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Lincoln Journal Star

COVID-19 vaccinations ramping up in Nebraska, Ricketts says

By Don Walton

Gov. Pete Ricketts said Friday that COVID-19 vaccinations in Nebraska "will get ramped up in the next couple of weeks" as delivery of the vaccine to the state grows and providers resolve logistics challenges.

Ricketts said 133,000 doses of vaccine have been delivered to providers and 60,000 doses have been administered. Second doses already have been administered to many of the highest-priority recipients, he noted.

Atop the list are frontline health care workers and the residents and staff at long-term care facilities.

Nebraskans next in line are those who are 75 or older, with vaccination of older Nebraskans in Lincoln and Lancaster County temporarily estimated to begin before the end of the month.

"The program is going along as well as can be expected," Ricketts said. "We will have the resources to carry out this vaccination program."

Ricketts noted that hospitalization of COVID-19 patients in Nebraska has dropped below 500 for the first time since October, with current figures now standing at coronavirus patients occupying 491 of the state's 4,051 staffed hospital beds.

Once again, in an answer to a question at his news briefing, the governor said U.S. citizenship is not required and is "not requested before you get the vaccine" in Nebraska.

Ricketts has been targeted on Twitter by New York Rep. Alexandria Ocasio-Cortez for earlier comments and news reports that suggested he might seek to deny vaccinations for undocumented immigrants working at meat processing plants.

The governor urged Nebraskans to get tested for the virus even if they are experiencing no symptoms in order to help prevent spread of the disease in the state.

TOP

AP News

Ricketts satisfied with vaccine rollout, urges patience

LINCOLN, Neb. (AP) — Nebraska Gov. Pete Ricketts said Friday he's reasonably satisfied with the state's distribution of coronavirus vaccines despite a slowdown last month, but urged residents to remain patient and expect some logistical delays.

Ricketts said the state has received an additional 40,000 doses in the last couple of days, but it will take a few more days to get them distributed. The state has distributed 133,896 doses so far from drug manufacturers Pfizer and Moderna.

"I think this program is really going along as well as can be expected considering we have not done this kind of mass vaccination in this country ever," Ricketts said a coronavirus news conference.

Nebraska saw two brief slowdowns in distribution around Christmas and after New Year's Day. But the numbers increased sharply on Tuesday, when health officials administered 13,644 — up from 2,967 the previous day.

Ricketts said he expects to see a sharp increase in vaccinations over the next several weeks. On Thursday, state officials said they were preparing to launch a website that will allow people to register for a vaccination even if they don't immediately qualify. The first eligible people in Nebraska are front-line health care workers and people who live in or work at long-term care facilities.

Nebraska also saw a reported surge in deaths on Thursday, but a local public health official said Friday that those numbers weren't accurate.

The state initially reported 108 deaths in the last day, with 92 of those coming from Douglas County. But Phil Rooney of the Douglas County Public Health Department said his county's reported numbers were inaccurate, and health officials plan to correct them once they confirm the actual data.

"We're trying to track it down," he said.

Nebraska reported 491 people hospitalized with the coronavirus as of Thursday. The number is down sharply from the record highs logged in mid-November, but still elevated compared with

spring and summer of 2020. Nebraska still has 30% of its hospital beds, 30% of its intensive care unit beds and 74% of its ventilators available for use.

The state has confirmed 173,591 coronavirus cases since the pandemic began, although the actual number is likely higher because not all people get tested. Nebraska also reported 1,811 deaths, but that figure will likely get changed once Douglas County adjusts its number.

TOP

Omaha World Herald

Older Nebraskans plan to keep taking precautions after COVID-19 vaccination

By Julie Anderson

Omahans John and Peg Conley received their first COVID-19 shots almost two weeks ago in the first wave of vaccinations administered to seniors living in group residences.

The couple, who reside in an independent living apartment at Lakeside Village in west Omaha, said they are glad to have received their first shots and are awaiting their second doses.

But the couple, married for 63 years, say that as much as they long to see family and friends, they're not planning to rush back out and pick up where they left off when the pandemic struck.

"I'm happy we've gotten it; I think it's a good step in the right direction," said Peg Conley, 84.

"We need to be careful until a higher percentage of the population is vaccinated, in my opinion," said John Conley, 85.

Several other older people in the Omaha area who have received or are still awaiting their first shots said they, too, expect to continue the precautions they have been taking, even after they receive their second inoculations.

Health care workers who have received vaccines — some of whom are now getting their second doses — have also been advised to continue wearing masks and keeping their distance until more people have been vaccinated and infection levels have fallen.

It's not yet clear when that day will arrive and when recommendations aimed at limiting spread will be relaxed.

As of Thursday, state officials say, Nebraska had been allocated 108,000 vaccine doses and administered about 53,000 of them. Of the doses, about 35,000 had gone to the federal pharmacy program that is administering shots in long-term care facilities.

The state is being allocated about 22,900 doses a week — 11,700 doses of the Pfizer vaccine and 11,200 doses of the Moderna shot.

While some have criticized the slow pace of vaccine rollouts, federal and state health officials say the rate has picked up now that the holidays are over.

On Friday, the state was No. 7 in per capita vaccination, behind the Dakotas, Alaska, West Virginia, Vermont and Connecticut, according to the Centers for Disease Control and Prevention's vaccination tracker. The state had injected 2,768 first shots per 100,000 residents. But there is a lag between the time shots are given and when they are logged on the website.

Angie Ling, incident commander at the Nebraska Department of Health and Human Services, said the state expected at least 250 of Nebraska's long-term care facilities to have received first shots by the end of last week. That amounts to up to 35,000 staff and residents. State officials estimate that Nebraska's long-term care facilities have about 50,000 staff and residents.

"We're pretty excited about that," Ling said, "given that is our most vulnerable population."

Based on census data, officials calculated that about 130,000 Nebraskans age 75 and older are not in long-term care.

That last group, the next in line for vaccines, have been keeping local health departments' phone lines busy with questions about how, when and where they will be able to sign up for and receive the shots.

Ling said the state will launch a sign-up website in about two weeks, as well as a separate phone line.

Terra Uhing, director of the Three Rivers Public Health Department, said Thursday that her department received 1,300 responses to a survey created to gauge interest in the vaccine among residents in that age bracket. The department, which serves Dodge, Saunders and Washington Counties, also received about 300 calls.

Uhing said a couple of the seniors she has spoken with have voiced concerns.

"But 99% of those who I've talked to would drive up today to get their vaccine if they could," she said.

Residents of Dunklau Gardens in Fremont, which is affiliated with Methodist Fremont Health, began receiving first doses of the vaccine on Friday. Staff have already had their first inoculations and have begun receiving second shots.

With the exception of end-of-life visits and a new essential caregiver program, the Fremont facility, like others across the nation, has barred most visitors and limited activities within its walls.

Those efforts have worked, said Rachel Reiman, administrator of post-acute services. Twenty-eight residents have tested positive for the virus over the course of the pandemic, with most having no symptoms. All but one recovered.

Over the past few months, the facility has been able to return to some communal dining, with residents sitting two to a table with plexiglass between them. Some small-group activities have resumed with distancing and masking. The facility has offered FaceTime and outdoor visits with family.

Reiman said long-term care facilities anticipate new federal and state guidance indicating whether they can loosen some measures, such as those regarding visitors, masking and protective gear for staff, with the vaccine rollout.

“But until that actually comes out, we will stay the course,” she said.

The challenge with visitors, she said, is that the facilities have no control over those who come in from the outside, including whether they have been vaccinated.

In addition, the vaccines are so new that no long-term data exists indicating how long those who are vaccinated will be protected. Some data indicate that those who have been infected with COVID-19 are protected for months. But rare cases of reinfection have occurred.

While residents have been frustrated by the restrictions, Reiman said, they and their families have been supportive, understanding that the measures are intended to keep them safe.

“They’re staying the course,” she said. “They listen to the news, and they have been very helpful and positive.”

Janette Toben, 77, was the first of 72 residents to receive the shot Friday at the Fremont facility. As president of the residents’ council, she has served as a liaison between staff and residents in recent months.

“It’s a Christmas miracle,” she said, “and eventually, we’ll get to see family. We waited quite a while.”

Toben said she has been excited to get the vaccine. She has watched doctors being injected on TV.

“If they’re getting it,” she said, “it’s safe, so why worry about it?”

But some of her fellow residents are a bit skeptical. And some are a little afraid.

“But we have to reassure them to go that way, to have the vaccine,” she said.Toben also thinks that it will be a little longer before residents can throw caution to the wind. In the meantime, she has adjusted to life as it is. Her husband, who lives in their home in Fremont, comes to the window when the temperature is right and speaks with her over the phone. The couple also watch the same movies together in their separate residences while talking over the phone.

Susan Boilesen, 67, has been keeping busy making dreamcatchers and jewelry in her room at Maple

Crest Health Center in Omaha. A Santee Sioux originally from Santee, Nebraska, she said she was relieved to receive her first shot about two weeks ago. She had a mild case of COVID-19 earlier in the pandemic.

Boilesen said she's eager to see her grandchildren in person, go shopping and dine out. But she knows that it may be awhile before that can happen.

"I wish we'd had it earlier," she said. "But now it's here. Let's use it ... and see how many people we can save now."

Roger Flannery, 80, passed on his first opportunity to receive the vaccine at his independent living center in Bellevue — but not because he doesn't want to get it.

Flannery participated in a trial of the Moderna vaccine. He suspects that he received a placebo because he also caught COVID-19. Now he's waiting for the company to reveal participants' status.

Both vaccine-makers have announced that they will provide the vaccine to trial participants who received dummy shots. Flannery is sticking with the company's protocols because he thinks that it's important to do the research. The trial will continue for two years.

"I'm anxious to find out, and I'm anxious to get the vaccine at the earliest possible time," Flannery said. "It's a beginning of overcoming this pandemic."

TOP

KLKN

Local dentists still waiting for COVID-19 vaccine (video)

By Marlo Lundak

LINCOLN, Neb. (KLKN) – Dentists in Lancaster County are expressing concern as they continue to wait for their COVID-19 vaccinations, despite being in phase 1A.

Most dentists in the county, that aren't associated with the hospital systems, still haven't received their first dose.

"We realize tiers one and two are hospital folks, and that's great. So, we're in tier three, but then patients come into the dentist's office and saying they got the vaccine," says David O'Doherty, executive director of the Nebraska Dental Association, which represents 70% of dentists statewide. "[When] we ask what they do and they say they work in the filing department of the hospital…that's not right. And it was happening a lot."

According to the Nebraska Department of Health and Human Services state vaccination plan, dental staff is in tier three of phase 1A. In other words, they're in line after all frontline medical workers and long term care facilities.

But, as the health department says it's already preparing for phase two vaccinations, some dentists wonder if they were properly prioritized.

"We're all in this together, and we want everyone to be able to get vaccinated, but I think people like respiratory therapists, pulmonologists, dentists and people like that that are more directly involved with patient care and aerosol situations," says Dr. Justin Dworak, a dentist with the Maranatha Dental Group. "You know there's just some confusion in the dental community as to why we're not maybe a little higher of a priority in that regard."

"They're working in a very close environment with a lot of aerosol sprays [from] patients mouths so if anyone needs in, it would be a dentist and their hygienists and assistants," O'Doherty says.

Communicating with both the state and local health departments has been inconsistent and frustrating, O'Doherty says.

"The health departments on the east side of the state say they don't have enough although the DHHS was saying they've got enough to move into phase 1B by the end of the month. So the messaging was very confusing, and hearing that people who aren't clinical were getting the vaccine is very disappointing," he says.

Dworak says he understands that vaccinating large populations is a big task, and is sympathetic to the busy, hard-working members of the state and local health departments. They tell him that his vaccine will come next month.

"They think sometime in February the dental professionals in this area will have access to get vaccinated," says Dworak.

In a statement to Channel 8 News, the Nebraska DHHS says:

DHHS is working hard to provide COVID-19 vaccinations to Nebraskans as quickly as possible. Phase 1A includes frontline health care workers and residents and staff of long-term care facilities. We continue to vaccinate hospital staff and health care workers who are providing direct patient care, as well as paramedics, emergency medical technicians, and others. Dentists are included in Phase 1A as part of Tier III, so are able to get vaccinated now depending on how their region is progressing through the Tiers within Phase 1A.

Certain areas of Nebraska may progress through the phase tiers faster. More rural areas of the state simply have fewer people who need to be vaccinated, and due to that, there are some rural areas beginning to progress past Phase 1A. However, in more densely populated areas of Nebraska, this process will take at least two to three additional weeks given the much higher volume of people. We ask that those in Phases 1B and 1C be patient as we move through this process.

We welcome interested Nebraskans to review the COVID-19 vaccination web page and rollout plan, which can be found on the DHHS website. A list of the tiers can be found here:

http://dhhs.ne.gov/Documents/COVID-19-Vaccine-Phase-1A-Allocation-Recommendations.pdf We also recommend that Nebraskans check out their local public health department's website for additional info on scheduling vaccines in their specific areas.

TOP

KSNB

Central District Health Department to begin Phase 1b of vaccinations (video)

By Shannon Heckt

GRAND ISLAND, Neb. (KSNB) - As the vaccine continues to roll out across Nebraska, the Central District Health Department is gearing for the next phase of people eligible for the shot.

CDHD has given out around 1,000 doses of the vaccines to healthcare workers. Now they are opening it up to people over the age of 75 under Phase 1b. There are some procedures in place since doses are limited. They are starting with people over the age of 90.

"We know about five days in advance what vaccine we're getting. So we know that next week we're getting 200 doses," Health Director Teresa Anderson said. "But we also know after next week we should expect to see much larger allotments coming our way."

Pharmacies will be wrapping up their vaccinations of long-term care residents and staff in the coming weeks. The health department expects the state to then be able to send them more doses per week.

The state is working on an online registration to get your place in line for the vaccine. For now the Central District is asking people to call them directly or fill out their survey. People will then be contacted to schedule an appointment to get their shot.

"I think what our vaccine team is planning is that first doses come in the building because there is a little bit more involved, a little bit more education," Anderson said. "But remember they all have to come back for a second dose in either three or four weeks depending on what vaccine they get. We're hoping to do the second doses as a drive through."

Law enforcement and educators fall under Phase 1b and will be contacted directly by the health department when doses are available.

"We want to get people doses as quickly as we can. If we only get 100 a week this could take a really long time," Anderson said. "We're hoping for a thousand a week because our first shipment was 1,100."

Anderson also said at the rate they are getting doses they don't expect to be vaccinating the general public until the late summer. The health department said they are following the state guidelines closely to make sure the right people are getting vaccinated in the order designated by the state.

Central District Health Department: (308) 385-5175

TOP

Hastings Tribune

South Heartland seeks to answer public's vaccine questions

By Andy Raun

Since the arrival of COVID-19 vaccine in Nebraska in mid-December 2020, frontline health care workers and long-term care facility residents and staff members have been getting their long-awaited shots to protect against the novel coronavirus disease.

Many other residents of the South Heartland Health District are anxious to get their doses of vaccine, as well, and are looking for information on how to do so as soon as possible.

Michele Bever, executive director of the South Heartland District Health Department, said her agency is being “inundated” with calls and emails from residents wanting to know when and where they can get the vaccine.

Hospitals and local health care providers’ offices across the four-county health district also are getting swamped with calls from the public, she said.

“We are glad there is so much interest in the COVID-19 vaccine,” Bever said. “However, the vaccine is still being allocated out in small amounts, and it takes time for us to get to all of the people in each priority group who want the vaccine.”

The priority groups are defined in the Nebraska COVID-19 Vaccination Plan, and the prioritization recommendations and timeline are subject to change.

The South Heartland district encompasses Adams, Webster, Clay and Nuckolls counties. The health department offices are in Hastings.

Bever said South Heartland still is working through the first priority group.

“Everyone in each phase can be vaccinated as soon as there are enough vaccines available,” she said.

The first priority group (Phase 1A) includes health workers such as hospital employees, emergency medical services workers, and long-term care residents and staff. The group also includes individuals who work for developmental disabilities organizations and in behavioral health, home health care, pharmacies, the dental field and optometry practices, plus school nurses, public health workers, and many other personnel working in health care.

“We expect to complete the Phase 1A group in mid-January, but it will depend on how much vaccine we are allocated each week,” Bever said.

The second priority group (Phase 1B) includes people 75 years and older, as well as essential workers in critical infrastructure. Bever said essential workers include first responders (fire, police, dispatch, adult and child welfare), corrections staff, homeless shelter staff, utilities (power, water, gas, sanitation) and educators (teachers, higher education, support staff, and child care providers).

Phase 1B also includes workers in the food/agriculture sector (meat-packing plants, food processing, co-ops, grocery) and the transportation sector (trucking, railroad, gas stations, public transit.)

“We are expecting to be vaccinating people in Phase 1B priority from January through February or mid-March,” Bever said. “Again, the timeline will be dependent on the amount of vaccine we receive each week.”

The third priority group (Phase 1C) in the current state plan includes people 65-74 years of age and people with high-risk medical conditions. Bever said they hope to begin vaccinating the Phase 1C priority group by March.

“We expect much more vaccine product to be available by May so that we may begin Phase 2 of COVID-19 vaccination, which will be for the general population,” she said.

As South Heartland prepares for the next phase of the COVID-19 vaccination initiative, the department is developing a tool for residents age 75 and over to indicate their interest in getting the vaccine.

“Since we don’t know when we will have enough vaccine to move to the next phase, we are not able to schedule appointments in advance. However, we will be providing a web-based tool for residents age 75 and over to indicate their interest in receiving the vaccine,” Bever said. “This tool will go live next week and the link will be posted on our website and Facebook page.”

Bever said the health department and partners in the health district, including Mary Lanning Healthcare, Brodstone Memorial Hospital in Superior, Webster County Community Hospital in Red Cloud, and the Clay County Health Department, have administered 1,660 doses of COVID-19 vaccine since it began arriving in mid-December, including 243 second doses.

South Heartland’s COVID-19 Vaccine Dashboard tracks progress on COVID-19 vaccinations in the four-county district. Bever said other vaccine information and updates, along with links to the Nebraska COVID-19 Vaccination Plan and vaccine priority recommendations, are available on the health department’s COVID-19 vaccine webpage.

TOP

WJAG

Test Nebraska sees success

By Nick Stevenson

LINCOLN - So far over 590,000 COVID-19 tests have been delivered in the state through Test Nebraska.

During Governor Pete Ricketts' press briefing Friday, he highlighted the success of the testing program.

Mark McCurdy owns a pharmacy in Cambridge and said they're a Test Nebraska provider and the support has been remarkable.

McCurdy says through Test Nebraska they've been able to take the care out to the people.

"They give us the infrastructure, the supplies, the equipment, and they do the reporting for us. This structure basically allows us just to pack up, go do the testing, get it done, and come back with a minimal amount of time away from our daily pharmacy activities."

McCurdy says he's spoken to other pharmacies in other states and they're in awe Nebraska is able to offer COVID-19 tests for free.

He added without Test Nebraska he believes many Nebraskans wouldn't be able to be tested.

TOP

Omaha World Herald

Nebraska's COVID deaths rising, but a mistake made one day look especially bad

By Jeffrey Robb

An apparent jump in Nebraska's deaths from COVID-19 is the result of a mistake, the Douglas County Health Department said Friday.

Two COVID tracking websites reported a significant increase Thursday.

The Nebraska Department of Health and Human Services dashboard showed an increase from 1,703 to 1,811 from Wednesday to Thursday.

The New York Times, whose numbers differ slightly, reported an increase from 1,743 to 1,869.

The addition of more than 100 deaths would have represented Nebraska's largest toll from a single day of new reported deaths, if the numbers had been accurate.

But the Douglas County Health Department said Friday it had mistakenly reported a list of deaths as COVID-related.

The department said it received cases to review of people who had tested positive for COVID-19 at one time. The intent, the department said, was to confirm that COVID was not the cause of death and that it was not listed on the death certificates.

However, the county mistakenly entered the deaths in the state's data system as coronavirus related.

The department said it was correcting the error.

Even though the latest tally was in error, Nebraska's deaths have continued to climb, surpassing 1,700 people.

The number of deaths stood at 1,086 as of Dec. 1, according to the New York Times.

Also FridayOn the COVID-19 vaccine rollout, the latest figures from the state show that Nebraska has received 133,896 doses of the Pfizer and Moderna vaccines, but administered less than half of those — 60,170.

A total of 55,483 people received a first dose, and 4,687 people have received two doses.

Gov. Pete Ricketts, speaking at a press conference Friday on the coronavirus, said the program is going as well as can be expected considering the logistics and scheduling needed to avoid potential adverse reactions among health care workers.

Ricketts asked people to be patient but said the pace will be ramping up — with more than 20,000 vaccines administered in the last couple days.

"We are getting the vaccines out," the governor said.

With federal funds from the second relief bill, Ricketts said Nebraska will have the resources it needs for mass vaccinations.

Ricketts said the pharmacies administering vaccines to Nebraska's long-term care facilities should have given at least the first dose around the state by Jan. 28.

Community Pharmacy of Gretna has made a first run through 94 of the 97 facilities under its responsibility, the governor said. Walgreens will handle its first doses at 217 facilities by Jan. 25 or 28, Ricketts said. CVS will reach its 64 facilities with initial doses by Jan. 18.

Ricketts said people age 75 and older are starting to receive the vaccine in three public health districts. Those are: Panhandle Public Health District, Southwest Nebraska Public Health Department and West Central District Health Department based in North Platte.

Myra Stoney, health director of the Southwest Nebraska Public Health Department, estimated that

some 250 people age 75 and older received the vaccine in her district this week.

“That’s 250 people that have vaccine working in their bodies,” she said.

Kim Engel, director of the Panhandle district, said about 600 people in the 75-plus group received the vaccine there.

“We all just want more vaccine more than anything,” she said, “because we’ve got eager people.”

Ricketts praised the TestNebraska COVID-19 testing system and urged more people to get tested.

Ricketts said TestNebraska has plenty of capacity to do more tests.

The governor said the State of Nebraska initially bought 540,000 tests, then purchased 660,000 more. Test Nebraska has administered 592,000 tests, and Ricketts said the state will purchase more as it needs them.

TOP

Lincoln Journal Star

Lancaster County reports 81 new COVID-19 cases

By Luna Stephens

The Lincoln-Lancaster County Health Department reported 81 new cases of COVID-19 on Sunday.

The cases reported Sunday bring the total number of cases in Lancaster County to 24,280.

The number of deaths in the county remains at 171.

The total number of cases reported during the week that ended Saturday was 1,176, which was on par with the previous week's 1,203 cases.

The positivity rate for the week that ended Saturday was 28.9%, down from 33.4% the previous week.

The Nebraska Department of Health and Human Services reported 406 new coronavirus cases statewide Sunday for a total of 176,026. The state also reported 23 new deaths linked to the disease for a total of 1,760.

TOP

Grand Island Independent

137 new COVID-19 cases reported this week in 3-county area

The Central District Health Department said Friday that 137 new COVID-19 cases were reported between Sunday and Wednesday in Hall, Hamilton and Merrick counties.

During the past 14 days, the number of COVID cases totaled 415 in the three-county jurisdiction. The risk dial this week is at 2.7.

Overall, 28,444 people have been tested in the Central District. There have been 7,412 positive cases and 5,579 recoveries. The number of COVID-related deaths is 122.

“We will begin vaccinating those in Phase 1B next week,” according to the Central District website. “Because of limited vaccine, we will start with those age 90 and over, and then gradually expand to others age 75 and older as vaccine becomes available.”

Those who are at least 90 are asked to contact Central District Health to have their names added to the waiting list. The website is cdhd.ne.gov and the phone number is 308-385-5175.

“When we have vaccine for you we will call you,” the website reads. “Please be patient as this will take time.”

Throughout Nebraska, there have been 173,591 positive COVID-19 cases. The number of “people tested: not detected” is 690,331.

There have been 1,825,632 total COVID tests in Nebraska and 864,342 people tested.

In Nebraska, there are 491 active hospitalizations related to COVID. The 14-day average for total staff beds is 4,051, according to the Nebraska Department of Health and Human Services.

TOP

News Channel Nebraska

Public Health Solutions reports eight COVID-19 deaths, updates vaccine progress

By Michael Shively

CRETE, NE — Public health officials say eight southeast Nebraska residents died from COVID-19 over the last week.

Public Health Solutions covers Fillmore, Gage, Jefferson, Saline and Thayer counties. This is the highest number of deaths announced by the health department since the pandemic began.

The health department reported a decrease in positivity rate from 39% to 33.5%. 14 people were hospitalized with COVID-like illness this week.

The district’s risk dial stayed in the elevated category but moved closer to the moderate section.

PHS says it is working through Phase 1A - Tier 5 of vaccine distribution. Tier 5 includes behind-the-scenes staff at critical access hospitals and groups like psychologists and social workers. PHS hopes to move to the Phase 1B by January 18.

The first 1B group is people 75 and over. The health department says it will post a registration link for them on its website when the statewide registration system is running.

PHS has only received the Moderna vaccine.

TOP

Lincoln Journal Star

Councilman wants to end Lincoln mayor's pandemic emergency powers

By Riley Johnson

Lincoln City Councilman Roy Christensen wants the city to end its emergency declaration and pull back the special authority it extended 10 months ago to Mayor Leirion Gaylor Baird to deal with the pandemic.

The council should reassert itself in the city's emergency decision-making process now that the pandemic has reached the vaccine stage, he said.

"If the mayor wants to continue imposing mandates or restrictions, she should ask the City Council for the authority to do so," Christensen said. "I will listen to any such request and decide whether such measures are warranted."

Gaylor Baird declared the pandemic an emergency March 16, four days before the city confirmed its first coronavirus case. Her decision, which the City Council ratified, followed emergency declarations by both the state and federal governments. Its aim was to make available potential federal and state reimbursement for crisis-related city expenses and to access the city's emergency reserve funds if necessary, officials said.

Christensen's resolution will be formally introduced at Monday's council meeting and is scheduled for a public hearing and a vote Jan. 25. The declaration would end Jan. 31 if passed.

The resolution likely will meet skepticism from Christensen's fellow council members, many of whom have supported the handling of the local response by Gaylor Baird and the Lincoln-Lancaster County Health Department.

Mayoral Chief of Staff Jennifer Brinkman said ending the emergency wouldn't change the way pandemic restrictions are decided but could hamstring the city's ability to get federal and state disaster aid.

"This (resolution) doesn’t accomplish what the councilman said is his objective," Brinkman said. "In reality, the mayor has not exercised emergency powers."

Directed health measures cite the emergency declaration as a reason why coronavirus-related mandates and restrictions are needed, but Health Director Pat Lopez's legal authority to implement coronavirus restrictions, such as the mask mandate or early closing hours for bars, does not stem from the city's emergency declaration, Brinkman said.

Rather, it results from the health director's legal power to control disease outbreaks, Brinkman said.

The Lincoln-Lancaster County health director's special authority to implement stricter rules than the state stems from Lincoln's establishment of a health department in 1889, decades earlier than the statewide creation of county health departments.

Gaylor Baird has not used her emergency powers to enact any restrictions, she said.

By contrast, during the riots last summer, Gaylor Baird implemented a nightly curfew during the city's declared emergency.

The pandemic emergency powers have given the city flexibility to buy and fund emergency needs like when it raced to buy personal protective equipment early in the pandemic knowing other municipalities across the country were doing the same.

Lincoln's declaration has helped it receive $10 million in funds for public safety expenditures, and the city is set to receive another $9 million, Brinkman said.

Lancaster County Emergency Manager Jim Davidsaver said the city's emergency declaration expresses to disaster aid officials at the state and federal level that Lincoln still has conditions constituting a disaster beyond its abilities to handle.

Removing the declaration would bump Lincoln down the list when pandemic resources or funds are distributed

"If you don’t have a disaster declaration, essentially you’re not asking for help from the state or federal level," Davidsaver said.

Christensen said his proposal comes in part to generate public discussion about the emergency powers the council ceded to the mayor in March.

Christensen, a Republican who intends to run for reelection this spring, said he had thought about raising the issue in August but then he opted to wait because of the effort to recall the mayor and some council members. He was not targeted in the effort.

"I did not want anybody to misinterpret my motivations," he said.

The Omaha City Council, which implemented the city's mask mandate after Lincoln, has been more transparent in policymaking and accountable to the public, Christensen said.

"Mostly this has to do with the council being accountable to the public and transparent about what we're doing as a community," Christensen said. "An open discussion is always useful in a democracy."

But Brinkman disputed his contention that the public hasn't been involved in policymaking, saying people have had the ability to testify before the council about their concerns and nearly every City Council meeting has been preceded by a briefing from Lopez whom council members could question.

Health Department officials have had weekly conversations with affected businesses and other key stakeholders and groups about policies, precautions and pandemic concerns since the virus arrived, she said.

She's confident the Health Department staff can evaluate and respond to the changing dynamics of the pandemic, and she said collaboration remains a key priority for health officials whose response can only prove effective if the community adheres to the guidelines and directives they implement.

"We have to be united in our response to the pandemic in order to be successful," Brinkman said.

TOP

Lincoln Journal Star

Bars, strip club mount separate legal attacks, asking judges to block Lincoln's coronavirus restrictions

By Lori Pilger

Lincoln bar and restaurant owners accused of violating the directed health measures aimed at preventing the spread of COVID-19 are fighting back against city officials in separate legal challenges.

In one filed Thursday, Rena LLC, owner of the Foxy Gentleman's Club, is asking a federal judge to declare the curfew provisions of the city's coronavirus restrictions unconstitutional and to permanently block the city from enforcing them.

And in state court, an attorney representing Madsen's Bowling & Billiards and 15 other business owners facing a collective 78 criminal charges asked a district court judge to order the city to stop its enforcement while Madsen's civil case filed back in September is litigated.

In the suit, Madsen's is alleging the city, Mayor Leirion Gaylor Baird, Health Director Pat Lopez and Police Chief Jeff Bliemeister are carrying out a mandate without legal authority and threatening businesses with shutdown, civil penalty and criminal enforcement.

"There's a lot of controversy there," Madsen's attorney, Chris Ferdico, said, noting disputes over the so-called uncontroverted science and the validity of studies that health officials are relying on.

He said that's why they're asking the court to "hit pause" as it sorts through the complicated issues.

The city fought the move to halt enforcement at a hearing Thursday.

"Judge, injunctive relief is an extraordinary remedy," City Attorney Yohance Christie said.

He said Madsen's has alleged that the directed health measures, including everything from mask mandates to capacity restrictions to early closing times, are ineffective, setting up a battle of medical opinions that city officials "would embrace."

In the city's corner are James Lawler and Steven Rademacher, both infectious disease physicians. Lawler was hand-selected to organize the military's first medical support team for Ebola response and to help in the mission to rescue Americans from the Diamond Princess cruise ship when COVID-19 spread onboard early last year.

While the Madsen's lawsuit is alone in challenging the efficacy of wearing masks and the latest medical research, both of the cases attack the city's directed health measures as "arbitrary and capricious" in how they target businesses that sell alcohol.

In the lawsuit filed last week in U.S. District Court in Lincoln, attorney Carlos Monzón said Foxy Gentleman's Club shouldn't have to comply with the city's mandated closing time of 11 p.m., given that most of its income is derived between 11 p.m. and 2 a.m.

"There's no factual or legal basis to believe that COVID-19 is more likely to spread during the late-night hours as opposed to daytime hours," he wrote.

Just as there's no reason to believe it is more likely to spread at businesses that only serve alcohol, he said.

Foxy Gentleman's Club is facing seven tickets after racking up three more for alleged violations spotted in the latest sweep of businesses Jan. 1-3.

In all, the City Attorney's Office filed 20 new cases involving alleged violations at 10 Lincoln businesses. Where violations early in the pandemic started over mask-wearing, they now predominantly involve businesses staying open past 11 p.m., often discovered through routine tavern checks.

A vast majority are complying. But some, such as The Night Before, which has gotten 28 tickets, appear to be taking the potential $500 fine that comes with each as a cost of doing business.

Monzón said there are alternatives to the current directed health measures' focus on curfew that wouldn't infringe so severely, such as requiring increased sanitation and security to ensure

compliance with masking and social distancing.

The city hasn't yet responded to the federal court challenge in court. But Christie said the city wants local businesses to be able to be open. But it's making decisions about public health with everybody in mind.

"It's a balancing act," he said.

At a hearing in the Madsen's case, Ferdico took issue with what he called the unlawful delegation of police power by making business owners ensure patrons follow the coronavirus restrictions, and he argued the city shouldn't be allowed to have directed health measures that go further than state rules.

He said the city's measures aren't designed to protect the elderly.

"They are creating an undue burden on everybody else when we can isolate the true populations of individuals who are most at risk," Ferdico told Judge Michael A. Smith. "We're not downplaying their risk. We're not suggesting that every person who doesn't die from this disease is not tragic. But the Constitution is set up to say when the government restricts your freedoms, it's got to do so to prevent as much collateral damage as possible. And blanket restrictions by definition do not do that."

He said it's crushing his clients' business and has them facing criminal prosecution.

Andy Barry of Cline Williams law firm, who also represents the city in the case, said he understands how it's hard to be a business and operating in these circumstances.

"But businesses aren't the only thing that someone in (Health Director) Pat Lopez's position has to deal with. She has to think about lives, health, families," he said.

In Lincoln, new case numbers per capita have generally been below the state average, which the evidence suggests is a result of the city's directed health measure, Barry said.

As a result, more hospital beds in Lincoln were open for patients from other parts of the state that didn't have mask mandates or heightened coronavirus restrictions, he said.

"It's a matter of statewide concern, but every part of the state is different," he said.

And the lawyers and the court aren't equipped to come back every two weeks to decide whether the latest directed health measure exceeds state rules, Barry added.

Smith said he would try to have a ruling in a couple of weeks.

TOP

Omaha World Herald

COVID liability limits proposed in Nebraska; opponent says bills would 'limit justice'

By Martha Stoddard

LINCOLN — Nebraska hospitals, businesses and schools would be protected from most coronavirus-related lawsuits under a bill introduced Friday in the Legislature.

State Sen. Tom Briese of Albion sponsored Legislative Bill 139, along with Sen. Matt Williams of Gothenburg. It was among 212 bills and five constitutional amendments introduced by state lawmakers this week.

Briese said his proposal is intended to help Nebraska recover from the coronavirus pandemic, which has killed more than 1,800 people here, more than tripled the number of unemployed workers and caused widespread economic disruption.

“As many segments of society struggle to deal with and rebound from the impact of the pandemic, they face the threat of needless lawsuits related to COVID,” he said. “It’s incumbent on us to provide some level of protection against such lawsuits while ensuring the safety of our citizens and holding bad actors accountable.”

His proposal would offer legal protection in multiple ways. First, it would bar lawsuits unless someone was hospitalized or died from the coronavirus. It would also prohibit lawsuits against entities that were following federal and state laws or public health orders and guidance.

It would not allow a lawsuit unless an entity had acted with gross negligence or willful misconduct, rather than ordinary negligence. Finally, it would raise the standard of proof, making it harder for people bringing lawsuits to prove that they had been hurt because of gross negligence or willful misconduct.

The bill would also offer additional protection to health care providers for care given — or not given — because of their response to the coronavirus.

“The last thing our hometown heroes need is to worry about being sued for canceling an elective procedure or an accidental exposure when they were doing the right thing all along,” Briese said.

But Andy Sibbernsen, an Omaha attorney and president of the Nebraska Association of Trial Attorneys, panned the proposal. He said the organization always opposes legislation limiting people’s ability to go to court if they are injured by someone who did not follow accepted policies and procedures.

Such bills “limit justice, and they limit people’s access to the court system,” he said. “If people and businesses are acting reasonably, there’s no reason to be worried about it.”

Briese said he is not aware of coronavirus-related lawsuits in the state but said he has heard from a

number of entities that are fearful about the possibilities. LB 139 would apply only to events occurring after the measure passes. It would not apply to anything that happened previously.

Sen. Steve Lathrop of Omaha offered a different COVID-19 liability measure on Thursday. His LB 52 would offer even broader protection, barring any civil action for injury or death stemming from exposure to the coronavirus after the bill takes effect.

But Lathrop, who is a trial attorney, said he introduced the bill to spark a conversation about whether liability protection is needed. He said COVID-19 has become so widespread, it could be difficult for people to prove where they were exposed.

Among other bills introduced Friday:

Emergency contraception. Hospitals would be required to offer emergency contraception to women who have been sexually assaulted under LB 183, introduced by Sen. Megan Hunt of Omaha. The bill would provide for state sanctions against a hospital that failed to provide information about the option or to offer such care.

School property tax. Property taxes would be limited to 33% of school funding under Legislative Resolution 13CA, introduced by Sen. Tom Brewer of Gordon. Statewide, property taxes now cover about 60% of the cost of K-12 education in Nebraska.

Facial surveillance. Police and other government entities would be barred from using or keeping facial surveillance, also known as facial recognition, data under LB 199, introduced by Sen. Tony Vargas of Omaha. The bill would also prohibit facial surveillance from being used in court cases. The bill includes a statement of intent that says that facial surveillance technology is less accurate in identifying women, young people and people of color and that using such systems is like requiring everyone to carry and display photo identification at all times.

Fireworks. Nebraskans might be able to get some additional kinds of fireworks under LB 152, introduced by Sen. Julie Slama of Peru. The bill would remove almost all state-imposed limits on consumer fireworks and would rely on federal regulations and testing by the U.S. Consumer Product Safety Commission instead.

TOP

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