



HEALTH OFFICER ORDER NO. 20-18

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA DIRECTING ALL LONG-TERM CARE FACILITIES (LTCF) TO COMPLY WITH NEW COVID-19 TESTING REQUIREMENTS

DATE OF ORDER: November 23, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is 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, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

1. All Long-Term Care Facilities (LTCFs) in the County of Alameda must:
 - a. Complete baseline testing of all residents and staff by December 26, 2020.
 - b. After baseline testing is complete, and commencing no later than December 26, 2020, LTCFs that are 6 beds or less are required to conduct COVID-19 screening testing of 25% of staff each week, such that 100% of staff are tested each month.
 - c. After baseline testing is complete, and commencing no later than December 26, 2020, LTCFs that are 7 beds or more are required to conduct COVID-19 screening testing of 50% of staff each week, such that 100% of staff are tested every 2 weeks.
2. For purposes of this Order, “Long-Term Care Facilities” include both licensed and unlicensed: Residential Care Facilities for the Elderly (RCFE), Mental Health Rehabilitation Centers (MHRC), Intermediate Care Facilities (ICF), Adult Residential Care Facilities (ARF), Assisted Living Memory Care Facilities (AL/MC), Intermediate Care Facilities for the Developmentally Disabled (ICF-DD).
3. For purposes of this order, “long-term care facility staff” includes all employees, consultants, contractors, volunteers, and caregivers who provide care and services to residents on behalf of the family or facility, and nursing students or from affiliated academic institutions. Facilities should prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents or staff. We note that the facility may have a provision under its arrangement with a vendor or volunteer that requires them to be tested from another source (e.g., their employer or on their own). However, the facility is still required to obtain documentation that the required testing was completed during the timeframe that corresponds to the facility’s testing frequency.



4. Some Alameda County LTCFs will be exempt from this Health Order. The LTCFs that meet the exemption status below are required to start COVID-19 screening testing of their staff, in accordance with this Health Order, on or before December 26, 2020.
5. The following LTCFs are exempt from only the Baseline Testing requirement contained within this Health Order:
 - a. LTCFs that have already experienced a COVID-19 outbreak in 2020 and have completed response-driven testing of all residents and staff and that have a lab contract in place.
 - b. LTCFs that have already completed baseline testing for COVID-19 in 2020 and that have a lab contract in place.
 - c. LTCFs that are Skilled Nursing Facilities which were required by CDPH to complete baseline testing.
6. The primary intent of this Order is for Alameda County to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
7. This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; evidence of asymptomatic and pre-symptomatic transmission by respiratory aerosols and droplets; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; 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; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the public, which is 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. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, direct or indirect interpersonal interactions can result in preventable transmission of the virus.
8. Because of the nature of their interactions, the residents and staff who live and work in LTCFs are at high risk of contracting and spreading the disease caused by COVID-19. The collective efforts taken to date regarding this public health emergency have slowed the virus' trajectory, but the emergency and the attendant risk to public health including LTCFs and congregate living environments remain significant. As of November 18, 2020, there are 27,485 confirmed cases of COVID-19 in the County and 499 deaths.



Alameda County's LTCFs have 2,504 confirmed cases among their residents and staff and 207 deaths. LTCFs make up less than 9% of Alameda County's cases but 41% of the deaths. And studies have shown that more than 40% of LTCF residents with COVID-19 are asymptomatic.

9. Scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission to help (a) protect the most vulnerable residing in LTCFs; (b) prevent the health care system from being overwhelmed; (c) prevent long-term chronic health conditions, such as cardiovascular, kidney, and respiratory damage and loss of limbs from blood clotting; and (d) prevent deaths. This Order is necessary to slow 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.
10. The Health Officer will continue to monitor several key indicators ("COVID-19 Indicators") to inform their decision as to whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress on the COVID-19 Indicators of the County and specific to LTCFs; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.
11. 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 Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
12. This Order adopts more stringent restrictions addressing the particular facts and circumstances within LTCFs in this County, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of requirements for LTCFs, scientific evidence indicates that the spread of COVID-19 in LTCFs will increase, worsening the public health crisis in the County, consuming available health care resources, and increasing the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls.
13. This Order shall become effective at 8:00 a.m. on November 25, 2020 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
14. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.



15. 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:

A handwritten signature in black ink, appearing to read "N. Moss", written over a light gray rectangular background.

November 23, 2020

Nicholas J. Moss, MD, MPH
Health Officer of the County of
Alameda

Attachments:
Appendix A – Testing Resources