



County of Santa Cruz

HEALTH SERVICES AGENCY

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Public Health Division

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ DIRECTING RESIDENTIAL HEALTHCARE FACILITIES TO RESTRICT ACCESS BY ALL NON-ESSENTIAL PERSONS.

DATE OF ORDER: MARCH 26, 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.*)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175 ET SEQ., THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ (“HEALTH OFFICER”) ORDERS:

1. As of the effective date of this order, all Residential Healthcare Facilities, as defined in paragraph 2 below, shall exclude from entry or access to its premises any non-essential persons including, but not limited to, visitors of residents at any Residential Healthcare Facility. Sections 2 and 5 below have exceptions to this prohibition.
2. For the purposes of this order, a Residential Healthcare Facility (or “Facility”) is:
 - a. Any Skilled Nursing Facility, Intermediate Care Facility, Residential Care Facility, Residential Care Facility for the Elderly or Continuing Care Retirement Community licensed or certified by the State of California;
 - b. Any congregate living health facility that operates 24 hours a day, 7 days a week, including congregate living homes for the developmentally disabled, residential psychiatric treatment facilities, sober living environments, substance use disorder treatment centers, residential hospice care, residential healthcare rehabilitation facilities, residential treatment facilities or other group homes that provide residents with some degree of medical, therapeutic, psychological support (including for substance use disorder) or services in support of the activities of daily living, (e.g., eating, bathing, dressing and other basic self-care).
 - c. Facilities that are not considered Residential Healthcare Facilities or that are otherwise exempt from this Order include: hospitals, surgery centers, birthing centers, nonresidential day programs, and any other nonresidential facility.
3. For the purposes of this order, “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 or other primary mission of the Facility. For the purposes of this order, “premises” includes without

limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces of the Residential Care Facility.

4. The Facility shall make reasonable efforts to facilitate non-physical contact between residents by other means, where such efforts will not otherwise interfere with the healthcare or other primary mission of the Facility.
5. It is the intention of the Health Officer to permit residents to receive visitors when they are at the end of their life. Therefore, in limited circumstances, the Facility may authorize visitation by non-essential visitors when a Facility resident is at the end of their life. The determination as to whether any particular situation fits within this exception may be made by (a) any person designated in the license as an Administrator or Medical Director of the Facility where the individual is a resident; (b) the highest-ranking staff person employed by the Facility or their designee; or (c) any licensed physician. This exception is intended to apply to visitors such as family members, close friends, those providing services or support of a religious nature, legal representatives and fiduciaries. The Facility must continue to comply with COVID-19 risk mitigation measures established in these limited circumstances, including limiting, as much as possible, contact with any other resident of the Residential Health Care Facility.
6. The Facility shall also discourage and limit non-essential resident movement onto and off of Facility premises where feasible. In all situations, the Facility shall make every effort to comply with the “Shelter in Place” Order issued by the Health Officer on March 16, 2020 and referenced by its full title in paragraph 7 below.
7. This order is being issued on the basis of scientific evidence and best practices as currently available to prevent the spread of the COVID-19 virus to the residents at the Facility and to prevent any cases of COVID-19 from occurring at the Facility to protect those residents from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, physical condition, and health of a significant majority of residents of these Residential Healthcare Facilities places those residents at high risk of experiencing serious health complications from COVID-19 infection, including death. 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 Declaration of a 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 Santa Cruz Ratifying the Declaration of a Local Emergency, the March 10, 2020 Resolution of the Board of Supervisors of the County of Santa Cruz Proclaiming a Local Emergency, and the March 16, 2020 Order of the Health Officer of the County of Santa Cruz Directing all Individuals Living in the County to Shelter at Their Place of Residence Except that They May Leave to Provide or Receive Certain Essential Services or Engage in Certain Essential Activities and Work for Essential Businesses and Government Services; Exempting Individuals Experiencing Homelessness from the Shelter In Place Order but Urging Them to Find Shelter and Government Agencies to Provide It; Directing All Businesses and Governmental Agencies to Cease Non-Essential

Operations at Physical Locations in the County; Prohibiting All Non-Essential Gatherings of Any Number of Individuals; and Ordering Cessation of All Non-Essential Travel (the latter being known as the “Shelter in Place Order”).

8. This order is not intended to restrict any first responder access to Facility premises. Further, this order is not intended to restrict local, state or federal officers, investigators, law enforcement or medical personnel from carrying out their lawful duties on the premises of a Facility.
9. This Order shall become effective on 12:01 a.m. on March 26, 2020 and will continue to be in effect until it is rescinded, superseded, or amended by the Health Officer in writing.
10. If any subsection, sentence, clause, phrase or word of this Order or any application of it to any person, Facility, structure 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 provisions or applications of this Order.
11. Copies of this Order shall promptly be posted and provided by the Residential Healthcare Facility as follows for the duration of this Order: (1) posted at all public entrances to the Facility; (2) provided to each resident; (3) provided to any authorized decision maker if not the resident; (4) provided to the designated Long-Term Care Ombudsperson for the County; and (5) offered to anyone who visits the Facility seeking to visit.

IT IS SO ORDERED:



Gail Newel, MD
Health Officer of the County of Santa Cruz

Dated: March 25, 2020

APPROVED AS TO FORM:



Office of the County Counsel