



**ORDER OF THE HEALTH OFFICER No. C19-08
(MORATORIUM ON ROUTINE MEDICAL APPOINTMENTS AND
ELECTIVE SURGERY, ENCOURAGING REMOTE APPOINTMENTS,
AND ENCOURAGING DELIVERY OF CANNABIS PRODUCTS
AND PRESCRIPTIONS)**

DATE ORDER ISSUED: March 17, 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); San Francisco Administrative Code section 7.17(b).)

Summary: The virus that causes Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. This Order accomplishes the dual purpose of strengthening our community social distancing response while also freeing medical resources that may be redirected to address critical issues. Because of the risk of the rapid spread of the virus, and the need to protect all members of the community and the Bay Area region, especially our residents most vulnerable to the virus and health care providers, this Order requires all Medical Providers, Counselors, Healing Arts Practitioners, and patients or clients anywhere in San Francisco to postpone Routine Medical Appointments, Elective Surgery Procedures, in-person Routine Counseling, and Routine Healing Arts Appointments, as those terms are defined below. This Order also requires that all Essential Medical Appointments, Routine or Essential Counseling Appointments, and Essential Healing Arts Appointments that can be safely performed remotely be done so when and to the extent feasible. But this Order does not prevent provision of any emergency, necessary, or essential medical treatment, counseling, or healing art in the judgment of a Medical Provider, Counselor, or Healing Arts Practitioner. This Order requires that all in-person appointments, referred to as Essential Medical Appointments, Counseling Appointments, or Essential Healing Arts Appointments, be performed while implementing all practical mitigation techniques to help prevent transmission of the COVID-19 virus. This Order begins at 12:01 a.m. on March 18, 2020 and will continue for three weeks through April 7, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

This Order furthers the purpose of the March 16, 2020 Health Officer Order No. C19-07 that imposed broad shelter in place restrictions across the City. The intent of that Order, as well as this one, is to minimize the risk of avoidable exposure to and transmission of the COVID-19 virus. Accordingly, in addition to the new provisions summarized above this Order makes clear that cannabis dispensaries (given the medicinal purposes of cannabis) and pharmacies are permitted to remain open, but only for delivery or takeaway, and people are strongly encouraged to obtain their cannabis products or prescriptions via home delivery to the greatest extent possible.



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The Health Officer may revise this Order as the situation evolves, and facilities must stay updated by checking the City Administrator's website (sfgsa.org) regularly.

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

- 1. The intent of this Order is to minimize the risk of avoidable COVID-19 exposure among people who have Medical Appointments, Elective Surgeries, Counseling Appointments, or Healing Arts Appointments that can be reasonably postponed, rescheduled, or completed remotely. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.**
- 2. In consultation with their patients or clients as described below, all Medical Providers, Counselors, and Healing Arts Practitioners in the City and County of San Francisco (the "City") are ordered to cancel, postpone, or reschedule all Routine Medical Appointments, Elective Surgeries, in-person Routine Counseling Appointments, and Routine Healing Arts Appointments as those terms are defined in Section 11 below. Medical Providers, Counselors, and Healing Arts Practitioners should consult with their patients or clients to assess whether an appointment is an Essential or Routine Medical Appointment, an Elective Surgery, Routine or Essential Counseling Appointment, or an Essential or Routine Healing Arts Appointment within the meaning of this Order.**

Medical Providers, Counselors, and Healing Arts Practitioners who provide care in the City are also ordered to complete any Essential Medical Appointments, Routine or Essential Counseling Appointments, or Essential Healing Arts Appointments—each term also as defined in Section 11—remotely where a Medical Provider, Counselor, or Healing Arts Practitioner respectively, believe remote treatment or care is a feasible alternative to an in-person appointment.

Essential Medical Appointments, Essential Counseling Appointments, and Essential Healing Arts Appointments may occur in person when deemed necessary by the service provider, in which case two requirements must be met. First, the service provider must conduct a screening of the patient or client in advance by phone or at the start of the appointment, asking if the patient or client has or has recently felt a fever, has a cough, difficulty breathing, or shortness of breath, or has a sore throat. If any of these conditions is present, the provider is cautioned they might be signs of a contagious disease and the provider should consider cancelling the appointment or, at a minimum, take protective steps such as having the client or patient wear a mask. Evidence of fever may be subjective (self-reported) or confirmed (if proper hygiene protocols are followed). Second, Social Distancing Requirements (which include provisions for when the provider must touch the patient) must be followed



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by patient/client and provider to the greatest extent possible.

Individual patients or clients seeking care in the City are ordered to comply with this Order and cancel, postpone, or reschedule all Routine Medical Appointments, Elective Surgeries, or Routine Healing Arts Appointments as appropriate and conduct Essential Medical Appointments, Counseling Appointments, or Essential Healing Arts Appointments remotely when appropriate based on exercise of the professional judgment of their Medical Provider, Counselor, or Health Arts Practitioner.

3. Travel to and from Essential Medical Appointments, Essential Counseling Appointments, and Essential Healing Arts Appointments is permitted under this Order and is Essential Travel as defined in Health Officer Order No. C19-07. All people travelling to and from Essential Medical Appointments, Essential Counseling Appointments, or Essential Healing Arts Appointments are ordered to comply with Social Distancing Requirements as defined in Section 11 below, to the greatest extent possible.
4. Travel to and from pharmacies to pick up prescriptions is permitted under this Order, but individuals are strongly encouraged to have their prescriptions delivered to the greatest extent possible. Similarly, pharmacies are strongly encouraged to deliver prescriptions to the greatest extent possible. If in-store pickup is required, to the greatest extent feasible, pharmacies and patrons shall comply with Social Distancing Requirements as defined in Section 11 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
5. Cannabis has several medicinal purposes and is an essential medical treatment for many City residents. Accordingly, cannabis dispensaries are permitted to remain open, but only for delivery or takeaway. Cannabis dispensaries shall not permit products to be used or consumed on-site. In addition, travel to and from cannabis dispensaries to pick up products is permitted under this Order. But individuals are strongly encouraged to have cannabis dispensary products delivered home in lieu of obtaining them on-site to the greatest extent possible. Similarly, cannabis dispensaries are strongly encouraged to deliver products rather than offering for takeaway sale to the greatest extent possible and allowed by law. If in-store pickup is required, to the greatest extent feasible, cannabis dispensaries and patrons shall comply with Social Distancing Requirements as defined in Section 11 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
6. This Order is based on evidence of increasing occurrence of COVID-19 within the City 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



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health of a significant portion of the population of the City 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 City. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. 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. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County. By postponing or otherwise delaying Routine Medical Appointments, Elective Surgeries, in-person Routine Counseling, and Routine Healing Arts Appointments, this Order helps preserve medical resources that can be redirected to address critical needs arising from the global pandemic and protect others who provide support services in the City.

7. This Order also is issued in light of the existence of 43 cases of COVID-19 in the County, as well as at least 254 confirmed cases and at least three deaths in neighboring Bay Area counties, as of 10:00 a.m. on Tuesday, March 17, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available
8. 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 February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
9. This Order is also issued in accordance with, and incorporates by reference the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom. Executive Order N-25- 20 expressly orders that “[a]ll residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.” This Order is also based on statements by Governor Newsom during a press conference on March 15, 2020, indicating the guidance of the State of



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California that all nightclubs, bars, wineries, and brewpubs close and that persons 65 years old and older isolate at home.

10. This Order is also issued in conjunction with and pursuant to the principles included in Health Officer Order No. C19-07, the order issued on March 16, 2020 requiring people who live in the City generally to shelter in place and to avoid any non-essential activities.

11. Definitions, Requirements, and Exemptions.

(a) A “Routine” appointment means an appointment or procedure that can be postponed for the duration of this Order with no reasonably foreseeable negative medical or health impact on a person, solely in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner. Routine appointments include, without limitation, annual physicals, regular dental appointments, orthodontics appointments, wellness checks or related treatment, non-urgent chiropractic treatment, in-person counseling sessions, and other regularly scheduled treatments or sessions that can safely be missed for the duration of this Order, solely in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner.

Where a patient or client’s Medical Provider, Counselor, or Healing Arts Practitioner concludes in the provider’s professional judgment that a patient’s or client’s medical history or other context presents particular risk factors, wellness or routine care or appointments such as, by way of example only and without limitation, colonoscopies, mammograms, blood tests or other diagnostic tests, or other similar exams or procedures, may proceed under this Order as “Essential” appointments. A Medical Provider, Counselor, or Healing Arts Practitioner’s conclusion under this subparagraph (a) must be made consistent with the intent of this Order, which is that non-essential care be postponed whenever possible to help prevent the transmission of the COVID-19 virus to the extent possible.

(b) An “Essential” appointment means an appointment that cannot be delayed or postponed for the duration of this Order without reasonably foreseeable negative medical or health impact on a person in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner. Essential appointments include, without limitation, medical appointments for diagnosis or treatment of acute illness, medical appointments that are necessary to obtain prescriptions or medicine for conditions that reasonably require prompt treatment, medical appointments for diagnosis or treatment of serious chronic conditions, and the diagnosis or treatment of infectious diseases including but not limited to COVID-19 that cannot reasonably be postponed for the duration of this Order.



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A patient or client’s Medical Provider, Counselor, or Healing Arts Practitioner must in the provider’s sole professional judgment determine whether a particular appointment or procedure is an Essential appointment under this subparagraph (b) but must do so consistent with the intent of this Order, which is that non-essential care be postponed whenever possible to help prevent the transmission of COVID-19 to the extent possible.

- (c) A “Medical Appointment” is an appointment with a Medical Provider that occurs in the City or is for a resident who lives in the City.**
- (d) “Elective Surgery” means a non-emergency surgical procedure, whether inpatient or outpatient, that can be postponed for the duration of this Order with no reasonably foreseeable negative medical impact on a person, solely in the professional judgment of the patient’s Medical Provider. Elective surgeries include, without limitation, cosmetic surgeries, certain dental procedures, and certain other pre-planned surgeries or procedures.**

A patient’s Medical Provider must in the provider’s professional judgment determine whether a particular procedure is an Elective Surgery but must do so consistent with the intent of this Order, which is that non-essential health care be postponed whenever possible for the duration of this Order to help prevent the transmission of COVID-19 to the extent possible.

- (e) A “Counseling Appointment” is any appointment with a Counselor that occurs in the City or is for a resident who lives in the City. For sake of clarity, appointments with psychiatrists, who are Medical Providers as defined by this Order, are treated as Medical Appointments.**
- (f) A “Healing Arts Appointment” is any appointment with a Healing Arts Practitioner that occurs in the City or is for a resident who lives in the City.**
- (g) “Social Distancing Requirements” means maintaining at least six feet of distance from other individuals when feasible (except during medical procedures that include masking and other personal protective equipment appropriate for the context), washing hands with soap and water for at least twenty seconds (or longer based on the medical standard for the context) as frequently as possible or using hand sanitizer (for patients and providers when medically appropriate), covering coughs or sneezes (into the sleeve or elbow, not hands), regularly disinfecting high-touch surfaces, and not shaking hands.**
- (h) “Medical Provider” means only the following types of health care professionals: any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, or**



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dentist.

- (i) **“Counselor” means anyone not listed as a Medical Provider who holds a professional license related to the provision of counseling or talking therapy and who provides talking or counseling therapy in the City to patients or clients, including, but not limited to, psychologists, social workers, and marriage and family therapists.**
- (j) **“Healing Arts Provider” means anyone not defined by this Order as a Medical Provider or Counselor who otherwise provides care and is licensed or certified under Division 2, Healing Arts, of the California Business and Professions Code. The term Healing Arts Provider also includes other practitioners who provide care through alternative modalities such as Eastern Medicine.**
- (k) **Nothing in this Order permits any individual Medical Provider, Counselor, or Healing Arts Provider who works in any General Acute Care Hospital, Adult Psychiatric Hospital, Skilled Nursing Facility, long term care facility, or other inpatient or residential facility to refuse to provide care that such General Acute Care Hospital, Adult Psychiatric Hospital, Skilled Nursing Facility, long term care facility, or other inpatient or residential facility deems is necessary for its healthcare mission.**
- (l) **When a remote appointment is possible, it must be conducted via remote methods such as a telephone call or video conference. In February 2020 the United States Department of Health and Human Services issued a bulletin regarding HIPAA Privacy and COVID-19. Pursuant to that guidance, video conferences with patients or clients under this Order need not be fully HIPAA-compliant. But providers and Counselors must not use any public-facing video services such as Facebook Live, Twitch, TikTok, etc. Only non-public services such as Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Skype, etc. may be used.**

12. Pursuant to Section 8659 of the Government Code (and other immunities applicable to City employees), any Medical Provider is afforded immunity from liability for decisions made under this Order so long as the decision is made absent a willful act or omission constituting medical malpractice.

13. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.



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- 14. To extent this order conflicts with any other order of the Health Officer granting greater access to Routine Appointments or Elective Surgery, this Order controls. For the sake of clarity, any other Health Officer Order allowing or appearing to allow travel to or attendance at Routine Appointments or Elective Surgery is superseded in relevant part by this Order.**
- 15. This Order shall become effective at 12:01 a.m. on March 17, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.**
- 16. The City must promptly provide copies of this Order as follows: (1) by posting on the City Administrator's website (sfgsa.org) and the Department of Public Health website (sfdph.org); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. In addition, 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 asking for a copy.**
- 17. The Health Officer will continue to assess the quickly evolving situation and may, at any time or from time to time, modify or extend this Order, or issue additional orders, related to COVID-19.**
- 18. 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.**

IT IS SO ORDERED:

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Date: March 17, 2020