

**HEALTH OFFICER ORDER NO. 2  
COUNTY OF SAN LUIS OBISPO**

**RESTRICTION ON VISITORS TO SKILLED NURSING 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 26, 2020, in response to the local and state proclamations of emergency and the declaration of a local health emergency resulting from an outbreak of COVID-19 within the County and the State of California, the County Health Officer issued an order restricting visitors to certain licensed residential facilities as defined in that order (Health Officer Order No. 1). Due to the Governor's recent reopening plan for California, and specifically the variance granted by the State following the County's application for such variance, a loosening of the restrictions set forth in Health Officer Order No. 1 is warranted. Therefore, this Order No. 2 supersedes Health Officer Order No. 1, issued on March 26, 2020, which restricted visitors to hospitals and certain licensed residential facilities within the county.

Visitors to skilled nursing 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 skilled nursing 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. This order supersedes Health Officer Order No. 1, issued on March 26, 2020, placing restrictions on visitors to hospitals and residential care facilities, as defined in Section 11 of that order.
2. Effective as of the date of this Order No. 2 (hereafter referred to as "this Order"), the staff of each licensed skilled nursing facility, as defined in California Health and Safety Code section 1250, subdivision (c) (hereafter "Skilled Nursing Facilities"), shall exclude from entry or access to its Premises any Visitors and Non-

Essential Personnel (as these terms are defined below) including, but not limited to, Visitors of patients at the skilled nursing facility. Such Visitors and Non-Essential Personnel, including but not limited to family members of patients and authorized decision-makers, are hereby ordered not to visit any Skilled Nursing Facility except as permitted by this Order. This visitation restriction has limited exceptions described in Section 4 and 6 below.

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 Skilled Nursing Facility patients and Visitors and Non-Essential Personnel. When Visitors and Non-Essential Personnel seek to visit or contact a patient, there are two ways a Skilled Nursing Facility may facilitate contact:
    - a. *First*, each Skilled Nursing Facility must make reasonable efforts to facilitate such contact by other means (such as telephone or videoconference) that do not expose the patients to in-person contact.
    - b. *Second*, each Skilled Nursing 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 7 below. If the needs and context of a particular request for Necessary Visitation justifies a temporary exception to this Order, the Skilled Nursing Facility may arrange for Necessary Visitation by one visitor of a Skilled Nursing Facility patient. Whether the needs and context justify a temporary exception is left to the determination of the Skilled Nursing 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>  
  
<https://www.cdph.ca.gov/Programs/CHCQ/LCP/Pages/AFL-20-22.aspx>
- For example, one designated visitor could be allowed for a patient 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 Skilled Nursing Facility.
    - For example, Necessary Visitation must include appropriate steps to protect patients 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 included in COVID-19 Guidance and imposed by the Skilled Nursing 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 Skilled Nursing Facility may contact local law enforcement to request assistance in enforcing this Order. The Skilled Nursing Facility shall take whatever steps are possible within the bounds of the law to protect patients from any such visitor or person who refuses to comply with this Order. For example, a Skilled Nursing Facility should contact the facility's security and ask the unauthorized visitor or person to comply with conditions of visitation imposed by the Skilled Nursing 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 Skilled Nursing 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 patient's medical care, from carrying out their lawful duties on Skilled Nursing Facility Premises. Persons other than first responders and essential personnel permitted access under this paragraph must comply with all conditions of visitation imposed by the Skilled Nursing Facility at the time of entry or access to the facility 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. *"Premises"* includes without limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of each Skilled Nursing Facility.
  - c. *"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 Skilled Nursing Facility. This term includes family members and loved ones of patients and those who have legal authority to make healthcare or other legal decisions for a patient in the Skilled Nursing Facility. 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 Skilled Nursing 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 Skilled Nursing Facility must provide copies of the Order in all of the following ways: (1) post this Order at all entrances to the Skilled Nursing Facility; (2) provide this Order to each patient; (3) provide this Order to any authorized decision maker for each patient if not the patient, including any conservator; (4) provide this Order to the Skilled Nursing Facility Ombudsperson (if any); and (5) offer it to anyone who visits or who contacts the Skilled Nursing Facility seeking to visit a patient, personnel of the facility, or to view the Premises.
10. Each Skilled Nursing 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 Skilled Nursing Facility.

11. This Order applies to Skilled Nursing Facilities as defined in California Health and Safety Code section 1250, subdivision (c).

12. A patient or the patient's authorized, lawful representative may contact a representative of the facility to seek clarification of any part of this Order by contacting the Skilled Nursing Facility Administrator (or other person in charge of the facility).

- a. If a patient or a patient's authorized, lawful representative objects to the appropriateness of the limitation of access contained in this order, the patient or authorized, lawful representative must first raise their concern with the Skilled Nursing Facility. The Skilled Nursing Facility is ordered to respond to the concern within four (4) business days.
- b. If after receiving a response from the Skilled Nursing Facility the objection is not resolved, the patient or authorized, lawful 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.

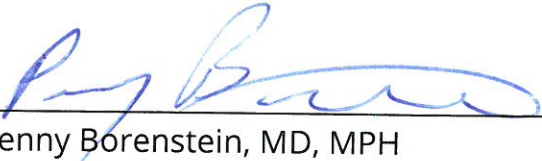
The San Luis Obispo County Department of Public Health will make every effort to respond promptly; however, the existing local health emergency caused by the COVID-19 pandemic may not permit a prompt response. If a response is not received within four (4) business days of receipt of the objection, the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

13. This Order is made in accordance with all applicable state and federal laws, including but not limited to California Health and Safety Code sections 101030, et seq.; 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, Public Health Department located at 2191 Johnson Ave, San Luis Obispo, CA 93401; (2) posted on the Healthy Agency, Public Health Department 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



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



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Date