

**REOPENING SAFER AT WORK AND IN THE COMMUNITY
FOR CONTROL OF COVID-19
ACCESS TO DIAGNOSTIC TESTING THROUGH
HEALTHCARE FACILITIES**

Date Order Issued: August 8, 2020

Date Effective: September 7, 2020

Please read this Order carefully.

SUMMARY OF THE ORDER:

This County of Los Angeles Health Officer Order (Order) complements existing Safer At Work and in the Community orders (Prior Orders) issued by the County of Los Angeles Health Officer (Health Officer). This Order is issued to ensure access to COVID-19 Diagnostic Testing in outpatient/ambulatory care settings in order to more effectively prevent, clinically manage, and control COVID-19 in Los Angeles County.

This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as all cities and unincorporated areas within the County of Los Angeles, with the exception of the cities of Long Beach and Pasadena that must follow their respective City Health Officer orders and guidance. This Order is effective Monday, September 07, 2020, and will continue until further notice.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 101040, 101085, AND 120175,
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. Acute-, sub-acute, and long-term healthcare facilities have developed or are already expected to develop and maintain their ability to test patients, as appropriate and in accordance with the Los County Department of Public Health (County Public Health) testing guidelines, for acute infection with the SARS-CoV-2 virus and to ensure optimal care options, decreased risk of nosocomial infections, and detection and control outbreaks within their facilities. The intent of this Order is to increase access to Diagnostic Testing, as defined in Section 8 below, in the outpatient/ambulatory care setting in order to effectively prevent, clinically manage, 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 the spread of COVID-19, better understand the spread of the disease in the County of Los Angeles ("County"), 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 County must provide timely access to Diagnostic Testing to the following categories of individuals who seek care or request testing, 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 facility serving members of the public on a walk-in basis, meet the current County Public Health COVID-19 testing guidelines <http://publichealth.lacounty.gov/acd/nCorona2019/test.htm>, including but not limited to:
 - a. All Symptomatic Persons, as defined in Section 8, regardless of age, hospitalization status, comorbidities, or other risk factors for COVID-19;
 - 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 suspected 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; and
 - c. All persons who are required by a public health order to be tested to diagnose additional cases and to contain further spread of the disease.

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. The California Department of Health Care Services (DHCS) and the California Department of Managed Health Care (DMHC) have both issued guidance or regulation related to COVID-19 diagnostic testing. Healthcare Facilities shall comply with this guidance as well as with all state and 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 discretion assuming sufficient testing resources are available to the Healthcare Facility and its test turnaround time is reasonable, ideally less than 48 hours. 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 County 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 County must, as applicable, continue to comply with the reporting requirements regarding COVID-19 or SARS-CoV-2 virus testing results, including positive results from point-of-care testing performed on-site, set forth in the March 24, 2020, Health Officer Order or any subsequent Health Officer order, as well as any additional reporting required or requested by the Health Officer. Current County Public Health Reporting Guidelines and COVID-19 Case Report forms can be found online at: <http://publichealth.lacounty.gov/acd/ncorona2019/reporting.htm>.

DEFINITIONS

8. For the purposes of this Order, the following terms are defined as follows:
 - a. **"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.

- b. **“Diagnostic Testing”** means the use of diagnostic tests 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. Only tests with [emergency use authorizations](#) (EUA) from the U.S. Food and Drug Administration (FDA) should be used for patient care. Currently, there are two types of diagnostic tests – molecular tests that detect the virus’s genetic material, and antigen tests that detect specific proteins on the surface of the virus. See County Public Health’s [Currently Available SARS-CoV-2 Test Types](#) webpage for more information.

Currently available SARS-CoV-2 antigen tests are considerably less sensitive than molecular tests and must be used in accordance with both the manufacturer’s Instructions for Use and the Association of Public Health Laboratory’s (APHL) [Considerations for Implementation of SARS-CoV-2 Rapid Antigen Testing](#) guidance. The APHL document provides information on scenarios where SARS-CoV-2 Antigen tests may be considered for use as well as scenarios when they should not be considered. Additional diagnostic tests may be authorized in the future. The Los Angeles County Department of Health Services (LAC DHS) has created and updates a [Reference Guide to Labs Providing COVID-19 Testing](#) to help Healthcare Facilities in Los Angeles County identify a laboratory provider that best fits their needs. The State of California’s COVID-19 Testing Task Force (TTF) may also be able to provide assistance to healthcare facilities experiencing shortages and publishes a list of laboratories with testing capacity that are willing to receive samples to provide COVID-19 testing on its website at <https://testing.covid19.ca.gov/covid-19-testing-task-force-laboratory-list>.

- c. **“Healthcare Facility”** means (1) any clinic or urgent care facility located in the County 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 or (2) any free-standing clinic (e.g., Federally Qualified Health Center, commercial urgent care clinic, or private provider) at such locations where the clinic orders or performs testing for other respiratory infections (e.g., influenza) for its patients or members of the public.
- d. **“High-Risk Setting”** means a setting in which workers are at 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 County Public Health.

- e. **“Symptomatic Person”** means any individual, regardless of age, who has any COVID-19 Symptom.

REASONS FOR THE ORDER

9. This Order is issued based on the need for increased testing to detect COVID-19 within the County. 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 County. Adequate and widespread availability of Diagnostic Testing is 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 County’s mitigation efforts in order to understand the prevalence and spread of the disease in the County.
10. Existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents’ health. No vaccines nor failsafe treatments are yet available to protect against COVID-19. **As of August 7, 2020, there have been at least 204,167 cases of COVID-19 and 4,918 deaths reported in Los Angeles County.**

ADDITIONAL TERMS

11. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles County Department of Public Health’s website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the County.
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 incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
14. This Order shall become effective at 12:01 am on **September 7, 2020**, and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:



Muntu Davis, M.D., M.P.H.
Health Officer,
County of Los Angeles

August 8, 2020

Date