



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.

September 3, 2020



Order – COVID-19 Testing Requirements for Health Care Facilities and Providers

Summary

Testing for SARS-CoV-2 is essential for identifying individuals who are infected with the virus that causes COVID-19. COVID-19 testing ensures infected individuals can be isolated and receive appropriate care. Testing enables strategies to prevent spread of COVID-19 across the community and protects vulnerable populations. For these reasons, adequate testing capacity is necessary to prevent serious illness and death.

Health care facilities and providers in Marin County have made significant strides in increasing testing capacity county wide. This Order ensures ongoing access to COVID-19 testing through healthcare providers in accordance to California Department of Public Health (CDPH) [COVID-19 testing guidance](#).

Background

As of September 3, 2020, there have been more than 4,000 confirmed cases of COVID-19 in Marin County. More than 70,000 COVID-19 tests have been completed in the county.

On June 8, 2020, Marin County Public Health issued an order requiring monthly screening testing of personnel at long term care facilities, including residential care facilities for the elderly (RCFE) and skilled nursing facilities (SNF). On July 17, 2020, the California Department of Managed Health Care (DMHC) classified COVID-19 testing as a medically necessary basic health care service for all essential workers (Cal. Code Regs. tit. 28, § 1300.67.01). This specifies that health plans must offer members who are experiencing COVID-19 symptoms or are essential workers a COVID-19 testing appointment with 48 hours of the member's request and within 30 minutes or 15 miles of the member's residence. The requirement further specifies that managed care plans cannot limit the frequency and number of COVID-19 tests provided to members. On August 28, 2020, the Centers for Medicare & Medicaid Services (CMS) announced regulatory changes that require nursing homes to test staff and offer testing to residents for COVID-19.

An increasing number of counties in California and the Bay Area are issuing Public Health Orders to support the goal of increased healthcare system testing capacity. At this point in the pandemic, less than two percent of the

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Marin County population has been diagnosed with COVID-19, and the vast majority of residents remain susceptible to SARS-COV-2 infection. With a vaccine months away at the earliest, the capacity for widespread testing of residents remains an important priority. The virus is easily transmitted by symptomatic and asymptomatic persons. Given these facts, it is imperative for Marin County health care providers to offer Diagnostic Testing for essential workers, symptomatic individuals, and persons with known COVID-19 exposures.

Order – COVID-19 Testing Requirements for Health Care Facilities and Providers

This Order is issued to ensure access to COVID-19 testing in Healthcare Facilities and by health care providers. This Order is effective immediately and will continue until further notice. The requirement to provide testing as specified in the Order becomes effective September 25, 2020.

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

1. Acute-, sub-acute, and long-term Healthcare Facilities must provide Diagnostic Testing for patients, as appropriate and in accordance with California Department of Public Health testing guidelines. This includes, but is not limited to, testing of individuals with COVID-19 symptoms as well as those without symptoms who are essential workers.
2. All Healthcare Facilities in the county must provide timely access to Diagnostic Testing to individuals who meet CDPH criteria for testing and who seek care or request testing, whether in-person or by phone or electronic message provided that, such individuals (i) are among the 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, meet the CDPH criteria for testing, including but not limited to:
 - a. All symptomatic persons, regardless of age, comorbidities, or other risk factors for COVID-19; and
 - b. All persons, with or without COVID-19 symptoms, who report that they were a close contact of a laboratory-confirmed or probable case of COVID-19, within 2 to 14 days prior to presenting for testing; and
 - c. All persons who are responding to a public health recommendation to be tested as part of an ongoing contact investigation.
 - d. Essential Workers (see **Definitions** below) who have frequent interactions with the public and/or who work in an environment where it is not practical to maintain at least six feet of space from other workers on a consistent basis.

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 and/or regulation related to COVID-19 Diagnostic Testing. Healthcare Facilities shall comply with this guidance as well as with all state and/or federal laws prohibiting patients from being billed for fees, costs, or charges related to Diagnostic Testing.
5. This Order does not prohibit a Healthcare Facility from also offering COVID-19 Diagnostic Testing to other categories of persons at its own discretion assuming sufficient testing resources are available to the Healthcare Facility and its test turnaround time is reasonable, ideally less than 48 hours.
6. 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 Order regarding broader testing of individuals for COVID-19.
7. Healthcare Facilities must publicize information through their typical channels as to how patients can access Diagnostic Testing.
8. 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.
9. Healthcare Facilities in the County must, as applicable, continue to comply with the reporting requirements regarding COVID-19 or SARS-CoV-2 testing results. Positive results from point-of-care testing performed on-site, as set forth in the California Code of Regulations Title 17 Section 2500 can be reported using the Confidential Morbidity Report by email (MarinCD@marincounty.org) or fax (415) 473-6002.
10. Providers can also enroll in the CalREDIE Provider Portal for electronic reporting.

Definitions

For the purposes of this Order, the following terms are defined as follows:

1. "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.

2. “Diagnostic Testing” means the use of tests to detect infection with SARS-CoV-2, the virus that causes COVID-19, when the primary purpose of such testing is intended for individualized diagnosis and management, including treatment and/or isolation. Only tests with U.S. Food and Drug Administration (FDA) approval, including emergency use authorizations (EUA), 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. Additional diagnostic modalities may be authorized in the future. 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 able to receive samples to provide COVID-19 testing on its website at <https://testing.covid19.ca.gov/covid-19-testing-task-force-laboratory-list/>.
3. “Essential Workers” includes healthcare workers; elder care providers; staff at congregate facilities; emergency services workers (incl. public safety); staff who work in the following sectors: education, retail or manufacturing, food services, agricultural or food manufacturing, public transportation, and correctional facilities.
4. “Healthcare Facility” means (a) 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 (b) 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.
5. “Symptomatic Person” means any individual, regardless of age, who has any COVID-19 Symptom.

References

California Code of Regulations (C.C.R.) §2540. Title17.

California Health and Safety Code § 120295, et seq

California Penal Code §§ 69, 148(a)(1), et seq