



Dr. Scott Morrow, Health Officer  
Cassius Lockett, PhD, Director

Public Health, Policy & Planning  
225 37th Avenue  
San Mateo, CA 94403  
smchealth.org

## **ORDER OF THE HEALTH OFFICER No. c19-1**

DATE ORDER ISSUED: March 11, 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.*)

The virus that causes Coronavirus 2019 Disease (also known as COVID-19) places residents at long-term care facilities at high risk, especially given that visitors to such facilities may have the virus but may not have symptoms or may have mild symptoms. Such visitors can easily pass the virus on to vulnerable residents. Because of this risk, and the need to protect these most vulnerable members of the community, this Order restricts Unauthorized Visitors and Non-Essential Personnel from those facilities for the next two weeks. Accordingly,

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

1. Effective as of the date of this order, and for the limited duration specified in Section 11 below, the administrative staff of each Long-Term Care Facility listed in Section 14 below (each a “Long-Term Care Facility”) shall exclude from entry or access to its Premises any Unauthorized Visitors and Non-Essential Personnel including, but not limited to, visitors of residents at the Long-Term Care Facility. By operation of this Order, such Unauthorized Visitors and Non-Essential Personnel, including but not limited to family members of residents, are ordered not to visit any Long-Term Care Facility except as permitted by this Order. This restriction is subject to a limited exception under the process described in Section 7 below.
2. Each Long-Term Care Facility shall also discourage Non-Essential Resident Movement, as defined in Section 10 below, onto and off Long-Term Care Facility Premises where feasible. In all situations when a Long-Term Care Facility resident leaves the Long-Term Care Facility Premises, the resident is ordered to strictly comply with all applicable San Mateo County Health Officer Orders, and to adhere to U. S. Centers for Disease Control recommendations and guidelines concerning prevention of the spread of the virus, including frequent and thorough handwashing and social distancing (which shall mean remaining out of places where people meet or gather, avoiding local public transportation (e.g., bus, subway, taxi, rideshare), and maintaining distance (approximately 6 feet or 2 meters) from others). To the extent that the CDC updates these recommendations and guidelines (available at [www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html](http://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html)), this Order automatically incorporates those changes by this reference.





3. This Order is issued based on scientific evidence and best practices as currently known and available to prevent the spread of the virus that causes Coronavirus 2019 Disease (“COVID-19”) to the residents at the Long-Term Care Facility and to protect those residents from avoidable risk of serious illness or death resulting from COVID-19. The age, condition, and health of a significant majority of Long-Term Care Facility residents places those residents at high risk of experiencing serious health complications from COVID-19, including death. Because asymptomatic persons with the virus that causes COVID-19 or those with mild symptoms may not be aware of the risk they pose, their presence as visitors at a Long-Term Care Facility puts residents at an unjustified risk. 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 3, 2020 Proclamation of a Local Emergency by the Director of Emergency Services of the County of San Mateo, and the March 3, 2020 Declaration of Local Health Emergency Regarding the Novel Coronavirus 2019 (COVID-19) issued by the Health Officer and ratified by the San Mateo County Board of Supervisors on March 10, 2020.
4. Each Long-Term Care Facility must, within 48 hours of receipt of this Order, develop and implement a plan (“COVID-19 Plan”) to comply with applicable guidance from the CDC in its “Strategies to Prevent the Spread of COVID-19 in Long-Term Care Facilities” (“CDC LTCF Guidance”) (available online at <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/prevent-spread-in-long-term-care-facilities.html>) and the California Department of Public Health (“CDPH”) (available online at [www.cdph.ca.gov](http://www.cdph.ca.gov)) regarding the screening of residents, staff, and visitors for signs of COVID-19 and other applicable COVID-19-related guidance. Nothing in this Order prohibits a Long-Term Care Facility from taking steps beyond guidance provided by the CDC or CDPH in its plan. Each Long-Term Care Facility must update its plan when new COVID-19 recommendations or requirements are issued by the CDC, CDPH, or Health Officer, or as otherwise required by law.
5. In addition to the requirements in Section 4 above, each Long-Term Care Facility’s COVID-19 Plan must include a requirement that any employee or other staff member who is sick or does not pass the required screening shall be immediately sent home and not return to work other than in compliance with CDC Guidance for Business and Employers (located at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>) as updated, or as authorized to return by a physician. To the extent that a Long-Term Care Facility is unable to immediately send home any employee or staff member, the Long-Term Care Facility must immediately notify its respective licensing entity and request guidance from that entity.
6. In addition to the requirements in Section 4 above, to the extent that a Long-Term Care Facility learns that any facility resident or staff member who had recently been working at the Long-Term Care Facility tests positive for COVID-19, the Long-Term Care Facility must immediately (within 1 hour) notify the Communicable Disease Unit of San Mateo County Health at 650-573-2346.
7. Each Long-Term Care Facility, while restricting physical contact between Long-Term Care Facility residents and Unauthorized Visitors and Non-Essential Personnel, must make reasonable efforts to facilitate such contact by other means (such as telephone or videoconference) where such efforts will not otherwise interfere with the Long-Term Care Facility’s healthcare mission. Also, consistent with the needs and context of a request for Necessary Visitation or Contact, the Long-Term Care Facility



administrator or the administrator's designee may arrange for Necessary Visitation or Contact of a Long-Term Care Facility resident when the administrator or designee determines that the context justifies a temporary exception to this Order. Any Necessary Visitation or Contact permitted under this paragraph shall occur only if the Long-Term Care Facility takes appropriate measures to protect residents, including but not limited to screening visitors in accordance with applicable guidance from the United States Centers for Disease Control and Prevention ("CDC") (available online at [www.cdc.gov](http://www.cdc.gov)) and the California Department of Public Health ("CDPH") (available online at [www.cdph.ca.gov](http://www.cdph.ca.gov)). Visitors permitted under this paragraph are hereby ordered to comply with all conditions of visitation imposed by the Long-Term Care Facility at the time of entry or access to the Long-Term Care Facility Premises. Necessary Visitation or Contact generally means a visit or contact that is necessitated by urgent health, legal, or other issues that cannot wait until this Order is no longer in effect, including visits mandated by law, visits by legal decision-makers such as conservators and agents under valid Health Care powers of attorney currently in effect.

8. If any Unauthorized Visitor or Non-Essential Person refuses to comply with this Order, then the Long-Term Care Facility may contact local law enforcement or the San Mateo County Sheriff to request assistance in enforcing this Order. The Long-Term Care Facility shall take whatever steps possible to protect residents from any such unauthorized visitor or person who refuses to comply with this Order, including reliance on facility security or asking the unauthorized visitor or person to comply with other steps the Long-Term Care Facility requests to minimize the risk. Such steps would include hand washing, masking, maintaining at least a six-foot distance from other people, and a short duration of visit. Even if an Unauthorized Visitor or Non-Essential Person complies with those steps, they are still in violation of this Order if their presence is not authorized under Section 7 above.
9. This Order does not restrict first responder access to Long-Term Care Facility Premises during an emergency. Further, this Order does not restrict state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties on Long-Term Care Facility Premises. Persons other than first responder permitted access under this paragraph must comply with all conditions of visitation imposed by the Long-Term Care Facility at the time of entry or access to the Long-Term Care Facility Premises when feasible.
10. For the purposes of this Order, the following terms have the means given below:
  - a) "Unauthorized 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 Long-Term Care 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 Long-Term Care Facility protocols regarding minimizing risk and should also try to avoid non-essential visits onsite.
  - b) "Non-Essential Resident Movement" means travel off or onto Long-Term Care Facility Premises by a resident other than for specific treatment or pressing legal purposes.



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c) “Premises” includes without limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of each Long-Term Care Facility listed in Section 13 below.

11. This Order shall be effective until 11:59 p.m. on May 9, 2020, or until it is earlier rescinded, superseded, or amended by the Health Officer or by the State Public Health Officer, in writing. It is possible this Order will be extended for the protection of Long-Term Care Facility residents based on conditions at that time.

12. While this Order is in effect, the Long-Term Care Facility must provide copies of the Order in all of the following ways: (1) post this Order on the Long-Term Care Facility website (if any); (2) post this Order at all entrances to the Long-Term Care Facility; (3) provide this Order to each Long-Term Care Facility resident; (4) provide this Order to any authorized decision maker for each Long-Term Care Facility resident if not the resident; (5) provide this Order to the Long-Term Care Facility Ombudsperson (if any); and (6) offer to anyone who visits the Long-Term Care Facility or who contacts the Long-Term Care Facility seeking to visit.

13. Each Long-Term Care Facility must within 12 hours of receipt of this Order notify its respective licensing entity (whether the California Department of Public Health or otherwise) of the existence of this Order regarding the Long-Term Care Facility.

14. This Order applies to each facility listed below (each a Long-Term Care Facility):

Facility Name	Address	Telephone
Atherton Regency	1275 Crane Street, Menlo Park 94025	650-325-8600
Brookside Nursing	2620 Flores St, San Mateo 94403	650-349-2161
Burlingame Skilled Nursing	1100 Trousdale Dr, Burlingame 94010	650-692-3758
Carlmont Gardens Nursing Center	2140 Carlmont Dr, Belmont 94002	650-591-9601
Devonshire Oaks Nursing Center	3635 Jefferson Ave, Redwood City 94062	650-366-9503
Linda Mar Rehabilitation	751 San Pedro Terrace Rd, Pacifica 94044	650-359-4800
Millbrae Skilled Care	33 Mateo Ave, Millbrae 94030	650-689-5784
Nazareth Vista	1041 Hill St, Belmont 94002	650-591-2008



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Pacifica Nursing and Rehab Center	385 Esplanade Ave, Pacifica 94044	650-993-5576
Peninsula Post-Acute	1609 Trousdale Dr, Burlingame 94010	650-652-3969
Providence San Bruno	890 El Camino Real, San Bruno 94066	650-583-7768
San Mateo Medical Center Skilled Nursing Facility	222 West 39th Ave, San Mateo 94403	650-573-2761
Seton Coastside	600 Marine Blvd, Moss Beach 94038	650-563-7100
St.Francis Convalescent Pavilion	99 Escuela Drive, Daly City 94015	650-994-3200
St.Francis Convalescent Hospital	35 Escuela Drive, Daly City 94015	650-755-9515
The Sequoias	501 Portola Valley Road, Portola Valley 94028	650-851-1501

A NURSING FACILITY RESIDENT OR THE RESIDENT’S AUTHORIZED LAWFUL REPRESENTATIVE MAY CONTACT A REPRESENTATIVE OF THE NURSING FACILITY TO SEEK CLARIFICATION OF ANY PART OF THIS ORDER BY CALLING THE NUMBER LISTED IN SECTION 14, ABOVE.

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 NURSING FACILITY AT ISSUE. THE NURSING FACILITY IS ORDERED TO RESPOND TO THE CONCERN AS SOON AS REASONABLE UNDER THE CIRCUMSTANCES.

IF AFTER RECEIVING A RESPONSE FROM THE NURSING FACILITY THE OBJECTION IS NOT RESOLVED, THE RESIDENT OR LAWFUL AUTHORIZED REPRESENTATIVE MAY SUBMIT A WRITTEN OBJECTION FOR CONSIDERATION TO THE COUNTY DEPARTMENT OF PUBLIC HEALTH THROUGH THE FOLLOWING METHOD:

Subject: Objection to Health Officer Order No. C19-03

Via email to: [smorrow@smcgov.org](mailto:smorrow@smcgov.org)

Via facsimile to: 650-573-2116

Via overnight delivery or hand delivery to: 225 37<sup>th</sup> Avenue  
San Mateo, CA 94403  
Attn: County Health Officer



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THE COUNTY DEPARTMENT OF PUBLIC HEALTH WILL ENDEAVOR TO RESPOND REASONABLY PROMPTLY. THE LOCAL HEALTH EMERGENCY MAY NOT PERMIT A PROMPT RESPONSE. IF A RESPONSE IS NOT RECEIVED WITHIN 2 BUSINESS DAYS OF RECEIPT OF THE OBJECTION, THE OBJECTION WILL BE CONSIDERED NOT GRANTED.

**IT IS SO ORDERED:**

A handwritten signature in black ink, appearing to read "Scott Morrow MD", written over a horizontal line.

Scott Morrow MD, MPH,  
Health Officer  
County of San Mateo

Date: March 11, 2020