

NO. _____

ORDINANCE

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania requiring that the County test all residents of the Kane hospitals, all inmates at the Allegheny County Jail, and all County employees and contractors performing work at either location for current COVID-19 infection.

Whereas, the Allegheny County Chief Executive has declared that the COVID-19 pandemic constitutes a public emergency in Allegheny County;

Whereas, more than 2,100 people are generally held in the Allegheny County Jail (ACJ) in crowded conditions that involve sharing cells, eating quarters, recreation areas, sinks, toilets, and all other amenities and facilities, and even after efforts to reduce the population, well over 1,600 individuals are still held in the County Jail; and

Whereas, hundreds of staff, contractors, and other individuals enter and leave the facility each day, returning to their families and communities throughout Allegheny County, potentially carrying infections from the jail to their homes and communities and vice versa; and

Whereas, the jail population includes a substantial number of individuals at heightened risk for suffering the most severe impacts of COVID-19, including elderly people, people with asthma and other respiratory conditions, heart conditions, and compromised immune symptoms; and

Whereas, an outbreak of coronavirus in the ACJ will potentially be catastrophic, as the facility currently has approximately 45 health care positions un-filled, and older people, those with respiratory and heart conditions, and those with weakened immune systems could immediately overflow the infirmary in the event of a widespread outbreak, and dramatically contribute to overflowing our local hospital capacity in the process; and

Whereas, it is the judgment of Council that an outbreak would be nearly impossible to contain within the ACJ, as inmates eat together, shower in the same places, and share toilets; and

Whereas, the ACJ inmates often lack hygiene items, which are vitally important in fighting the spread of COVID-19, and the system for distribution of hygiene items, clean linens, disinfectants, and the like is not optimized to minimize disease transmission amid a pandemic, and staff and other individuals in the ACJ will carry this virus back to their families and communities once they are exposed to it; and

Whereas, public health experts are advising that we practice social distancing that is simply not possible at ACJ; and

Whereas, nursing homes such as the County's Kane centers inherently serve individuals who are older and who very often have one or more underlying health conditions that render them particularly vulnerable to the deleterious effects of COVID-19; and

Whereas, according to the current guidance regarding nursing homes from the Centers for Disease Control, "[n]ursing home populations are at high risk for infection, serious illness, and death from COVID-19. Reverse transcription polymerase chain reaction (RT-PCR) testing (referred to here as testing or test) for SARS-CoV-2 infection among residents and healthcare personnel (HCP) in nursing homes has become a priority to help inform prevention and control in the facility."; and

Whereas, according to that same guidance, "HCP include, but are not limited to, emergency medical service personnel, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the healthcare facility, and persons not directly involved in patient care but who could be exposed to infectious agents that can be transmitted in the healthcare setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel)."; and

Whereas, the CDC therefore recommends that four principles govern administering RC-PCR testing in nursing home environments: (1) the testing should not supersede existing infection prevention and control interventions (restricting visitors, abolishing communal dining, etc. should continue in addition to testing), (2) the testing will result in specific infection prevention and control actions (e.g. separating residents, identifying staff for work exclusion, etc.), (3) the goal of testing should ideally be to generate a comprehensive survey of the status of all individuals and all healthcare professionals in a given facility in order to establish a baseline of COVID-19 presence in the facility, provided that testing capacity is sufficient, and (4) repeat testing may be warranted under certain circumstances (e.g. of individuals who develop symptoms after the general testing is done, to determine employees' ability to return to work, etc.); and

Whereas, on May 12, 2020, Governor Wolf called for universal testing for all nursing home residents and staff in the Commonwealth; and

Whereas, it is the judgment of Council that the CDC logic is entirely sound and its guidance establishes prudent basic principles governing nursing homes; and

Whereas, it is further the judgment of Council that much of the same logic upon which the CDC nursing home guidance rests applies with equal force to the Allegheny County Jail, insofar as both facilities house significant numbers of individuals who may be aged, have compromised immune systems or underlying health conditions that render

them particularly vulnerable to the effects of COVID-19, and necessarily keep these individuals in close proximity to each other and the staff; and

Whereas, it is therefore the determination of Council that comprehensive baseline reverse transcription polymerase chain reaction (RT-PCR) testing must be performed in both facilities in order to provide a coherent basis for developing and evaluating strategies for mitigating the potential spread of COVID-19 in both the Kane centers and the County Jail;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Reverse transcription polymerase chain reaction (RT-PCR) testing.

No later than ten (10) days from the date of final approval of this ordinance, Allegheny County shall conduct reverse transcription polymerase chain reaction (RT-PCR) testing on each resident of any Kane center, each inmate in the Allegheny County Jail, and each County employee and contractor performing work in a Kane center or the County Jail. A written report summarizing the results of such testing shall be provided to Allegheny County Council and made available to the public no later than ten (10) days after full results for each facility become available.

SECTION 3. Effective Date of Ordinance.

The provisions of this Ordinance shall become effective immediately upon final approval.

SECTION 4. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 5. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER HALLAM

CO-SPONSORS:

Enacted in Council, this _____ day of _____, 2020,

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____

Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office _____, 2020

Approved: _____

Rich Fitzgerald
Chief Executive

Attest: _____

Sonya Dietz
Executive's Secretary