



A Tradition of Stewardship  
A Commitment to Service

Health & Human Services Agency  
Public Health Division

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## ORDER OF THE NAPA COUNTY HEALTH OFFICER

DATE ORDER ISSUED: March 13, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order constitutes a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code §§ 120295 *et seq.*)**

The virus that causes Coronavirus 2019 Disease (COVID-19) places residents at long-term care facilities at high risk. Visitors to such facilities may have the virus but may not have symptoms or may have mild symptoms. Visitors and Non-Essential Personnel can easily pass the virus on to vulnerable residents. Because of this risk, and the need to protect these vulnerable members of the community, this Order restricts Visitors and Non-Essential Personnel from those facilities for the next six weeks. Accordingly,

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE NAPA COUNTY HEALTH OFFICER (THE "HEALTH OFFICER") ORDERS:**

1. Effective as of the date of this Order, the staff of each long-term care residential facility listed in Section 15 below (each a "Residential Facility") shall exclude from entry or access to its Premises any Visitors and Non-Essential Personnel, as each term is defined in Section 11 below. Such Visitors and Non-Essential Personnel, including but not limited to family members of residents and authorized decision-makers, are hereby ordered not to visit any Residential Facility except as permitted by this Order. This visitation restriction has a limited exception described in Section 8 below. This restriction is in place for the limited duration listed in Section 12 below.
2. Each Residential Facility must discourage Non-Essential Resident Movement, as defined in Section 11 below, onto and off of Residential Facility Premises where feasible.
3. Written Guidance Regarding Compliance With Order Of The Health Officer ("COVID-19 Guidance") is also attached and incorporated into this Order. The Health Officer or their designee may revise the COVID-19 Guidance as the Health Officer deems necessary. Each Residential Facility must follow the COVID-19 Guidance when applying this Order.
4. This Order is based on scientific evidence and best practices currently known and available to prevent the spread to Residential Facility residents of the virus that causes COVID-19. This Order aims to protect those residents from avoidable risk of serious illness or death resulting from COVID-19. The age, condition, and health of a significant majority of Residential Facility residents places those residents at high risk of serious health complications from COVID-19, including death. Visitors with the COVID-19 virus may have mild symptoms or no symptoms. This means they may not know that, when they visit a Residential Facility, they are putting residents at serious risk.

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, and the March 12, 2020 Proclamation of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer.

5. Each Residential Facility must, within three business days of receipt of this Order, develop and implement a written plan ("COVID-19 Plan"). The COVID-19 Plan must comply with applicable guidance from the United States Centers for Disease Control and Prevention ("CDC") (available online at [www.cdc.gov](http://www.cdc.gov)) and the California Department of Public Health ("CDPH") (available online at [www.cdph.ca.gov](http://www.cdph.ca.gov)) regarding the screening of residents, staff, and visitors for signs of COVID-19 or other illness. The COVID-19 Plan must also address other applicable COVID-19-related guidance, including steps to reduce the risk of authorized visitors (such as through hand washing, masking, maintaining at least six feet distance from other people, and limiting the duration of visits, as appropriate). Nothing in this Order prohibits a Residential Facility from taking steps beyond guidance provided by the CDC or CDPH in its Plan. Each Residential Facility must update its Plan when new COVID-19 recommendations or requirements are issued by the CDC or CDPH or as otherwise required by law.
6. Each Residential Facility's COVID-19 Plan must also include a requirement that any employee or other staff member who is sick or does not pass the required screening must be immediately sent home and not return to work until they are no longer sick or authorized to return by a physician. If a Residential Facility is unable to immediately send home any such employee or staff member, the Residential Facility must (1) prevent that staff member from engaging in any resident care or contact and (2) immediately notify its respective licensing entity and seek guidance from that entity. This Order requires that each Residential Facility "screen all staff and visitors for illness and turn away those with symptoms," a requirement listed in the COVID-19 Guidance included in this document. See the COVID-19 Guidance for more information about COVID-19 Plans.
7. If a Residential Facility learns that any facility resident or staff member who had recently been working at the Residential Facility tests positive for COVID-19, the Residential Facility must immediately (within one hour) notify Napa County Public Health and meet any other applicable notification requirements.
8. This Order restricts physical contact between Residential Facility residents and Visitors and Non-Essential Personnel. When Visitors and Non-Essential Personnel seek to visit or contact a resident, there are two ways a Residential Facility may facilitate contact. First, each Residential Facility must make reasonable efforts to facilitate such contact by other means (such as telephone or videoconference) that do not expose the resident to in-person contact. Second, each Residential Facility may authorize Necessary Visitation on a case-by-case basis using the following protocol.

Necessary Visitation means a visit or contact that is based on urgent health, legal, or other issues that cannot be postponed. If the needs and context of a particular request for Necessary Visitation justify a temporary exception to this Order, the Residential Facility Administrator, as defined in Section 11 below, may arrange for Necessary Visitation of a Residential Facility resident. The Residential Facility Administrator shall determine whether the needs and context for a Necessary Visit justify a temporary exception, basing their decision on this Order and the COVID-19 Guidance.

Any Necessary Visitation permitted under this Section is subject to the requirements of the COVID-19 Guidance and any other standards deemed appropriate by the Residential Facility. For example, Necessary Visitation must include appropriate steps to protect residents from exposure



to the COVID-19 virus, such as hand washing, masking, maintaining at least six feet of distance from other people, and a short duration of visit. Visitors permitted under this Section are hereby ordered to comply with all conditions of visitation imposed by the Residential Facility at the time of entry or access to the Premises.

9. If any Visitor or Non-Essential Person refuses to comply with this Order, then the Residential Facility may contact the city or town police department or Sheriff, as appropriate to their location, and request assistance in enforcing this Order. The Residential Facility shall take whatever steps are possible within the bounds of the law to protect residents from any such Visitor or Non-Essential Person who refuses to comply with this Order. For example, a Residential Facility should contact facility security and ask the unauthorized Visitor or Non-Essential Person to comply with conditions of visitation imposed by the Residential Facility. Even if a Visitor or Non-Essential Person otherwise complies with the Residential Facility's visitation protocols, they are in violation of this Order if their presence is not a Necessary Visitation under Section 8 above.
10. This Order does not restrict first responders' access to Residential Facility Premises during an emergency. Further, this Order does not restrict state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties on Residential Facility Premises. Persons other than first responders permitted access under this Section must comply with all conditions of visitation imposed by the Residential Facility at the time of entry or access to the Residential Facility Premises when feasible.
11. For the purposes of this Order, the following terms have the meanings given below:
  - a) "Visitors and Non-Essential Personnel" are employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Residential Facility. Refer to the COVID-19 Guidance for more information. This term includes family members, friends and loved ones of residents and those who have legal authority to make healthcare or other legal decisions for a resident. The Ombudsperson is an authorized visitor and is not included in this term, but the Ombudsperson must still follow all conditions of visitation imposed by the Residential Facility and should also try to avoid non-essential visits.
  - b) "Non-Essential Resident Movement" means travel off or onto Residential Facility Premises by a resident other than for specific treatment or pressing legal purposes as described more fully in the COVID-19 Guidance.
  - c) "Premises" includes without limitation the buildings, grounds, facilities, driveways, parking areas, and public spaces within the legal boundaries of each Residential Facility listed in Section 15 below.
  - d) "Administrator" means the administrator of a Residential Facility or the administrator's designee.
12. This Order shall be effective until 11:59 p.m. on April 24, 2020, or until it is earlier rescinded, superseded, or amended in writing by the Health Officer or by the State Public Health Officer. It is possible this Order will be extended for the protection of Residential Facility residents based on conditions at that time.
13. While this Order is in effect, the Residential Facility must provide copies of the Order in all of the following ways: (1) post this Order on the Residential Facility website (if any); (2) post this Order at all entrances to the Residential Facility; (3) provide this Order to each Residential Facility resident; (4) provide this Order to any authorized decision maker for each Residential Facility resident if not the resident, including any conservator; (5) provide this Order to the Residential

Facility Ombudsperson (if any); and (6) offer it to anyone who visits the Residential Facility or who contacts the Residential Facility seeking to visit.

14. Each Residential Facility must, within 12 hours of receipt of this Order, notify its respective licensing entity (whether the California Department of Public Health, Department of Social Services or otherwise) of the existence of this Order regarding the Residential Facility.
15. This Order applies to each Residential Facility listed below:

<b>Residential Facility Name</b>	<b>Street Address</b>	<b>Zip Code</b>
A Hidden Knoll	3158 Browns Valley Rd	94558
Aegis Living	2100 Redwood Rd	94558
Berkshire	2300 Brown St	94558
Bethesda Family Home	2295 3rd St	94558
Brookdale Napa	3255 Villa Lane	94558
Celebrity Haven 2	2212 Trower Ave	94558
Choctaw House	2504 Redwood Rd	94558
Choctaw House North	2529 Vine Hill Ct	94558
Green Hills	115 Thayer Way	94503
Hearts That Matter	68 Coombs St	94559
La Homa Guest Home	1161 La Homa Dr	94558
Napa Post Acute	705 Trancas St	94558
Napa Senior Center	1500 Jefferson St	94558
Napa Valley Care Center	3275 Villa Lane	94558
Napa Valley Senior Living	2025 Clay St	94558
Nazareth Rose Garden of Napa	903 Saratoga Dr	94558
Ombudsman Long Term Care	1443 Main St #125	94558
Piner's Guest Home	1800 Pueblo Ave	94558
Stayman Estates	2162 W Pueblo Ave	94558
The Meadows Napa Valley	1800 Atrium pkwy	94558
The Springs of Napa	3460 Villa Lane	94558
The Watermark at Napa Valley	4055 Solano Ave	94558
Vine Village	4059 Old Sonoma Rd	94558

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

IF A RESIDENT OR THE RESIDENT'S AUTHORIZED LAWFUL REPRESENTATIVE OBJECTS TO THE APPROPRIATENESS OF THE LIMITATION OF ACCESS CONTAINED IN THIS ORDER, THE RESIDENT OR LAWFUL AUTHORIZED REPRESENTATIVE MUST FIRST RAISE THEIR CONCERN WITH THE RESIDENTIAL FACILITY AT ISSUE. THE RESIDENTIAL FACILITY IS ORDERED TO RESPOND TO THE CONCERN WITHIN TWO BUSINESS DAYS.

IF AFTER RECEIVING A RESPONSE FROM THE RESIDENTIAL FACILITY THE OBJECTION IS NOT RESOLVED, THE RESIDENT OR LAWFUL AUTHORIZED REPRESENTATIVE MAY SUBMIT A WRITTEN OBJECTION FOR CONSIDERATION TO NAPA COUNTY PUBLIC HEALTH AS FOLLOWS:



Subject: Objection to Health Officer Order 3/13/2020

Via email to: [Coronavirus@countyofnapa.org](mailto:Coronavirus@countyofnapa.org), or

Via facsimile to: 707-253-4880

PLEASE PROVIDE A DESCRIPTION OF THE BASIS OF THE OBJECTION, INCLUDING ANY FACTS OR CONTEXT THAT ARE RELEVANT. NAPA COUNTY PUBLIC HEALTH WILL TRY TO RESPOND PROMPTLY. THE LOCAL HEALTH EMERGENCY MAY NOT PERMIT A PROMPT RESPONSE. IF A RESPONSE IS NOT RECEIVED WITHIN TWO BUSINESS DAYS OF RECEIPT OF THE OBJECTION, THE OBJECTION WILL BE CONSIDERED NOT GRANTED.

IT IS SO ORDERED:



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Karen Relucio, MD  
Health Officer of Napa County

Date: March 13, 2020





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## **WRITTEN GUIDANCE REGARDING COMPLIANCE WITH THE ORDER OF THE NAPA COUNTY HEALTH OFFICER DATED MARCH 13, 2020**

This COVID-19 Guidance is meant to help each Residential Facility implement the attached Order of the Napa County Health Officer. This document uses capitalized terms as defined in the Order.

1. Guidance regarding Section 5 (COVID-19 Plan): The Order requires the Residential Facility to create a COVID-19 Plan that addresses issues including: 1) screening of residents, staff, and visitors for signs of COVID-19 or other illness; 2) conditions of visitation imposed by the Residential Facility at the time of entry or access to the Premises for authorized visitors that reduce the risk of infection, such as thorough hand washing, appropriate use of Personal Protective Equipment (PPE), maintaining at least six feet distance from other people, and limiting the duration of visits, as appropriate; 3) sending sick employees home immediately; 4) notifying DPH and other regulators of any positive COVID-19 result for a resident or staff member, including as required by law; and 5) other CDC or CDPH requirements.

The COVID-19 Plan should also address how the facility can reduce the risk of unnecessary exposure as outlined in the California Department of Public Health Mass Gathering Guidance: [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/Gathering\\_Guidance\\_03.11.20.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/Gathering_Guidance_03.11.20.pdf). For example, the Residential Facility should avoid having large gatherings of residents or staff, defined as more than ten individuals at risk for COVID-19 disease, instead holding smaller gatherings that still meet the facility's mission and needs (e.g., substituting unit-based activities for a facility-wide bingo event). Similarly, postponing large staff meetings and having meetings occur by phone are encouraged.

Additionally, there may be areas that warrant limitations that are not normally in place. A Residential Facility may have a cafeteria or other concession that is normally available to residents, essential employees, other employees (such as others who share the building but are not associated with the healthcare mission of the facility), and visitors. While this Order is in effect, the Residential Facility should consider whether a restriction on such use makes sense. One option might be to limit cafeteria visits to residents and essential staff and temporarily block other employees, Visitors, and Non-Essential Personnel from that area.

If the Residential Facility had plans to have vendors come onsite for meetings or to show sample products, those meetings should be conducted via remote communication, occur at another site that does not include a vulnerable population, or be postponed until after this emergency situation if possible.

2. Guidance regarding Section 8 (efforts to facilitate contact that is not in-person): The Order requires the Residential Facility to make reasonable efforts to facilitate contact between a Visitor or Non-Essential Personnel and a resident. Such efforts include using technology to facilitate a remote connection with the resident when possible and would include telephone calls, telephone conferences involving multiple people, and video conferences using appropriate technology. Efforts

are not reasonable if they interfere with the Residential Facility's healthcare mission or if they are not available or are cost prohibitive. The Residential Facility is encouraged to be creative in trying to facilitate contact that is not in-person so long as it complies with its other legal and regulatory obligations.

3. Guidance regarding Section 8 (Necessary Visitation): The term Necessary Visitation refers to a visit or contact that is based on urgent health, legal, or other issues that cannot be postponed. Nothing in the Order limits the standard healthcare that the Residential Facility provides to a resident.

When medical care is appropriate or required, it is by definition permitted under the Order. Necessary Visitation refers to other types of visits or contact that are time-sensitive. For example, a resident may be in the end stages of life. In that instance, family or loved ones should be permitted to be with the resident. Another example would be a resident who is updating their will or other legal papers and an in-person meeting with the lawyer or family members or a notary is required. But a meeting with a lawyer to discuss future changes or other, non-urgent issues should generally be postponed or conducted via telephone or other means.

Anyone who is legally authorized to make decisions for the resident, whether by operation of a durable power of attorney or public or private conservatorship, must be given special consideration, especially if they need to meet in person with the resident to fulfill their role. This distinction is in place because decisions regarding care when there is a surrogate decision maker should not be delayed when in-person contact is needed, whereas visits by other family or loved ones are important but may not be time sensitive. Such authorized decision-makers should be encouraged to use alternative methods of contacting the resident when possible in order to avoid exposing the resident and others. However, if the Residential Facility Administrator determines that in-person contact by the decision maker is time-sensitive and necessary, then this may be deemed Necessary Visitation.

Also, Necessary Visitation should not be granted for routine visits by decision makers, family, or loved ones, even if the resident very much looks forward to the visit or the visitor has a strong desire for the visit. Such routine visits put all residents at risk at this time. But if a family member or loved one plays an essential role in providing care to a resident, without which the resident will suffer medical or clinical harm, Necessary Visitation may be appropriate.

There may be other unique situations that justify a Necessary Visitation based on the context. This Order is intended to give the Administrator flexibility in making that determination so long as the decision is in line with the Order and this COVID-19 Guidance. The Administrator should not authorize Necessary Visitation for all or a majority of residents as that would likely reflect a violation of the intent of the Order to protect all residents from the risks of non-essential exposure to COVID-19.

All visits allowed as Necessary Visitation must occur subject to all conditions of visitation imposed by the Residential Facility at the time of entry or access to the Premises.

5. Guidance regarding Section 11 (defining Visitors and Non-Essential Personnel): The Order defines Visitors and Non-Essential Personnel as employees, contractors, or members of the public who do not perform treatment, maintenance, support, or administrative tasks deemed essential to the healthcare mission of the Residential Facility. This term includes non-resident spouses or partners, family, loved ones, friends, clergy, and colleagues of the resident. This term also includes anyone who is legally authorized to make decisions for the resident, whether by operation of a durable



power of attorney or public or private conservatorship (but see guidance above about decision-maker visits).

This term also includes employees of the Residential Facility or its vendors (and their employees) who are not needed in the short term for the facility to perform its healthcare mission. For example, a vendor that makes deliveries of large bottled water refill jugs is likely not essential. However, the facility should work to see if there are ways to permit delivery, such as on a loading dock, which would eliminate the need in the short term for someone to make visits all across the facility. This Order grants the Administrator authority to make judgment calls on how best to ensure the facility is able to operate during this emergency situation.

6. Guidance regarding Section 11 (defining Non-Essential Resident Movement): The Order defines Non-Essential Resident Movement as travel off or onto Residential Facility Premises by a resident other than for specific treatment or pressing legal purposes. This is contrasted with situations when a resident leaves the facility for health-related purposes or as required by law, such as for a meeting or service mandated by a court. The goal of the Order is to encourage residents to limit Non-Essential Resident Movement.

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Dated: March 13, 2020

