

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ENACTING A REQUIREMENT THAT ALL LABORATORIES IN MONTEREY COUNTY REPORT INFORMATION REGARDING COVID-19 TESTING TO THE COUNTY HEALTH OFFICER

County Counsel Summary

This urgency ordinance addresses the need for the County Health Officer to obtain necessary information regarding testing for COVID-19 performed by all laboratories in the County. This ordinance is effective immediately.

WHEREAS, on March 4, 2020, the Governor issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic; and,

WHEREAS, on March 6, 2020, the County Administrative Officer declared the existence of a Local Emergency related to the COVID-19 pandemic pursuant to Government Code sections 8630 et seq., which declaration was ratified by the Board of Supervisors on March 10, 2020; and,

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in light of the COVID-19 pandemic, and further declared on March 22, 2020, that a major disaster exists in the State of California as a result of the COVID-19 pandemic; and,

WHEREAS, in order to carry out duties prescribed by Health and Safety Code sections 101025 et seq., and 120175 et seq., the Monterey County Health Officer requires all pertinent information regarding the testing, and results of testing, for the COVID-19 virus be provided to the Health Officer and the Monterey County Health Department; NOW, THEREFORE,

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. The provisions of the Governor's Proclamation of State Emergency, the Board of Supervisors ratification of the County Administrative Officer's declaration of local emergency, and the President's declarations of nationwide national emergency and major disaster in California, including their recitals, are incorporated herein as if fully set forth.

SECTION 2. The above recitals, and the recitals in the proclamations and declarations set forth in Section 1, are true and correct.

SECTION 3. Findings and purpose.

In order to address an immediate threat to the public peace, health and safety, this ordinance requires all Laboratories in Monterey County that have conducted, are conducting, or will conduct Testing, or that are in possession of results of Testing, for the COVID-19 (SARS-

CoV-2 or novel Coronavirus) virus, provide the Monterey County Health Officer information regarding such testing as set forth below.

SECTION 4. Applicability.

This ordinance applies to all Laboratories within the County of Monterey, including both the unincorporated and incorporated areas of the County.

SECTION 5. Definitions.

The following definitions apply to this ordinance:

“Laboratory” means any facility in both the unincorporated and incorporated area of the County meeting the requirements to perform testing classified as high complexity under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act.

"Test" means nucleic acid amplification testing or serologic testing to determine the presence of SARS-CoV-2 (the virus that causes COVID-19) or novel coronavirus infection.

SECTION 6. Reporting Requirement.

Pursuant to the general police power of the County to protect the health, safety and welfare of its citizens, and the authority of the Monterey County Health Officer relating to the investigation, reporting and prevention of communicable diseases, all Laboratories in the County of Monterey, including those in both the unincorporated and incorporated areas of the County, that have conducted, are conducting, or will conduct Testing, or that are in possession of results from Testing, for the COVID-19 virus (SARS-CoV-2 or novel Coronavirus), are immediately required to comply with the following requirements:

- A. All positive, negative, and inconclusive Test results are to be reported to the County Health Officer, including the following:
 - i. the date the specimen was obtained, the patient identification number, the specimen accession number or other unique specimen identifier, the specimen site, the diagnosis codes, the Laboratory findings for the Test performed, and the date that the Laboratory findings were identified; and
 - ii. if provided to the Laboratory, the Laboratory shall report in all Test requisitions the name, gender, address including ZIP Code, telephone number, pregnancy status, and date of birth, of the individual who is the subject of the Test, and any other information required to be reported by Title 17 of the California Code of Regulations, Section 2505.

- B. All Laboratories shall adhere to any and all California Department of Public Health (CDPH) reporting and notification requirements for Laboratories conducting Tests, including, without limitation: notification requirements of Chapter 17 of the California Code of Regulations section 2505; the April 6, 2020 CDPH Letter to Laboratory Directors and Managers, attached to this Order as Exhibit A; and the March 31, 2020 CDPH Letter to Directors of Laboratories attached to this Order as Exhibit B; and the March 9, 2020 CDPH Reportable Conditions: Notification by Laboratories document attached to this Order as Exhibit C, except where a Laboratory promptly submits Diagnostic Test results via electronic laboratory reporting to CalREDIE, no further reporting is required. Where a Laboratory is unable to report electronically, it must temporarily report to the County Communicable Disease Prevention and Control Program via confidential facsimile or telephone.
- C. All Laboratories are requested, but at this time not required, to report to the Health Officer and CDPH whether a specimen was collected from an inpatient or outpatient individual.

SECTION 6. Other actions.

The County Health Officer, Health Department Director, County Administrative Officer and County Counsel are hereby authorized and directed to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of this ordinance.

SECTION 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 8. Effective date.

This ordinance shall take effect immediately as an urgency ordinance. This is based on the Board of Supervisors finding that this ordinance is adopted in compliance with Government Code Section 25123, that it is necessary for the protection of the public peace, health and safety, and that it is necessary to prevent the County of Monterey from suffering potentially irreversible impacts of the COVID-19 pandemic emergency.

PASSED AND ADOPTED this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Christopher M. Lopez, Chair,
Monterey County Board of Supervisors

A T T E S T :

VALERIE RALPH
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

LESLIE J. GIRARD
County Counsel