

**HEALTH OFFICER ORDER NO. 1
COUNTY OF SAN LUIS OBISPO**

**RESTRICTION ON VISITORS TO HOSPITALS AND CERTAIN LICENSED
RESIDENTIAL FACILITIES**

PLEASE READ THIS ORDER CAREFULLY. VIOLATION OF OR FAILURE TO COMPLY WITH THIS ORDER IS A MISDEMEANOR PUNISHABLE BY FINE, IMPRISONMENT, OR BOTH. (HEALTH & SAF. CODE § 120295.)

On March 4, 2020, the Governor of the State of California proclaimed a state of emergency due to the spread of the COVID-19 novel coronavirus within the state. Thereafter, on March 13, 2020, the President issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, and the County Emergency Services Director and County Health Officer issued a proclamation of local emergency and a local health emergency, respectively, both in response to the COVID-19 pandemic that has reached our community.

Visitors to hospitals and licensed residential facilities present a risk of spread of COVID-19 to the most vulnerable members of our community within those facilities. In light of this risk, the San Luis Obispo County Health Officer has determined that it is in the best interests of the health and welfare of patients within community hospitals and residents within local residential care facilities to restrict visitors and non-essential personnel (as defined in Section 7, below) from these facilities in order to prevent the spread of COVID-19 within the facilities.

ACCORDINGLY, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER FOR THE COUNTY OF SAN LUIS OBISPO (THE "HEALTH OFFICER") ORDERS:

1. Effective as of the date of this Order, the staff of each hospital and the staff of the types of licensed residential facilities listed in Section 11 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 a limited exception described in Section 6 below.

2. 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. Whenever a Hospital or Residential Facility resident leaves the Hospital or Residential Facility Premises, the resident is ordered to comply with the San Luis Obispo County Local Emergency Order No. 4 issued on March 19, 2020, requiring that all individuals within the county shelter are home or their places of residence, which order was ratified by the County Health Officer on March 21, 2020. The Public Health Department Orders are available online at www.ReadySLO.org.
3. This Order is issued in accordance with, and incorporates by reference, the Declaration of Local Health Emergency issued by the County Health Officer on March 13, 2020.
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:
 - a. *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 residents to in-person contact.
 - b. *Second*, each Hospital or Residential Facility may authorize Necessary Visitation on a case-by-case basis using the following protocol:
 - (1) "Necessary Visitation" has the meaning ascribed to it in Section 11 below. 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 federal and state COVID-19 Guidance information, which may be found at <https://www.cdc.gov/coronavirus/2019-ncov/infection-control/control-recommendations.html>.

- For example, one designated visitor could be allowed for women in active labor, a pediatric patient, or patients near the end of life.
- (2) 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 of distance from other people, and a short duration of visit.
- (3) 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. 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 as outlined in this paragraph, they are still in violation of this Order if their presence is not a Necessary Visitation.
6. This Order does not restrict first responder access to Hospital or Residential Facility Premises during an emergency. Further, this Order does not restrict federal, state or county officers, investigators, or medical or law enforcement personnel, including the County Public Guardian and social workers who are legally responsible for a resident's medical care, 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.

7. For the purposes of this Order, the following terms have the meanings given below:
- a. *"Necessary Visitation"* means a visit or contact that is based on urgent health, legal, or other issues that cannot wait until later.
 - b. *"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.
 - c. *"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 11 below.
 - d. *"Residential Facility"* are those licensed facility types listed in Section 11 below.
 - e. *"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.
8. This Order applies to the incorporated and unincorporated areas of the County of San Luis Obispo and shall be effective immediately until further notice.
9. 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 at all entrances to the Hospital or Residential Facility; (2) provide this Order to each resident; (3) provide this Order to any authorized decision maker for each resident if not the resident, including any conservator; (4) provide this Order to the Hospital or Residential Facility Ombudsperson (if any); and (5) offer it to anyone who visits or who contacts the Hospital or Residential Facility seeking to visit.

10. Each Hospital and Residential Facility must within 12 hours of receipt of this Order notify its respective licensing entity (whether state or local licensing agencies) of the existence of this Order regarding the Hospital or Residential Facility.

11. This Order applies to each facility licensed type listed below within the County:

- Hospitals including General Acute Care and Psychiatric Health Facilities
- Skilled Nursing Facilities
- Intermediate Care Facilities of all license types
- Residential Care Facilities for the Elderly (RCFE) of all license types
- Adult Residential Care Facilities (ARF) of all license types
- Short-term Residential Therapeutic Programs (refers to youth program)
- Assisted Care Living Programs with case management services
- Independent Housing with case management services

12. 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.

- a. 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 four (4) business days.
- b. 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 San Luis Obispo County Public Health Department, which objection shall be in the following form:

Subject: Objection to Health Officer Order

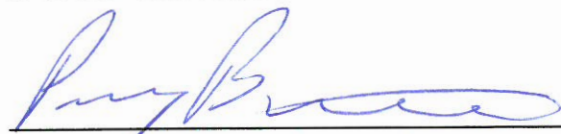
Email address: COVID-Compliance@co.slo.ca.us

Description of objection: [Describe the basis of the objection, including any facts or context that are relevant].

The San Luis Obispo County Department of Public Health will make every effort to respond promptly; however, the existing local health emergency caused by the COVID-19 pandemic may not permit a prompt response. If a response is not received within four (4) business days of receipt of the objection, the objection shall be deemed denied.

13. This Order is made in accordance with all applicable state and federal laws, including but not limited to Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
14. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
15. Copies of this Order shall promptly be: (1) made available at the Health Agency, Division of Public Health located at 2191 Johnson Ave, San Luis Obispo, CA 93401; (2) posted on the Healthy Agency, Division of Public Health website (<https://www.slocounty.ca.gov/Departments/Health-Agency/Public-Health/Department-News/COVID-19-Updates.aspx>); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED



Penny Borenstein, MD, MPH
Health Officer
County of San Luis Obispo Health Agency

3/26/2020

Date