



## **ORDER OF THE HEALTH OFFICER No. c19-1b (REVISED)**

DATE ORDER ISSUED: April 15, 2020

Please read this Order carefully. Violation of or failure to comply with this Order constitutes a misdemeanor punishable by fine, imprisonment, or both. California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1).

### **UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 17 CCR SECTION 2501, THE HEALTH OFFICER OF THE COUNTY OF SAN MATEO (THE “HEALTH OFFICER”) ORDERS:**

1. Effective for the limited duration specified in Section 13 below, the administrative staff of each Facility as defined below in Section 6 shall exclude from entry or access to its premises any Unauthorized Visitors and Non-Essential Personnel including, but not limited to, visitors of residents at the Facility. By operation of this Order, such Unauthorized Visitors and Non-Essential Personnel, including but not limited to family members of residents, are ordered not to visit any Facility except as permitted by this Order. This restriction is subject to a limited exception of Necessary Visitation or Contact described in Section 6 below. Further, Facilities are required to implement and develop a plan (“COVID-19 Plan”) to comply with applicable guidance from the United States Centers for Disease Control and Prevention (“CDC”) as described in Section 6 below. Finally, as set forth in Section 8, Facilities shall be subject to San Mateo County Department of Public Health mandatory testing, containment measures, and reporting requirements for COVID-19 positive and presumed COVID-19 positive residents and Facility Staff.
2. The Order supersedes the March 11, 2020 Order of the Health Officer restricting unauthorized visitors and non-essential personnel from long term care facilities in San Mateo County (hereinafter “Prior Order”). This Order strengthens and extends the applicability of the Order to other licensed facilities and other agencies to further slow the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). As of the effective date and time of this Order set further in Section 13 below, all individuals, businesses, and government agencies in the County of San Mateo (“County”) are required to follow the provisions of this Order.
3. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County.

Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and





are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the County issued the Prior Order on March 11, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. Evidence suggests that restrictions on visitors imposed in the Prior Order contribute to slowing the rate of increase in long term care transmission and confirmed cases by limiting visitors in these facilities. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension and expansion of the Prior Order of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.

4. The Order is also issued in light of the existence, as of April 14, 2020, of 747 confirmed cases of COVID-19 in the County and 21 deaths, and a significant number of assumed cases of community transmission. Testing capacity for COVID-19 remains limited. This Order is necessary to slow the rate of spread of COVID-19 while further data becomes available.
5. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County, the March 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the March 10, 2020 Resolution of the Board of Supervisors of the County of San Mateo Ratifying and Extending the Declaration of a Local Health Emergency, the March 12, 2020 State of California Executive Order N-25-20, the March 13, 2020 Order of the Health Officer No. C19-3 imposing a School Operations Modification Order, March 31, 2020 Order of the Health Officer extending the Shelter in Place Order until May 3, 2020, and the April 6, 2020 Orders of the Health Officer imposing quarantine and isolation.
6. Definitions and Exemptions:
  - a. For the purposes of this Order a **Facility** means any licensed facility located within the geographic boundaries of San Mateo County providing residential care in a congregate setting, including Skilled Nursing Facilities; Intermediate Care Facilities of all license types; Hospice Facilities; Congregate Living Health Facilities; Chronic Dialysis Centers; Social Rehabilitation Facilities; Group Homes; Residential Care Facilities for the Elderly; Adult Residential Facilities; Mental Health Rehabilitation Centers, and; Residential Treatment Facilities.
  - b. For the purposes of this Order **Unauthorized Visitors and Non-Essential Personnel** are employees, contractors, or members of the public who do not regularly perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Facility. This term includes family members and loved ones of residents and those who have legal authority to make healthcare or other legal decisions for a resident. The Ombudsperson is an authorized visitor and is not included in this term, but the Ombudsperson must still follow Facility protocols regarding minimizing risk and should also try to avoid non-essential visits



onsite. Nothing in this Order shall prevent household member of Facility operators whose Facility is operated within a structure that also includes private residential space, from continuing to live in the same building in which a Facility is operated, however they must comply with the requirements of this Order to the maximum extent possible with regard to the portion or portions of the building that comprise the Facility.

- c. For the purpose of this Order, **Facility Staff** are all owners, operators, employees, contractors, volunteers and other personnel who regularly perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Facility.
- d. For the purposes of this Order, each Facility must, within 48 hours of receipt of this Order, develop and implement a **COVID-19 Plan** to comply with applicable guidance from the CDC for nursing homes and other long-term care settings (“CDC Guidance”) (available online at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html>) and the California Department of Public Health (“CDPH”) (available online at [www.cdph.ca.gov](http://www.cdph.ca.gov)) regarding the screening of residents, staff, and visitors for signs of COVID-19, and other applicable COVID-19-related guidance. Nothing in this Order prohibits a Facility from taking steps more protective than the guidance provided by the CDC or CDPH in its plan. Each Facility must update its COVID-19 Plan when new COVID-19 recommendations or requirements for nursing homes and other long-term care settings are issued by the CDC, CDPH, or Health Officer, or as otherwise required by law. At a minimum each plan must include:
  - i. Daily screening of residents for fever and respiratory symptoms.
  - ii. Daily screening of staff and providers for fever and respiratory symptoms before they enter the Facility.
  - iii. Provision of hygiene supplies, including:
    1. Hand sanitizer containing 60–95% alcohol in every resident room (ideally both inside and outside of the room) and other resident care and common areas (e.g., outside dining hall, in therapy rooms) unless the administrator determines that allowing unsupervised access to hand sanitizer poses a risk to the resident(s).
    2. Make sure that sinks are well-stocked with soap and paper towels for handwashing.
    3. Make tissues and facemasks available for coughing people.
  - iv. Provision of necessary Personal Protective Equipment (“PPE”) for use in accordance with CDC Guidance, accessible in areas where resident care is provided. Put a trash can near the exit inside the resident room to make it easy for staff to discard PPE prior to exiting the room, or before providing care for another resident in the same room. Facilities should take all reasonable steps to obtain adequate supplies of PPE to protect residents in accordance with CDC Guidance, including, as appropriate for the care provided, supplies of:
    1. Facemasks;
    2. Respirators (if available and the Facility has a respiratory protection program with trained, medically cleared, and fit-tested providers);
    3. Gowns;
    4. Gloves; and
    5. Eye protection (i.e., face shield or goggles).
  - v. Provision of training on how to properly use PPE and perform proper hygiene practices.



- vi. Prohibition of all group activities and communal dining.
- vii. Make available supplies of EPA-registered, hospital-grade disinfectants in sufficient quantity to allow for frequent cleaning of high-touch surfaces and shared resident care equipment.
- viii. Notification to the destination Facility or acute care hospital and to EMS and any other transferring personnel of the confirmed or suspected COVID-19 positive status of any resident being transferred to another Facility or acute care hospital.
- e. For the purposes of this Order, the Facility administrator or the administrator's designee may arrange for **Necessary Visitation or Contact** of a Facility resident when the administrator or designee determines that the context justifies a temporary exception to this Order. Any Necessary Visitation or Contact permitted under this paragraph shall occur only if the Facility takes appropriate measures to protect residents, including but not limited to screening visitors in accordance with applicable guidance from the CDC (available online at [www.cdc.gov](http://www.cdc.gov)) and the CDPH (available online at [www.cdph.ca.gov](http://www.cdph.ca.gov)) and requiring all visitors to perform Social Distancing Requirements as described in San Mateo County Health Officer Order c19-5(b), Section (13)(k).

Visitors permitted under this paragraph are hereby ordered to comply with all conditions of visitation imposed by the Facility at the time of entry or access to the Facility Premises.

**Necessary Visitation or Contact** generally means a visit or contact that is necessitated by urgent health, legal, or other issues that cannot wait until this Order is no longer in effect, including, but not limited to visits mandated by law, visits by legal decision-makers such as conservators and agents under valid Health Care powers of attorney currently in effect.

7. In addition to the requirements in Section 6 above, each Facility's COVID-19 Plan must include a requirement that any Facility Staff who is sick or does not pass the required screening shall be immediately sent home and not return to work other than in compliance with CDC Guidance for Business and Employers (located at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>) as updated, or as authorized to return by a physician. If a resident is sick or does not pass the required screening, the resident shall be immediately isolated in compliance with the San Mateo County Health Officer Isolation Order c19-6.
8. **If a Facility learns that any Facility resident, or Facility Staff living or working at the Facility, or who had been recently living or working at the Facility has tested positive for COVID-19 or is informed by a physician that any resident or Staff is presumed positive for COVID-19, the Facility must immediately (within 1 hour) notify the Communicable Disease Unit of San Mateo County Health at 650-573-2346. Facility residents and Facility Staff shall also be subject to mandatory COVID-19 testing, and the imposition of such other measures to contain the spread of COVID-19 as deemed necessary for the protection of public health, by the San Mateo County Department of Public Health or its designee.**
9. Each Facility is strongly urged to take all reasonable steps to prevent Facility Staff from working at another Facility or other Facilities within the same 14-day period to avoid increased risk of transmission of COVID-19 from one Facility to another. Such reasonable steps include, but are not limited to,



notifying all Facility Staff of the risk of working at more than one Facility and working with Facility Staff and other Facilities to avoid this increased risk to the greatest extent possible.

10. Each Facility, while restricting physical contact between Facility residents and Unauthorized Visitors and Non-Essential Personnel, must make reasonable efforts to facilitate such contact by other means (such as telephone or videoconference) where such efforts will not otherwise interfere with the Facility's healthcare mission.
11. If any Unauthorized Visitor or Non-Essential Person refuses to comply with this Order, then the Facility may contact local law enforcement or the San Mateo County Sheriff to request assistance in enforcing this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
12. This Order does not restrict first responder access to Facility during an emergency. Further, this Order does not restrict state or federal regulators, officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at Facilities. Persons other than first responder permitted access under this paragraph must comply with all conditions of visitation imposed by the Facility at the time of entry or access to the Facility when feasible.
13. This Order shall be effective as of 12:01 a.m. April 17, 2020, until 11:59 p.m. on June 15, 2020, or until it is earlier rescinded, superseded, or amended by the Health Officer, in writing.
14. While this Order is in effect, the Facility must provide copies of the Order in all of the following ways: (1) post this Order on the Facility website (if any); (2) post this Order in a visible location at all entrances to the Facility; (3) provide this Order to each Facility resident; (4) provide this Order to any authorized decision maker for each Facility resident if not the resident; (5) provide this Order to the Ombudsman Services of San Mateo County; and (6) provide this Order to anyone who visits the Facility or, upon request, to anyone who contacts the Facility seeking to visit.
15. Within 12 hours of receipt of this Order each Facility must notify its respective licensing entity (whether the CDPH or otherwise) of the existence of this Order regarding the Facility.
16. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

**IT IS SO ORDERED:**

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/signed/

Scott Morrow MD, MPH,  
Health Officer  
County of San Mateo

Date: April 15, 2020