



**CLAYTON CHAU, MD PhD**  
DIRECTOR/ COUNTY HEALTH OFFICER

**MATTHEW ZAHN, MD**  
DEPUTY COUNTY HEALTH  
OFFICER/MEDICAL DIRECTOR CDCD

405 W. 5<sup>TH</sup> STREET, 7<sup>TH</sup> FLOOR  
SANTA ANA, CA 92701

[www.ocalthinfo.com](http://www.ocalthinfo.com)

## COUNTY HEALTH OFFICER

### ORDERS AND STRONG RECOMMENDATION

For

### Residential Care Facilities for the Elderly

(December 15, 2020)

Pursuant to California Health and Safety Code sections 101040 and 120175 the County of Orange's Health Officer orders the following:

#### ORDERS

- All Residential Care Facilities for the Elderly (RCFE) shall cancel all communal dining and indoor communal activities within 24 hours of when a resident and/or employee of the RCFE is diagnosed with COVID-19. The Facility may resume these activities only after the Facility has completed two consecutive rounds of novel coronavirus disease (COVID-19) tests for all residents and employees that are at least 7 days apart and the tests have all returned negative.
- All RCFEs that are permitted to hold communal dining and indoor communal activities shall ensure that they are following the COVID-19 prevention guidelines found at <https://occovid19.ocalthinfo.com/sites/virus/files/2020-10/RCFE%20Activity%20and%20Visitation%20Guidance%2010-25-20.pdf> and attached as Attachment A.

The Orders, above, shall take effect at 12:01 AM (PST) on December 16, 2020, and shall continue in effect until the County's COVID-19 transmission rate drops below 8 cases/100,000 persons. The Orders shall continue in effect at any time the County's COVID-19 transmission rate rises above 8 cases/100,000 persons.

Any individual Residential Care Facility for Elderly shall be exempt from complying with the Orders, above, upon completion of the initial round of COVID-19 vaccination of its residents and employees.

**IT IS STRONGLY RECOMMENDED** that all RCFEs that do not have a resident and/or employee diagnosed with COVID-19 cancel communal dining and indoor communal activities until the County's COVID-19 transmission rate drops below 8 cases/100,000 persons.

#### GENERAL PROVISIONS

1. The Orders and Strong Recommendation, above, shall not supersede any conflicting or more restrictive orders issued by the State of California or federal government. If

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any portion of this document or the application thereof to any person or circumstance is held to be invalid, the remainder of the document, 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 the Orders and Strong Recommendation are severable.

2. The Orders contained in this document may be enforced by the Orange County Sheriff or Chiefs of Police pursuant to California Health and Safety Code section 101029, and California Government Code sections 26602 and 41601. A violation of a health order is subject to fine, imprisonment, or both (California Health and Safety Code section 120295).

### **REASONS FOR THE ORDERS AND STRONG RECOMMENDATIONS**

1. On February 26, 2020, the County Health Officer declared a Local Health Emergency based on an imminent and proximate threat to public health from the introduction of a COVID-19 in Orange County.
2. On February 26, 2020, the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency in that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County.
3. On March 2, 2020, the Orange County Board of Supervisors adopted Resolutions No. 20-011 and No. 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above.
4. On March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
5. The State of California, like the Nation, continues to record a surge in the level of community spread of COVID-19, resulting in a statewide increase in the number of new hospital admissions.
6. On December 3, 2020, California public health officials announced a Regional Stay at Home Order that will be triggered if Intensive Care Unit (ICU) capacity drops below 15 percent in a given region.
7. The Regional Stay at Home Order instructs Californians to stay at home as much as possible to limit mixing with other households that can lead to COVID-19 community spread.
8. On December 10, 2020, the Southern California region was at 9% ICU capacity, and the Regional Stay at Home Order remains in effect in the Orange County.

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9. Orange County continues to record a surge in the level of community spread of COVID-19, resulting in a countywide increase in the number of new hospital admissions. On December 13, 2020, the County reported 3,250 newly recorded confirmed COVID-19 cases and 1,287 COVID-19 countywide hospitalization, including 288 ICU COVID-19 cases.
10. The rise in the level of community spread of COVID-19, if it continues, risks overwhelming the ability of hospitals in the County to deliver healthcare to County residents suffering from COVID-19 and from other illnesses requiring hospital care.
11. Effective COVID-19 vaccines have recently been recommended by the Centers for Disease Control and Prevention (CDC), however, they will not be widely available to the County residents for months. According to CDC, the best way to prevent COVID-19 continues to be avoiding exposure to COVID-19. According to CDC, the novel corona virus is thought to spread mainly from person-to-person due to the following: (1) between people who are in close contact with one another (within about 6 feet); (2) through respiratory droplets produced when an infected person coughs, sneezes breathes, signs, or talks; (3) respiratory droplets cause infection when they are inhaled or deposited on mucous membranes, such as those that line the inside of the nose and mouth; (4) people who are infected but do not have symptoms can also spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.
12. According to the CDC and CDPH, older adults and individuals with medical conditions are at higher risk of severe illness from COVID-19. See <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>; see also <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/PublicHealthGuidanceSelfIsolationforOlderAdultsandThoseWhoHaveElevatedRisk.aspx>.
13. The Orders and the strong recommendation contained in this document are based on the following facts: (i) there is currently no COVID-19 vaccine widely available to RCFEs to protect against transmission of COVID-19 in these facilities; (ii) there is currently no proven therapeutic treatment which consistently prevents the severe illness associated with COVID-19; (iii) the current consensus among public health officials for slowing down the transmission of, and avoiding contracting, COVID-19 is to avoid gathering and practice social distancing; (iv) some individuals who contract COVID-19 have no symptoms or have only mild symptoms and so are unaware that they carry the virus and are transmitting it to others; (v) current evidence shows that the novel coronavirus can survive for hours or even days on surfaces and can be indirectly transmitted between individuals; (vi) experience around the Country indicates that congregate living facilities such as RCFEs are at increased risk for SARS-CoV-2 outbreaks; (vii) in the last 3 weeks in Orange County, the number of such outbreaks has increased dramatically, with high proportions of RCFE residents getting infected; (viii) RCFE residents are at much higher risk for severe illness compared to the general population, given their age and medical conditions; (ix)

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mortality due to COVID-19 in this population in Orange County is approximately 15%; and (x) communal dining and other such group activities which reduce social distancing pose a risk for rapid spread of SARS-CoV-2 in these settings.

14. The orders and strong recommendation contained in this document are necessary and least restrictive preventive measures to control and reduce the spread of COVID-19 in RCFEs, help preserve critical and limited healthcare capacity in Orange County, and save the lives of Orange County residents.
15. The California Health and Safety Code section 120175 requires the County of Orange Health Officer knowing or having reason to believe that any case of a communicable disease exists or has recently existed within the County to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
16. The California Health and Safety Code section 101040 authorizes the County of Orange Health Officer to take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined by Section 8558 of the Government Code, within his or her jurisdiction. “Preventative measure” means abatement, correction, removal or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.

### IT IS SO ORDERED:

Date: December 15, 2020



Clayton Chau MD, PhD  
County Health Officer  
County of Orange



Matthew Zahn, MD  
Deputy County Health Officer/Medical  
Director CDCD