

Enforcement of the Infection Protection Act (IfSG)

Isolation of persons who have tested positive for coronavirus SARS-CoV-2 (General Ruling on Isolation)

Announcement of the Bavarian State Ministry of Health and Care

dated 12 April 2022, ref. G51v-G8000-2022/44-242

In accordance with Article 28 sub-para. 1 clause 1, of Article 28a sub-para. 7 clause 2, of Article 29 sub-paras. 1 and 2, of Article 30 sub-para. 1 clause 2 and of Article 31 of the Infection Protection Act (IfSG) in conjunction with Section 65 clause 2 no. 2 of the Responsibilities Ordinance (ZustV), the Bavarian State Ministry of Health and Care hereby issues the following

General Ruling

1. Scope of applicability

Unless otherwise specified, the provisions of this General Ruling shall apply to persons who were informed by the health authority, by the person who performed or supervised the test or by the body evaluating the test that a PCR test, PoC-PCR test or test performed by other means of nucleic acid amplification technology (nucleic acid test) or antigen test for the direct detection of the SARS-CoV-2 virus (antigen test) carried out on them or supervised by a healthcare professional or a comparable person trained for this purpose yielded a positive result (persons tested positive).

2. Isolation rules

2.1 Persons tested positive must go into isolation immediately after learning of their positive test result. The office announcing the test result will inform persons tested positive about their obligation to isolate when the test result is announced. The notification obligations pursuant to Article 6 sub-para. 1 clause 1 no. 1 letter t and Article 7 sub-para. 1 clause 1 no. 44a of the Infection Protection Act (IfSG) remain unaffected by this. If the test leading to the result was performed outside the territorial scope of the Infection Protection Act, the person tested positive is obliged to report to the health authority responsible and supply information about the test result, the type of test (nucleic acid test or antigen test) and the date of the test.

2.2 Isolation must take place in an apartment or other spatially delimited part of a building.

2.3 Persons tested positive may not leave the dwelling during the period of isolation without the express consent of the health authority. They are permitted to spend a limited time on their own in or on a garden, terrace or balcony belonging to the dwelling. The dwelling may only be left for tests which are carried out for purposes referred to in No. 4.1 and for other tests ordered by the health authority.

2.4 During the entire period of isolation, a spatial or temporal separation from other persons living in the same household as the person affected should be ensured. A "temporal separation" can be achieved, for example, by taking meals not together but in turn. A "spatial separation" can be achieved, for example, by the person affected staying in a separate room to the other members of the household.

2.5 During isolation, the person affected should not receive visits from persons who do not belong to the same household.

3. Further rules of hygiene during isolation

3.1 Should more extensive medical treatment or rescue transport become necessary during isolation, the person affected must inform the healthcare facility or rescue service in advance by telephone of the reason for the isolation. The health authority must also be informed in advance.

3.2 Where the person affected is a minor or where a carer has been appointed by law, the primary carers are responsible for adherence to isolation.

3.3 If the isolation endangers the continuity of business operations in a company belonging to critical infrastructure or the service operations of a public authority despite the exhaustion of all organisational possibilities, such as the transfer of personnel from other areas, it is possible to make an exception to the isolation order for persons tested positive, subject to adherence to infection hygiene requirements in order to protect, in particular, other employees. The decision will be taken by the responsible local authority, possibly after consultation with the company doctor and the management of the plant or public authority.

4. End of isolation

4.1 For persons who tested positive by means of an antigen test which was performed by a healthcare professional or a comparable person trained for this purpose, isolation ends, provided that the first nucleic acid test performed on such persons after the positive antigen test produces a negative result, with the presence of this negative test result. If the test result is positive, the end of isolation is determined according to No. 4.2, with the initial detection of the virus being the positive antigen test specified in clause 1. Otherwise, isolation will end at the earliest five days after the positive antigen test and subject to freedom from symptoms for at least 48 hours, but at the latest after ten days.

4.2 In the case of persons tested positive by means of a nucleic acid test, isolation will end at the earliest five days after the initial detection of the virus and subject to freedom from symptoms for at least 48 hours, but at the latest after ten days.

5. Regulation on resumption of work at the end of isolation for staff working in facilities specified in Article 23 sub-para. 3 clause 1, sub-para. 5 clause 1 and Article 36 sub-para. 1 nos. 2, 7 IfSG

Staff working in facilities specified in Article 23 sub-para. 3 clause 1, sub-para. 5 clause 1 and Article 36 sub-para. 1 nos. 2, 7 IfSG who were in isolation due to the rules of this General Ruling or due to an individual order issued by the local authority may only resume work at the relevant facility if a nucleic acid test or an antigen test performed on them or supervised by a healthcare professional or a comparable person trained for this purpose yields a negative result. In this context, a nucleic acid test with a ct value greater than 30 is also deemed to be proof of a negative test result. The negative test result must be submitted to the operator of the relevant facility upon resumption of work. The responsible local authority may take a different decision in individual cases. Article 3 sub-paras. 1 and 2 of the Sixteenth Bavarian Infection Protection Measures Ordinance (16th BayIfSMV) remains unaffected.

6. Recommendations for conduct at the end of isolation

At the end of isolation, the affected persons are advised to wear an FFP2 mask outside their own home – especially indoors – for a further five days and to avoid unnecessary contact with other people.

7. Transitional regulation

7.1 For persons who, on 12 April 2022, in accordance with the General Ruling of the Bavarian State Ministry of Health and Care of 31 August 2021, ref. G5ASz-G8000-2020/122-925 (BayMBI. 2021 No. 602), regarding quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for the coronavirus SARS-CoV-2 (General Ruling on Isolation), last amended by General Ruling dated 30 March 2022, ref. G51v-G8000-2022/44-221 (BayMBI. 2022 No. 208), are in quarantine as close contact persons or persons suspected of being infected with coronavirus, the quarantine requirement ends when this General Ruling enters into force.

7.2 For persons who, on 12 April 2022, in accordance with the General Ruling of the Bavarian State Ministry of Health and Care of 31 August 2021, ref. G5ASz-G8000-2020/122-925 (BayMBI. 2021 No. 602), regarding quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for the coronavirus SARS-CoV-2

(General Ruling on Isolation), last amended by General Ruling dated 30 March 2022, ref. G51v-G8000-2022/44-221 (BayMBI. 2022 No. 208), are in isolation as persons tested positive, the end of isolation is governed by No. 4 of this General Ruling.

8. Offences

Any violation of this General Ruling can be punished as an offence pursuant to Section 73 sub-para 1a no. 6 IfSG.

9. Immediate enforceability

The present General Ruling is immediately enforceable by law.

10. Effective date, expiry date

The present General Ruling takes effect on 13 April 2022 and expires on 30 June 2022 at midnight. On 12 April 2022, the General Ruling of the Bavarian State Ministry of Health and Care of 31 August 2021, ref. G5ASz-G8000-2020/122-925 (BayMBI. 2021 No. 602), regarding quarantine of contact persons and persons suspected of being infected with coronavirus, isolation of persons who have tested positive for the coronavirus SARS-CoV-2 (General Ruling on Isolation), last amended by General Ruling dated 30 March 2022, ref. G51v-G8000-2022/44-221 (BayMBI. 2022 No. 208), ceases to apply.