22-05 - Identification and Enforcement of Fraudulent COVID-19 Test Sites

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

IDENTIFICATION AND ENFORCEMENT OF FRAUDULENT COVID-19 TEST SITES

Purpose

This newsletter will discuss some of the laws and enforcement options when deputies encounter COVID-19 test sites.

Background

Recently, the demand for COVID-19 tests in Los Angeles County has dramatically increased. Unfortunately, this increased demand for tests may lead some unscrupulous providers to take advantage of the situation by operating unlicensed, fraudulent test sites.

Residents of Los Angeles County have raised concerns about suspicious or possibly unlicensed/fraudulent COVID-19 test sites (e.g., price gouging, sample mishandling, failure to report test results). Therefore, the Department and other local law enforcement agencies want community members to be confident they receive an approved and legitimate COVID-19 test without compromising their protected health information (PHI) and not falling victim to identity theft.

COVID-19 Test Sites

COVID-19 test sites are usually erected in parking lots of established businesses (e.g., pharmacies, medical centers, strip malls, etc.) and public sidewalks. For a COVID-19 test site to operate, it must be affiliated with a test laboratory and under the supervision of a medical director. The test site may be utilizing the medical director's license of a test laboratory to establish a COVID-19 test site. Usually, patients may register for a COVID-19 test by completing paperwork at the test site, scanning a QR-code to complete information through the test site's website or completing the needed information online before arriving at the test site.

The California Department of Public Health (CDPH) Laboratory Field Services branch has regulatory and licensing authority over facilities where clinical laboratory tests are performed. These labs must meet the requirements of Federal Clinical Laboratory Improvement Amendments (CLIA) regulations and the requirements of California laboratory law. Therefore, it is imperative to ensure the COVID-19 test site is affiliated with a laboratory licensed by CDPH.

Questions to Ask When Responding to COVID-19 Test Site Complaints

- What laboratory are you affiliated with?

- Is your COVID-19 test service free?
- What COVID-19 test(s) are you offering (Rapid Test vs. PCR)?
- How long will it take to receive results?
- What is the contact information to follow up if results are not received; and
- What information is required to be tested? (Social security numbers and immigration status are not required.)

If the test site cannot provide any of the information above, especially laboratory affiliation, it is suspected the pop-up test site is unlicensed and possibly fraudulent.

A laboratory's state licensure can be verified by checking the CDPH laboratory facility licensure verification webpage:

https://www.cdph.ca.gov/Programs/OSPHLD/LFS/Pages/FacilitiesVerification.aspx.

Federal CLIA certification can be verified on the Centers for Medicare & Medicaid Services (CMS) website under the "demographic look-up" tab: www.cms.hhs.gov/clia

Enforcement of fraudulent COVID-19 test sites can usually be addressed by patrol units when a complaint is generated. If there is evidence of any illegal activity, patrol units can enforce the below-mentioned sections. If patrol units cannot determine any illegal activity, the complainant can be referred to Code Enforcement by calling 2-1-1 or (213) 974-1234 for guidance on approved test sites.

Applicable Los Angeles County Codes for Unlicensed Peddling

7.62.020 - Peddling—Authorization—License requirements.

No person shall conduct business as a peddler as defined in this title, or engage in the business of peddling, whether as an employee or otherwise, except as authorized by the provisions of this chapter, and until the person has first procured **any and all applicable health permits required by state law or other local ordinances and has procured a business license upon payment of the fee set forth in Section 7.14.010 of this Title 7.** No person shall be subject to the payment of such business license fees upon proof that the applicant is a veteran of any of the United States armed forces.

(Ord. 92-0132 §40, 1992.)

7.62.001 - Peddler defined.

For the purposes of this chapter, "peddler" means any person, whether as an employee or otherwise, engaged in the business of itinerant peddling, selling, hawking, vending, **delivery** or soliciting for sale, either retail or wholesale, **any merchandise**, including but not limited to liquids or edibles for human consumption,

from packs, baskets, **temporary stands or facilities**, handcarts, or vehicles as defined in Section 8.36.010 of this code, at any place other than a fixed place of business in the unincorporated territory of the county. The term "peddler" shall not include a person engaged in the delivery or sale of pre-ordered goods to a private residence or business with the prior consent of the owner, occupant, lessee, or the designee of said persons, including but not limited to employees. (Ord. 2008-0013 §1, 2008: Ord. 92-0132 §38, 1992.)

7.62.140 - Violation of provisions—Penalties.

Notwithstanding the penalty provisions of Section 7.04.320 et seq., a violation of any section in this Chapter 7.62 is a misdemeanor, except that violation of Section 7.62.070 may be charged as a misdemeanor or infraction at the discretion of the prosecutor and subject to the provisions of California Penal Code section 17(d). If charged as an infraction, the violation is punishable by:

- A fine not exceeding $100.00 for a first violation;
- A fine not exceeding $200.00 for a second violation within one year; or
- A fine not exceeding $500.00 for a third or subsequent violation within one year.

(Ord. 2008-0013 §10, 2008: Ord. 92-0132 §49, 1992.)

**Contract City units should check their local municipal codes for similar violations.

COVID-19 Test Site Resources

When planning to get a COVID-19 test, check the following weblink:

http://publichealth.lacounty.gov/acd/ncorona2019/covidtests/ or COVID-19 Testing (lacounty.gov)

Note: Los Angeles County does not endorse or regulate all test sites. Before you decide to get tested at a particular site, especially if it is a pop-up site, make sure it is legitimate by checking the website(s) above.

If you require further information, contact Field Operations Support Services Unit at [REDACTED TEXT]