



ORDER OF THE HEALTH OFFICER No. C19-18

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO REQUIRING LARGE
HEALTHCARE PROVIDERS TO DELIVER TO THE HEALTH OFFICER
COMPREHENSIVE COVID-19 VACCINATION PLANS AND REQUIRING ALL
VACCINE PROVIDERS, AT THE HEALTH OFFICER'S REQUEST, TO MAKE
AVAILABLE COVID-19 VACCINATION DATA**

(PUBLIC HEALTH EMERGENCY ORDER)

DATE OF ORDER: January 19, 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 § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b)).

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120176, THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN FRANCISCO ORDERS:

1. Purpose and Findings.

- a. Purpose and Intent. The federal government controls distribution to the states, pharmacies and other federal entities of Coronavirus Disease 2019 (“COVID-19”) vaccines, for which the U.S. Food and Drug Administration has given conditional use authorization. The State of California in turn controls the allocation of vaccines it receives from the federal government. The State then allocates shipments of COVID-19 vaccines directly to local public health authorities and Multi County Entities for distribution to health care providers located throughout California. In the City and County of San Francisco (the “City”) health care providers receive the majority of COVID-19 vaccines. Scientific evidence indicates that broad community access to COVID-19 vaccines offers the clearest and quickest path to reduce the number of COVID-19 cases and to bring the pandemic to an end. It is also critical to speed up and prioritize access to COVID-19 vaccine for people who are most susceptible to serious illness or death as a result of the disease, such as people over 65 years of age and people living in congregate living situations. Protecting these groups can result in lower death rates and free up critical hospital space to better care for patients suffering from all types of injury or illness. For a number of reasons, information about the number of doses Vaccine Providers (as defined in Section 4 below) have received and administered, and their plans to administer future doses they receive, has not yet been readily available through State data channels. This Order is issued to ensure Vaccine Providers in the City are broadly, efficiently, and effectively distributing COVID-19 vaccines to residents and workers in the community consistent with State guidelines. The intent of this Order is to (1) provide the Health Officer of the City and County of San Francisco (the “Health Officer”) with timely



Order of The Health Officer No. C19-18

access to COVID-19 vaccination data from all Vaccine Providers so the Health Officer can monitor and facilitate distribution in the City and make information available to the public, (2) confirm that all Large Healthcare Providers have vaccination plans in place for the timely and effective distribution of the COVID-19 vaccine, and (3) help ensure that Vaccine Providers continue to meet the requirements and goals of their vaccination plans. This Order will also assist the Health Officer and public health authorities to identify and further support those Vaccine Providers whose continued partnership with public health and commitment to community-wide vaccination are resulting in the most rapid and successful distribution of COVID-19 vaccines.

- b. Interpretation. All provisions of this Order must be interpreted to effectuate the purpose and intent of this Order, as described in subsection 1.a above. Certain initially capitalized terms used in this Order have the meanings given them in Section 4 below or elsewhere in this Order. Initially capitalized terms not otherwise defined in this Order are defined in Health Officer Order No. C19-07q (the “Stay-Safer-at-Home Order”), including as it may later be amended.
- c. Continuing Severe Health and Safety Risk Posed by COVID-19. This Order is issued based on evidence of continued widespread community transmission of COVID-19 within the City, throughout the Bay Area, across California, and across the United States; evidence that most COVID-19 infections are caused by people who have no symptoms at all of illness; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, including broad distribution of effective vaccinations throughout the community; evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes including death; the reality that a serious surge in SARS-CoV-2 infections and COVID-19 diagnoses is occurring throughout the United States and California; and the fact that City hospitals have a substantial corresponding increase in COVID-19 admissions. Due to the outbreak of COVID-19 in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City, region, State, and nation. That immediate threat to public health and safety is also reflected in the continuing declarations of emergency referenced in Section 5 below. There is also concern that new variants of the virus detected recently, such as those found in the United Kingdom, Colorado and other states, and Southern California among other varied geographic locations worldwide, are spreading, and this Order will help protect against that spread.
- d. Cases, Hospitalizations, and Deaths. As of January 16, 2021, there were 29,018 confirmed cases of COVID-19 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 262 deaths (up from a single death on March 17, 2020). San Francisco is currently averaging 333 new COVID-19 positive cases per day compared to the 34 per day that



Order of The Health Officer No. C19-18

it averaged in late October. Moreover, the City currently has over 2,000 COVID-19 cases diagnosed per week and hospitalizations remain at historic highs, and more than double the levels seen during past surges. As a result, the City's hospital capacity is under considerable stress. 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> and incorporated into this Order by this reference.

2. Vaccination Plan Requirements.

No later than February 1, 2021, all Large Healthcare Providers (as defined in Section 4 below) must provide a written comprehensive vaccination plan to the Health Officer describing how the Large Healthcare Provider will timely and effectively vaccinate all of its primary care or, if applicable, specialty care patients in the City and how the Large Healthcare Provider will timely and effectively contribute to the shared goal of vaccinating all people who live or work in the City, regardless of their insurer. Plans must account for both current and maximal vaccine supply conditions. For convenience, a template plan including all required fields can be accessed online at www.sfdph.org/vax-plan. The comprehensive vaccination plan must at a minimum include all of the following elements:

- a. A comprehensive communication and appointment scheduling plan, describing (1) how the entity will communicate with all of its primary care patients (and, if applicable, specialty care patients) about the availability of vaccination through the entity when it becomes available, including options for obtaining follow up second doses and (2) how the entity will schedule and keep appointments, including appointments for second doses;
- b. A list of all vaccination sites that the entity is operating or plans to operate, as well as any mass vaccination or other jointly operated sites that the entity plans to participate in, and that together will provide reasonable and effective access to all of the entity's patients who live or work in the City;
- c. The capacity and schedule of daily vaccine appointments available at each currently operating vaccination site and the anticipated capacities and schedules of all planned vaccination sites, including a daily goal of administered vaccines;
- d. An expected timeline for achieving full vaccination (including multiples doses, if necessary) of the entity's patients who live or work in the City and who are eligible and willing to receive vaccination;
- e. A description of methods the entity has used or will use to provide vaccinations to people who live or work in the City but are not part of the entity's primary care patient population;



Order of The Health Officer No. C19-18

- f. A specific description of how the entity will ensure equitable access to vaccinations across patient populations, including how the entity will reach out to and vaccinate harder-to-serve patient populations using culturally and linguistically competent methods;
- g. Methods for preventing any vaccination “waste” and for addressing logistical concerns (including storage);
- h. A description of how the entity will ensure adherence to all federal and state requirements associated with vaccination eligibility for patients; and
- i. Methods for retaining and storing data and timely meeting all vaccination reporting requirements as provided by the State of California or this Order.

The comprehensive plan required by this Section 2 must be submitted via email to covidvax@sfdph.org with “Health Officer Order No. C19-18 vaccine plan” in the subject line, and the plan must be updated upon request by the Health Officer or the Health Officer’s designee.

3. Vaccine Data Reporting Requirements.

- a. Each Vaccine Provider in the City must continue to fully report all information relating to COVID-19 vaccination that the State of California requires, including reporting to the California Immunization Registry (“CAIR”). If (1) a Vaccine Provider fails or is unable to fully report all required information to CAIR, (2) the Health Officer is unable to timely access or validate complete data from CAIR or the California Department of Public Health, or (3) the Health Officer requires additional information from any Vaccine Provider to facilitate the vaccination of people who live or work in the City, that Vaccine Provider must promptly, upon the request of the Health Officer or the Health Officer’s designee, make available to the Health Officer all Vaccine Information (as defined in Section 4 below) that the Health Officer requires and in the manner and on the timeline directed by the Health Officer.
- b. Based on the Vaccine Information the Vaccine Provider discloses, the Health Officer may request additional information that is necessary for administration, oversight, or other purposes related to furthering COVID-19 vaccination in the City. Each Vaccine Provider must timely respond to any additional requests for information that the Health Officer or the Health Officer’s designee makes of the Vaccine Provider.

4. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.



Order of The Health Officer No. C19-18

- a. ***Vaccine Information.*** “Vaccine Information” means information related to COVID-19 vaccination as requested by the Health Officer or her designee. Such information includes, but is not limited to, vaccine doses received, vaccine expiration dates, vaccines administered (by date, type, lot number, first/second dose, etc.), appointments for vaccination scheduled for the next seven days, maximum daily capacity to vaccinate per day, vaccines on hand, any vaccine doses wasted, and any other vaccination-related information requested by the Health Officer.
- b. ***Vaccine Provider.*** “Vaccine Provider” means any person or entity providing COVID-19 vaccinations in the City, including, but not limited to, Large Healthcare Providers and other health care providers and pharmacies.
- c. ***Multi County Entity.*** “Multi County Entity” means any entity within the City that the State of California has designated as a multi county entity for COVID-19 vaccination purposes.
- d. ***Large Healthcare Provider.*** “Large Healthcare Provider” means any (1) general acute care hospital in the City whose average inpatient population is made up of greater than 70% acute care admissions or (2) Multi County Entity or healthcare system that provides primary care services in the City and has, regardless of type of service, more than 100,000 patients. For clarity, general acute care hospitals that meet the definition of Large Healthcare Provider do not need to submit an additional plan if their parent organization’s plan includes vaccination operations at the general acute care hospital.

5. 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 COVID-19-related guidance issued by the California Department of Public Health, as each of them have been and may be supplemented in the future.
- b. **State Health Orders.** This Order is also issued in light of the orders of the State Public Health Officer and the Governor and other State guidelines related to the pandemic and the State’s response to the pandemic, including, but not limited to, guidelines of the California Department of Public Health for allocating COVID-19 vaccines.



Order of The Health Officer No. C19-18

- c. Health Officer Orders and Directives. This Order is also issued in light of other orders and directives issued by the Health Officer as they relate to the pandemic and the City's response to the pandemic. Those orders and directives show the seriousness of the issue and the many efforts that the City, including but not limited to the Department of Public Health, have taken to address the spread of COVID-19 within the City. This Order incorporates by reference and is based in part on each of the other orders and directives issued by the Health Officer to this point, including as each of them may be updated in the future. That includes, without limitation, each of the following, including as they may be updated or amended in the future, in relation to this Order:
- i. The Stay-Safer-At-Home Order (imposing restrictions on activities outside the home for all people in the City to protect all during the pandemic);
 - ii. Order No. C19-12d (with limited exceptions, requiring all people in the City to wear Face Coverings when near people from different Households);
 - iii. Order No. C19-16 (requiring that general acute care hospitals share information about COVID-19 patients); and
 - iv. Order No. C19-17 (requiring quarantine after certain travel outside the Bay Area).

6. Enforcement.

Under 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 City ensure compliance with and enforce this Order. As stated at the beginning of this Order, the violation of any provision of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

7. Effective Date.

This Order becomes effective immediately upon issuance, and will continue in effect (as it may be updated) until the Health Officer rescinds, supersedes, or amends it in writing.

8. Copies.

The City must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website (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.



Order of The Health Officer No. C19-18

9. Severability.

If any provision of this Order or its application to any person or circumstance is held to be invalid, 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 effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "Susan Philip", written over a horizontal line.

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

Date: January 19, 2021