



ORDER OF THE HEALTH OFFICER No. C19-15e

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO**

**REQUIRING CERTAIN HEALTHCARE FACILITIES WITHIN THE
CITY TO OFFER AND CONDUCT SARS-CoV-2 TESTING**

DATE OF ORDER: January 13, 2022

***NOTE (ADDED JAN. 13, 2022)** This Order was updated to address a shift in testing priorities associated with the Omicron variant-related surge in SARS-CoV-2 infections. Due to the surge and associated challenges with staffing and testing, the requirements for testing set forth in the prior version of this Order including turn-around times have been revised and narrowed to apply only to hospital-affiliated healthcare facilities and only in relation to people seeking testing who either have one or more COVID-19 symptoms or are a close contact of someone with COVID-19. During this surge, those hospital-affiliated healthcare facilities must submit reports to the Department of Public Health twice a week regarding testing criteria as outlined in this Order. And during this surge, other healthcare facilities are encouraged to try to meet the testing metrics to the extent possible.*

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).)

Summary: San Francisco is currently experiencing a surge in new COVID-19 cases and an increase in hospitalizations, mostly among people who are not fully vaccinated, due to the highly contagious Omicron variant. Due to the nature of the Omicron variant, people who are fully vaccinated, including people who have received a booster, have been infected mainly with mild disease and are showing symptoms. Very few fully-vaccinated or boosted people have required hospitalization. An important way to address the current surge and to allow people to isolate or quarantine is for everyone who has a COVID-19 symptom or who has been a close contact of someone with COVID-19 to get tested as quickly as possible. The ongoing importance of testing, in addition to the wide availability of effective COVID-19 vaccines, requires that the largest providers of healthcare in the City, and particularly hospitals or clinical systems affiliated with hospitals, increase and maintain the availability of testing for people who seek testing.

Accordingly, this Order has four key requirements.

First, it requires each Hospital-Affiliated Healthcare Facility in the City to conduct Testing for SARS-CoV-2 by the next calendar day (or the next business day in some



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situations) for people who seek Testing and who either have one or more COVID-19 symptoms or are a close contact of someone with COVID-19. Second, each Hospital-Affiliated Healthcare Facility must also provide test results to such people by the end of the second day after the test is taken. Third, each Hospital-Affiliated Healthcare Facility that is subject to the Testing requirements of the Order must track daily testing data and, beginning Tuesday, January 18, 2022, report that data two times each week to the San Francisco Department of Public Health. The Order requires such Hospital-Affiliated Healthcare Facilities provide tests to 90% of the people with COVID-19 symptoms or close contacts who seek Testing by the next calendar day (or business day in some situations), and any Hospital-Affiliated Healthcare Facility that does not meet the 90% Testing threshold must explain the steps it is taking to reach that threshold. Similarly, the Order requires Hospital-Affiliated Healthcare Facilities provide test results to 90% of the people with COVID-19 symptoms or close contacts by the end of the second day after the test is taken, and any Hospital-Affiliated Healthcare Facility that does not meet the 90% Testing threshold must explain the steps it is taking to reach that threshold. Fourth, such Hospital-Affiliated Healthcare Facilities must notify patients through websites or online patient portals, and also when feasible through signs in patient care areas, of the availability of such Testing.

This Order goes into effect immediately on issuance. The Order will remain in effect, without a specific expiration date, until it is otherwise extended, rescinded, superseded, or amended in writing by the Health Officer.

**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 ORDERS:**

1. Definitions.

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

- a. *City*. The “City” means the City and County of San Francisco.
- b. *Close Contact*. “Close Contact” means being within six feet of a Person With COVID-19 for a total of 15 minutes or more in a 24-hour period. In turn, a “Person With COVID-19” means a person who tests positive for the virus that causes COVID-19 (SARS-CoV-2) or has been clinically diagnosed with COVID-19 by a healthcare provider. A person is no longer considered a Person With COVID-19 once all of the following occur: (a) at least one day (*i.e.*, 24 hours) has passed since their last fever (without use of fever-reducing medications), and (b) there has been improvement of other symptoms, and (c) at least five days have passed since symptoms first appeared. A person who tested positive for COVID-19 but never had symptoms is no longer considered a Person With COVID-19 five days after the date of their first positive test.



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- c. *COVID-19 Symptom*. “COVID-19 Symptom” means a symptom consistent with SARS-CoV-2 infection, as listed the guidance issued by the CDC and available online at www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html.
 - d. *DPH*. “DPH” means the San Francisco Department of Public Health.
 - e. *Health Officer*. “Health Officer” means the Health Officer of the City and County of San Francisco.
 - f. *Hospital-Affiliated Healthcare Facility*. “Hospital-Affiliated Healthcare Facility” means any facility located in the City that provides healthcare services and that is any of the following:
 - i. An acute care hospital, including but not limited to an emergency room, any inpatient units, and any on-site ambulatory care clinics; or
 - ii. A clinic, office, or urgent care facility located in the City that is owned, directly or indirectly, by any entity (non-profit, religious, governmental, for-profit, or otherwise) that also owns and operates an acute care hospital, regardless of whether that acute care hospital is located outside the City.
 - g. *People Meeting Testing Criteria*. “People Meeting Testing Criteria” means the people who seek Testing in the City due to having either (i) one or more COVID-19 Symptoms or (ii) a Close Contact. The term “Person Meeting Testing Criteria” has a correlative meaning.
 - h. *Testing*. “Testing” (also being “Tested” or a “Test”) means the use of a diagnostic test to detect SARS-CoV-2 using a test that is approved or has emergency use authorization for diagnosis by the United States Food and Drug Administration, including “molecular” or nucleic acid amplification tests—such as polymerase chain reaction (“PCR”) or loop-mediated amplification (“LAMP”) testing—or antigen tests.
2. Purpose and Intent.
- a. Purpose. The public health threat of serious illness or death from COVID-19 remains a serious concern, with the current Omicron surge threatening staffing of all businesses and entities across the City as a result of Omicron’s contagiousness, regardless of vaccination status. It is important to ensure that Testing is available for anyone who has a COVID-19 Symptom or is a Close Contact of a Person With COVID-19 to help reduce the spread of the virus during the surge and also to help maintain staffing in essential services like healthcare facilities, skilled nursing facilities, schools, first responder units, and transportation, as well as other services and businesses that serve the broader economy throughout the City. This Order is based on evidence of continued community transmission of SARS-CoV-2 within the County as well as scientific evidence and best practices to prevent transmission of COVID-19. The Health Officer will continue to monitor data regarding the evolving



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scientific understanding of the risks posed by COVID-19 and may amend or rescind this Order based on analysis of that data and knowledge.

- b. Intent. The intent of this Order is to ensure that people who have one or more COVID-19 symptoms or a Close Contact have access to and receive Testing within the City to effectively prevent and control the spread of COVID-19 in our community, especially during the current Omicron surge. Maintaining Testing during the surge is essential because it helps identify people who have SARS-CoV-2 (the virus that causes COVID-19), ensures those people receive appropriate care, protects vulnerable populations, contains the spread of COVID-19 through letting people isolation and quarantine, facilitates better understanding of the spread of the disease (including any new variants) in the City, ultimately helps prevent serious illness and death, and supports the ongoing operation of essential services as well as the broader economy.
 - c. Interpretation. All provisions of this Order must be interpreted to effectuate the purposes and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in Section 1 above.
 - d. Application. This Order applies to each Hospital-Affiliated Healthcare Facility in the City.
 - e. Effect of Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
3. Testing Requirements for Hospital-Affiliated Healthcare Facilities.
- a. People Who Must Be Tested. Each Hospital-Affiliated Healthcare Facility must, as further set forth in this Section 3, provide Testing to People Meeting Testing Criteria. People Meeting Testing Criteria and all others are strongly urged not to go to a hospital emergency room/emergency department simply to seek Testing (as opposed to emergency medical care).

To help meet the Testing requirements under this Order, each Hospital-Affiliated Healthcare Facility should promptly establish means to allow people seeking Testing (and not needing emergency medical care) to access Testing without having to visit the facility's emergency room/emergency department or otherwise inhibiting access by others who need emergency care to those emergency areas in the facility. For example, a Hospital-Affiliated Healthcare Facility could post clear signage about the location of Testing clinics at that location and set up Testing clinics that allow existing patients to drop in for Testing that same day.



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By way of clarification, this Order does not require a Hospital-Affiliated Healthcare Facility to offer Testing to a Person Meeting Testing Criteria when that person is not already a patient of the Hospital-Affiliated Healthcare Facility (or member of the associated health maintenance organization/HMO) unless the Hospital-Affiliated Healthcare Facility at that location (1) routinely accepts walk-in or new patients or (2) provides urgent or emergency care and the person seeking care meets the standard criteria for being seen at that location.

Testing must be provided by the Hospital-Affiliated Healthcare Facility regardless of whether the Person Meeting Testing Criteria seeks Testing in-person or by remote methods, such as telephone, video encounter, or electronic message. The Hospital-Affiliated Healthcare Facility must provide that Testing either by conducting the Testing itself or otherwise ensuring the Testing is provided by a third-party. This requirement is not met by referring a Person Meeting Testing Criteria to Testing by another entity unless that entity is under a contract with the Hospital-Affiliated Healthcare Facility to provide such Testing. For all Testing, each Hospital-Affiliated Healthcare Facility is encouraged to provide access to the Testing without the need for an in-person clinical visit whenever appropriate. By way of example, People Meeting Testing Criteria who seek to be Tested and who have mild symptoms or a Close Contact could be scheduled for a Test directly via website, telephone, or other consultation mechanism without first requiring a telehealth visit or interaction with a provider via a patient portal for a provider's referral.

b. Testing Administration Requirements.

- i. Testing Administration Timeframes. For any Person Meeting Testing Criteria, the Hospital-Affiliated Healthcare Facility must provide the Testing either on the same day the person seeks Testing or the following calendar day. If such a person seeks Testing via telehealth or other remote methods, then the Hospital-Affiliated Healthcare Facility must conduct the Testing or otherwise cause Testing to be provided no later than the end of the calendar day following the remote visit.

For any Hospital-Affiliated Healthcare Facility-associated location that is not open seven days a week, this Section does not require that Testing be provided by that location on any day that the office or clinic is routinely closed. In such instances, the Testing may be provided on the next business day so long as both of the following conditions are met: 1) the Person Meeting Testing Criteria is given a time on the next business day when they can receive a test from an office, clinic, or other location of the Hospital-Affiliated Healthcare Facility or is referred as a drop-in patient with prioritization for Testing from such location on the next business day; and 2) the Person Meeting Testing Criteria is provided information about whom to contact in the event of an emergency or if symptoms worsen before the Test is scheduled to be performed. This Order recommends that each Hospital-Affiliated Healthcare Facility location that is not open seven



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days a week and that has other affiliated offices or clinics that are open on weekends or evenings accommodate Testing at a location that is open weekends or evenings by the next calendar day when possible if testing is required by this Order.

- ii. Mandated Minimum Threshold for Testing Administration. Each Hospital-Affiliated Healthcare Facility is required by this Order to provide Testing each calendar day to at least 90% of the People Meeting Testing Criteria, within the timeframe as set forth in subsection 3.b.i. As described below, the Hospital-Affiliated Healthcare Facility must meet this threshold in relation to each of its emergency department (ED) operations and ambulatory care operations in the City. Testing administration associated with inpatient operations is not required to be reported under this Order.
- c. Testing Result Requirements.
 - i. Testing Result Timeframes. For any Person Meeting Testing Criteria, the Hospital-Affiliated Healthcare Facility must provide the Testing results by the end of the second day after the test is taken.
 - ii. Mandated Minimum Threshold for Testing Results. Each Hospital-Affiliated Healthcare Facility is required by this Order to provide the Testing results to at least 90% of the People Who Meet Testing Criteria, within the two-day timeframe listed in subsection 3.c.i. As outlined below, the Hospital-Affiliated Healthcare Facility must meet this threshold in relation to each of its emergency department (ED) operations and ambulatory care operations in the City. Testing results associated with inpatient operations are not required to be reported under this Order.
- d. Testing-Related Reporting. The Hospital-Affiliated Healthcare Facility providing Testing under this Section 3 must use its best efforts to conduct the Testing and provide Testing results within the listed timeframes for its emergency department (ED) operations and for its ambulatory care operations in the City.
- e. Violation of Testing Thresholds. Although this Order requires reporting of information related to the Testing thresholds described in subsections 3.b.ii and 3.c.ii, above, each day in relation to each line of service, missing a Testing-related threshold for any given day is not considered a violation of this Order. A violation of this Order occurs for each reporting period (each period being either three or four calendar days) when the average threshold metric for the reporting period is below 90% in relation to each metric (conducting Testing or providing Testing results) and in relation to each line of service (emergency department (ED) operations or ambulatory care operations).
- f. Other Testing. This Order is not intended to limit or reduce any other Testing provided by any person or entity in the City, and all providers of healthcare are



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strongly encouraged to provide as much Testing as possible during the current surge, prioritizing People Meeting Testing Criteria.

4. Reporting Requirements for Hospital-Affiliated Healthcare Facilities.

- a. Routine Testing-Related Reporting. Beginning on Tuesday, January 18, 2022, each Hospital-Affiliated Healthcare Facility in the City must report to DPH the following information twice a week in the manner set forth in this Section 4:
 - i. For each calendar day in that reporting period, the total number of People Meeting Testing Criteria who sought Testing from the Hospital-Affiliated Healthcare Facility's emergency department (ED) operations in the City and separately from its ambulatory care operations in the City;
 - ii. For each calendar day in that reporting period, the total number of People Meeting Testing Criteria who received a Test within 24 hours of the request for a Test (or by the next business day for a location that is not open seven days a week) from the Hospital-Affiliated Healthcare Facility's emergency department (ED) operations in the City and separately from its ambulatory care operations in the City;
 - iii. For the reporting period (typically three or four days), the average percentages across that reporting period of People Meeting Testing Criteria who received a Test within 24 hours of the request for a Test (or by the next business day for a location that is not open seven days a week) reported under subsection 4.a.ii, above, for the Hospital-Affiliated Healthcare Facility's emergency department (ED) operations in the City and separately for its ambulatory care operations in the City;
 - iv. For each calendar day in that reporting period, the total number of People Meeting Testing Criteria who received Testing results within the two-day timeframe listed in subsection 3.c.i as well as those who did not receive Testing results within that two-day timeframe for Testing performed in relation to the Hospital-Affiliated Healthcare Facility's emergency department (ED) operations in the City and separately in relation to its ambulatory care operations in the City as well as the total number of ;
 - v. For the reporting period, the average percentages across the reporting period of the total number of People Meeting Testing Criteria who received Testing results within the two-day timeframe as reported under subsection 4.a.iv, above, in relation to the Hospital-Affiliated Healthcare Facility's emergency department (ED) operations in the City and separately in relation to its ambulatory care operations in the City; and
 - vi. If any average percentage for the reporting period reported in response to either subsection 4.a.iii or subsection 4.a.v above, in relation to the Hospital-Affiliated



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Healthcare Facility's emergency department (ED) operations in the City and separately in relation to its ambulatory care operations in the City, is below 90%, a description of all steps that the Hospital-Affiliated Healthcare Facility has taken and is taking to reach the 90% threshold in relation to the operation or operations that do not meet the Testing threshold. The information provided in response to this requirement may be used to determine whether the violation is one that is excused or may be subject to enforcement action or penalty.

- b. Reporting Period and Cadence. Each Hospital-Affiliated Healthcare Facility in the City must report the required information described above each Tuesday and Friday of every week. Each report must include information for three or four days in the prior seven days (a reporting period), and all information must be provided within seven days of the date for which information is being reported. By way of example, data for Wednesday, January 19, 2022, must be reported no later than the following Tuesday, January 25, 2022, to meet the seven-day reporting deadline.
 - c. Reporting Method. Each Hospital-Affiliated Healthcare Facility in the City must provide the required information, in a format that shows all cumulative reported information over time, to DPH by email (sent to sfprephcc@sfdph.org with "Health Officer Order No. C19-15 Testing Report" in the subject). Information must be provided using the template available online at www.sfdph.org/dph/alerts/files/C19-15-Reporting-Template.xlsx. The listed email address must be contacted if the template cannot be downloaded. If the Health Officer's designee revises the template or otherwise provides clarifications about how information is to be reported, the Hospital-Affiliated Healthcare Facility must use the revised template or follow the reporting format clarifications.
 - d. Other Reporting. Consistent with the intent and purpose of this Order, each Hospital-Affiliated Healthcare Facility must also provide any other information reasonably requested by the Health Officer or DPH related to Testing.
 - e. Violation of Reporting Requirements. If a Hospital-Affiliated Healthcare Facility fails to report any of the information required to be reported by this Section 4, each such failure for a reporting period constitutes a violation of this Order.
5. Billing and Financial Responsibilities.

The billing and financial responsibilities of Hospital-Affiliated Healthcare Facilities are guided by their own arrangements or contracts with the insurance plan or payor they contract with (if any) and with the labs they use. This Order does not alter those arrangements or contracts.

6. Patient Notification.

Hospital-Affiliated Healthcare Facilities must publicize information to people seeking Testing through their standard communication channels and methods about how people



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can access Testing. Hospital-Affiliated Healthcare Facilities that have a public- or patient-facing website or other information portal must post information on that website or through that portal about how people can access Testing from the Hospital-Affiliated Healthcare Facility. Each Hospital-Affiliated Healthcare Facility must also, when feasible, conspicuously post a notice detailing for people the availability of Testing in areas visible to all patients, such as in patient waiting areas and exam or treatment rooms, in order to ensure that people understand they may access Testing.

7. COVID-19 Health Indicators.

The City intends to continue to make publicly available on its website updated data on COVID-19 case rates, hospitalizations and vaccination rates. That information can be found online at <https://sf.gov/resource/2021/covid-19-data-and-reports>. The Health Officer will monitor this data, along with other data and scientific evidence, in determining whether to modify or rescind this Order, as further described in Section 2(a) above.

8. Incorporation of State and Local Emergency Proclamations and Federal and State Health Orders.

The Health Officer is issuing this Order in accordance with, and incorporates by reference, the emergency proclamations and other federal, state, and local orders and other pandemic-related orders described below in this Section. 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 Section 9 below).

- 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 the Governor, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency, and the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, as each of them have been and may be modified, extended, or supplemented.
- b. State Health Orders. This Order is also issued in light of the various orders, directives, rules, and regulations of the State, including, but not limited to, those of the State's Public Health Officer and Cal/OSHA. The State has expressly acknowledged that local health officers have authority to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer.
- c. Federal Orders. This Order is further issued in light of federal emergency declarations and orders, as each of them may have been and may be modified, extended or supplemented.



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9. Effective Date.

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

10. Copies.

The City must promptly provide copies of this Order as follows: (1) by posting on the DPH 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. Also, the owner, manager, or operator of each Hospital-Affiliated Healthcare Facility in the City is strongly encouraged to post a copy of this Order onsite and must provide a copy to any member of the public asking for a copy.

11. Severability.

If a court holds any provision of this Order or its application to any person or circumstance 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 effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

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

Dated: January 13, 2022