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Director of Health

Susan Philip, MD, MPH  
Health Officer

## **MEMORANDUM & LETTER ORDER**

**DATE:** December 30, 2021

**TO:** All Skilled Nursing Facilities in San Francisco (see attached list)

**FROM:** Susan Philip, MD, MPH, Health Officer

**SUBJECT:** **Health Officer Order:** Temporary, mandatory visitor protocols and other measures related to Omicron COVID-19 Surge

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This temporary Health Officer Order (the “Order”) mandates that each Skilled Nursing Facility (as defined below) in the City and County San Francisco (“San Francisco”) follow the requirements for indoor visits listed below and authorizes other protective measures for the Limited Term as defined in Section 4 below. The Order’s requirements constitute best practices to protect against Coronavirus Disease 2019 (“COVID-19”), the illness caused by the SARS-CoV-2 virus, in light of the ongoing surge in SARS-CoV-2 infections in San Francisco caused by the Omicron variant of SARS-CoV-2. Although the California Department of Public Health (“CDPH”) has various requirements and other guidance in place related to the pandemic, this Order imposes additional, temporary protections that supplement those of CDPH. As between this Order and any related CDPH requirement, this Order’s more restrictive requirements control.

### **Basis of Order**

This Order is issued in light of increasing COVID-19 cases among Residents and Personnel at Skilled Nursing Facilities in San Francisco. It is also 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 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, San Francisco Health Officer Order No. C19-07, the July 26, 2021 State Public Health Officer Order (available online at [www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx)), the December 22, 2021 State Public Health Officer Order (available online at [www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx)), and other requirements and guidance issued by the CDPH, as each of them have been and may be supplemented in the future. But this Order also functions independent of those emergency proclamations and other actions, and if any State, federal, or local emergency declaration, or any State or federal order or other guidance, is repealed, this Order remains in full effect in accordance with its terms (subject to the language regarding the Order's duration below).

### **Order**

Under the authority of California Health and Safety Code Sections 101040, 101085, and 120175, I, as the Health Officer of the City and County of San Francisco, require that each Skilled Nursing Facility and any entity that operates or manages a Skilled Nursing Facility in San Francisco, during the Limited Term, comply with the requirements listed below, as follows:

1. **Definitions.**

- a. *On-Site Tested.* "On-Site Tested" means to have a rapid negative antigen test for the virus that causes COVID-19 at the time of an indoor visit of a Skilled Nursing Facility Resident. The test must be approved or have emergency use authorization for diagnosis by the United States Food and Drug Administration ("FDA"). The test must be performed on-site at the Skilled Nursing Facility in a manner that ensures the test is supervised and the result is directly observed by a member of the Skilled Nursing Facility's Personnel. Self-administered tests that are conducted without direct observation by Skilled Nursing Facility Personnel are not acceptable. The Department of Public Health will use its best efforts to supply tests for this purpose while this Order is in effect.
- b. *Personnel.* "Personnel" means the following people who provide services associated with a Skilled Nursing Facility: employees; contractors and sub-contractors (such as those who perform services onsite); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services

onsite at the request of the Skilled Nursing Facility. The Skilled Nursing Facility ombudsperson is considered Personnel under this Order.

- c. *Resident*. “Resident” means each person who is living or temporarily residing at a Skilled Nursing Facility for the purpose of receipt of care from the Skilled Nursing Facility.
  - d. *Skilled Nursing Facility*. “Skilled Nursing Facility” means each of the facilities listed in Attachment A of this Order, and the term includes the owner or manager of each such facility.
  - e. *Visitor*. “Visitor” means anyone who is not Personnel and who comes onsite to a Skilled Nursing Facility to meet with a Resident. 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, any employee, contractor, or agent of the Resident.
2. Limitations on Indoor Visitors. In relation to all Visitors of Residents who visit with a Resident while indoors, in addition to the rules and guidelines issued by CDPH, each Skilled Nursing Facility must also:
- a. Ensure that each such Visitor has been On-Site Tested at the time of the visit. The San Francisco Department of Public Health will use its best efforts to supply tests for use for this On-Site Tested requirement. The Skilled Nursing Facility ombudsperson is not required to be On-Site Tested by this Order but, if going onsite at any Skilled Nursing Facility, is strongly encouraged to receive a test for SARS-CoV-2 at least two times a week and may only enter if those tests are negative.
  - b. Ensure that each Resident has no more than two Visitors per day indoors.
  - c. Require all indoor Visitors to utilize the best mask they can obtain, taking into account fit and filtration (and without use of a one-way exhalation valve that is not filtered), with a requirement that the Visitor either (i) use a respirator (such as an N95 or KN95 respirator) or double-masking with a cloth mask placed over a well-fitting surgical/procedural mask, or (ii) if neither of these options is available, use of at least a well-fitting surgical/procedural mask. No Visitor is allowed to visit a Resident indoors without wearing one of the three mask options described in this subsection.

- d. Vendors and other people who do not work for the Skilled Nursing Facility must be kept out of indoor patient/resident areas unless absolutely necessary, and if such people are allowed in indoor patient/resident areas, they must comply with all requirements of Visitors of this Order (including testing and masking requirements).
- e. Strongly urge each Visitor to have received (i) the full initial series of a SARS-CoV-2/COVID-19 vaccine with a vaccine authorized, including by way of an emergency use authorization, by the FDA or by the World Health Organization and to have waited at least two weeks after completing the series and (ii) a booster dose of a SARS-CoV-2/COVID-19 vaccine as soon as the person is eligible for a booster, preferably with either the Pfizer-BioNTech (Comirnaty) or Moderna COVID-19 vaccine, and to have waited at least one week after receiving the booster.

This Order does not apply to Visitors who meet with Residents outdoors.

The requirements of this Order that all Visitors be On-Site Tested at the time of the indoor visit replaces the less protective testing requirement issued by CDPH that visitors be tested at least 72 hours in advance using a polymerase chain reaction (PCR) test. While this Order is in effect, indoor Visitors are only required to be On-Site Tested at the time of the visit, and any PCR test done before the visit does not meet the requirements of this Order.

In relation to indoor Visitors who are On-Site Tested at the time of the visit, the Skilled Nursing Facility is not required to notify the San Francisco Department of Public Health of any positive or inconclusive test result. In addition, because these are self-administered (but supervised) tests, they are not required to be reported to the State of California if there is a positive or inconclusive test result. But in relation to any positive or inconclusive test result, the Skilled Nursing Facility:

Must not allow the Visitor with a positive or inconclusive test to visit the Resident indoors, except that the Skilled Nursing Facility may allow compassionate care visitation, visitation for legal matters that cannot be postponed, or other mandated visitation by a Visitor with a positive or inconclusive test if (1) the Visitor is asymptomatic, (2) the Visitor wears an N95 respirator at all times, and (3) the Visitor follows all other infection control protocols of the facility;

Must provide the Visitor with the positive or inconclusive test with information about isolation and quarantine, available online at [www.sfcdep.org/i&q](http://www.sfcdep.org/i&q), including a copy of the home isolation and quarantine instructions available online at [www.sfdph.org/dph/alerts/covid-guidance/what-to-do-quarantine.pdf](http://www.sfdph.org/dph/alerts/covid-guidance/what-to-do-quarantine.pdf) (note that Skilled Nursing Facilities should check for updates to these links in the coming weeks as the rules are being changed in relation to updates from the United States Centers for Disease Control and Prevention and California Department of Public Health);

Must provide the Visitor with the positive or inconclusive test with a surgical/procedural mask; and

Must track the number of On-Site Tests of Visitors each week that are positive or inconclusive (in comparison to the total number of On-Site Tests performed that week) this Order is in effect, and on January 15, 2022 (for the first two weeks) report the total numbers to the San Francisco Department of Public Health via email to [sfprephcc@sfdph.org](mailto:sfprephcc@sfdph.org). Only aggregate numbers and no personally-identifiable health information should be submitted.

3. Other Protections. In light of increasing COVID-19 infections among Residents and Personnel at Skilled Nursing Facilities, this Order authorizes each Skilled Nursing Facility in San Francisco, during the Limited Term of this Order, to enact other restrictions and protocols related to visitation and Resident travel offsite it deems necessary based on conditions at that facility to protect Residents and Personnel during the current surge. Each Skilled Nursing Facility that enacts restrictions or protocols based on the authority of this Section 3 must submit a written summary of the restriction or protocol to the Department of Public Health at [SNFprotocols@sfdph.org](mailto:SNFprotocols@sfdph.org) as soon as the restriction or protocol is put in place. A written summary is not required to be submitted if the restriction or protocol is based on the Skilled Nursing Facility's existing authority (separate from this Order) to manage its operations.
4. Effective Date and Duration of Order. This Order goes into effect at 12:01 a.m. on January 1, 2022, and remains in effect until 11:59 p.m. on January 31, 2022 (the "Limited Term"). But each Skilled Nursing Facility is strongly urged to implement this Order, even if only to the extent it is able, as soon as possible before January 1, 2022.
5. No Restriction on First Responders, Others. This Order does not restrict

first responder access to Skilled Nursing 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 Skilled Nursing Facility premises. Persons other than first responders allowed access under this Section must when feasible comply with all conditions of visitation imposed by the facility at the time of entry or access to the premises.

6. Copies and Notice. Each Skilled Nursing Facility must promptly provide notice of this Order as follows: (1) by posting this Order on the Skilled Nursing Facility website (if any); (2) by posting this Order at all entrances to the Skilled Nursing Facility; (3) by providing a summary of this Order to each Skilled Nursing 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 Skilled Nursing 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 Skilled Nursing Facility ombudsperson (if any); and (6) by giving a copy, on request, to anyone who contacts the Skilled Nursing Facility.
7. Severability. If any provision of this Order or its application to any person or circumstance is held by a court 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 to this end, the provisions of this Order are severable.

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I appreciate your help and support in addressing this surge during the Limited Term of this Order, thereby protecting the Residents, Visitors, and Personnel at Skilled Nursing Facilities as well as the residents of the City and County of San Francisco.

**IT IS SO ORDERED:**



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

Dated: December 30, 2021

**Attachment A**

<b><u>Skilled Nursing Facility Name</u></b>	<b><u>Street Address</u></b>	<b><u>ZIP</u></b>
Laguna Honda Hospital & Rehabilitation Center	375 Laguna Honda Blvd.	94116
San Francisco General Hospital D/P Skilled Nursing Facility	1001 Potrero Ave	94110
Lawton Skilled Nursing & Rehabilitation Center	1575 7th Ave	94122
San Francisco Health Care	1477 Grove St	94117
Central Gardens Post Acute	1355 Ellis St	94115
San Francisco Post Acute	5767 Mission St	94112
Hayes Convalescent Hospital	1250 Hayes St	94117
Heritage on The Marina	3400 Laguna St	94123
The Avenues Transitional Care Center	2043 19th Ave	94116
Laurel Heights Community Care	2740 California St	94115
Pacific Heights Transitional Care Center	2707 Pine St	94115
City View Post Acute	1359 Pine St	94109
Sequoias San Francisco Convalescent Hospital	1400 Geary Blvd	94109
St. Anne's Home	300 Lake St	94118
Victorian Post Acute	2121 Pine St	94115
California Pacific Medical Center - Davies Campus Hospital D/P Skilled Nursing Facility	601 Duboce Ave	94117
Jewish Home & Rehab Center D/P Skilled Nursing Facility	302 Silver Ave	94112
San Francisco Towers	1661 Pine St	94109
Kentfield Hospital San Francisco (although Kentfield is licensed as a general acute care hospital and not as a skilled nursing facility, it is included in this Order based on the nature of services it provides)	450 Stanyan St, 6th Floor	94117