IfSG grants the competent authorities very extensive rights to order concrete measures to avert danger. These include in particular:

- the obligation to tolerate examinations, including taking blood,
- comprehensive information on health status,
- orders to be in a specified place.

Sections 28 - 30 of the IfSG expressly provide that the fundamental rights of physical integrity (Article 2 (2) sentence 1 of the Basic Law), the freedom of the person (Article 2 (2) sentence 2 of the Basic Law) and the inviolability of the Apartment (Article 13, Paragraph 1 of the Basic Law) may be restricted.

The order to stay at home and not to leave it without permission is based on the infection found in the persons named under 1 letters a) to e) or the fact that they are suspected of being infected. These must be classified according to RKI requirements, suitable for the protection of the general public and necessary to effectively combat the spread of the new type of coronavirus and to prevent it from spreading. According to Section 30 (1) sentence 2 IfSG, suspected contagion persons can be "isolated in a suitable hospital or in some other suitable manner". The isolation in one's own ("their") domesticity is necessary in order to ensure a verifiability of the specifications and the information and to be able to establish contact for any further orders.

Scientific evidence shows that vaccinated and convalescent people are also responsible for others are not (no longer) contagious or the residual risk of further transmission is significantly reduced. Therefore, there are reliefs and exceptions for these groups of people of protective measures in the COVID-19 Protective Measures Exception Ordinance (SchAusnahmV) provided.

According to § 10 SchAusnahmV, segregation obligations, which are provided on the basis of the fifth section of the Infection Protection Act, do not apply to vaccinated and recovered persons. With the exception of the case constellation regulated in Section 10 (2) SchAusnahmV (worrying virus variant), vaccinated and convalescent persons are no longer required to separate after contact with an infected person. The relief stipulated for those who have recovered or who have been vaccinated. However, conditions and exceptions do not apply if typical symptoms of an infection with the coronavirus SARS-CoV-2 are exhibited or if a current infection with the coronavirus SARS-CoV-2 is proven, cf. § 1 paragraph 3 nos. 1 and 2 SchAusnahmV .

The obligation to report to the responsible health department after a positive tester
The result only applies to the persons named in section 1 letters a) - c). **Self-testers initially excluded from this. Self-testers are obliged to have a positive test result confirmed by a PCR test. If this result is also positive, the persons are also required to report in accordance with section 3.**

There is no obligation to report for the persons named in number 1 letters a) - c), see above to the extent that a person legally obliged to report makes the report. this includes in particular doctors (Section 8 (1) No. 1 IfSG) or pharmacists (Section 8 (1) No. 5 IfSG) so as with the use of near-patient rapid tests with third parties, the determining person, if according to § 24 sentence 2 or on the basis of an ordinance according to § 24 sentence 3 number 1 IfSG is authorized to carry out such rapid tests.

The persons named in paragraph 1 letter b) and letter e) are obliged in paragraph 3 to have the test result confirmed immediately by means of a molecular biological test (PCR test). Alternatively, the possibility of 14-day isolation should remain as a

milder means compared to (minor) physical intervention (no compulsory testing). A premature end of the secretion is only possible by confirming a negative PCR result.

For the persons named in number 1 letters a), b) and c), the test center or test station can provide proof of the time and reason for the test at the request of the health department.

Regulations on isolation or testing based on state or federal regulations remain unaffected.

Against the background of the very dynamic spread of infections with the SARS CoV-2 virus and diseases from COVID-19 must immediately be taken extensive effective measures to delay the spread of the spread and to interrupt chains of infection. Far-reaching effective measures are urgently needed to ensure the long-term maintenance of the essential functions of the health system and public safety and order in Schleswig-Holstein as far as possible in the interests of health protection. The large-scale interruption, containment or delay in the spread of the new pathogen in the country is - beyond the measures already taken - the only effective procedure to achieve these goals.

Experience during the waves of the COVID-19 pandemic to date has shown that virus entries in day-care centers and day care centers as well as schools do not usually lead to major outbreaks and that children do not become seriously ill. Focusing on the infected isolates those who are infectious, chains of infection can be broken in this way. In the area of day-care centers and day-care centers as well as schools within the meaning of Section 33 Numbers 1 to 3 IfSG, the segregation obligation provided for in Section 1. c) can be carried out on a case-by-case basis on the basis of a risk assessment by the responsible bodies. Contact person management is **risk-adapted and focuses on vulnerable groups of people and high-risk events.**

The general decree is based on §§ 28a paragraph 1, 28 paragraph 1 sentence 1 and 2 IfSG. Infringements are therefore subject to fines according to § 75 Paragraph 1 No. 1 IfSG.

The order is immediately enforceable in accordance with Section 28 (3) in conjunction with Section 16 (8) IfSG. Objections and actions for rescission against measures have no suspensive effect.

Notes:

- If possible, a **temporal and spatial separation** from non-positive household members should be observed in the household. A "temporal separation" can take place, for example, in that the meals are not taken together, but rather one after the other. Spatial separation can take place, for example, by staying in different rooms.
- Pay attention to the **coughing and sneezing etiquette** at all times and use disposable handkerchiefs.
- **Contact** with roommates and relatives should be limited to the bare minimum, whereby the above-mentioned behavioral measures should be observed.
- **Toiletries** should not be shared with other members of the household.
- **Dishes and linen** should also not be shared with household members or third parties without first washing them. Laundry that comes into contact with the intimate area should be washed at at least 60 ° C.

- **Surfaces** that people come into frequent contact with should be cleaned regularly with household cleaners or surface disinfectants.
- **Wash hands regularly**, especially before and after preparing food, eating and using the toilet.
- You should ensure **regular ventilation** of the living room and bedroom as well as the kitchen and bathroom.
- Do **your purchases online** or have them done by third parties.
- In case of doubt, a more direct route means **using your own vehicle**, but not using local public transport.

This general decree and its reasons can be viewed during office hours in the Rendsburg-Eckernförde district, Kaiserstraße 8, 24768 Rendsburg.

Legal appeal:

Objections to this general ruling can be raised within one month of its public announcement. The objection must be submitted in writing or to be recorded at the district of Rendsburg-Eckernförde, Der Landrat, Fachdienst Gesundheitsdienste, Kaiserstraße 8, 24768 Rendsburg.

If a legal representative is involved or the electronic filing of the objection is made by an authority, it can be sent to the special electronic mailbox of the Rendsburg-Eckernförde district via the special electronic lawyer mailbox or authority mailbox.

An objection by email is not permitted. Citizens can only lodge an objection to the electronic authority mailbox of the Rendsburg-Eckernförde district if they have an EGVP account (OSCI account) and also use a qualified electronic signature.

Objections to and legal action against this general ruling are subject to Article 28 Paragraph 3 in connection with Section 16 (8) IfSG, there is no suspensive effect. Therefore must also with submission of a legal remedy the orders are obeyed. On application, the Schleswig-Holstein Administrative Court, Brockdorff-Rantzau-Straße 13, 24837 Schleswig, can order the suspensive effect of the objection in whole or in part.

On behalf,

Julia Rose