

# ORDER FOR CONTROL OF COVID-19 ACCESS TO DIAGNOSTIC TESTING THROUGH HEALTHCARE FACILITIES

Date Order Issued: July 20, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both (California Health and Safety Code §120275 et seq; Long Beach Municipal Code § 8.120.030.A and 8.120.030.E.3.)**

## **SUMMARY OF THE ORDER:**

This Long Beach Health Officer Order (Order) complements existing Safer at Home Health Orders (Prior Orders) issued by the City of Long Beach Health Officer (Health Officer). This Order is issued to ensure access to COVID-19 Diagnostic Testing in Healthcare Facilities across the City Long Beach.

This Order is effective within the City of Long Beach Public Health jurisdiction. This Order is effective Friday, July 31, 2020 and will continue until further notice.

## **UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE LONG BEACH HEALTH OFFICER ORDERS:**

1. The intent of this Order is to ensure access to Diagnostic Testing, as defined in Section 8 below, in order to effectively prevent and control COVID-19 in our community. Expansion of Diagnostic Testing is essential because it helps identify individuals who are infectious with the virus that causes COVID-19 (SARS-CoV-2), ensure those individuals receive appropriate care, protect vulnerable populations, contain spread of COVID-19, better understand the spread of the disease in the City of Long Beach ("City"), and ultimately prevent serious illness and death. Unlike early in the pandemic, laboratory testing capacity has now increased significantly, as has the supply of collection material such as swabs. The State of California's Testing Task Force is working with healthcare providers to address any testing supply shortages that arise. As of the effective date and time of this Order set forth in Section 14 below, Healthcare Facilities, as defined in Section 8, are required to follow the provisions of this Order.
2. All Healthcare Facilities in the City must provide Diagnostic Testing to the following categories of individuals who seek or request testing or other care, whether in-person or by phone or electronic message *provided that*, such individuals (i) are among the applicable facility's pool of current patients; (ii) are assigned to the facility (or a network that includes the facility) by an insurer or other similar payor; or (iii) in the case of an urgent care clinic or other similar facility serving members of the public on a walk-in basis, meet the typical criteria for a visit:
  - a. All Symptomatic Persons, as defined in Section 8, regardless of age, hospitalization status, comorbidities, or other risk factors for COVID-19; and
  - b. All persons, with or without COVID-19 Symptoms, as defined in Section 8, who report that they were a close contact of a laboratory-confirmed or probable case of COVID-19, including those exposed in a High-Risk Setting, as defined in Section 8, within 2 and 14 days prior to presenting for testing.
3. Diagnostic Testing can be provided either at:
  - a. The Healthcare Facility itself or a specified clinic or testing center operated by the Healthcare Facility;  
or

- b. Another healthcare facility or testing center established and operated by a pharmacy or commercial lab that is contracted with the Healthcare Facility for Diagnostic Testing.
4. Where applicable, Healthcare Facilities should seek payment from patients' group health plans or health insurance issuers for any fees, costs, or charges incurred in ordering or completing Diagnostic Testing under this Order. Healthcare Facilities shall comply with all state and/or federal laws prohibiting patients from being billed for fees, costs, or charges related to Diagnostic Testing.
5. Nothing in this Order prohibits a Healthcare Facility from also offering COVID-19 Diagnostic Testing to other categories of persons at its own discretion. Healthcare Facilities are strongly urged to expand this testing to the greatest extent possible, and to implement the recommendations and guidance from the Health Officer regarding broader testing of individuals for COVID-19, see COVID-19 Testing Guidelines: [COVID-19 Testing Guidelines](#).
6. Healthcare Facilities must publicize information through their typical channels as to how patients can access Diagnostic Testing. Healthcare Facilities that have a public or patient-facing website must post information on their website about how patients can access Diagnostic Testing from the Healthcare Facility.
7. Healthcare Facilities in the City must, as applicable, continue to comply with the reporting requirements regarding COVID-19 testing results set forth in the [March 5, 2020 Health Officer Order - Addition of COVID-19 to the Reportable Diseases and Conditions List](#) or any subsequent Health Officer order, as well as any additional reporting required or requested by the Health Officer.

## **DEFINITIONS**

8. For the purposes of this Order, the following terms are defined as follows:
  - a. "Diagnostic Testing" means the use of PCR diagnostic testing related to SARS-CoV-2, the virus that causes COVID-19, or novel coronavirus infection when the primary purpose of such testing is intended for individualized diagnosis or treatment.
  - b. "Healthcare Facility" means (1) any clinic or urgent care facility located in the City that is owned, directly or indirectly, by an entity that also owns or operates an acute care hospital, regardless of where that acute care hospital is located; (2) any acute care hospital located in the City, and (3) any free-standing clinic (e.g., Federally Qualified Health Center, commercial urgent care clinic, or private provider) at such locations where the clinic (a) maintains staff trained to administer diagnostic tests, and (b) administers diagnostic tests services to its patients or members of the public.
  - c. "COVID-19 Symptom" means a new-onset of signs or symptoms consistent with COVID-19, including, but not limited to, fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscles or body aches, headache, new loss of smell or taste, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, or as per any updated CDC guidance regarding COVID-19 symptoms.
  - d. "Symptomatic Person" means any individual, regardless of age, who has any COVID-19 Symptom.
  - e. "High-Risk Setting" means a setting in which workers are at a high risk for exposure to SARS-CoV-2 due to frequent face-to-face interaction with members of the public or residents of a congregate setting (e.g. nursing facility, shelter, jail) and inability to maintain physical distancing at work, including, but not limited to, first responders, staff of congregate settings, pharmacy employees, food service workers, delivery workers, public transportation operators, and grocery store clerks. The designation of "High-Risk Setting" may be further elaborated by guidance to healthcare providers issued by the Health Officer.

## **REASONS FOR THE ORDER**

9. This Order is issued based on the need for increased testing to detect COVID-19 within the City. Due to the outbreak of the COVID-19 virus in the general public, which remains a pandemic according to the World Health Organization, there is a public health emergency throughout the City. Adequate and widespread availability of Diagnostic Testing are essential to detecting both symptomatic and asymptomatic transmission of the virus, ensuring persons with COVID-19 receive appropriate care, identifying cases that need to isolate

themselves from others, and informing public health case investigations and contact tracing efforts, thereby slowing virus transmission as much as possible in order to protect the most at risk of serious illness from this infection, to prevent further infections and serious illness and death, and to prevent the healthcare system from being overwhelmed. Diagnostic Testing is also an essential tool in the City's mitigation efforts in order to understand the prevalence and spread of the disease in the City.

10. Existing community transmission of COVID-19 in the City continues to present a substantial and significant risk of harm to residents' health. There is still no vaccine available yet to protect against COVID-19, and no treatment for it. As of July 17, 2020, there have been at least 6,334 cases of COVID-19 and 158 deaths reported in the City.

#### **ADDITIONAL TERMS**

11. The City shall promptly provide copies of this Order by: (a) posting it on the Long Beach's Department of Health and Human Services website (<http://www.longbeach.gov/health/>), (b) posting it at the Civic Center located at 411 W. Ocean Blvd., Long Beach, CA 90802, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the City, and (e) by serving via email on large facilities known to the Health Officer that are likely to be subject to this Order (but service via email is not required for compliance).
  - a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
  - b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Long Beach Department of Health and Human Services' website (<http://www.longbeach.gov/health/>) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
12. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, 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.
13. 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 and the March 4, 2020 Proclamation of Local Emergency by the City Manager, and the Declaration of Local Health Emergency by the Health Officer, ratified by the City Council on March 10, 2020, respectively, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
14. This Order shall become effective at 12:01 am on July 31, 2020 and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

#### **IT IS SO ORDERED:**

Anissa Davis, MD, DrPH,  
Health Officer, City of Long Beach  
Date: July 20, 2020

#### **PROMULGATION OF EMERGENCY REGULATIONS**

As Director of Civil Defense for the City of Long Beach pursuant to Long Beach Municipal Code ("LBMC") section 2.69.060.A, and in accordance with the provisions of LBMC Chapter 8.120, I am authorized to promulgate regulations for the protection of life and property as affected by the COVID-19 emergency pursuant to Government Code section 8634, and LBMC sections 2.69.070.A and 8.120.020. The following shall be in effect for the duration of the Long Beach Health Order, ORDER FOR CONTROL OF COVID-19: ACCESS TO

DIAGNOSTIC TESTING THROUGH HEALTHCARE FACILITIES, issued above, which is incorporated in its entirety by reference:

The Long Beach Health Officer Order, ORDER FOR CONTROL OF COVID-19: ACCESS TO DIAGNOSTIC TESTING THROUGH HEALTHCARE FACILITIES, shall be promulgated as a regulation for the protection of life and property.

Any person who, after notice, knowingly and willfully violates or refuses or neglects to conform to the above referenced lawfully issued Health Order shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment. (Long Beach Municipal Code sections 8.120.030.A and 8.120.030.E.3.)

IT IS SO ORDERED:

Thomas B. Modica  
City Manager, City of Long Beach  
Date: July 20, 2020