ORDER OF THE HEALTH OFFICER FOR CONTROL OF COVID-19

Prevention of COVID-19 Transmission in Licensed Congregate Healthcare Facilities
ORDER ISSUED: April 24, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (Ca. Health & Safety Code § 120275 et seq)

Summary: During a State of Emergency, California law empowers the County of Los Angeles Health Officer (Health Officer) to take protective measures necessary to protect the public from a public health hazard.[1] The spread of Novel Coronavirus (COVID-19) is a substantial danger to the health of the public and to patients/residents in licensed congregate healthcare facilities in Los Angeles County.

Infection control and social distancing measures are needed to stem or slow the spread of COVID-19 and decrease the risk of transmission to vulnerable patients/residents in high-risk healthcare settings. Accordingly, the Health Officer hereby orders all licensed congregate healthcare facilities ("Facility"), as defined by this Order, operating within the Los Angeles County Public Health Jurisdiction, to comply with all measures required by this Order. The required measures are intended to reduce the transmission of COVID-19 in these facilities and to protect vulnerable residents, as well as personnel.

This Order is effective immediately and will remain in effect until rescinded, superseded, or amended in writing by the Health Officer.

This Order is based upon scientific evidence and best practices as currently known to protect patients, personnel, and the public from the avoidable risk of serious illness and death resulting from COVID-19, as well as protect the health care system from a surge of cases. The required actions are consistent with guidance from the Centers for Disease Control and Prevention ("CDC"), the California Department of Public Health ("CDPH"), and prior guidance from the Los Angeles County Department of Public Health ("Public Health").

Compliance with this Order is required because the County Health Officer has determined that:

- There is widespread community transmission of COVID-19 in Los Angeles County, which continues to present a substantial and significant risk of harm to the health of residents. As of April 23, 2020, there have been at least 17,508 COVID-19 cases and 797 deaths from COVID-19 reported in Los Angeles County, with 310 or 39% of those occurring in institutional settings.
- There is an increased risk of COVID-19 among those working in or living in certain Licensed Congregate Health Care Facilities, and among those providing services in our community.
- Many residents in Licensed Congregate Health Care Facilities are at increased risk for COVID-19 complications due to their age, physical condition, and health status. Social distancing measures alone may not be effective in Licensed Congregate Health Care Facilities due to the concentration of individuals and the nature of the services provided to them.
- Visitors to Licensed Congregate Health Care Facilities, including those who are asymptomatic, can transmit the virus to patients/residents. Limiting non-essential contact and prohibiting access from individuals with fever or respiratory symptoms reduces the chance for exposure to COVID-19 for vulnerable patients/residents.
- Not adhering to the measures required by this Order will likely impair efforts to mitigate the spread of COVID-19 within the County and State.

[1] For the specific Codes, see *Authority* section on page 7 of this Order.

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UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER ORDERS THE FOLLOWING FOR ALL LICENSED CONGREGATE HEALTHCARE FACILITIES, AS DEFINED IN THIS ORDER, IN THE LOS ANGELES COUNTY PUBLIC HEALTH JURISDICTION:

1. **Limit Entry and Access to the Facility**

   a. No one other than employees, first responders, medical professionals, or contracted essential maintenance workers, and service providers are permitted to enter the Facility.

      The Facility shall prohibit all visitors, including volunteers and non-essential workers, such as barbers or entertainers, and the like, from entering and accessing its Premises. If essential (e.g., end of life), the Facility shall limit access to only one visitor at a time and require the visitor to wear a surgical mask or clean cloth face covering at all times within the Facility. The Facility shall arrange alternative methods of visitation (virtual) that are not in person, as needed.

   b. For purposes of this Order: "Premises" includes, without limitation, the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of the Facility.

2. **Prohibit Return to Work for Employees who Test Positive for COVID-19 or are Symptomatic**

   a. No employee who has tested positive for COVID-19 or who is displaying symptoms associated with COVID-19 is to be admitted entry into the Facility until they have fulfilled the Centers for Disease Control and Prevention (CDC) Criteria for Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19 (Interim Guidance), which can be found at https://www.cdc.gov/coronavirus/2019-ncov/hcp/return-to-work.html and they must follow the return to work practices and work restrictions found therein.

3. **Suspend All Communal Dining and Activities**

   a. The Facility shall suspend all communal dining and activities. All meals are to be served within individual rooms. Staff may eat in staff breakrooms or a separate designated area, but social distancing (physical distancing) of six (6) feet or greater between persons must be enforced at all times while eating. Residents/patients are to remain in their rooms.

4. **Maintain Separate Areas and Staff**

   a. The Facility shall establish an area within the Facility for those who have tested positive for COVID-19 or who are displaying symptoms associated with COVID-19, that is physically separated from an area for those who do not have confirmed or suspected COVID-19. All employees who work or go into the established COVID-19 area of the Facility are not to work or enter into any other area of the Facility.

5. **Require Staff to Wear Surgical Masks and Personal Protective Equipment**

   a. The Facility shall require all staff to wear a surgical mask at all times while in the Facility. Staff must refer to and follow current CDC guidance. Staff shall wear an N-95 respirator, if available, and all personal protective equipment (PPE) as recommended by the CDC (such as gloves, gown, eye protection) while caring for people with suspected or confirmed COVID-19. In a Facility with COVID-19 transmission, healthcare personnel should wear full PPE for the care of all patients, irrespective of COVID-19 diagnosis or symptoms. The Facility should follow the CDC's guidance on the conservation of PPE.

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6. **Require Patients/Residents to Wear Surgical Masks or Cloth Face Coverings**
   a. The Facility shall require patients/residents to wear a surgical mask when available, or a clean cloth face covering, when outside of the person's room. This includes patients/residents who must regularly leave the Facility for care (e.g., hemodialysis patients). Surgical masks are required for any resident with symptoms.

7. **Follow Recommended Infection Control Guidelines**
   a. All staff must follow all infection prevention guidance from the Centers for Medicare and Medicaid Services (CMS) and the CDC. In particular, the Facility must follow appropriate hand hygiene as set forth by the CDC and the CMS infection control guidance checklist. Facilities must follow any additional guidance provided by the Health Officer, including the Los Angeles County Department of Public Health "Guidance for Congregate Living Facilities," posted at http://publichealth.lacounty.gov/media/Coronavirus/docs/settings/GuidanceCongregateLiving-English.pdf and all guidance posted on the Public Health COVID-19 Health Facilities webpage at http://publichealth.lacounty.gov/acd/ncorona2019/healthfacilities.htm.

8. **Conduct Symptom Screening for Individuals Entering the Facility**
   a. The Facility shall require everyone entering the Facility (except first responders, who typically have separate screenings) to have a symptom screening prior to entry. Anyone who is experiencing any symptoms shall not be admitted entry into the Facility.
      i. For purposes of this Order, "symptoms" includes, but is not limited to, fever, chills, not feeling well, sore throat, cough, sneezing, shortness of breath, or gastrointestinal symptoms like soft stool or stomach cramps.
      ii. Everyone must have their temperature taken before entry to the Facility. Anyone with a fever (100.0° F or 37.8° C) shall not be admitted entry into the Facility. Individuals who have used fever-lowering medications in the past eight (8) hours are prohibited from entering the Facility. Temperature must be taken with a method that will not cause risk for disease transmission between employees. The access points should be limited to ensure that all accessible entrances have a temperature screening station.

9. **Conduct Daily Temperature Checks for Staff and Patients/Residents**
   a. The Facility shall conduct daily temperature checks for staff and patients/residents. All staff should be checked twice daily, once prior to coming to work and the second approximately twelve (12) hours later. Patients/residents should be checked frequently each day. Records are to be kept of those temperature checks.

10. **Review and Comply with Recommended Interfacility Transfer Rules**
    a. The Facility shall review and comply with State and local guidelines regarding the transfer of patients to a licensed acute care hospital or another congregate healthcare facility and the return of patients to the Facility from a licensed acute care hospital or another congregate healthcare facility. Public Health will make final determinations regarding a Facility's immediate ability to comply with State and Public Health guidance regarding the transfer and return of patients to the Facility.

11. **Conduct COVID-19 Diagnostic Testing for Residents and Staff**
    a. The Facility shall conduct COVID-19 diagnostic testing for patients/residents and staff, which

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may include those with and without symptoms, as requested or per guidance provided by the Los Angeles County Department of Public Health.

12. Report all Suspected and Confirmed COVID-19 Cases and Deaths to Public Health

a. The Facility shall report all confirmed or suspected COVID-19 cases and deaths to the Los Angeles County Department of Public Health immediately by phone: (888) 397-3993 or (213) 240-7821 (during business hours and after business hours).

As of the date of issuance of this order, positive SARS-CoV-2 antibody results in patients should not be reported by healthcare providers.

13. Avoid Use of Staff who Have Worked at Another Facility

a. The Facility should avoid, as much as possible, utilizing employees who are concurrently working at another Facility.

14. DEFINITIONS

For purposes of this Order, "Licensed Congregate Health Care Facilities" includes the following facilities within the County of Los Angeles Health Jurisdiction:

a. Adult Residential Care Facilities (ARF) all license types
b. Chronic Dialysis Clinic
c. Continuing Care Retirement Communities
d. Hospice Facilities
e. Intermediate Care Facilities of all license types
f. Psychiatric Health Facilities
g. Residential Care Facilities for the Elderly
h. Residential Facility Chronically Ill
i. Skilled Nursing Facilities
j. Social Rehabilitation Facilities
k. Long-Term Care Facilities
l. Congregate Living Health Facility
m. Nursing Facility

ADDITIONAL TERMS

a. This Order does not, in any way, restrict: (i) First responder access to the site(s) named in this Order during an emergency or (ii) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.

b. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

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c. 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 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively; and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

d. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health. safety, and welfare. To protect the public's health, the County Health Officer may take additional action(s) for failure to comply with this Order.

e. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Section Code Section 120275 et seq and Los Angeles County Code Section 11.02.080.

The County Health Officer will continue to monitor the rate of COVID-19 disease spread, the severity of the resulting illnesses and deaths caused, California Department of Public Health and Centers for Disease Control and Prevention recommendations, and the effect of this Order. If needed, this Order may be extended, expanded, or otherwise modified to protect the public's health.

If You have any questions about this Order, please call the Los Angeles County Department of Public Health at (213) 240-7941.

HEALTH OFFICER, COUNTY OF LOS ANGELES

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RESOURCES

- **California Department of Public Health All Facilities Letters:** https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/LNCAFL20.aspx

- **Los Angeles County Department of Public Health COVID-19 Health Facilities Guidance:** http://publichealth.lacounty.gov/acd/ncorona2019/healthfacilities.htm

AUTHORITY

Section 120175 of the California Health and Safety Code reads as follows: "Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases." Health and Safety Code sections 101080, 101080.2, 101085, and 101040.

VIOLATIONS

Section 120275 of the California Health and Safety Code reads as follows: "Any person who, after notice, violates, or who, upon the demand of any health officer, refuses or neglects to conform to, any rule, order, or regulation prescribed by the department respecting a quarantine or disinfection of persons, animals, things, or places, is guilty of a misdemeanor."

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