

**County of Santa Clara
Public Health Department**

Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.3798



**ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF SANTA CLARA REQUIRING CERTAIN
HEALTHCARE FACILITIES WITHIN THE COUNTY TO OFFER COVID-19
DIAGNOSTIC TESTING TO SYMPTOMATIC PERSONS, PERSONS WHO
HAVE HAD CONTACT WITH CONFIRMED COVID-19 CASES, AND
PERSONS WHO ARE AT HIGHER RISK OF EXPOSURE**

DATE OF ORDER: June 10, 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.*; California Penal Code §§ 69, 148(a)(1); Santa Clara County Ordinance Code § A1-28.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175 AND SANTA CLARA COUNTY ORDINANCE CODE SECTIONS A18-28 TO A18-32, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

1. The intent of this Order is to ensure access to Diagnostic Testing, as defined in Section 7 below, in order to effectively prevent and control COVID-19 in our community. Expansion of Diagnostic Testing is essential because it helps identify individuals who are infectious with the virus that causes COVID-19 (SARS-CoV-2), ensure those individuals receive appropriate care, protect vulnerable populations, contain spread of COVID-19, better understand the spread of the disease in the County of Santa Clara (“County”), and ultimately prevent serious illness and death. Unlike early in the pandemic, laboratory testing capacity has now increased significantly, as has the supply of collection material such as swabs. The State of California’s Testing Task Force is working with healthcare providers to address any testing supply shortages that arise. As of the effective date and time of this Order set forth in Section 11 below, Healthcare Facilities, as defined in Section 7, are required to follow the provisions of this Order.
2. All Healthcare Facilities in the County must provide Diagnostic Testing to the following categories of patients of the Healthcare Facility who seek testing or other care, whether in-person or by phone or electronic message:
 - a. All Symptomatic Persons, as defined in Section 7, regardless of age, hospitalization status, comorbidities, or other risk factors for COVID-19;

- b. All persons, with or without COVID-19 Symptoms, as defined in Section 7, who report that they have been exposed to a confirmed case of COVID-19; and
 - c. All persons, with or without COVID-19 Symptoms, who are at increased risk of exposure to COVID-19 by virtue of (1) working in High-Risk Settings, as defined in Section 7; (2) frequently or routinely traveling by mass transit; or (3) attending a mass gathering of 100 or more individuals in the 14 days prior to presenting for testing.
3. Patients in categories (a) and (b) in Section 2 must be provided testing at the time they present for care in a Healthcare Facility. Patients in categories (a) and (b) who request testing via phone or electronic message, as well as all patients in category (c), may be referred for Diagnostic Testing to a specified clinic or testing center operated by the Healthcare Facility.
4. Where applicable, Healthcare Facilities should seek payment from patients' group health plans or health insurance issuers for any fees, costs, or charges incurred in ordering or completing Diagnostic Testing under this Order. Healthcare Facilities shall comply with all state and/or federal laws prohibiting patients from being billed for fees, costs, or charges related to Diagnostic Testing.
5. Nothing in this Order prohibits a Healthcare Facility from also offering COVID-19 testing to other categories of persons at its own discretion. Healthcare Facilities are strongly urged to expand COVID-19 testing to the greatest extent possible, and to implement the recommendations and guidance from the Health Officer regarding broader testing of individuals for COVID-19.
6. Healthcare Facilities in the County must, as applicable, continue to comply with the reporting requirements regarding testing results set forth in the March 24, 2020 Health Officer Order or any subsequent Health Officer order, as well as any additional reporting required or requested by the Health Officer.
7. Definitions.

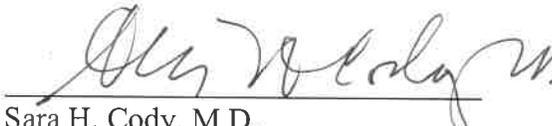
For the purposes of this Order, the following terms will have the meaning given below:

- a. "Diagnostic Testing" means the use of PCR diagnostic testing related to SARS-CoV-2, the virus that causes COVID-19, or novel coronavirus infection.
- b. "Healthcare Facility" means (1) any clinic or urgent care facility located in the County that is owned, directly or indirectly, by an entity that also owns or operates an acute care hospital, regardless of where that acute care hospital is located; and (2) any acute care hospital located in the County.

- c. “COVID-19 Symptom” means a symptom consistent with COVID-19, including, but not limited to, cough, shortness of breath, difficulty breathing, fever (measured or subjective), chills, rigors, myalgia, headache, sore throat, or loss of smell or taste.
 - d. “Symptomatic Person” means any individual, regardless of age, who has any COVID-19 Symptom.
 - e. “High-Risk Setting” means a setting in which workers are at a high risk for exposure to SARS-CoV-2 due to frequent face-to-face interaction with members of the public and inability to maintain physical distancing at work, including, but not limited to, first responders, pharmacy employees, food service workers, delivery workers, public transportation operators, and grocery store clerks. The designation of “High-Risk Setting” may be further elaborated by guidance to healthcare providers issued by the Health Officer.
8. This Order is issued based on the need for increased testing to detect COVID-19 within the County. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Adequate Diagnostic Testing is essential to detect both symptomatic and asymptomatic transmission of the virus, ensure persons with COVID-19 receive appropriate care, be able to identify cases and isolate them, identify contacts of cases and quarantine them, and thereby slow virus transmission as much as possible in order to protect the most vulnerable, to prevent infections and serious illness and death, and to prevent the healthcare system from being overwhelmed. Diagnostic Testing is also an essential tool in the County’s mitigation efforts in order to understand the prevalence and spread of the disease in the County.
9. This Order also is issued in light of the existence of 3,032 reported cases of COVID-19 in the County, including 146 deaths, as of 5:00 pm on June 9, 2020, including a significant number of suspected cases of community transmission, a significant number of undetected cases, recent mass gatherings, and likely further ongoing transmission.
10. 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 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 3, 2020 Declaration of a Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the February 3, 2020 Proclamation of a Local Emergency issued by the County Director of Emergency Services, the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Declaration of a Local Health Emergency, the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Proclamation of a Local Emergency, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

11. This Order shall become effective at 12:01 am on June 15, 2020 and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
12. Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department website (www.sccphd.org); and (3) provided to any member of the public requesting a copy of this Order.
13. If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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:



Sara H. Cody, M.D.
Health Officer of the County of Santa Clara

Dated: 6/10/2020

Approved as to form and legality:



James R. Williams
County Counsel

Dated: 6/10/2020