



ORDER OF THE HEALTH OFFICER No. C19-03c

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO DIRECTING
RESIDENTIAL FACILITIES TO LIMIT VISITORS AND OTHER NON-
ESSENTIAL PERSONS CONSISTENT WITH CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH REGULATIONS AND TO
FOLLOW BEST PRACTICES REGARDING COVID-19, INCLUDING
SCREENING OF VISITORS AND OTHER PROTECTIONS FOR
RESIDENTS, VISITORS, AND PERSONNEL**

(PUBLIC HEALTH EMERGENCY ORDER)

DATE OF ORDER: March 10, 2021

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 § 120275, 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1); San Francisco Administrative Code §7.17(b))

Summary: On March 7, 2020, the City’s Health Officer issued Order No. C19-01, limiting visitors and non-essential personnel from Laguna Honda Hospital, one of the largest skilled nursing facilities in the country. On March 10, 2020, the first version of this Order, C19-03, was issued to extend similar restrictions and other safety measures to other skilled nursing and residential facilities in the City.

This Order expands visitation at the listed Residential Facilities, accomplishing the purpose of strengthening our community social distancing response, protecting medical resources and healthcare providers, and supporting the well-being of residents by allowing for indoor, in-person visits when they can be done safely. The Order gives such facilities flexibility to allow indoor visits, but continues to strongly encourage other types of visitation, including outdoor visits (where resident and visitor are outside), vehicle-based visits (where the visitors remain in a vehicle), and facility window visits (where the resident remains in the building behind a window or door with a window). This Order requires Residential Facilities to comply with the California Department of Public Health (“CDPH”) All-Facilities Letter No. AFL 20-22.6 and related CDPH guidance, including as that AFL and other guidance are amended or revised in the future, in relation to visitation practices, as well as other protections listed in this Order and other orders of the Health Officer, including mandatory screening of visitors on the day of the visit, mandatory physical distancing, wearing a face covering as required by Health Officer Order No. C19-12d (or future updates to that order), and other protections. Residential Facilities are given leeway to determine how to safely offer such visits and what kinds of visits they wish to offer, although they must contact CDPH if they are unable to allow for some version of visitation.



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This Order becomes effective immediately upon issuance, revises and replaces the prior version (Order No. C19-03b) as of that time and date, and will remain in effect until extended, rescinded, superseded, or amended in writing by the Health Officer. Indoor visitation and other kinds of visitation not previously allowed under Order No. C19-03b are allowed once a Residential Facility complies with this Order’s requirements that it implement practices consistent with AFL 20-22.6 and other CDPH visitation guidance.

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**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO (THE “HEALTH OFFICER”) ORDERS:**

1. Intent. The intent of this Order is to ensure that residents, staff, and Visitors at each long-term care residential facility listed in Section 15 below (each a “Residential Facility”) are protected from the spread of COVID-19 to the greatest extent possible given how vulnerable most residents at Residential Facilities in the City are to the disease and how easy it is to transmit the SARS-CoV-2, the virus that causes COVID-19, especially from asymptomatic and pre-symptomatic people. This Order has been updated to allow broader visitation in compliance with CDPH regulations and regulatory guidance and in recognition that an increasing number of facility residents are fully vaccinated while also recognizing that unvaccinated residents at facilities and other vulnerable people in the community remain at risk. Other capitalized terms in this Order are defined throughout this Order.
2. General Requirements. While this Order is in effect, each Residential Facility and the staff of each such Residential Facility must comply with the visitation and COVID-19 related protocols listed by this Order as well as all other requirements of this Order. Visitors allowed under this Order must comply with all conditions of visitation imposed by this Order and by the Residential Facility at the time of entry or access to the Premises.
3. Visitation Restrictions and Requirements. Each Residential Facility and its staff must exclude from entry or access to its Premises any Visitors and Non-Essential Personnel including, but not limited to, visitors of residents at the Residential Facility except as allowed by this Order. Such Visitors and Non-Essential Personnel, including but not limited to authorized decision-makers and family members of residents, are ordered not to visit any Residential Facility except as allowed by this Order.
4. Allowed Visitation. The term “Allowed Visitation” means an in-person visit or contact that occurs between a resident and a Visitor under this Section 4. This Order requires each Residential Facility to follow all visitation-related guidance issued by CDPH, including but not limited to CDPH’s All-Facilities Letter No. AFL 20-22.6 (issued March 8, 2021) and related guidance, including as that AFL and related guidance are updated in the future. CDPH’s AFL 20-22.6, and any update to that guidance, is incorporated into this Order by this reference. Note that AFL 20-22.6 addresses the concept of necessary visitation, such as end-of-life/compassionate care visits and legally-necessary visits, as well as more routine visitation. Non-Essential Personnel should generally be excluded from visitation whenever possible except as allowed by CDPH guidelines (including but not limited to AFL 20-22.6 and any future versions of that guidance).

The Residential Facility must have and implement policies and/or protocols consistent with AFL 20-22.6 in order to expand visitation, and once the Residential Facility does so, the Residential Facility may immediately expand Allowed Visitation consistent with AFL



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20-22.6. Until then, the Residential Facility must continue to comply with the Allowed Visitation requirements of the prior version of this Order, Health Officer Order No. C19-03b (issued September 4, 2020). Visitation may only occur as allowed by this Section.

The Residential Facility should address all requirements of CDPH AFL 20-22.6 (or future versions of that guidance) and should, at a minimum, address issues including: COVID-19 screening of Visitors; use of Face Coverings by Visitors; alternatives to indoor visits (such as facility window visits, vehicle visits, outdoor visits, and telephone/video visits); COVID-19 infection prevention protocols for all types of visits; visitation during any COVID-19 outbreak at the Residential Facility; privacy protections for residents during visits; non-adherence by Visitors to visitation rules; indoor communal spaces versus in-room visitation; and required visitation. In order to assist with this process, the Residential Facility is referred to guidance issued by the San Francisco Department of Public Health regarding congregate living facility visitation available online at www.sfchcp.org/residentialcareproviders. This online guidance, which is updated from time to time, includes a checklist to help the Residential Facility address the key requirements of AFL 20-22.6.

5. COVID-19 Outbreak Restrictions and Other Limitations. Due to the rapidly-evolving nature of the pandemic, including as conditions may change in the future, each Residential Facility must immediately comply with any requirements or restrictions communicated by the Health Officer or the Health Officer's designee, including in relation to any COVID-19 outbreak at the Residential Facility. In the event of an COVID-19 outbreak among residents or staff, the Residential Facility must immediately contact the Department of Public Health Outbreak Management Group ("OMG") by phone by calling 415-554-2830, selecting Option 1, and then following the prompts for Senior Care Facilities.

Any Residential Facility that has questions about what constitutes an outbreak or other questions about this section may contact OMG.

6. Visitor Screening Procedures. Each Residential Facility must use the following screening procedures for all Visitors. The Residential Facility must screen each Visitor on the day of the visit before the visit in a manner consistent with current CDPH and DPH guidance (which takes into account guidance from CDPH and the United States Centers for Disease Control and Prevention ("CDC")) regarding screening. At a minimum, the screening must address current or recent: actual or suspected COVID-19 diagnosis; actual or suspected SARS-CoV-2 infection; actual or suspected close contact with someone with the virus; and COVID-19 Symptoms (listed below in Section 14.d) consistent with SARS-CoV-2 infection, taking into account the age of the person being screened given different criteria for people under 18 years old. If a Visitor answers affirmatively to any screening question, they should, if appropriate, be referred for testing and directed to the DPH website with information about Health Officer directives on isolation and quarantine and explanatory material in multiple languages, available online



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at www.sfdcp.org/i&q. Screening may be done by phone, verbally in person ensuring at least six feet of physical distance, or using other methods such as text or email. It is up to the Residential Facility, at the discretion of the Administrator or designee, to decide which method(s) for screening work best for the context. A Residential Facility may use temperature checks consistent with DPH guidelines.

7. Other COVID-19 Related Protocols. The following sections list additional COVID-19 related protocols aimed at protecting residents, staff, and Visitors.
8. Face Coverings. In general, all residents, staff, and Visitors must comply with Order No. C19-12d of the Health Officer, issued on December 22, 2020 (the “Face Covering Order”), including as that order is revised in the future. Residents, staff, and Visitors must also comply with any other requirements of the Residential Facility regarding wearing a mask or Face Covering or other Personal Protective Equipment (“PPE”). In addition to the exceptions to wearing a Face Covering listed in the Face Covering Order, a Face Covering is not required for any resident who, on account of dementia, grave mental illness, fear of/concern for suffocation, inability to remove a Face Covering, inability to call for help, physician order, or other circumstance should not wear a Face Covering. The Residential Facility must provide a Face Covering or other mask to any resident or Visitor on request. The Face Covering Order and this Order allow Residential Facilities to require and provide coverings that offer added protection such as an isolation mask or PPE, as appropriate in the circumstances.
9. Written COVID-19 Policies and/or Protocols. Each Residential Facility should maintain written policies and/or protocols that address visitation, infection control, screening, vaccination, and other relevant rules and guidelines regarding COVID-19, including but not limited to those required by CDPH and other DPH and San Francisco Health Officer orders, directives, and guidelines. This includes compliance with the Stay-Safer-at-Home ordered by the Health Officer (Health Officer Order No. C19-07t, including as that order is revised in the future, available online at www.sfdph.org/healthorders). This Order does not require a Residential Facility to create any new documentation if it already has written policies, protocols, or other written guidance that address COVID-19. Nothing in this Order prohibits a Residential Facility from taking steps more protective against transmission of COVID-19 than guidance provided by the CDC, CDPH, and DPH in its policies and/or protocols.
10. Staff Screening. Each Residential Facility must ensure that any employee or other staff member who is sick or does not pass the required screening must be immediately sent home and not return to work until they can do so safely under CDPH or DPH guidance or when authorized to return by a physician. If a Residential Facility is unable to immediately send home any such employee or staff member, the Residential Facility must (1) prevent that staff member from engaging in any resident care or contact (except in an emergency when the Residential Facility is doing whatever it can to protect residents) and (2) immediately notify its respective licensing entity and seek guidance



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from that entity.

11. Staff and Resident Testing. On May 7, 2020, the Health Officer issued Order No. C19-13 regarding testing and infection control practices at congregate living facilities in the City, including each Residential Facility. Each Residential Facility is required to continue to comply with that order, including as it is revised in the future.
12. Non-Compliance. If any Visitor or Non-Essential Person refuses to comply with this Order, then the Residential Facility may contact the San Francisco Police Department to request assistance in enforcing this Order. The 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 Residential Facility should contact facility security and ask the unauthorized visitor or person to comply with conditions of visitation imposed by the Residential Facility. 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 allowed under this Order.
13. No Restriction on First Responders, Others. This Order does not restrict first responder access to Residential Facility Premises during an emergency. Further, this Order does not restrict local, state, or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties on Residential Facility Premises. Persons other than first responders allowed access under this paragraph must comply with all conditions of visitation imposed by the Residential Facility at the time of entry or access to the Residential Facility Premises when feasible.
14. Definitions: For the purposes of this Order, the following initially capitalized terms have the meanings given below:
 - a. "Visitors" are people who come onsite to a Residential Facility to meet with a resident who are not staff of the facility. This term includes family members, loved ones, and friends of residents, as well as 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 Residential Facility.
 - b. "Non-Essential Personnel" are employees, contractors, volunteers, or others who provide services onsite at a Residential Facility but who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Residential Facility.
 - c. "Premises" includes without limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of each



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Residential Facility listed in Section 15 below.

- d. "COVID-19 Symptom" means a symptom consistent with SARS-CoV-2 infection. A list of current COVID-19 Symptoms can be found online at www.sfgdcp.org/covid19symptoms.

15. List of Residential Facilities. This Order applies to each facility listed below (each a Residential Facility):

Table with 3 columns: Residential Facility Name, Street Address, ZIP. Rows include Lawton Skilled Nursing & Rehabilitation Center, San Francisco Health Care, Central Gardens Post Acute, San Francisco Post Acute, Hayes Convalescent Hospital, Heritage on The Marina, The Avenues Transitional Care Center, Laurel Heights Community Care, Pacific Heights Transitional Care Center, Tunnell Skilled Nursing & Rehabilitation Center, Sequoias San Francisco Convalescent Hospital, Sheffield Convalescent Hospital, St. Anne's Home, Victorian Post Acute, California Pacific Medical Center - Davies Campus Hospital D/P SNF, Jewish Home & Rehab Center D/P SNF, San Francisco Towers, Kentfield San Francisco Hospital, and *Notes.

16. Complaints. A Residential Facility resident or the resident's authorized lawful representative may contact a representative of the Residential Facility to seek



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clarification of any part of this Order by contacting the Administrator of the 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 Residential Facility at issue. The Residential Facility is ordered to respond to the concern within 2 business days.

17. Continuing Severe Health and Safety Risk Posed by COVID-19. This Order is issued based on the need for continued protection of all Residential Facility Visitors, residents, and staff in the City. Due to the COVID-19 pandemic, there is a public health emergency throughout the City. Unvaccinated residents at Residential Facilities are among the most vulnerable and most likely to face serious outcomes, including death, from infection by SARS-CoV-2, and there will continue to be residents who do not agree to vaccination, who are unable to be vaccinated, or whose vaccination will take time to become fully effective after arriving at the facility. There are currently only limited treatments for COVID-19, and although there are now three vaccines approved for emergency use in the United States, there remains a high risk of infection from asymptomatic and pre-symptomatic people who have the virus. Due to the length of time during which people with the virus can unknowingly infect others and emerging variants, it is imperative that all appropriate steps be taken to protect unvaccinated residents and staff. Safely allowing visitors and requiring the other safety protections included in this Order will thereby slow virus transmission as much as possible in order to protect the most vulnerable, prevent infections and serious illness and death, and prevent the healthcare system from being overwhelmed.

18. Cases, Hospitalizations, and Deaths. As of March 7, 2021, there have been at least 34,422 confirmed cases of SARS-CoV-2 infection in the City (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the City went into effect) as well as at least 440 deaths (up from 1 death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/fjki-2fab>.

19. Incorporation of State and Local Emergency Proclamations and State Health Orders.
 - a. State and Local Emergency Proclamations. 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 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and



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may be supplemented.

- b. State Health Orders. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and the State Blueprint for a Safer Economy (the “State Order”), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Order, and the July 13, 2020, August 28, 2020, November 19, 2020, and December 3, 2020 Orders of the State Public Health Officer. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain Businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer. Also on November 16, 2020, the State Department of Public Health issued updated guidance for the use of Face Coverings, requiring all people in the State to wear Face Coverings when outside the home, subject to limited exceptions.
 - c. Federal Executive Orders. This Order is also issued in light of federal orders, including the January 20, 2021 Executive Order on Protecting the Federal Workforce and Requiring Mask-Wearing, which requires all individuals in Federal buildings and on Federal land to wear Face Coverings, maintain physical distance, and adhere to other public health measures.
20. Effective Date. This Order becomes effective immediately upon issuance and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. Also effective upon issuance, this Order revises and replaces Health Officer Order No. C19-03b, issued September 4, 2020.
 21. Reporting Violations. Any person who believes this Order is being violated may contact 3-1-1 or go to www.sf.gov/report-health-order-violation to provide information about the alleged violation.
 22. Copies and Notice. Each Residential Facility must promptly provide notice of this Order as follows: (1) by posting this Order on the Residential Facility website (if any); (2) by posting this Order at all entrances to the Residential Facility; (3) by providing a summary of this Order to each Residential Facility resident, indicating how the resident can obtain a full copy; (4) by providing a summary of this Order to any authorized decision maker for each Residential Facility resident if not the resident, including any conservator, indicating how the decision maker can obtain a full copy; (5) by providing this Order to the Residential Facility Ombudsperson (if any); and (6) by giving a copy, on request, to anyone who contacts the Residential Facility.



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The City must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website at www.sfdph.org/healthorders; (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy.

23. Severability. 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 people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
24. Interpretation. All provisions of this Order must be interpreted to effectuate the intent of this Order as described in Section 1 above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in this Order.

IT IS SO ORDERED:

Susan Philip, MD, MPH,
Acting Health Officer of the
City and County of San Francisco

Dated: March 10, 2021