

**County of Santa Clara
Public Health Department**



Health Officer
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.3798

**ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF SANTA CLARA DIRECTING HOSPITALS AND
SKILLED NURSING FACILITIES IN THE COUNTY TO DISCLOSE ON AN
ONGOING BASIS TO THE HEALTH OFFICER INVENTORIES OF
PERSONAL PROTECTIVE EQUIPMENT AND VENTILATORS**

DATE OF ORDER: May 13, 2020

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); Santa Clara County Ordinance Code § A1-28.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120176, AND SANTA CLARA COUNTY ORDINANCE CODE SECTIONS A18-28 TO A18-32, THE HEALTH OFFICER OF THE COUNTY OF SANTA CLARA (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the April 6, 2020 Order of the Health Officer directing Hospitals and Skilled Nursing Facilities in Santa Clara County (“County”) to disclose on an ongoing basis to the Health Officer inventories of Personal Protective Equipment (“PPE”) and Ventilators as those initially capitalized terms are defined in Section 8. This Order amends the frequency of the required disclosures based on current needs. As of the effective date and time of this Order set forth in Section 12 below, all Hospitals and Skilled Nursing Facilities are required to follow the provisions of this amended Order.
2. The intent of this Order is to ensure that the Health Officer has sufficient information regarding the inventories of PPE and Ventilators, and other critical information from Hospitals and Skilled Nursing Facilities in the County. The scientific evidence indicates that adequate PPE and Ventilators are necessary to protect patients, healthcare providers, first responders, and other medical staff in order to prevent the spread of COVID-19 and continue delivering critical healthcare services. Because of national, state, and local shortages in PPE and Ventilators, inventory information regarding these critical supplies is essential for the Health Officer to manage vital resources during this public health emergency. This Order requires ongoing disclosure of PPE and Ventilator inventories by Hospitals and Skilled Nursing Facilities in the County so that the Health Officer has essential information to efficiently and effectively deploy any newly available PPE resources or Ventilators where they are most needed.

3. Starting May 11, 2020, each Hospital in the County must disclose on appropriate timelines based on current needs, as determined and directed by the Health Officer, all inventories, whether purchased, donated, or otherwise obtained, of PPE and Ventilators pursuant to the Disclosure Requirements as defined in Section 8.
4. Starting May 11, 2020, each Skilled Nursing Facility in the County must disclose on appropriate timelines based on current needs, as determined and directed by the Health Officer, all inventories, whether purchased, donated, or otherwise obtained, of PPE and Ventilators pursuant to the Disclosure Requirements.
5. Each Hospital and Skilled Nursing Facility must submit this inventory disclosure in the form and manner directed to them individually.
6. Based on the information disclosed, the Health Officer may request additional disclosures regarding inventories of critical supplies or other information related thereto. Each Hospital and Skilled Nursing Facility shall be required to respond to any additional requests for disclosure asked of them by the Health Officer or her designee(s).
7. Consistent with applicable law, the Health Officer shall keep this proprietary information regarding PPE and Ventilator inventories confidential.
8. Definitions.

For the purposes of this Order, the following terms will have the meaning given below:


- a. "Personal Protective Equipment" ("PPE") means specialized equipment worn to minimize exposure to and/or transmission of viral and bacterial infections. For the purposes of this Order, PPE are:
 - i. Nitrile gloves;
 - ii. Vinyl gloves;
 - iii. Medical-grade N95 masks;
 - iv. Non-medical grade N95 masks;
 - v. Surgical or procedure masks;
 - vi. Safety goggles with extensions to cover the sides of eyes;
 - vii. Face shields that cover from ear to ear and down to the chin;
 - viii. Long-sleeved protective gowns of any type;

- ix. Long-sleeved protective coveralls of any type;
 - x. Hair-covering bonnets of any type;
 - xi. Shoe coverings of any type;
 - xii. Bleach wipes;
 - xiii. Sani-Wipes or Sani-Cloths;
 - xiv. Small or medium hand sanitizers greater than 8 oz. that are recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - xv. Gallon-sized or larger hand sanitizers that are recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - xvi. Clinical Powered Air Purifying Respirator (“PAPR”) hoods;
 - xvii. Clinical PAPR complete systems minus hoods;
 - xviii. Controlled Air Purifying Respirator (“CAPR”) complete systems minus disposable parts;
 - xix. CAPR disposable lenses;
 - xx. CAPR disposable cuffs; and
 - xxi. CAPR shrouds or hoods.
- b. “Ventilator” means the following devices:
- i. Critical care ventilators (including high frequency ventilators), excluding those limited to neonatal use;
 - ii. Transport/portable ventilators, excluding those limited to neonatal use;
 - iii. CPAP/BiPAP devices approved for invasive use;
 - iv. Anesthesia machines; and
 - v. Novel ventilators with FDA Emergency Use Authorization.
- c. “Hospital” means any licensed acute care hospital or emergency modular field treatment and other facility established during this local health emergency.
- d. “Skilled Nursing Facility” means any licensed skilled nursing facility.

- e. "Disclosure Requirements" means disclosing the requested information in the form and manner provided by the Public Health Department.
9. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. The scientific evidence also shows that person-to-person transmission of COVID-19 most commonly happens during close exposure to a person infected with COVID-19. This means that PPE are necessary to protect patients, healthcare providers, first responders, and other medical staff in order to prevent the spread of COVID-19 and ventilators are necessary to continue delivering critical healthcare services. Adequate supply of PPE and Ventilators is thus an essential tool to address the impact of COVID-19. Because of national, state, and local shortages in PPE and Ventilators, inventory information regarding PPE and Ventilators is essential for the Health Officer to manage vital resources during this public health emergency. In addition, information regarding the ongoing inventories of PPE and Ventilators from Hospitals and Skilled Nursing Facilities located in the County is essential information for the Health Officer to efficiently and effectively deploy any newly available resources where they are most needed.
10. This Order also is issued in light of the existence of 2,381 reported cases of COVID-19 in the County, including 132 deaths, as of 5:00 pm on May 12, 2020, including a significant number of suspected cases of community transmission, a significant number of undetected and unreported cases, and likely further ongoing transmission.
11. 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 3, 2020 Declaration of a Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the February 3, 2020 Proclamation of a Local Emergency issued by the County Director of Emergency Services, the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Declaration of a Local Health Emergency, the February 10, 2020 Resolution of the Board of Supervisors of the County of Santa Clara Ratifying and Extending the Proclamation of a Local Emergency, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.

12. This Order shall become effective immediately upon execution and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
13. Copies of this Order shall promptly be: (1) made available at the County Government Center at 70 W. Hedding Street, San José, California; (2) posted on the County Public Health Department website (www.sccphd.org); and (3) provided to any member of the public requesting a copy of this Order.
14. If any provision of this Order or its application to any person or circumstance is held 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:



Sara H. Cody, M.D.
Health Officer of the County of Santa Clara

Dated: 5/13/2020

Approved as to form and legality:



James R. Williams
County Counsel

Dated: 5/13/2020