

HEALTH CARE WORKER VACCINATION REQUIREMENT

MANDATING EMPLOYERS OF HEALTH CARE AND HOME CARE WORKERS WHO WORK IN OR ROUTINELY VISIT HIGH-RISK OR RESIDENTIAL CARE SETTINGS TO DOCUMENT THEIR FULLY VACCINATED STATUS; FOR THOSE WITH APPROVED MEDICAL OR RELIGIOUS EXEMPTIONS, DOCUMENT WEEKLY OR TWICE WEEKLY REGULAR TESTING FOR COVID-19

Issue Date: **Monday, November 01, 2021**
Effective as of 11:59pm on **Monday, November 01, 2021**
Compliance Required by: **Tuesday, November 30, 2021**

Recent Updates (Revisions are highlighted in yellow):

- Updated to align with the High-Risk Setting facilities/agencies and workers included in the September 28, 2021 issue of the [State Public Health Officer Order](#), "Adult Care Facilities and Direct Care Worker Vaccine Requirement."

Please read this Order carefully.

SUMMARY OF THE ORDER: The spread of Novel Coronavirus (COVID-19) remains a substantial danger to the health of the public. The current high rate of COVID-19 community transmission presents an amplified risk to patients/residents in certain settings who have a greater risk of negative health outcomes from the transmission of COVID-19 ("High-Risk Settings"). This order mainly aligns with the [State Public Health Officer Order of September 28, 2021](#) entitled "Adult Care Facilities and Direct Care Worker Vaccine Requirement," which continues to require workers in High-Risk Settings where COVID-19 transmission and outbreaks can have severe consequences for vulnerable populations resulting in hospitalization, severe illness, and death, be vaccinated against COVID-19.

High-Risk Settings, as determined by this Order, are health care facilities within the County of Los Angeles public health jurisdiction, including every licensed acute care hospital, skilled nursing facility (SNF), intermediate care facility, dental office, other health or direct care facility types, and emergency medical services provider agency, adult and senior care facilities or home care residential settings or individual homes where vulnerable individuals receive care or reside. Patients and residents receiving care at these facilities or in their homes are at an increased risk for severe illness and death from COVID-19 due to age, underlying health conditions, or both.

The Delta variant remains the most common variant causing new infections of the COVID-19 in the County. The Delta variant is highly transmissible and causes more severe illness. In fact, data from a recent study suggests that viral load is roughly 1,000 times higher in people infected with the Delta variant than those infected with the original coronavirus strain. Vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, with the risk of infection reduced by 70 percent to 95 percent. Vaccination also appears to reduce the

chance of transmission by an infected vaccinated person by 40 percent to 60 percent. Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Over 90% of current hospitalizations and deaths are among unvaccinated persons.

Although the County's health care system is currently able to manage the recent and substantial increase in cases and hospitalizations, because of the contagiousness of the Delta variant, additional measures are needed to protect particularly vulnerable populations, and ensure a sufficient, consistent supply of workers in health care settings and home health care settings.

Health care facilities and home care residential 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. These consequences also exist in home health care settings. Moreover, the settings identified in this Order share the following features: frequent exposure to staff and highly vulnerable patients, including elderly, chronically ill, critically ill, medically fragile, and disabled patients.

Recent outbreaks in health care, SNFs, and other congregate settings have often been traced to unvaccinated staff members. We have also noted increasing numbers of health care workers as new positive cases, despite vaccinations being prioritized for this group when vaccines initially became available. Current requirements for unvaccinated staff in 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. **Improving vaccination rates in these settings ensures that both the individuals being served as well as the workers providing the services are protected from COVID-19.**

For these reasons, COVID-19 remains a threat to public health, and to prevent its further spread in vulnerable populations of patients and residents and to reduce the risk for health care workers, these public health requirements are necessary at this time.

NOW, THEREFORE, I, as the Health Officer of the County of Los Angeles, order:

1. All workers who provide services or work in facilities described in subdivision (a) and home care settings under home care organizations described in subdivision (b) have their first dose of a one-dose regimen or their second dose of a two-dose regimen by September 30, 2021:
 - a. Health Care Facilities:
 - i. General Acute Care Hospitals
 - ii. Skilled Nursing Facilities (including Subacute Facilities)

- iii. Intermediate Care Facilities
 - iv. Emergency Medical Services Provider Agencies
 - v. Acute Psychiatric Hospitals
 - vi. Adult Day Health Care Centers
 - vii. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
 - viii. Ambulatory Surgery Centers
 - ix. Chemical Dependency Recovery Hospitals
 - x. Clinics & Doctor Offices (including behavioral health, surgical, dental)
 - xi. Congregate Living Health Facilities
 - xii. Dialysis Centers
 - xiii. Hospice Facilities
 - xiv. Pediatric Day Health and Respite Care Facilities
 - xv. Residential Substance Use Treatment and Mental Health Treatment Facilities
- b. Home Care Settings
- i. Home Care Organization
 - ii. Home Health Agency

2. All workers who provide services or work in facilities described in subdivisions (a) through (e) have their first dose of a one-dose regimen or their second dose of a two-dose regimen by November 30, 2021:

- a. All workers who provide services or work in Adult and Senior Care Facilities licensed by the California Department of Social Services
- b. All in-home direct care services workers, including registered home care aides and certified home health aides, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services
- c. All waiver personal care services (WPCS) providers, as defined by the California Department of Health Care Services, and in-home supportive services (IHSS) providers, as defined by the California Department of Social Services, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services
- d. All hospice workers who are providing services in the home or in a licensed facility
- e. All regional center employees, as well as service provider workers, who provide services to a consumer through the network of Regional Centers serving individuals

with developmental and intellectual disabilities, except for those workers who only provide services to a recipient with whom they live or who are a family member of the recipient for whom they provide services.

3. All workers who are eligible for the exceptions outlined in subdivisions (b), (c), and (e) of section (2) must only provide services to a single household. If the worker provides services across multiple households, then the exception does not apply, and the worker must adhere to the provisions of this Order.
4. Two-dose vaccines include: Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization. The one-dose vaccine is: Johnson and Johnson [J&J]/Janssen. All COVID-19 vaccines that are currently authorized for emergency use can be found at the following links:
 - i. By the U.S. Food and Drug Administration (FDA), are listed at the [FDA COVID-19 Vaccines webpage](#).
 - ii. By the World Health Organization (WHO), are listed at the [WHO COVID-19 Vaccines webpage](#).
6. 5. For the purposes of this Order, "Worker" refers to all paid and unpaid employees, contractors, students, and volunteers who work in indoor or other settings where (1) care is provided to **individuals in care (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 workers serving in health care, prehospital care, patient transport, dental offices, **residential care or other direct care settings**, other health care settings or home health care settings who have the potential for direct or indirect exposure to patients, residents, or SARS-CoV-2 airborne aerosols. Workers include, but are not limited to, **direct supportive services staff, hospice providers**, nurses, nursing assistants, medical assistants, physicians, dental assistants, dentists, technicians, therapists, **WPCS providers, IHSS providers**, phlebotomists, pharmacists, emergency medical technicians (EMTs), EMT—paramedics, prehospital care personnel, affiliated home care aides, registered home care aides, **certified home health aides**, independent home care aides, home health aides, **contractual staff not employed by the facility**, students and trainees, contractual staff not employed by the **residential facility**, and persons not directly involved in **providing care or services**, but who could be exposed to infectious agents that can be transmitted in the care setting (e.g., clerical, **clergy**, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, **cosmetology, personal training** and volunteer personnel). For the purposes of this Order, "Employer" refers to an organization that employs and directs the worker in providing services. In the case of workers in a facility, the facility is the employer. In the case of certified home health aides and affiliated home care aides, the home health agencies and home care organizations are the employer.
7. For the purposes of this Order, "Employer-Recipient" refers to the person receiving services from IHSS workers, WPCS workers, and independent registered home care aides.
8. Workers may be exempt from the vaccination requirements under sections (1) or (2) only upon providing the operator of the facility, their employer, **their employer-recipient**, their

employing home health care organization or home health agency, a declination form, signed by the individual stating either of the following: (1) the worker is declining vaccination based on Religious Beliefs, or (2) the worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

- a. To be eligible for a Qualified Medical Reasons exemption the worker must also provide to their employer **or employer-recipient** 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). See the most updated version of the Center for Disease Control and Prevention's Interim Clinical Considerations for Use of COVID-19 Vaccines guidance.
9. If an operator of a facility, organization or agency listed above under sections (1) **or (2)** deems a worker to have met the requirements of an exemption pursuant to section (8), the unvaccinated exempt worker must meet the following requirements when entering or working in such facility **or home**:
- a. Test for COVID-19 with either polymerase chain reaction (PCR) or antigen test that either has Emergency Use Authorization (EUA) by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Testing must occur twice weekly for unvaccinated exempt workers in acute health care and long-term care settings, and once weekly for such workers in othersettings.
 - b. Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while in the facility or inside the residence.
10. Consistent with applicable privacy laws and regulations, the operator of the facility, organization or agency must maintain records of workers' vaccination or exemption status. If the worker is exempt pursuant to section (8), the operator of the facility, organization or agency then also must maintain records of the workers' testing results pursuant to section (9).
- a. The facility must provide such records to the County Department of Public Health or their designee promptly upon request, and in any event no later than the next business day after receiving the request.
 - b. Operators of the facilities subject to the requirement under sections (1) **and (2)** must maintain records pursuant to the CDPH Guidance for Vaccine Record Guidelines & Standards with the following information: (1) full name and date of birth; (2) vaccine manufacturer; and (3) date of vaccine administration (for first dose and, if applicable, second dose).

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- c. For unvaccinated workers: signed declination forms with written health care provider's statement where applicable, as described in section (8) above. Testing records pursuant to section (9) must be maintained.
11. Nothing in this Order limits otherwise applicable requirements related to Personal Protective Equipment, personnel training, and infection control policies and practices.
12. Facilities, organizations, and agencies covered by this Order are encouraged to provide onsite vaccinations, easy access to nearby vaccinations, and education and outreach on vaccinations, including:
- a. Access to epidemiologists, physicians, and other counselors who can answer questions or concerns related to vaccinations and provide culturally sensitive advice; and
 - b. Access to online resources providing up to date information on COVID-19 science and research.
13. This Order is issued pursuant to Health and Safety Code sections 101040, 120175, and 120295.
14. This Order shall become effective at 11:59pm on **Monday, November 01, 2021** and will continue until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:

A handwritten signature in blue ink that reads 'Muntu Davis, M.D., M.P.H.'.

11/1/2021

Muntu Davis, M.D., M.P.H.

Issue Date

Health Officer,
County of Los Angeles