

**HEALTH OFFICER ORDER No. 2020-9
COUNTY OF SANTA BARBARA**

HOSPITALS & LICENSED RESIDENTIAL FACILITIES

EFFECTIVE: APRIL 21, 2020 5:00PM PDT

**Health Officer Order No. 2020-9 Supersedes and Replaces Health
Officer Order No. 2020-2**

Please read this Order carefully. Violation of or failure to comply with this Order may constitute a misdemeanor punishable by fine of up to \$1,000, imprisonment, or both. (Health and Safety Code §§ 101029, 120295 et seq.) Violators are also subject to civil enforcement actions including fines or civil penalties per violation per day, injunctive relief, and attorneys' fees and costs.

WHEREAS, on March 4, 2020, Governor Newsom declared a state of emergency for conditions caused by a novel coronavirus, COVID-19, and on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic, and on March 12, 2020, the County of Santa Barbara declared a local emergency and a local health emergency in relation COVID-19 in the community; and

WHEREAS, in the County of Santa Barbara as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to the lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to “flatten the curve” of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure; and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations for the federal critical infrastructure sectors, which was updated on March 28, 2020; and

WHEREAS, the County Health Officer finds that COVID-19 places residents at licensed residential facilities and individuals in hospitals at high risk, especially given that visitors to such facilities may have the virus but may not have symptoms or may have mild symptoms. Such visitors can easily pass the virus on to vulnerable residents. Because of this risk, and the need to protect these most vulnerable members of the community, this Order restricts Visitors and Non-Essential Personnel from those facilities.

WHEREAS, the intent of this Order is to restrict Visitors and Non-Essential Personnel from hospitals and types of licensed residential facilities listed in Section 7 and to slow the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, Title 17 California Code of Regulations Section 2501, THE HEALTH OFFICER OF THE COUNTY OF SANTA BARBARA ORDERS:

1. This Order is effective 5:00 p.m. (PDT) April 21, 2020 and continuing until 5:00 p.m. (PDT), on May 31, 2020 or until it is extended, rescinded, superseded, or amended in writing by the County of Santa Barbara Health Officer ("Health Officer"). This Order applies in the incorporated and unincorporated areas of Santa Barbara County ("County").
2. Effective as of the date of this Order, the staff of each hospital, and types of licensed residential facilities listed in Section 7 below (each defined as a "Residential Facility") shall exclude from entry or access to its Premises any Visitors and Non-Essential Personnel including, but not limited to, visitors of residents at the Hospital or Residential Facility. Such Visitors and Non-Essential Personnel, including but not limited to family members of residents and authorized decision-makers, are hereby ordered not to visit any Hospital or Residential Facility except as permitted by this Order. This visitation restriction has limited exceptions described below.
3. Each Hospital or Residential Facility must discourage Non-Essential Resident Movement, as defined in Section 6 below, onto and off of Hospital or Residential Facility Premises where feasible.
4. This Order restricts physical contact between Hospital or Residential Facility residents and Visitors and Non-Essential Personnel. When Visitors and Non-

Essential Personnel seek to visit or contact a resident, there are two ways a Hospital or Residential Facility may facilitate contact:

- i. First, each Hospital or Residential Facility must make reasonable efforts to facilitate such contact by other means (such as telephone or videoconference) that do not expose the resident to in-person contact.
- ii. Second, each Hospital or Residential Facility may authorize Necessary Visitation on a case-by-case basis using the following protocol. Necessary Visitation means a visit or contact that is based on urgent health, legal, or other issues that cannot wait until later. If the needs and context of a particular request for Necessary Visitation justifies a temporary exception to this Order, the Hospital or Residential Facility Administrator may arrange for Necessary Visitation by one visitor of a Hospital or Residential Facility resident. Whether the needs and context justify a temporary exception is left to the determination of the Hospital or Residential Facility Administrator, who must make the decision based on this Order and the COVID-19 Guidance issued by federal, state, or the County of Santa Barbara (referred to as "COVID-19 Guidance"). For example, one designated visitor could be allowed for women in active labor, a pediatric patient, or patients near the end of life. Also, any Necessary Visitation permitted under this Section must be done subject to requirements of the COVID-19 Guidance and as otherwise deemed appropriate by the Hospital or Residential Facility. For example, Necessary Visitation must include appropriate steps to protect residents from exposure to the COVID-19 virus, such as hand washing, masking, maintaining at least six feet distance from other people. Visitors permitted under this paragraph are hereby ordered to comply with all conditions of visitation imposed COVID-19 Guidance and by the Hospital or Residential Facility at the time of entry or access to the Premises.

5. This Order does not restrict:

- i. First responder access to Hospital or Residential Facility Premises during an emergency. Further, this Order does not restrict state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties on Hospital or Residential Facility Premises. Persons other than first responders permitted access under this paragraph must comply with all conditions of visitation imposed by the Hospital or Residential Facility at the time of entry or access to the Hospital or Residential Facility Premises when feasible.
- ii. One guardian that is asymptomatic for COVID-19 from staying with a pediatric patient at all times while that patient is in the Hospital or Residential Facility.

6. For the purposes of this Order, the following terms have the meanings given below:
 - i. "Necessary Visitation" means a visit or contact that is based on urgent health, legal, or other issues that cannot wait until later.
 - ii. "Non-Essential Resident Movement" means travel off or onto Hospital or Residential Facility Premises by a resident other than for specific treatment or pressing legal purposes as described more fully in the COVID-19 Guidance.
 - iii. "Premises" includes without limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of each Hospital or Residential Facility type listed in Section 7 below.
 - iv. "Residential Facility" are those licensed facility types listed in Section 7 below.
 - v. "Visitors and Non-Essential Personnel" are employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Hospital or Residential 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 all conditions of visitation imposed by the Hospital or Residential Facility and should also try to avoid non-essential visits.

7. This Order applies to each facility licensed type listed below:
 - i. Hospitals including General Acute Care and Psychiatric Health Facilities
 - ii. Skilled Nursing Facilities
 - iii. Intermediate Care Facilities of all license types
 - iv. Residential Care Facilities for the Elderly "RCFE" of all license types
 - v. Adult Residential Care Facilities (ARF)

For each hospital or residential facility listed above the resident or the resident's authorized lawful representative may contact a representative of the facility to seek clarification of any part of this Order by contacting the administrator of the hospital or residential facility.

If a resident or the resident's authorized lawful representative objects to the appropriateness of the limitation of access contained in this Order, the resident or lawful authorized representative must first raise their concern with the facility at issue. The hospital or residential facility is ordered to respond to the concern within 2 business days.

If after receiving a response from the hospital or residential facility the objection is not resolved, the resident or lawful authorized representative may submit a written objection for consideration to the public health department through the following method: subject: objection to Health Officer Order No. 2020-9 phdadmin@sbcphd.org. Please provide a description of the basis of the objection, including any facts or context that are relevant. The department of public health will try to respond promptly. The local health emergency may not permit a prompt response. If a response is not received within 3 business days of receipt of the objection, the objection will be considered not granted.

If any Visitor or Non-Essential Person refuses to comply with this Order, then the Hospital or Residential Facility may contact local law enforcement to request assistance in enforcing this Order. The Hospital or Residential Facility shall take whatever steps are possible within the bounds of the law to protect residents from any such visitor or person who refuses to comply with this Order. For example, a Hospital or Residential Facility should contact facility security and ask the unauthorized visitor or person to comply with conditions of visitation imposed by the Hospital or Residential Facility and this Order. Even if a Visitor or Non-Essential Person otherwise complies with the facility's visitation protocols, they may still be violation of this Order if their presence is not a Necessary Visitation.

This Order is issued as a result of the worldwide pandemic of COVID-19 which has infected at least 2,473,556 individuals worldwide, in 210 countries and territories, including 416 cases, and four fatalities in the County, and is implicated in over 170,185 worldwide deaths.

This Order is issued based on evidence of increasing transmission of COVID-19 both within the County and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

This Order is issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time.

This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially.

This Order is issued in accordance with, and incorporates by reference: the March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 12, 2020 Declaration of Local Health Emergency and Proclamation of Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in the County; the March 17, 2020 Resolution of the Board of Supervisors ratifying the County Declaration of Local Health Emergency and Proclamation of Emergency regarding COVID-19; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the March 13, 2020 Presidential Declaration of a National Emergency due to the national impacts of COVID-19; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 Order of the State Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; and Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; the March 22, 2020, Presidential Declaration of a Major Disaster in California beginning on January 20, 2020 under Federal Emergency Management Agency (FEMA) Incident 4482-DR-CA.

This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101040 and 120175; Health and Safety Code sections 101030 et seq., 120100 et seq.; and Title 17 of the California Code of Regulations section 2501.

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, 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.

The violation of any provision of this Order constitutes a threat to public health. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code sections 101029 and 120295, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order.

Copies of this Order shall promptly be: (1) made available at the County Public Health Department; (2) posted on the County Public Health Department's website (publichealthsb.org); and (3) provided to any member of the public requesting a copy of this Order.

While this Order is in effect, the Hospital and Residential Facility must provide copies of the Order in all of the following ways: (1) post this Order on the its website (if any); (2) post this Order at all entrances to the Hospital or Residential Facility; (3) provide this Order to each resident; (4) provide this Order to any authorized decision maker for each resident if not the resident, including any conservator; (5) provide this Order to the Hospital or Residential Facility Ombudsperson (if any); and (6) offer it to anyone who visits or who contacts the Hospital or Residential Facility seeking to visit.

Each Hospital and Residential Facility must within 12 hours of receipt of this Order notify its respective licensing entity (whether the California Department of Public Health or otherwise) of the existence of this Order regarding the Hospital or Residential Facility.

This Order 2020-9 supersedes and replaces Order 2020-2 previously issued by the County of Santa Barbara Health Officer on March 19, 2020.

IT IS SO ORDERED:



Henning Anşorg, M.D.
Health Officer
Santa Barbara County Public Health Department