

ORDINANCE NO. NS-300.803

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
REPEALING ARTICLES 2 AND 4 OF CHAPTER I OF DIVISION A18
OF THE COUNTY OF SANTA CLARA ORDINANCE CODE
RELATING TO THE SANTA CLARA VALLEY PUBLIC HEALTH
DEPARTMENT AND SANTA CLARA VALLEY DEPARTMENT OF
ALCOHOL AND DRUG SERVICES, RENUMBERING ARTICLES 3 AND
5 OF CHAPTER I OF DIVISION A18 AS ARTICLES 2 OF 3 OF
CHAPTER I OF DIVISION A18, RESPECTIVELY, AND ADDING
CHAPTERS II AND III OF DIVISION A18 RELATING TO SANTA
CLARA COUNTY PUBLIC HEALTH DEPARTMENT AND SANTA
CLARA COUNTY DEPARTMENT OF ALCOHOL AND DRUG
SERVICES**

Summary

This ordinance repeals Articles 2 and 4 of Chapter I of Division A18 of the County of Santa Clara Ordinance Code and re-enacts the Articles, as amended, as Chapters II and III of Division A18 in order to reflect the reorganization of the Public Health Department and the Department of Alcohol and Drug Services.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA
CLARA ORDAINS AS FOLLOWS:**

SECTION 1. Article 2 of Chapter I of Division A18 of the County of Santa Clara Ordinance Code is repealed.

SECTION 2. Article 4 of Chapter I of Division A18 of the County of Santa Clara Ordinance Code is repealed.

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SECTION 3. Article 3 of Chapter I of Division A18 of the County of Santa Clara Ordinance Code is renumbered as follows:

ARTICLE 2. SANTA CLARA VALLEY MENTAL HEALTH DEPARTMENT

Sec.A18-8. Recognition of the Santa Clara Valley Mental Health Department and the Director of Mental Health.

There is in the SCVHHS the Santa Clara Valley Mental Health Department and the position of Director of Mental Health. The Director of Mental Health is appointed by and supervised by the Executive Director of the SCVHHS in accordance with the provisions of the Charter and this Code.

Sec.A18-9. Powers and duties of Director of Mental Health Services.

The Director of Mental Health shall be responsible for the delivery of mental health services within the County and shall perform such other duties as set forth in the Welfare and Institutions Code and as authorized by the Executive Director. The Director is expected to assure that proper personnel, equipment, supplies and facilities are provided to carry out these prescribed functions. The Director shall determine and transmit the needs of the Department to the Executive Director of SCVHHS.

Sec. A18-10. Administration of admission and discharge policies.

The Director shall administer the policies of the County relative to admission and discharge of patients.

Sec.A18-11. Records required; confidential nature.

The Director shall maintain complete records of all persons admitted to or treated by the Department. Such records shall be confidential, and their contents may be released only in accordance with proper legal authority.

Sec.A18-12. Director responsible for professional training program.

The Director is responsible for the organization and the conduct of the professional training program by the Department.

Secs. A18-13, A18-14. Reserved.

SECTION 4. Article 5 of Chapter I of Division A18 of the County of Santa Clara Ordinance Code is renumbered as follows:

ARTICLE 3. SANTA CLARA VALLEY MEDICAL CENTER AND
AMBULATORY CARE CLINICS

Sec.A18-15. Recognition of Santa Clara Valley Medical Center and the
Director of Santa Clara County Valley Medical Center.

There is in the SCVHHS a Department of Santa Clara Valley Medical Center and Ambulatory Care Clinics hereafter referred to in this chapter as SCVMC. The Director of SCVMC shall be appointed by and supervised by the Executive Director of the SCVHHS in accordance with the provisions of the Charter and this Code.

Sec.A18-16. Powers and duties of Director.

The Director shall be responsible for the administration and professional activities of SCVMC and shall provide patients with a safe environment in which to receive medical care. The Director is expected to assure that proper personnel, equipment, supplies and facilities are provided to carry out these prescribed functions. The Director shall determine and transmit the needs of SCVMC to the Executive Director of SCVHHS.

Sec.A18-17. Director responsible for professional care of patients.

The professional care of patients is the responsibility of the Director. The Director shall coordinate the activities of the medical, dental and nursing staffs with the technical, paraprofessional, and supporting services to provide for optimum care of patients. The Director may limit the individuals who practice or treat patients in SCVMC.

Sec.A18-18. Administration of admission and discharge policies.

The Director shall administer the policies of the County relative to admission and discharge of patients.

Sec.A18-19. Records required; confidential nature.

The Director shall maintain complete records of all persons admitted to or treated by the medical institution. Such records shall be confidential, and their contents may be released only in accordance with proper legal authority.

Sec.A18-20. Director responsible for professional training program.

The Director is responsible for the organization and the conduct of the professional training program at SCVMC.

Sec. A18-21. Medical staff.

The medical staff of SCVMC shall be composed of the salaried staff and the visiting or nonsalaried staff who shall be under the supervision of the Director. The medical staff shall adopt such rules and regulations for its own internal organization except that nothing therein shall affect or in any way alter the terms or provisions of this Code or any directive of the Director for the internal operation of SCVMC. The Executive Director of SCVHHS and the Director of SCVMC shall be ex officio members of all committees of the medical staff.

Sec.A18-22. Persons eligible for admission to the Santa Clara Valley Medical Center.

Any sick, disabled or injured person may be admitted to SCVMC as an inpatient or outpatient in accordance with state and federal law and regulations. The following classes of patients shall be admitted to SCVMC:

- (1) Inmates confined in County penal institutions in need of hospital or medical care.
- (2) Wards and dependent children of the Juvenile Court in need of hospital or medical care, upon request of the Juvenile Probation Officer.
- (3) Persons admitted pursuant to the provisions of Part 1 of Division 5 of the Welfare and Institutions Code (Welfare and Institutions Code § 5000 et seq.).
- (4) Prospective County employees examined at the request of the Director of Personnel of the County. The Director shall report in writing to the Director of Personnel the physical fitness of the applicant for the particular position applied for.
- (5) Persons in any way connected with alleged crimes, as victims, witnesses or otherwise, if the said persons are referred by any law enforcement agency for medical examinations. These examinations shall be made regardless of whether the person is an adult or a minor.

Sec.A18-23. Tort claims of patients against third parties.

The County hereby elects to be governed by the provisions of Government Code §§ 23004.1 and 23004.2 with respect to claims and liens for County hospital services to patients whose hospitalization was caused by the torts of third parties.

Sec.A18-24. Compromising claims.

The Director, personally or through an assistant or employee so designated, is authorized to recommend to the County Executive compromising claims for services received from SCVMC, and may recommend agreements with patients or their legally responsible relatives or executors or administrators for the payment of less than the amount owed where full payment would result in hardship or indigency for the spouse or minor child or children of the patient; provided, however, that in recommending compromising any such claims, said Director shall give precedence to hospital care, treatment and supplies over medical services rendered in prescribing payment requirements. Final authority to compromise any such claim rests with the Board of Supervisors.

Secs. A18-25, A18-26. Reserved.

SECTION 5. Division A18 of Title A of the County of Santa Clara Ordinance Code is amended by adding a new Chapter to be numbered and entitled and to read as follows:

CHAPTER II. SANTA CLARA COUNTY PUBLIC HEALTH DEPARTMENT

Sec.A18-27. Recognition of the Santa Clara County Public Health Department, the Director of Public Health, and the Public Health Officer.

There is the Santa Clara County Public Health Department and the positions of Director of Public Health and Public Health Officer. The Director of Public Health shall be appointed by and supervised by the County Executive in accordance with the provisions of the Charter and this Code. The Public Health Officer shall be appointed by the Board of Supervisors pursuant to Health and Safety Code § 101000 and shall be supervised by the County Executive.

Sec.A18-28. Powers and duties of Director of Public Health.

The Director of Public Health shall be responsible for the administration of the Department and such other duties as authorized by the County Executive. The Director shall also administer the California Children's Services program in the County in accordance with the provisions of the California Health and Safety Code. The Director is expected to assure that proper personnel, equipment, supplies and facilities are provided to carry out these prescribed functions. The Director shall determine and transmit the needs of the Department to the County Executive.

Sec.A18-29. Enforcement duties of Public Health Officer in unincorporated areas.

The Public Health Officer shall observe and enforce all orders and standards pertaining to public health and sanitation that are adopted by the Board of Supervisors. This responsibility is in addition to all the duties prescribed by state statutes and regulations.

Sec.A18-30. Enforcement duties of Public Health Officer in cities.

The Public Health Officer shall observe and enforce all of the following, in any incorporated city of the County, when the governing body of said city consents by resolution or ordinance, as provided in Health and Safety Code § 101375:

- (1) Orders, quarantine regulations, rules prescribed by the State Health Department and other rules and regulations issued under provisions of the Health and Safety Code.
- (2) Statutes relating to the public health.
- (3) Ordinances, rules and regulations of an incorporated city relating to public health and sanitation, inspections, and other related functions, as may be agreed upon by contract between said city and the County, as provided in Health and Safety Code §§ 101400, 101405, and 101410.

Sec.A18-31. Right of entry.

The Public Health Officer and his or her assistant or other duly authorized representative shall have authority and shall be permitted in the course of their duties to enter into and upon, and to inspect any and all lands, places, buildings, and structures, and the contents thereof, within the corporate limits of the County; and it shall be unlawful for any person to resist, hinder or interfere with said officers or employees in the performance of their duties.

Sec.A18-32. Power to arrest.

The Public Health Officer or his or her designee may arrest a person without a warrant whenever he or she has reasonable cause to believe that the person has committed a misdemeanor in his or her presence which is a violation of any statute or ordinance which the Public Health Officer is empowered to enforce. In any case in which a person is arrested pursuant to the provisions of this section, and the person arrested does not demand to be taken before a magistrate, the Public Health Officer or his or her designee shall prepare a written notice to appear and release the person on his or her promise to appear as prescribed by the Penal Code.

Sec.A18-33. Meetings during epidemics.

(a) Whenever an epidemic or any contagious or infectious disease is prevalent in the County, the Public Health Officer is authorized and empowered to forbid the holding of any meeting or gathering, either public or private, and to order closed any place where meetings are held as needed to prevent the spread of disease.

(b) No person when so forbidden by the Public Health Officer, may hold any of the meetings or gatherings hereinabove mentioned, attend or take part in the same, or open any place where the meetings or gatherings are held.

Sec.A18-34. Authorization to charge fees.

The Public Health Department is authorized to charge and collect fees for various services and products as established by resolution approved by the Board of Supervisors and amended from time to time.

Sec.A18-35. Waiver and reduction of fees.

The Director of the Public Health Department, Public Health Officer or their designees may waive or reduce fees provided for in this chapter where in the judgment of the Department, payment of fees would present a hardship for the individual and where the delivery of services or provision of products serves to protect the public's health.

Secs.A18-36 - A18-38. Reserved.

SECTION 6. Division A18 of Title A of the County of Santa Clara Ordinance Code is amended by adding a new Chapter to be numbered and entitled and to read as follows:

CHAPTER III. SANTA CLARA COUNTY DEPARTMENT OF ALCOHOL AND DRUG SERVICES

Sec.A18-39. Recognition of the Santa Clara County Department of Alcohol and Drug Services and Director of Alcohol and Drug Services.

There is the Santa Clara County Department of Alcohol and Drug Services and the position of Director of Alcohol and Drug Services. The Director shall be appointed by and supervised by the County Executive in accordance with the provisions of the Charter and this Code.

Sec.A18-40. Powers and duties of Director of Alcohol and Drug Services.

The Director of Alcohol and Drug Services shall be responsible for the administration of the County drug and alcohol programs pursuant to the provisions of the Health and Safety Code §§ 11800, 11801, and 11802. The Director is expected to assure that proper personnel, equipment, supplies and facilities are provided to carry out these prescribed functions. The Director shall determine and transmit the needs of the Department to the County Executive.

Sec.A18-41. Administration of admission and discharge policies.

The Director shall administer the policies of the County relative to admission and discharge of patients.

Sec.A18-42. Records required; confidential nature.

The Director shall maintain complete records of all persons admitted to or treated by the Department. Such records shall be confidential, and their contents may be released only in accordance with proper legal authority.

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Sec.A18-43. Director responsible for professional training programs.

The Director is responsible for the organization and conduct of the professional training programs by the Department.

Secs. A18-44 – A18-47. Reserved.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara of the State of California on November 3, 2009 by the following vote:

AYES:	Supervisors Cortese, Gage, Kniss, Shirakawa and Yeager
NOES:	Supervisors None
ABSENT:	Supervisors None
ABSTAIN:	Supervisors None
VACANT:	Supervisors None