



HEALTH OFFICER ORDER NO. 20-19

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA REQUIRING COVID-19 TESTING OF BOTH SYMPTOMATIC AND ASYMPTOMATIC RESIDENTS AND STAFF IN LONG TERM CARE FACILITIES (LTCFs)

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. 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.
2. 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, the residents and staff who live and work in LTCFs and congregate living environments are at extreme risk.

3. This Health Order issues a Standing Order to expand COVID-19 testing accessibility within the County of Alameda in response to the state of emergency regarding the outbreak of a novel coronavirus known as COVID-19, and in order to maintain the health and safety of the people of California and limit the further spread of infection.
4. LTCFs in Alameda County face the risk of a widespread COVID-19 outbreak when they encounter outbreak response driven testing delays such as the need to obtain orders from each of their individual resident's primary care physicians before testing can proceed. This Health Order eliminates that time-consuming testing delay and allows Alameda County LTCFs to proceed with COVID-19 testing under this standing order for COVID-19 testing.
5. This Health Order instructs clinical laboratories to accept assignments for COVID-19 diagnostic tests from LTCF's in Alameda County. All individuals residing and working in Alameda County LTCFs are covered by this standing order for COVID-19 diagnostic tests, as they are at sufficient risk due to their medical fragility and congregate living arrangement.
6. 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).
7. The LTCF Administrator/Owner or designee will be responsible for obtaining consent from everyone who is being tested or their attorney-in-fact or guardian. The results of such tests shall constitute Protected Health Information and the LTCF Administrator/Owner or designee shall be responsible for notifying the tested individuals (residents, responsible parties, public guardians, and staff) of their test results within 24 hours. In addition, the LTCF Administrator/Owner or designee will notify the Alameda County Public Health Department and the California Department of Public Health regarding all individual positive test results and comply with all applicable laws and regulations related to reporting COVID-19 test results. See appendix A.
8. This Standing Order is issued pursuant to the following authorities: California Health and Safety Code sections 101040 and 120175; and the Alameda County Proclamation of Local Public Health Emergency for Novel Coronavirus Epidemic COVID-19. This order remains in effect until rescinded or modified.
9. 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.



10. 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.

11. 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. J. Moss", is written over a light gray rectangular background.

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

Dated: November 23, 2020

Appendix A:

Instructions and requirements for LTCF Administrator/Owner or designee pertaining to notifying the tested individuals (residents, responsible parties, public guardians, and staff) of their test results within 24 hours