



Related Materials:

[Los Angeles County Health Officer Order: Health Care Worker Vaccine Requirement](#)

Updates:

11/16/2021: Updated to incorporate FAQs related to new CMS Regulations that require workers at CMS-funded facilities to be fully vaccinated by January 4, 2022.

ABOUT THE LA COUNTY ORDER AND COMPARISON TO THE STATE ORDER AND FEDERAL REGULATIONS

1. Why is Los Angeles County (LA County) requiring all health care and home health care workers to be vaccinated?

COVID-19 poses one of the greatest threats to public health in recent memory. The three vaccines currently available have gone through rigorous testing and have also been given to hundreds of millions of people worldwide. Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among unvaccinated persons. Recent outbreaks in health care, skilled nursing facilities, and other congregate settings have often been traced to unvaccinated staff members. Current requirements for unvaccinated staff within health care settings, appear to be insufficient to prevent transmission of the Delta variant, which is more transmissible and may cause more severe illness.

As vaccination against COVID-19 is the most effective means of preventing infection with the virus that causes COVID-19 (including the Delta variant) and subsequent transmission and outbreaks, this Order seeks to require staff and essential visitors in health care, prehospital care, and home health care settings to be vaccinated against the COVID-19 virus to reduce the chance of transmission to vulnerable populations and to reduce the risk for staff in these settings.

2. To whom does the LA County Health Officer Order apply?

Health care facilities and home health care settings identified by this Order, are particularly high-risk settings where COVID-19 outbreaks can have severe consequences for vulnerable populations, including hospitalizations, severe illness, and death. Workers, patients, and residents providing or receiving care at these facilities or in their homes are all at increased risk for infection in these settings which share the following features: frequent exposure to staff and highly vulnerable patients, including elderly, chronically ill, critically ill, medically fragile, and disabled patients.

With this increased risk in mind, this Order applies to all paid and unpaid employees, contractors, students, and volunteers who work in indoor or other settings where (1) care is provided to patients, (2) patients have access for any purpose, leading to direct patient contact, or (3) home care or daily living assistance is provided to residents. This includes, but is not limited to, nurses, nursing assistants, medical assistants,





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physicians, dental assistants, dentists, technicians, therapists, phlebotomists, pharmacists, emergency medical technicians (EMTs), EMT—paramedics, prehospital care personnel, affiliated home care aides, registered home care aides, independent home care aides, home health aides, students and trainees, contractual staff not employed by the health care facility, and persons not directly involved in patient care, but who could be exposed to germs that can be spread in the health care setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel). The requirements apply to anyone listed above, including those with a remote or hybrid work agreement, since employees who work remotely may need to visit a facility location from time to time, and universal vaccination helps ensure a safer environment for everyone. Facilities and employers need to be confident that all employees can more safely enter the workplace when needed.

3. Does California also have a Health Care Worker Vaccine Requirement State Public Health Officer Order?

Yes. See [Health Care Worker Vaccine Requirement State Public Health Officer Order](#) and its [Questions and Answers](#) webpage. While each state has the responsibility to issue public health orders, Local Health Jurisdictions (LHJs), like the LA County Department of Public Health, are required to follow state public health orders and regulations and also have the authority to require additional safety modifications based on local level needs, including higher rates of cases, hospitalizations, and deaths, as is the case with the LA County Health Officer Order. The Los Angeles County Health Officer Order includes the provisions of the State’s order and some necessary additional ones.

4. Does the State’s July 26 State Public Health Officer Order continue to apply?

Yes, both the July 26 and August 5 State orders remain in effect. See [Health Care Worker Protections in High-Risk Settings](#) and its [Questions and Answers](#) webpage. Where a conflict exists between a Local Health Jurisdiction order and any State Public Health order, the most **stringent/most protective** provision controls.

5. What facilities are impacted by the State Public Health Officer Order?

The following health care facilities will be impacted by the State order:

- General Acute Care Hospitals
- Skilled Nursing Facilities (including Subacute Facilities)
- Intermediate Care Facilities
- Acute Psychiatric Hospitals
- Adult Day Health Care Centers
- Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
- Ambulatory Surgery Centers
- Chemical Dependency Recovery Hospitals
- Clinics & Doctor Offices (including behavioral health, surgical)
- Congregate Living Health Facilities
- Dialysis Centers
- Hospice Facilities
- Pediatric Day Health and Respite Care Facilities
- Residential Substance Use Treatment and Mental Health Treatment Facilities





6. Does the Federal Government have a Health Care Worker Vaccine Requirement?

Yes. On November 5, 2021, the federal Centers for Medicare and Medicaid Services (“CMS”) released emergency regulations that require workers in health care facilities participating in Medicare or Medicaid to receive their first dose of COVID-19 vaccine by December 5, 2021, and be fully vaccinated against COVID-19 by January 4, 2022. See the [Federal Regulations](#) webpage for text of the regulation and [FAQs](#) for a full description of the regulation.

7. Which staff are covered by the Federal Vaccine Requirement?

The federal vaccine requirement applies to eligible staff working at facilities that participate in the Medicare or Medicaid programs, regardless of their clinical responsibility or patient contact. The requirement includes all current staff as well as any new staff who provide any care, treatment, or other services for the facility and/or its patients. This includes employees, students, trainees and volunteers who work at a facility that receives funding from Medicare or Medicaid. Similarly, the rule applies to staff who are working offsite with patients such as those workers who provide home health care or home infusion therapy. The rule does not apply to employees who are 100% teleworking, provided that they do not have any contact with patients or other staff.

8. What facilities are impacted by the Federal Regulations?

The federal requirements apply to all Medicare and Medicaid-certified provider and supplier types that are regulated under the Medicare health and safety standards. This includes:

- Ambulatory Surgery Centers
- Clinics
- Community Mental Health Centers
- Rehabilitation Agencies
- Comprehensive Outpatient Rehabilitation Facilities
- Public Health Agencies as Providers of Outpatient physical therapy and speech-language pathology services
- Critical Access Hospitals
- Psychiatric residential treatment facilities
- End Stage Renal Disease Facilities
- Programs for all-inclusive care for the Elderly Organizations
- Home Health Agencies
- Rural Health Clinics/Federally Qualified Health Centers
- Home Infusion Therapy Suppliers
- Long term care facilities
- Hospices
- Hospitals
- Intermediate Care Facilities for Individuals with Intellectual Disabilities

9. Do the Federal Regulations take precedence over the State and County Orders?

Not in cases where the state or local vaccine mandate is more stringent The Federal Regulations make clear that they take precedence over state and local laws that conflict with the intent of the Federal Regulations only, such as state laws that prohibit vaccination requirements. However, State and/or County Orders that are more protective or more stringent than the Federal Regulations must continue to be followed by facilities that are subject to those State and County Orders.





10. What facilities are impacted by the LA County Health Officer Order?

In addition to the facilities in the State order, the County added the following:

- Emergency Medical Services Provider Agencies
- Home Care Settings (Home Care Organization, Home Health Agency)
- Dental offices are included under Clinics & Doctor Offices

11. Does the LA County Health Officer Order apply to everyone in these settings or just workers who interact with patients?

It applies to all individuals who are either paid or unpaid and are in indoor or other settings where (1) care is provided to patients, (2) patients have access for any purpose, or (3) home care or daily living assistance is provided to residents. The requirements also apply to employees with a remote or hybrid work agreement, since those who work remotely may need to visit a facility location from time to time, and universal vaccination helps ensure a safer environment for everyone. Facilities and employers need to be confident that all employees can more safely enter the workplace when needed.

12. Are high risk congregate settings covered under the LA County Health Officer Order?

No. Those settings, including adult and senior care facilities, homeless shelters, and state and local correctional facilities, remain covered by the State’s July 26 Order. These settings will be addressed in forthcoming guidance from CDPH that considers the unique circumstances of health care integrated into a congregate setting.

13. Are dental offices included in the LA County Health Officer Order?

Yes. Dental offices are included in this Order and are already included under the State’s July 26 order.

14. Are any other vaccines required by this LA County Health Officer Order?

No.

15. Is this a one-time mandate? Or will workers be required to also get COVID-19 booster shots?

At this time, no COVID-19 vaccine booster shots have been authorized for use by the Food and Drug Administration (FDA) nor have they been recommended by the Centers for Disease Control and Prevention (CDC). This may change in the future.

TIMELINE

16. When does the LA County Health Officer Order take effect?

The Order will go into effect as of 11:59 pm on Thursday, August 12, 2021.

17. By when do employees need to have received their COVID-19 vaccine?

Employees must have received either their single dose of a one-dose COVID-19 vaccine regimen or their second dose of a two-dose COVID-19 vaccine regime by September 30, 2021.





LOGISTICS

18. How and where can employees get vaccinated? Who will pay for the vaccine?

Your healthcare provider may offer COVID-19 vaccinations, so check with their office. Vaccines are also available at hundreds of locations throughout LA County, including pharmacies, clinics, and community vaccination sites. Many locations do not require an appointment. Visit [VaccinateLACounty.com](https://www.vaccinatelacounty.com) and click on “[Learn How to Get Vaccinated](#)” to find a location that offers vaccines at a time and place that is convenient for you. If you need help, you can call the DPH Vaccine Call Center at 833-540-0473, 7 days a week from 8am to 8:30pm.

Vaccines are free. Immigration status and insurance is not required.

Employers can submit a request for vaccination to be provided at their work location through the [Provider Finder webpage](#).

19. Will employees be provided paid time-off to get vaccinated and if they have strong side effects after receiving the vaccine?

This should be discussed with your employer, as each employer may be different in how they handle this. The California Department of Industrial Relations (DIR) has a chart on their website that provides a snapshot of paid leave laws that may apply to California workers affected by COVID-19 and those getting vaccinated. The chart provides a side-by-side comparison of California laws on paid family leave, paid sick leave, and 2021 COVID-19 Supplemental Paid Sick Leave, and can be found at <https://www.dir.ca.gov/dlse/Comparison-COVID-19-Paid-Leave.html> (for [Spanish](#)).

20. How will employers verify workers are vaccinated or tested?

Each facility will be required to verify and keep records documenting the verification of vaccination status or test results. Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), facilities have multiple options to verify vaccine status.

21. How can employees get a replacement vaccination record if they lost their original? Can they also get an electronic copy?

Everyone who is vaccinated in California can request a digital COVID-19 Vaccination Record at myvaccinerecord.cdph.ca.gov. These can be saved in Google Pay on Android devices. In addition, Healthvana offers digital records to residents of LA County who have received at least one dose of vaccine (regardless of where they were vaccinated) and anyone who has received at least one dose in LA County (regardless of where they live). The Healthvana record can be downloaded to a digital wallet (Apple Wallet for iPhones and Google Pay for Android devices). For more information, go to [VaccinateLACounty.com](https://www.vaccinatelacounty.com) and click on “[Vaccination Records](#)”.





22. What if employees got vaccinated outside of the U.S.? Which vaccines will be accepted in LA County?

Facilities will consider you fully vaccinated if you provide proof of completing the full series of any COVID-19 vaccine listed for use by World Health Organization (WHO). That includes not only Pfizer-BioNTech, Moderna and the one-dose Johnson & Johnson COVID-19 vaccines, but also Astra-Zeneca, Novavax and others on this [WHO list](#).

23. Will this requirement take staff away from these facilities and settings?

Keeping both workers and patients safe is our top priority and the purpose of this Order. We do not believe it will take staff away.

EXEMPTIONS

24. What are the exemptions?

The Order allows for two exemptions: (1) the worker is declining vaccination based on sincerely held Religious Beliefs or (2) the worker is excused from receiving any COVID-19 vaccine due to a Qualifying Medical Reasons exemption.

25. Can a worker opt to regularly test instead of getting vaccinated?

No. Testing will be an alternate means for satisfying this Order only for those who are granted an exemption pursuant to the Order.

26. What if a worker cannot be vaccinated due to medical reasons?

COVID-19 vaccine exemptions may be granted for medical reasons, per the most up-to-date COVID-19 vaccine guidelines from the Centers for Disease Control and Prevention (CDC), including:

- Documented history of severe allergic reaction to one or more components of all of the COVID-19 vaccines available in the U.S.
- Documented history of severe or immediate-type hypersensitivity allergic reaction to a COVID-19 vaccine, along with a reason why you cannot be vaccinated with one of the other available formulations.

See the CDC’s [Interim Clinical Considerations for Use of COVID-19 Vaccines](#) for details.

To be eligible for a Qualified Medical Reasons exemption the worker must provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the worker’s inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).

27. Can a worker opt to regularly test instead of getting vaccinated?

No. Testing will be an alternate means for satisfying this Order only for those who are granted an exemption pursuant to the Order.





28. If granted an exemption, where does someone go get tested for COVID-19? Who will pay for the test? Will their employer provide a surgical mask or respirator to wear?

Required diagnostic screening testing may be handled differently by each facility, so check with your facility or employer. Employers are required to provide masks and, if requested, respirators for voluntary use.

29. Can a pregnant employee be exempt from getting vaccinated?

Per the CDC’s current guidance, “COVID-19 vaccination is recommended for all people aged 12 years and older, including people who are pregnant, lactating, trying to get pregnant now, or might become pregnant in the future.”

See the [CDC’s Interim Clinical Considerations for Use of COVID-19 Vaccines](#) for additional information.

30. Does someone still need to get vaccinated if they recently had COVID-19 (within 90 days)?

Yes, individuals should be vaccinated regardless of whether they’ve already had COVID-19. That’s because experts do not yet know how long you are protected from getting sick again after recovering from COVID-19. Even if you have already recovered from COVID-19, it is possible that you could be infected again with the virus that causes COVID-19.

Studies have shown that vaccination provides a strong boost of protection in people who have recovered from COVID-19.

If you were treated for COVID-19 with monoclonal antibodies or convalescent plasma, you should wait 90 days before getting a COVID-19 vaccine. Talk to your doctor if you are unsure what treatments you received or if you have more questions about getting a COVID-19 vaccine. If you have a history of multisystem inflammatory syndrome in adults (MIS-A), consider delaying vaccination until you have recovered from being sick and for 90 days after the date of diagnosis of MIS-A.

See the [CDC’s Interim Clinical Considerations for Use of COVID-19 Vaccines](#) for additional information.

COMPLIANCE

31. Who will be responsible for ensuring compliance with the requirements under the LA County Health Officer Order?

Each covered facility will be required to enforce the vaccine and testing requirements of their respective staff (including any staff that may be working remotely or come from a contracted staffing agency).

To the extent that the covered facilities are subject to state regulation, the state's regulating entities will ensure each facility is meeting the requirements for vaccine verification/exemptions. For example, the California Department of Public Health will enforce this requirement at hospitals, skilled nursing facilities, intermediate care facilities, and the other health care facilities it licenses; and the Department of Health Care Services will enforce this requirement at residential substance use treatment and mental health treatment facilities. Local health jurisdictions may also enforce the orders.





Additional questions may be added to this document in the future.
Please check the Los Angeles County Department of Public Health website focused on
County Health Officer Orders for the latest information:
<http://publichealth.lacounty.gov/media/Coronavirus/reopening-la.htm#orders>

