

**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 ALL ENTITIES AND
INDIVIDUALS IN THE COUNTY TO DISCLOSE ON A ONE-TIME BASIS TO
THE HEALTH OFFICER INVENTORIES OF GREATER THAN MINIMUM
AMOUNTS OF PERSONAL PROTECTIVE EQUIPMENT AND
VENTILATORS**

DATE OF ORDER: April 8, 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, 120175.5, 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. The intent of this Order is to ensure that the Health Officer has sufficient information regarding the available inventories in Santa Clara County ("County") of Personal Protective Equipment ("PPE") and Ventilators as those terms are defined in Section 7. The scientific evidence indicates that adequate 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. There is currently a national, state, and local shortage of PPE and Ventilators. Inventory information regarding these critical supplies is therefore essential for the Health Officer to manage vital resources during this public health emergency.
2. By April 15, 2020, each Entity with any physical presence in and any individual currently living in the County must disclose to the Health Officer all inventories greater than the minimum amounts specified in Section 7 of PPE and Ventilators pursuant to the Disclosure Requirements as those initially capitalized terms are defined in Section 7. Each Entity and individual must submit this one-time inventory disclosure using the form available at www.sccphd.org/cv19ppe.
3. To the limited extent necessary to comply with the one-time inventory requirements of this Order, travel in order to inventory PPE and Ventilators is permissible notwithstanding the limitations set forth in the Health Officer's Shelter-in-Place Order of March 31, 2020. Persons

engaging in such travel must continue to strictly comply with the Social Distancing Requirements set forth in the Health Officer's Shelter-in-Place Order of March 31, 2020.

4. Based on the information provided by this inventory, the Health Officer may request additional disclosures regarding, for example, the specific type or location of PPE. Each Entity and individual shall be required to respond to any additional requests for disclosure.
5. To the greatest extent possible, Entities and individuals are strongly encouraged to conserve PPE and to use alternatives such as homemade face coverings in their place. The Health Officer may issue guidance regarding the appropriate use of PPE, and every Entity and individual must abide by such guidance.
6. Consistent with applicable law, the Health Officer shall keep information regarding PPE and Ventilators inventories confidential.
7. 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 means the following items as qualified by the minimum quantities noted in parentheses (i.e., Entities and individuals with less than the minimum quantities noted are not subject to the Disclosure Requirements, although they remain subject to the preservation requirements of Section 5):
 - i. Nitrile gloves (if more than 5,000 items);
 - ii. Vinyl gloves (if more than 5,000 items);
 - iii. Medical-grade N95 masks (if more than 500 items);
 - iv. Non-medical grade N95 masks (if more than 500 items);
 - v. Surgical or procedure masks (if more than 500 items);
 - vi. Safety goggles with extensions to cover the sides of eyes (if more than 100 items);
 - vii. Face shields that cover from ear to ear and down to the chin (if more than 100 items);
 - viii. Long-sleeved protective gowns of any type (if more than 100 items);
 - ix. Long-sleeved protective coveralls of any type (if more than 100 items);

- x. Hair-covering bonnets of any type (if more than 500 items);
- xi. Shoe coverings of any type (if more than 500 items);
- xii. Bleach wipes (if more than 100 containers);
- xiii. Sani-Wipes or Sani-Cloths (if more than 100 containers);
- 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 (if more than 100 containers);
- xv. Gallon or larger hand sanitizers that are recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19 (if more than 10 containers);
- xvi. Clinical Powered Air Purifying Respirator (“PAPR”) hoods (if more than 2 hoods);
- xvii. Clinical PAPR complete systems minus hoods (if more than 2 systems);
- xviii. Controlled Air Purifying Respirator (“CAPR”) complete systems minus disposable parts (if more than 2 systems);
- xix. CAPR disposable lenses (if more than 10 items);
- xx. CAPR disposable cuffs (if more than 10 items); and
- xxi. CAPR shrouds or hoods (if more than 10 items).

b. “Ventilator” means the following items:

- 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. “Entity” refers to all health care providers, clinics, health care service plans, pharmacies, suppliers, distributors, businesses, non-profit organizations, and governmental entities (other than the County of Santa Clara) located within the County,


whatever its organizational structure or legal status. This definition shall be construed as broadly as possible; provided, however, for the purposes of this Order, “Entity” does not refer to licensed acute care hospitals, emergency modular field treatment and other facilities established during this state or emergency, and licensed skilled nursing facilities, all of which are subject to ongoing reporting requirements pursuant to separate order of the Health Officer.

- d. “Individual” means any natural person; provided, however, that for any household or living unit, one natural person may respond on behalf of the entire household or living unit.
 - c. “Disclosure Requirements” means disclosing the requested information in the form and manner provided on the Public Health Department’s website for compliance with this Order.
8. 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 of PPE and Ventilators, inventory information regarding PPE and Ventilators is essential for the Health Officer to manage vital resources and better focus public resources to best protect all County residents.
9. This Order also is issued in light of the existence of 1,380 reported cases of COVID-19 in the County, including 46 deaths, as of 5:00 pm on April 7, 2020, including a significant and increasing number of suspected cases of community transmission, a significant number of undetected and unreported cases, and likely further significant ongoing transmission.
10. 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.

11. This Order shall become effective immediately upon its execution and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.
12. 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.
13. 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: 4/8/2020

Approved as to form and legality:



James R. Williams
County Counsel

Dated: 4/8/2020