

ORDER NO. 2024-01-01 OF THE LOS ANGELES COUNTY HEALTH OFFICER

ORDER OF THE LOS ANGELES COUNTY HEALTH OFFICER

**ANNUAL INFLUENZA AND COVID-19 IMMUNIZATION
OR MASKING REQUIREMENT FOR HEALTHCARE PERSONNEL
DURING RESPIRATORY VIRUS SEASON**

Original Issue Date: Monday, August 26, 2024

Please read this Order carefully.

SUMMARY OF THE ORDER:

This Order requires that each year, Healthcare Personnel (HCP) in all Licensed Healthcare Facilities a) be immunized with both an annual influenza vaccine and the most recently updated COVID-19 vaccines authorized for use in the United States for the current respiratory virus season or b) wear a Respiratory Mask while in contact with patients or working in Patient-Care Areas for the duration of the respiratory virus season, all as further defined below.

BACKGROUND:

Many respiratory viruses, including COVID-19, circulate year-round in the United States and California. From late fall to spring, COVID-19 and influenza pose significant risks to medically vulnerable individuals and those exposed through necessity due to their circumstances. Patients, clients, and residents in healthcare settings may continue being concerned about their potential exposure to COVID-19 and influenza when they seek care, and some—most especially young children, pregnant women, elderly individuals, and persons with chronic health conditions who are immunocompromised—are at greater risk for serious complications, including hospitalization, admission to the intensive care unit (ICU), intubation or mechanical ventilation, or death, due to these infections.

Vaccine formulations that target SARS-CoV-2 and influenza continue providing good protection against severe disease, although vaccination does not prevent all infection or transmission. Unvaccinated individuals, however, have higher risk of infection, as well as serious complications if infected.

As such, unvaccinated HCP are not only at higher risk for infection with influenza and COVID-19 but can also spread these viruses to their coworkers and patients. When HCP are vaccinated, there is a reduced risk to those who interact with them, especially when they are also wearing a Well-Fitted Mask.

It is recommended that each year, at the start of the respiratory virus season, HCP be immunized with both the annual influenza vaccine and the most recently updated COVID-19 vaccines authorized for use in the United States for the current respiratory virus season. In California, acute care hospitals must offer free on-site annual influenza vaccinations to their employees and require all employees to be vaccinated. If an employee chooses not to be vaccinated, they must

provide a written declaration that he or she has declined the vaccination to the hospital [See, Cal. Health & Safety Code §1288.7(a)].

In addition, occupational safety regulations require healthcare facilities, including hospitals, skilled nursing facilities, intermediate care facilities, and Emergency Medical Services (EMS) provider agencies, make the annual influenza vaccine available to all employees with occupational exposure and ensure that each employee who declines the vaccine signs a statement declining vaccination [See, 8 Cal. Code Regs. §5199 (c)(6)(D) & (h)(10)].

In Los Angeles County, a Health Officer Order (Order) requiring that HCP be either vaccinated against influenza or masked while in contact with patients or working in Patient-Care Areas, has been issued annually since 2013. Since that time, the average rate of hospital-based HCP influenza immunization rates in Los Angeles County has increased.

There is a need to continue efforts to increase immunization rates to protect both HCP and the patients they serve. We strongly encourage other licensed and unlicensed healthcare and direct care entities to voluntarily adopt the same measures for their employees to protect their personnel and patients during the respiratory virus season.

This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as all cities and unincorporated areas within the County of Los Angeles, except for the cities of Long Beach and Pasadena that must follow their respective City Health Officer orders and guidance. This Order will continue until it is revised, rescinded, superseded, or amended in writing by the County Health Officer.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE (HSC)
SECTION 120175, THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

- 1) Purpose.** Influenza and COVID-19 pose a risk to persons within Los Angeles County. Vaccination against influenza and COVID-19 is still the most important strategy to prevent serious illness and death from these respiratory illnesses. When healthcare providers and workers in health care settings are vaccinated, there is a reduced risk to those who interact with them.

This Order continues the requirement that every Licensed Healthcare Facility, as defined in Paragraph 3a, including but not limited to, licensed acute care hospital, skilled nursing facility, intermediate care facility, and emergency medical services provider agency within the County of Los Angeles public health jurisdiction implement a program under which healthcare personnel a) receive both an annual influenza vaccine and the most recently updated COVID-19 vaccines authorized for use in the United States for the current respiratory virus season or b) wear a Respiratory Mask while in contact with patients or working in Patient-Care Areas for the duration of the respiratory virus season.

- 2) Intent.** The primary intent of this Order is to lower the risk of influenza and COVID-19 transmission to patients and staff by requiring all Licensed Healthcare Facilities in Los Angeles County to, as a protective measure, require HCP (as defined in Paragraph 4b) who decline an annual influenza vaccine or most recently updated COVID-19 vaccine for the

current respiratory virus season to wear a Respiratory Mask (as defined in 4c) while in contact with patients or working in Patient-Care Areas for the duration of the respiratory virus season.

3) Licensed Healthcare Facilities Subject to this Order. This Order applies to the following licensed health care facilities:

- a. Licensed Healthcare Facilities:
 - i. General Acute Care Hospitals*
 - ii. Skilled Nursing Facilities (including Subacute Facilities)*
 - iii. Intermediate Care Facilities*
 - iv. Emergency Medical Services (EMS) Provider Agencies
 - v. Congregate Living Health Facilities*
 - vi. Chemical Dependency Recovery Hospitals*
 - vii. Acute Psychiatric Hospitals*
 - viii. Dialysis Centers
 - ix. Home Health Agencies
 - x. Primary Care Clinics
 - xi. Ambulatory Surgery Centers
 - xii. Hospice Facilities*

4) Definitions. For purposes of this Order, the following terms have the meanings given below:

- a. **Respiratory Virus Season.** The term “Respiratory Virus Season” refers to November 1 of one year through April 30 of the following year. If surveillance data in a particular year demonstrate that the respiratory virus season is different than November 1 to April 30, this period may be amended in an updated order.
- b. **Healthcare Personnel.** The term “Healthcare Personnel (HCP)” refers to all paid and unpaid employees, contractors, students, volunteers, and Emergency Medical Services (EMS) healthcare personnel, who have direct patient contact or work in Patient-Care Areas in Licensed Healthcare Facilities subject to this Order and the prehospital care setting (e.g., any setting in which medical care is provided prior to the patient’s arrival at a hospital). This includes, but is not limited to, physicians, nurses, aides, physical therapists, emergency medical technicians (EMTs), paramedics, contract workers, students, volunteers, registration/reception staff, housekeeping, and maintenance personnel.
- c. **Respiratory Mask.** The term “Respiratory Mask” refers to what can be a surgical, procedure, or N-95 mask also designated by some manufacturers as isolation, dental, or medical procedure facemasks.
- d. **Patient-Care Areas.** The term “Patient-Care Areas” refers to areas in facilities that include, but are not limited to, patient or resident rooms and areas where patients

receive diagnostic or treatment services, can be taken for procedures or tests, and are allowed to be present (e.g., elevators, hallways, and nurses' stations). These areas also include any prehospital setting in which EMS personnel are in contact with patients and other areas facility administrators deem could result in exposure to patients and possible disease transmission.

- e. **Licensed Healthcare Facilities that provide Inpatient Care.** This term refers to Licensed Healthcare Facilities to which persons are admitted for a 24-hour stay or longer, and includes only General Acute Care Hospitals, Skilled Nursing Facilities (including Subacute Facilities), Intermediate Care Facilities, Congregate Living Health Facilities, Chemical Dependency Recovery Hospitals, Acute Psychiatric Hospitals, and Hospice Facilities (See Licensed Healthcare Facilities noted with an asterisk, listed in Paragraph 3a) subsections (i), (ii), (iii), (v), (vi), (vii), and (xii).

5) Influenza and COVID-19 Vaccination Requirement. All employees of a Licensed Healthcare Facility (as defined in Paragraph 3a) who meet the definition of Healthcare Personnel (as defined in Paragraph 4b) must receive both an annual influenza vaccine and the most recently updated COVID-19 vaccines authorized for use in the United States for the current respiratory virus season prior to or during the respiratory virus season, annually defined as November 1–April 30, or wear a Respiratory Mask while in contact with patients or working in Patient-Care Areas.

By November 1 of each respiratory virus season, HCP who decline either or both an influenza or COVID-19 immunization, as described above, must provide their employer, on a form provided by their employer, a written declaration for each vaccine that they have declined. HCP who decline or have not yet obtained both an annual influenza vaccine and the most recently updated COVID-19 vaccines authorized for use in the United States for the current respiratory virus season must wear a Respiratory Mask while in contact with patients or working in Patient-Care Areas for the duration of the respiratory virus season.

6) Maintenance of Records. Consistent with applicable privacy laws and regulations, the operator of the Licensed Healthcare Facility must maintain records of all HCP vaccination or declination status.

- a. The facility must provide such records to the Los Angeles County Department of Public Health or their designee promptly upon request, and in any event, no later than three business days after receiving the request.
- b. Operators of the facilities subject to the requirement must maintain records with the following information: (1) full name and date of birth of HCP; (2) vaccine manufacturer; and (3) date of vaccine administration.
- c. For unvaccinated workers: a declination form signed by the unvaccinated HCP.

7) Reporting. Upon request by the Los Angeles County Department of Public Health or the EMS Agency, facilities and EMS provider agencies must report their HCP influenza and COVID-19 immunization rates within the requested timeframe either through the CDC's National Healthcare Safety Network or a tool provided by the EMS Agency.

- 8) Masking and Other Infection Control Policies and Practices.** Nothing in this Order limits otherwise applicable requirements related to Personal Protective Equipment, personnel training, and infection control policies and practices.
- 9) Access to Vaccinations.** All Licensed Healthcare Facilities covered by this Order are encouraged to provide onsite vaccinations for HCP and all employees, easy access to nearby vaccinations, and education and outreach on vaccinations. Of note, facilities must also comply with vaccination related and other requirements set forth by California law and/or occupational safety regulations that apply to their site.
- 10) Copies.** The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website: publichealth.lacounty.gov, (b) providing it to any member of the public requesting a copy, and (c) issuing a press release to publicize the Order throughout the County.
- 11) Severability.** If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
- 12) Amendments to Order.** This Order may be revised or amended in the future to reflect evolving local or overarching public health conditions.
- 13) Statutory Authority.** This Order is issued pursuant to California Health and Safety Code (HSC) section 120175.
- 14) Issue Date.** This Order is issued on Monday, August 26, 2024, and will continue until it is revised, rescinded, superseded, or amended in writing by the County Health Officer.

IT IS SO ORDERED:



8/26/2024

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

Issue Date

County Health Officer, County of Los Angeles

Health Officer Order Resources

For additional information regarding this Health Officer Order, the following documents will be available at the Los Angeles County Department of Public Health website at:

<http://ph.lacounty.gov/acd/respvirsuseasonhoo.htm>

- Frequently Asked Questions about the Order

COVID-specific resources for Healthcare Providers are accessible here:

<http://publichealth.lacounty.gov/acd/ncorona2019/>

Further questions may be directed to the Los Angeles County Department of Public Health, Acute Communicable Disease Control Program at (213) 240-7941, Monday through Friday, 8:00am-5:00pm.