



**ORDER OF THE HEALTH OFFICER No. C19-11
(PROTECTIVE QUARANTINE FOR
LAGUNA HONDA HOSPITAL AND REHABILITATION CENTER)
DATE ORDER ISSUED: March 24, 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); San Francisco Administrative Code § 7.17(b).)

Summary: The virus that causes Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the most vulnerable people throughout City and County of San Francisco (the “City”). Some residents of residential care facilities are elderly and/or being treated for health conditions, and both these factors make many residential care facility residents extremely vulnerable to suffering the most serious complications of COVID-19 infection, including death. Community living settings also make it easier for the virus to spread, including between residents and staff. Making the problem even worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Evidence from areas like the Seattle area also show how deadly it can be when residential care facilities have outbreaks of COVID-19. The Department of Public Health has also confirmed cases of the virus that causes COVID-19 or been investigating possible cases associated with Laguna Honda Hospital and Rehabilitation Center and Zuckerberg San Francisco General Hospital. Although strong steps have been taken at City-operated facilities like these, including prohibiting most visitors, screening all staff and patient/residents for symptoms, and ensuring strong infection control measures are in place, every possible step must be taken in order to protect residents and staff from contracting the virus. One remaining vulnerability of introducing the infection is associated with residents who leave and then return to a residential facility, where a resident can inadvertently cause preventable transmission of the virus by introducing it to the vulnerable population and to staff. During this emergency, residents who leave and then return therefore pose an imminent threat to themselves, other residents, and staff and create an immediate danger to public health, especially in light of stay safe at home orders issued by the City and by the State of California. Because of the risk of the rapid spread of the virus and the need to protect residents and the staff that work with them, this Order restricts Residents at Laguna Honda Hospital and Rehabilitation Center, the largest skilled nursing facility in the Bay Area, from leaving except under limited exceptions.

This Order is in effect from 10:00 a.m. on Wednesday, March 25, 2020. It must be implemented as quickly as possible and will continue for the same duration as the Order



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of the City Health Officer No. C19-07, the stay safe at home order, which is currently set to end on April 7, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below. If Order No. C19-07 is extended, this Order automatically extends the same amount of time. This Order is based on the facts described in this Order as well as state and federal guidance from the California Department of Public Health (“CDPH”), the United States Centers for Disease Control and Prevention (“CDC”), and other agencies, the stay safe at home order issued by six Bay Area counties including San Francisco on March 16, 2020, and the California stay safe at home order issued by California Governor Gavin Newsom on March 19, 2020 (“Executive Order N-33-20”). The Health Officer may revise this Order as the situation evolves, and covered facilities must stay updated by checking the Department of Public Health website (sfdph.org) regularly.

**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. Effective as of 10:00 a.m. on, March 25, 2020 and continuing for the same duration as the Order of the City Health Officer No. C19-07, the stay safe at home order, which is currently set to end at 11:59 p.m. on April 7, 2020, this Order places the Residential Facility listed below under Protective Quarantine for the safety of its Residents and Staff. Each Resident at the Residential Facility is ordered not to leave the Building of the Residential Facility unless expressly allowed by this Order. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate danger to public health. Accordingly, any Resident who violates this Order by attempting to leave the Building without authorization is subject to the reasonable use of force by local law enforcement for the purpose of enforcement of this Order as outlined below for their safety and the safety of other Residents and Staff.**

The administrator of the Residential Facility or the administrator’s designee is ordered to take all steps required by this Order, including designating the Building and performing all steps required by Sections 7-11, 14, 15, 17, and 18 below.

Each capitalized term in this Order has the meaning defined in Section 17 below.

This Order may be 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 Residential Facility Residents based on conditions at that time. If the duration of Order No. C19-07 is extended, this Order automatically extends the same amount of time without any need to revise this Order.

This Order is issued in conjunction with and pursuant to the principles included in the Order of the City Health Officer No. C19-07, the order issued on March 16, 2020 requiring people who live in the City to stay safe at home and to avoid any non-



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essential activities, and Executive Order N-33-20, Governor Newsom's order on the same topic.

2. **This Order is based on evidence of increasing occurrence of COVID-19 within the City and throughout the Bay Area, including in healthcare facilities, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the Resident population of the Residential Facility places Residents at risk for serious health complications, including death, from COVID-19. 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 City. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, Residents who leave and then return to a Residential Facility can cause preventable transmission of the virus by inadvertently bringing the virus back with them. Evidence is also mounting that transmission in residential facilities such as nursing homes, skilled nursing facilities, and other group living situations that have vulnerable populations results in extremely bad outcomes, including multiple deaths. In such settings, taking strong steps to prevent transmission is recommended by the CDC. (For example, risk factors associated with tragic outcomes at a skilled nursing facility in Washington State have been documented here: <https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e1.htm>.) Such steps include steps that are already in place at the listed Residential Facility, such as Staff and Resident screening, restrictions on visitors, and strong infection control programs. Such steps also include restrictions on Resident movement. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect Residents and Staff and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order protects all Residents at the covered Residential Facility. Finally, by reducing the spread of the COVID-19 virus within the Residential Facility, this Order helps preserve critical and limited healthcare capacity in the City and the people who provide care and residential services.**
3. **This Order is also issued in light of the fact that Residents at the Residential Facility have their basic needs provided for, including food, shelter, clothing, social activities, and certain types of health care. The stay safe at home orders issued in San Francisco (Order No. C19-07) and by the Governor (Executive Order N-33-20) require that all people remain at home except for certain listed exceptions, such as to meet basic needs. In light of the provision for the basic needs of Residents by the Residential Facility, Residents are required by these stay safe at home orders to remain within the Residential Facility. This Order is consistent with those**



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requirements, which protect Residents and others from the risk of COVID-19.

4. This Order also is issued in light of the existence of 152 cases of COVID-19 in the City, as well as at least 926 confirmed cases and over one dozen deaths in Bay Area counties, as of 10:00 a.m. on Tuesday, March 24, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. There are also many persons under investigation for exposure to the COVID-19 virus throughout the City, including in the Residential Facility. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the spread of COVID-19, and the Health Officer will re-evaluate it as further data becomes available.
5. 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 February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed (as supplemented multiple times after its issuance), 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 CDC and CDPH, as each of them have been and may be further supplemented.
6. This Order is also issued in accordance with, and incorporates by reference the March 12, 2020 Executive Order (“Executive Order N-25-20”) issued by Governor Gavin Newsom. Executive Order N-25-20 expressly orders that “[a]ll residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.” This Order is also based on statements by Governor Newsom during a press conference on March 15, 2020, indicating the guidance of the State of California that people 65 years old and older should stay safe at home.
7. The Residential Facility is ordered to give each Resident a summary of the primary details of this Order, including: the reason for the Protective Quarantine; the fact that Residents are not generally permitted to leave the Building; the limited exceptions that allow leaving the Building and associated rules; the limits of the Residential Facility’s Building beyond which Residents are not permitted to travel; the option to discuss whether a Safe Discharge is appropriate; the option to discuss any needs of the Resident that are not being met on-site or that the Resident needs assistance with; the consequences of refusing to follow the Order; and the availability of copies of the Order as required by Section 18 below. The Residential Facility must give notice of this Order as required below to any Resident prior to enforcement of this Order against that Resident, and such notice may be provided and discussed at the time the Resident seeks to leave in violation of this Order.



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- 8. The Residential Facility is ordered to work with its security and Staff to find ways of de-escalating any situation where a Resident wishes to leave in violation of this Order. By way of example, this would include: communicating with a Resident to help them address off-site activities not exempted by this Order (such as obtaining something they want or helping them with online banking); creating a plan for a rapid response by Staff when the Resident seeks to leave; partnering with the Ombudsperson; and using resident council or other communication tools to identify hurdles in advance. These de-escalation tools must be implemented by Residential Facility Staff to the extent reasonably possible as this emergency evolves and consistent with the Residential Facility's healthcare mission.**
- 9. The Residential Facility must create a plan for how to manage the details of this Order, including at least: (i) defining the area of the Building of the Residential Facility that Residents are not permitted to leave; (ii) restricting and monitoring entrances and exits to the Building; (iii) continuing to screen all staff, authorized visitors (pursuant to Health Officer Order Nos. C19-01b and C19-09 (as applicable)), and Residents who are authorized under this Order to leave each time they return or come into the Building; (iv) identifying and preparing rooms to be used to temporarily manage a Resident that attempts to violate this Order; (v) creating a plan to de-escalate the situation when possible before a Resident attempts to violate this Order; (vi) reviewing the case of any Resident who wishes to leave to determine if a Safe Discharge can occur; (vii) reviewing each situation involving any instance of a Resident that violates this Order and any situations involving multiple attempts by the same Resident to violate this Order; and (viii) planning for when use of an individual isolation or protective quarantine order is necessary to address a Resident. This Section does not require creation of new written documentation to the extent that any aspect of what is required is already documented by the Residential Facility.**
- 10. A Resident is permitted to leave the Residential Facility only under one of the following exceptions to this Order:**

 - a. When the Resident requires off-site care or has a pressing need that is authorized by Health Officer Order No. C19-08 and any amendments to that Order or that the Residential Facility deems necessary for the Resident's health and well-being. Order No. C19-08 restricts routine medical, counseling, or healing arts appointments and elective surgeries, permitting other essential appointments. Also, Order No. C19-07 restricts travel outside the home to a limited list of activities. To be clear, this Order expressly grants the administrator of each Residential Facility or their designee the authority to make a determination of whether off-site care or a pressing need should be permitted under this subsection. When a Resident is authorized to leave the Building pursuant to this subsection, the Residential Facility must send someone to accompany the Resident until their return. If anything happens during the trip off-site that creates a risk of COVID-19 exposure of**



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the Resident such as an extended period away from the accompaniment or an encounter with a particular method of disease transmission, the Residential Facility administrator or the administrator's designee may request support by law enforcement authorized by this Order while the Residential Facility seeks an individual quarantine or other appropriate order of the Health Officer. Law enforcement may use reasonable force in temporarily detaining the Resident for the purpose of enforcement of this subsection.

- b. When a Safe Discharge is possible for the Resident, in which case the Resident may be discharged.
 - c. In the event of any emergency at the Residential Facility where evacuation, release, or movement of a Resident is required by the circumstances as determined by the administrator of the Residential Facility or their designee. For sake of clarity, this subsection does not give the Resident authority to determine when evacuation, release, or movement is required.
11. The Residential Facility best understands its own needs and operations, especially as conditions change during the current health emergency. Accordingly, this Order requires the Residential Facility administrator or the administrator's designee to perform the duties required of the Residential Facility under this Order in a manner that fits the healthcare mission of the Residential Facility so long as the administrator or designee does so in a way that implements all requirements of this Order.
12. Whenever a Resident leaves the Residential Facility's Building, the Resident is ordered to comply with Order No. C19-07 and the social distancing practices listed in that document, including as those practices are updated in the future. Those practices include maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (using a tissue, a sleeve, or an elbow and not coughing or sneezing into hands), avoiding touching high-touch surfaces, avoiding touching the face, and not shaking hands or engaging in other physical contact.
13. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order by a Resident constitutes an imminent threat and creates an immediate danger to public health, including a threat to the Resident seeking to leave, to other Residents, and to Staff.
14. When a Resident attempts to violate this Order law enforcement is authorized to use reasonable force to prevent that violation, including but not limited to temporary use of a locked room. Such violation of this Order by the Resident, as described



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above, places other Residents and Staff at risk given the current health emergency. This Order requires the Residential Facility to have a suitable location available for the temporary placement of the Resident for up to four (4) hours while the Residential Facility (i) determines whether a Safe Discharge of the Resident may occur given the context at the time and/or (ii) pursues obtaining a separate order of the Health Officer for a protective quarantine or other appropriate handling of the Resident. At any point if the Resident agrees to comply with this Order the administrator of the Residential Facility or the administrator's designee may, at their discretion, permit the release the Resident from the temporary placement so long as such release can safely occur. For a location to be suitable under this Section, the Residential Facility must ensure that any locked room to be used includes safety protocols such as video or line-of-sight monitoring, periodic in-person wellness checks of the Resident by Staff, and removal of items in the room that pose an unreasonable risk to the Resident. The use of the location listed in this Section is intended for short-term placement of the Resident and must not be used for more than four (4) hours except in an emergency.

15. Each Residential Facility must within 12 hours of receipt of this Order notify CDPH of the existence of this Order regarding the Residential Facility.

16. This Order does not restrict first responder access to the Residential Facility's Premises during an emergency. Further, this Order does not restrict local, state, or federal officers, investigators, military, or medical or law enforcement personnel from carrying out their lawful duties at the Residential Facility. Persons other than first responders permitted 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 when feasible.

17. Definitions.

a) "Building" means that portion of the Residential Facility's structure and/or campus in which the Residential Facility determines Residents are permitted under its operations in the current health emergency. A map and/or description of the Residential Facility's Building for purposes of this Order must be given to its security and to law enforcement before or at the time of any incident requiring action under this Order. For sake of clarity, the description of the Building does not require inclusion of all parts of a building or structure, and the Building may include areas that are outside.

b) "Protective Quarantine" means the isolation of Residents at a Residential Facility in order to protect Residents and Staff from the dangers of COVID-19 for the reasons outlined in this Order.

c) "Resident" means a patient or other person residing in and receiving care from the Residential Facility.



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d) “Residential Facility” means Laguna Honda Hospital & Rehabilitation Center, located at 375 Laguna Honda Blvd., San Francisco, 94116.

e) “Safe Discharge” means a discharge of the Resident from the Residential Facility that is considered appropriate from a medical perspective, ensuring that the Resident’s health care and other needs are addressed as well as can be done given the current health emergency and consistent with guidance from state and federal regulators regarding resident discharge. For sake of clarity, this Order expressly delegates to the Residential Facility administrator or the administrator’s designee the authority to determine whether a discharge is safe in light of these factors and the overall context.

f) “Staff” means any employee, contractor, or other agent of the Residential Facility.

18. While this Order is in effect, the Residential Facility must provide copies or a summary of the Order in all of the following ways: (1) post this Order and any changes to it on the Residential Facility website; (2) post this Order and any changes to it at all entrances to the Residential Facility; (3) provide a written summary of the key aspects of this Order to each Resident; (4) provide a written summary of the key aspects of this Order to any authorized decision maker for each Resident if not the Resident, including any conservator; (5) provide this Order and any changes to it to the Residential Facility Ombudsperson; (6) provide the current version of this Order to any Resident who requests a copy; (7) post the current version of this Order within the facility such as at nursing stations, neighborhoods, and resident social and dining areas; and (8) provide the current version of this Order to anyone on request. If Order No. C19-07 is extended or this this Order is otherwise amended, the Residential Facility must give notice through a summary provided to each Resident and any authorized decision maker for the Resident only of changes that relate to that Resident, if any.

19. The Health Officer will continue to assess the quickly evolving situation and may, at any time or from time to time, modify or extend this Order, or issue additional orders, related to COVID-19.

20. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, building, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

A RESIDENT OR THE RESIDENT’S AUTHORIZED LAWFUL REPRESENTATIVE MAY CONTACT A REPRESENTATIVE OF THE RESIDENTIAL FACILITY TO SEEK CLARIFICATION OF ANY PART OF THIS ORDER BY CONTACTING THE FACILITY.



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IF A RESIDENT OR THE RESIDENT'S AUTHORIZED LAWFUL REPRESENTATIVE OBJECTS TO THE APPROPRIATENESS OF THE LIMITATION ON ACCESS CONTAINED IN THIS ORDER, THEN THE RESIDENT OR LAWFUL AUTHORIZED REPRESENTATIVE MAY SUBMIT WRITTEN OBJECTIONS TO THE RESIDENTIAL FACILITY. THE RESIDENTIAL FACILITY SHOULD RESPOND TO THE CONCERN WITHIN 1 BUSINESS DAY IF POSSIBLE. IF A RESPONSE IS NOT RECEIVED WITHIN 1 BUSINESS DAY OF RECEIPT OF THE OBJECTION, THEN THE OBJECTION WILL BE CONSIDERED NOT GRANTED.

IT IS SO ORDERED:

A handwritten signature in blue ink that reads "Tomás Aragón".

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Date: March 24, 2020