ORDER OF THE HEALTH OFFICER No. C19-08b

ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO
RESTRICTING ROUTINE MEDICAL APPOINTMENTS AND ELECTIVE SURGERY, ENCOURAGING REMOTE APPOINTMENTS, ENCOURAGING DELIVERY OF CANNABIS PRODUCTS AND PRESCRIPTIONS, AND ESTABLISHING DIRECTIVES TO PERMIT FOR CERTAIN SURGERIES, PROCEDURES, AND VISITS TO OCCUR

(PUBLIC HEALTH EMERGENCY ORDER)
DATE ORDER ISSUED: May 15, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, et seq.; California Penal Code §§ 69, 148(a)(1); San Francisco Administrative Code section 7.17(b).)

Summary: The Health Officer of the City and County of San Francisco (the “City”) issued a shelter-in-place order on March 16, 2020, in an effort to reduce the impact of the virus that causes novel Coronavirus Disease 2019 (“COVID-19”). That virus is easily transmitted, and the disease can be extremely serious. It can require long hospital stays, and in some instances it can cause long-term health consequences or death. It can impact not only those known to be at high risk based on age or certain medical conditions but also other people, regardless of age or underlying health condition. This is a global pandemic causing untold societal, personal, and economic harm. Capitalized terms used in this Order are generally defined in Sections 1, 2, and 15 below.

This Order accomplishes the dual purpose of strengthening our community social distancing response while also freeing medical resources that may be redirected to address critical issues. Because of the risk of the rapid spread of the virus, and the need to protect all members of the community and the Bay Area region, especially our residents most vulnerable to the virus and health care providers, this Order requires all Medical Providers, Counselors, Healing Arts Practitioners, and patients or clients anywhere in San Francisco to postpone or remotely conduct Routine Medical Appointments, Elective Surgery Procedures, in-person Routine Counseling, and Routine Healing Arts Appointments, as those terms are defined below. But this Order does not prevent provision of any emergency, necessary, or essential medical treatment, counseling, or healing art in the judgment of a Medical Provider, Counselor, or Healing Arts Practitioner. This Order requires that all in-person appointments, referred to as Essential Medical Appointments, Counseling Appointments, or Essential Healing Arts Appointments, be performed while implementing all practical mitigation techniques to help prevent transmission of the COVID-19 virus. This Order also permits surgeries,
procedures, and other types of appointments to occur when permitted by a Health Officer directive issued pursuant to this Order.

This Order goes into effect at 11:59 p.m. on May 15, 2020, and continues indefinitely until it is repealed, modified, or replaced by the Health Officer of the City and County of San Francisco. The Health Officer may revise this Order as the situation evolves, and each Facility must stay updated by checking DPH websites at https://www.sfdph.org/dph/alerts/coronavirus.asp and https://sfcdcp.org/covid-19 regularly.

This Order furthers the purpose of the April 29, 2020 Shelter in Place Order (Order No. C19-07c) issued by the Health Officer that imposed broad shelter in place restrictions across the City. The intent of that Order, as well as this one, is to minimize the risk of avoidable exposure to and transmission of the COVID-19 virus. Accordingly, in addition to the new provisions summarized above this Order makes clear that cannabis dispensaries (given the medicinal purposes of cannabis) and pharmacies are permitted to remain open, but only for delivery or takeaway, and people are strongly encouraged to obtain their cannabis products or prescriptions via home delivery to the greatest extent possible.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN FRANCISCO (THE “HEALTH OFFICER”) ORDERS:

1. The intent of this Order is to minimize the risk of avoidable COVID-19 exposure among people who have Medical Appointments, Elective Surgeries, Counseling Appointments, or Healing Arts Appointments. This Order permits such surgeries, procedures, and appointments to occur in the City and County of San Francisco (the “City”) or involving residents of the City in the safest way possible when they must occur in person subject to context-specific protocols that are issued by the Health Officer pursuant to Section 3 of this Order in the form of Health Officer directives (each a “Directive”). To the extent that the Health Officer has not issued a Directive that permits the specific type of surgical center, ambulatory clinic, provider office, or other type of facility to operate subject to context-specific protocols, then the restrictions of this Order listed below must be followed. If a procedure or appointment can occur remotely or be reasonably postponed or rescheduled, it must occur remotely or be postponed or rescheduled unless this Order or a Directive permits it to occur. All provisions of this Order and each Directive issued pursuant to this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

2. For all in-person interactions permitted under this Order or any Directive, all patients or clients and all medical providers, Healing Arts professionals, and staff must for the entirety of the time they are on-site at a hospital, clinic, or other facility
wear either (i) a Face Covering as provided in Health Officer Order No. C19-12 issued April 17, 2020 (the “Face Covering Order”), including as that order is revised or replaced, or (ii) another form of medically-appropriate Personal Protective Equipment (“PPE”) mask at all times. A Face Covering or PPE mask is not required when the Face Covering Order does not mandate wearing a Face Covering, but in such instances steps should be taken to minimize the risk of transmission of the virus that causes COVID-19. The Face Covering or PPE mask may also be removed from the patient or client or staff as permitted by a Directive or solely when necessary during the course of the procedure or appointment for purposes of the care being received, but then only for the minimum extent necessary to facilitate the procedure or care being provided.

3. Any Directive issued pursuant to this Order must reference this Order, including as it may be revised or replaced from time to time. Each Directive may use the terms defined in this Order and may define its own terms. Where a Directive permits a specific type of facility to offer in-person care to patients or clients or otherwise permits any procedure or appointment to occur in-person subject to protocols listed in the Directive, the protocols of the Directive control instead of any restrictions listed below in Sections 4 through 6.

4. In consultation with their patients or clients as described below, all Medical Providers, Counselors, and Healing Arts Practitioners in the City are ordered to cancel, postpone, or reschedule all Routine Medical Appointments, Elective Surgeries, in-person Routine Counseling Appointments, and Routine Healing Arts Appointments as those terms are defined in Section 15 below except as they can occur remotely or are permitted by a Directive to occur. Medical Providers, Counselors, and Healing Arts Practitioners must consult with their patients or clients to assess whether an appointment is an Essential or Routine Medical Appointment, an Elective Surgery, a Routine or Essential Counseling Appointment, or an Essential or Routine Healing Arts Appointment within the meaning of this Order.

5. Except as allowed by a Directive, Medical Providers, Counselors, and Healing Arts Practitioners who provide care in the City are also ordered to complete any Essential Medical Appointments, Routine or Essential Counseling Appointments, or Essential Healing Arts Appointments—each term also as defined in Section 15—remotely where a Medical Provider, Counselor, or Healing Arts Practitioner, respectively, believe remote treatment or care is a feasible alternative to an in-person appointment.

6. Except as otherwise allowed by a Directive, Essential Medical Appointments, Essential Counseling Appointments, and Essential Healing Arts Appointments may occur in person when deemed necessary by the service provider, in which case the two requirements listed in this Section 6 must be met in addition to the requirement to wear a Face Covering or PPE mask listed in Section 2 above.
First, the service provider must conduct a screening of the patient or client in advance, asking the questions listed in Attachment 1 to this Order. Patients or clients must be screened for symptoms in advance of any in-person visit, including on the calendar day of the visit, and such screening must occur before the patient or client enters the office or facility on the day of the visit in order to protect Personnel and other patients or clients. Such screening can occur by phone, email, or other methods and can be done while the patient or client is outside the building, in the lobby, or outside the suite immediately before arriving. If the patient or client answers “yes” to any of those questions, the provider must cancel the visit or appointment except for one exception listed below. If the patient or client answers “yes” to any question, the provider must tell the patient or client they should obtain a diagnostic test for the COVID-19 virus as follows: the provider may tell the person to contact their regular healthcare provider to get a test; the provider may tell the person they can get a free test via CityTestSF at https://sf.gov/citytestsf; the provider may tell the person about any other testing site or service; or, if the provider is a licensed professional who is authorized to order diagnostic testing, the provider may order the test from a private laboratory or similar service. The only instance in which a provider may continue to provide care to the patient or client after they answered “yes” to any question above is when authorized to do so by a Directive or if the facility is a specialized medical facility (such as an urgent care center) that has expertise in working with a person who may be positive for the SARS-CoV-2 virus and can safely offer care in a way that does not put staff or other patients or clients at risk. When there is a “yes” answer, the provider may: reschedule the person for an appointment after the patient or client receives a negative diagnostic test result, after they have safely recovered from a confirmed positive result, or after they have successfully self-quarantined; or refer the patient or client to a medical facility or hospital emergency room that is capable of safely treating a presumptively-positive person.

Second, if the patient or client answered “no” to all screening questions (or if the provider is allowed to permit the appointment to occur as listed in the prior paragraph), the Social Distancing Requirements (which include provisions for when the provider must touch the patient) must be followed by the patient or client and provider to the greatest extent possible, and any interaction that does not follow Social Distancing Requirements must be limited to the shortest possible duration to permit the appointment or procedure to occur.

7. Individual patients or clients who live in the City or who are seeking care in the City are ordered to comply with this Order and must: cancel, postpone, or reschedule all Routine Medical Appointments, Elective Surgeries, or Routine Healing Arts Appointments except as permitted to occur by this Order or a Directive; conduct Essential Medical Appointments, Counseling Appointments, or Essential Healing Arts Appointments remotely when appropriate based on exercise of the professional judgment of their Medical Provider, Counselor, or Health Arts Practitioner; and
convey any other surgery or appointment permitted under a Directive issued under to this Order pursuant to the restrictions of the Directive.

8. Travel to and from Essential Medical Appointments, Essential Counseling Appointments, and Essential Healing Arts Appointments or any other surgery, procedure, or appointment allowed under a Directive is permitted under this Order and is Essential Travel as defined in Health Officer Order No. C19-07c and any revisions or replacements to that Order. All people travelling to and from Essential Medical Appointments, Essential Counseling Appointments, or Essential Healing Arts Appointments or for care permitted under a Directive are ordered to comply with Social Distancing Requirements as defined in Section 15 below, to the greatest extent possible.

9. Travel to and from pharmacies to pick up prescriptions is permitted under this Order, but individuals are strongly encouraged to have their prescriptions delivered to the greatest extent possible. Similarly, pharmacies are strongly encouraged to deliver prescriptions to the greatest extent possible. If in-store pickup is required, to the greatest extent feasible, pharmacies and patrons shall comply with Social Distancing Requirements as defined in Section 15 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line. Pharmacies are also subject to the requirements of Health Officer Directive No. 2020-07, issued on May 8, 2020 pursuant to Health Officer Order No. C19-07c.

10. Cannabis has several medicinal purposes and is an essential medical treatment for many City residents. Accordingly, cannabis dispensaries are permitted to remain open, but only for delivery or takeaway. Cannabis dispensaries shall not permit products to be used or consumed on-site. In addition, travel to and from cannabis dispensaries to pick up products is permitted under this Order. But individuals are strongly encouraged to have cannabis dispensary products delivered home in lieu of obtaining them on-site to the greatest extent possible. Similarly, cannabis dispensaries are strongly encouraged to deliver products rather than offering for takeaway sale to the greatest extent possible and allowed by law. If in-store pickup is required, to the greatest extent feasible, cannabis dispensaries and patrons shall comply with Social Distancing Requirements as defined in Section 15 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.

11. This Order is based on evidence of increasing occurrence of COVID-19 within the City and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. And there are also documented cases of serious outcomes even absent these risk factors. Due to the
outbreak of the COVID-19 virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms (are asymptomatic) or have mild symptoms, which means they may not be aware they carry the virus. There can also be a substantial delay between contracting the virus and having symptoms. The virus is easily transmitted between all of these people, including those who are asymptomatic or those whose symptoms have not yet developed. Because there is not yet a proven treatment or cure, it remains essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit unnecessary interactions among people to the greatest extent practicable and to implement all available protections when interactions do need to occur. This Order helps protect all people in the City by limiting unnecessary health-related interactions and imposing appropriate restrictions on them when they do need to occur.

12. This Order is also issued in light of the existence, as of May 15, 2020, of 2,026 confirmed cases of infection by the COVID-19 virus in the City, including a significant and increasing number of cases of community transmission. In light of these facts, this Order is necessary to slow the rate of spread of the virus among people in the City, and the Health Officer will continue to assess the quickly evolving situation and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

13. This Order is also issued in accordance with, and incorporates by reference, the April 29, 2020 Shelter in Place Order (Order No. C19-07c) issued by the Health Officer, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Newsom, the February 25, 2020 Proclamation by Mayor London Breed Declaring the Existence of a Local Emergency (as supplemented several times after its issuance), the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, other emergency actions by the Health Officer, the City, and California, and guidance issued by the California Department of Public Health ("CDPH") and the United States Centers for Disease Control and Protection, as each of them have been and may be supplemented.

14. This Order is also issued in conjunction with and pursuant to the principles included in Health Officer Order No. C19-07c, the order issued on April 29, 2020 requiring people who live in the City generally to shelter in place and to avoid any non-essential activities, and any amendments to that order.
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15. Definitions, Requirements, and Exemptions.

(a) A “Routine” appointment means an appointment or procedure that can be postponed for the duration of this Order with no reasonably foreseeable negative medical or health impact on a person, solely in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner. Routine appointments include, without limitation, annual physicals, regular dental appointments, orthodontics appointments, wellness checks or related treatment, non-urgent chiropractic treatment, in-person counseling sessions, and other regularly scheduled treatments or sessions that can safely be missed for the duration of this Order, solely in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner.

Where a patient or client’s Medical Provider, Counselor, or Healing Arts Practitioner concludes in the provider’s professional judgment that a patient’s or client’s medical history or other context presents particular risk factors, wellness or routine care or appointments such as, by way of example only and without limitation, mammograms, blood tests or other diagnostic tests, or other similar exams or procedures, may proceed under this Order as “Essential” appointments. A Medical Provider, Counselor, or Healing Arts Practitioner’s conclusion under this subparagraph (a) must be made consistent with the intent of this Order, which is that non-essential care be postponed whenever possible to help prevent the transmission of the COVID-19 virus to the extent possible.

(b) An “Essential” appointment means an appointment that cannot be delayed or postponed for the duration of this Order without reasonably foreseeable negative medical or health impact on a person in the professional judgment of the patient’s Medical Provider, Counselor, or Healing Arts Practitioner. Essential appointments include, without limitation, medical appointments for diagnosis or treatment of acute illness, medical appointments that are necessary to obtain prescriptions or medicine for conditions that reasonably require prompt treatment, medical appointments for diagnosis or treatment of serious chronic conditions, and the diagnosis or treatment of infectious diseases including but not limited to COVID-19 that cannot reasonably be postponed for the duration of this Order.

A patient or client’s Medical Provider, Counselor, or Healing Arts Practitioner must in the provider’s sole professional judgment determine whether a particular appointment or procedure is an Essential appointment under this subparagraph (b) but must do so consistent with the intent of this Order, which is that non-essential care be postponed whenever possible to help prevent the transmission of COVID-19 to the extent possible.
(c) A “Medical Appointment” is an appointment with a Medical Provider that occurs in the City or is for a resident who lives in the City.

(d) “Elective Surgery” means a non-emergency surgical procedure, whether inpatient or outpatient, that can be postponed for the duration of this Order with no reasonably foreseeable negative medical impact on a person, solely in the professional judgment of the patient’s Medical Provider. Elective surgeries include, without limitation, cosmetic surgeries, certain dental procedures, and certain other pre-planned surgeries or procedures. The Directive on Elective Surgery further defines this term, and any Elective Surgery listed in that Directive must comply with its requirements.

A patient’s Medical Provider must in the provider’s professional judgment determine whether a particular procedure is an Elective Surgery but must do so consistent with the intent of this Order, which is that non-essential health care be postponed whenever possible for the duration of this Order to help prevent the transmission of COVID-19 to the extent possible.

(e) A “Counseling Appointment” is any appointment with a Counselor that occurs in the City or is for a resident who lives in the City. For sake of clarity, appointments with psychiatrists, who are Medical Providers as defined by this Order, are treated as Medical Appointments.

(f) A “Healing Arts Appointment” is any appointment with a Healing Arts Practitioner that occurs in the City or is for a resident who lives in the City.

(g) “Social Distancing Requirements” means all of the following: maintaining at least six feet of distance from other individuals when feasible, including in check-in and waiting areas but excluding during medical procedures that include masking and other PPE appropriate for the context where six feet of distance cannot be maintained; washing hands with soap and water for at least twenty seconds (or longer based on the medical standard for the context) as frequently as possible or using hand sanitizer (for patients and providers when medically appropriate); covering coughs or sneezes (into the sleeve or elbow, not hands); regularly disinfecting high-touch surfaces; and not shaking hands or engaging in other unnecessary physical contact.

(h) “Medical Provider” means only the following types of health care professionals: any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, or dentist.

(i) “Counselor” means anyone not listed as a Medical Provider who holds a professional license related to the provision of counseling or talking therapy and who provides talking or counseling therapy in the City to patients or
clients, including, but not limited to, psychologists, social workers, and marriage and family therapists.

(j) “Healing Arts Provider” means anyone not defined by this Order as a Medical Provider or Counselor who otherwise provides care and is licensed or certified under Division 2, Healing Arts, of the California Business and Professions Code. The term Healing Arts Provider also includes other practitioners who provide care through alternative modalities such as Eastern Medicine.

(k) Nothing in this Order permits any individual Medical Provider, Counselor, or Healing Arts Provider who works in any General Acute Care Hospital, Adult Psychiatric Hospital, Skilled Nursing Facility, long term care facility, or other inpatient or residential facility to refuse to provide care that such General Acute Care Hospital, Adult Psychiatric Hospital, Skilled Nursing Facility, long term care facility, or other inpatient or residential facility deems necessary for its healthcare mission.

(l) Except as permitted by this Order or any Directive, when a remote appointment is possible and can address the needs of the health-related encounter, it must be conducted via remote methods such as a telephone call or video conference. In February 2020 the United States Department of Health and Human Services issued a bulletin regarding HIPAA Privacy and COVID-19. Pursuant to that guidance, video conferences with patients or clients under this Order need not be fully HIPAA-compliant. But providers and Counselors must not use any public-facing video services such as Facebook Live, Twitch, TikTok, etc. Only non-public services such as Apple FaceTime, Facebook Messenger video chat, Google Hangouts video, Skype, etc. may be used.

16. Pursuant to Section 8659 of the Government Code (and other immunities applicable to City employees), any Medical Provider is afforded immunity from liability for decisions made under this Order so long as the decision is made absent a willful act or omission constituting medical malpractice.

17. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

18. To extent this order conflicts with any other order of the Health Officer granting greater access to Routine Appointments or Elective Surgery, this Order controls. For the sake of clarity, any other Health Officer Order allowing or appearing to allow travel to or attendance at Routine Appointments or Elective Surgery is
superseded in relevant part by this Order. But any Directive issued pursuant to this Order controls over more restrictive provisions of this Order.

19. This Order shall become effective at 11:59 p.m. on May 15, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. Effective as of 11:59 p.m. on May 15, 2020, this Order revises and replaces Order Number C19-08, issued March 17, 2020.

20. The City must promptly provide copies of this Order as follows: (1) by posting on the City Administrator’s website (sfgsa.org) and the Department of Public Health website (sfdph.org); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and must provide a copy to any member of the public asking for a copy.

21. The Health Officer will continue to assess the quickly evolving situation and may, at any time or from time to time, modify or extend this Order, or issue additional orders, related to COVID-19.

22. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

[Signature]

Tomas J. Aragon, MD, DrPH, Date: May 15, 2020
Health Officer of the City and County of San Francisco
Health Officer Order No. C19-08b
Attachment 1: Patient or Client Screening Questions

Patients or clients must answer the following questions before or at the start of any in-person appointment or procedure. For any answer that is “yes,” the requirements of the Order must be followed and the patient or client must be referred to the appropriate follow-up described below.

**Part 1 (screening questions to be answered by the patient or client):**

1. Within the last 10 days have you been diagnosed with COVID-19 or had a test confirming you have the SARS-CoV-2 virus?
2. Do you live in the same household with or have you had close contact* with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus?

   *If the answer to either question is “yes”, follow the steps listed in Part 2 below.*

3. Have you had any one or more of the following symptoms today or within the past 24 hours which is new or not explained by a pre-existing condition?
   - Fever, Chills, or Repeated Shaking/Shivering
   - Cough
   - Sore Throat
   - Shortness of Breath, Difficulty Breathing
   - Feeling Unusually Weak or Fatigued
   - Loss of Taste or Smell
   - Muscle pain
   - Headache
   - Runny or congested nose
   - Diarrhea

   *If the answer to Question 3 is “yes”, follow the steps listed in Part 3 below.*

**Part 2 – If you answered “yes” to Questions 1 or 2:*

- If you answered **yes to Question 1**: you are subject to the Health Officer Isolation Directive. Follow Isolation Steps in the Guidance Packet.
- If you answered **yes to Question 2**: you are subject to the Health Officer Quarantine Directive. Follow Quarantine Steps in the Guidance Packet.
- The meaning of the term *close contact* is explained in the Guidance Packet. The Guidance Packet is available at: [https://www.sfcdcp.org/Isolation-Quarantine-Packet](https://www.sfcdcp.org/Isolation-Quarantine-Packet)

**Part 3 – If you answered “yes” to Question 3:**
You may have the SARS-CoV-2 virus and must be tested for the virus. You should not go to work for at least 10 calendar days. In order to return to work sooner and to protect those around you, you should take these steps:

1. Contact your usual healthcare provider about getting tested for the virus, or sign up for free testing from CityTestSF at [https://sf.gov/citytestsf](https://sf.gov/citytestsf). If you live outside the City, you can check with the county where you live, get tested by your usual healthcare provider, or use CityTestSF.
3. If your result is positive (confirms that you have the virus), you must follow the Isolation Steps in Part 2 above.
4. If your result is negative, you should not return to work until you have had at least 3 days in a row without fever and with improvements in your other symptoms.