

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 AND BOOSTER DOSE VACCINATION STATUS; FOR THOSE WITH APPROVED MEDICAL OR RELIGIOUS EXEMPTIONS OR BOOSTER-ELIGIBLE WORKERS WHO HAVE NOT YET RECEIVED A BOOSTER, DOCUMENT WEEKLY OR TWICE WEEKLY REGULAR TESTING FOR COVID-19

Issue Date: **Friday, February 25, 2022**
Effective as of **Friday, February 25, 2022**

Recent Updates (Revisions are highlighted in yellow):

2/25/2022:

- Updated to align with the recent change to the State Health Officer's Health Care Worker Vaccine Requirement Order, which allows for workers with a completed primary series vaccination and a recent COVID-19 infection to defer their booster dose by up to 90 days from date of first positive test or clinical diagnosis, which may extend the booster dose requirement beyond March 1st.
- Workers with a deferral due to a proven COVID-19 infection must receive their booster dose no later than 15 days after the expiration of their deferral.

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. Vaccinations continue to remain the most critical aspect of moving Los Angeles County communities out of this pandemic. They lower the risk of getting and spreading the virus that causes COVID-19 and also prevent serious illness and death. They are critical for building a foundation of individual and herd immunity, especially while a portion of our population continues to be unvaccinated.

The current high rate of COVID-19 community transmission with the highly communicable Omicron variant continues to present an increased risk to both workers and patients/residents in certain settings who have a greater risk of negative health outcomes from a COVID-19 infection. According to the CDC "...getting a COVID-19 vaccination is a safer and more dependable way to build immunity to COVID-19 than getting sick with COVID-19. COVID-19 vaccination causes a more predictable immune response than infection with the virus that causes COVID-19." Conversely, the level of protection people get from COVID-19 infection alone may vary widely depending on how mild or severe their illness was, the time since their infection, which variant they were infected with, and their age. Increasing evidence shows that a combination of infection after completing the primary series of vaccination can build strong hybrid immunity. Based on this current science, this Order mainly aligns with the updated February 22, 2022 version of the State Public Health Officer's Order entitled "[Health Care Worker Vaccine Requirement](#)," which requires eligible 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, to be fully vaccinated and receive a COVID-19

booster vaccination by March 1, 2022. Further, the updated State Public Health Officer's Order was updated to allow for workers who have completed the primary series of COVID-19 vaccination and provide sufficient proof of recent COVID-19 infection after completion of their primary series, to defer their booster dose by up to 90 days from infection. To provide proof of recent infection, workers must provide documentation of previous COVID-19 diagnosis from a healthcare provider or confirmed laboratory results.

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 highly communicable Omicron variant, which early data suggests is two to four times as infectious as the Delta variant, is the most common variant causing new COVID-19 infections in the County. The emergence of the Omicron variant, for which current primary COVID-19 vaccines may not be as effective at preventing infection or milder illness with symptoms, signal the continued importance of vaccination and boosters since they continue to protect against severe COVID-19 related illness, hospitalization, and death. Accordingly, since studies show the protection from the primary COVID-19 vaccination series is decreasing over time without boosters, all Workers in High-Risk Settings currently eligible for boosters need to receive a booster dose of the COVID-19 vaccine by no later than March 1, 2022; those fully vaccinated who are not yet eligible for a booster must receive a booster within 15 days of becoming eligible for receiving one, and those that provide proof of recent COVID-19 infection after completion of their primary series, may defer their booster dose by up to 90 days from infection. With an increased immune response, Workers in High-Risk Settings should have improved protection against getting infected with and, if infected, becoming seriously ill or dying from COVID-19, including the variants. Vaccination with a booster dose of COVID-19 vaccine is the most effective means of preventing infection with the COVID-19 virus, including against existing variants. Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most hospitalizations and deaths continue to be among unvaccinated persons. For the week ending February 12, County residents who were unvaccinated were more than two and half times more likely to be infected, five times more likely to be hospitalized, and had 13 times the likelihood of dying when compared to individuals who were fully vaccinated. When comparing unvaccinated individuals with those vaccinated and fully boosted, unvaccinated people were nearly four times more likely to be infected.

Although the County's health care system is currently able to manage the current level of cases and current level of hospitalizations, because of the highly contagious nature of the Omicron 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. Additionally, preventing stress on the health care delivery system avoids placing

everyone at risk since it compromises care not just for those sick with COVID-19 infection, but also those requiring care for things like accidents, heart conditions, and cancer.

Health care facilities and home care residential settings identified by this Order, are considered particularly high-risk settings where COVID-19 outbreaks can have severe consequences for vulnerable populations, including large outbreaks of disease, hospitalizations, severe illness, and death. These consequences also exist in home health care settings. Moreover, the High-Risk 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 infected staff members. The current requirement of a fully vaccinated workforce in health care and home care settings, appear to be insufficient to prevent transmission of the Omicron variant, which is highly transmissible and may cause more severe illness. As the receipt of a booster dose of COVID-19 vaccine is the most effective means of preventing infection with the virus that causes COVID-19 (including the Omicron variant) and subsequent transmission and outbreaks, this Order seeks to require staff and Workers in health care, prehospital care, and home health care settings to be “fully vaccinated and boosted” for COVID-19, receiving all recommended doses of the primary vaccine series of COVID-19 vaccine and a vaccine booster dose when eligible, to reduce the chance of transmission to vulnerable populations and to reduce the risk for transmission between staff in these settings. Requiring Workers in these High-Risk Settings to be “fully vaccinated and boosted” for COVID-19, along with other prevention efforts, including testing, are needed to improve the protection against COVID-19 for both the individuals being served as well as the Workers providing the services.

COVID-19 clearly remains a clear and present threat to public health. To prevent the further spread among the most vulnerable populations of patients and residents and to reduce the risk for health care workers, the requirements of this Order, with the additional requirements for boosters and additional testing of workers eligible for boosters who are not yet boosted, are necessary.

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), (“High-Risk Settings”) 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) are required to 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](#).
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 or indirect patient contact or exposure to SARS-CoV-2 airborne aerosols, 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.
6. 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.
7. All Workers currently eligible for boosters who provide services or work in facilities described in Paragraphs 1(a), 1(b), and 2 must be "fully vaccinated and boosted" for COVID-19, receiving all recommended doses of the primary series of vaccines and a vaccine booster dose pursuant to **Table A** below.

Table A: COVID-19 Immunization Requirements for Covered Workers

COVID-19 Vaccine	Primary vaccination series	When to get the vaccine booster dose	Which vaccine booster dose to receive
Moderna	1st and 2nd doses	Booster dose 5 months after 2nd dose	Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred.
Pfizer-BioNTech	1st and 2nd doses	Booster dose 5 months after 2nd dose	Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred.
Johnson and Johnson [J&J]/Janssen	1st dose	Booster dose 2 months after 1st dose	Any of the COVID-19 vaccines authorized in the United States may be used for the booster dose, but either Moderna or Pfizer-BioNTech are preferred.
<u>World Health Organization (WHO) emergency use listing COVID-19 vaccine</u>	All recommended doses	Booster dose 5 months after getting all recommended doses	Single booster dose of Pfizer-BioNTech COVID-19 vaccine
A mix and match series composed of any combination of FDA-approved, FDA-authorized, or WHO-EUL COVID-19 vaccines	All recommended doses	Booster dose 5 months after getting all recommended doses	Single booster dose of Pfizer-BioNTech COVID-19 vaccine

- a. Those Workers currently eligible for booster doses per **Table A** above must receive their booster dose by no later than March 1, 2022. Workers not yet eligible for boosters must be in compliance no later than 15 days after the recommended timeframe above for receiving the booster dose.
 - b. Workers who provide sufficient proof of COVID-19 infection after completion of their primary series may defer booster administration for up to 90 days from date of first positive test or clinical diagnosis, which in some situations, may extend the booster dose requirement beyond March 1st. To provide proof of prior infection, workers must provide documentation of previous diagnosis from a healthcare provider or confirmed laboratory results. Workers with a deferral due to a proven COVID-19 infection must receive their booster dose no later than 15 days after the expiration of their deferral.
8. Workers may be exempt from the vaccination requirements of this Order 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), OR deems a booster-eligible Worker to have not yet received their booster dose pursuant to section (7), the 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 at least twice weekly for unvaccinated exempt workers and booster-eligible Workers who have not yet received their booster in acute health care and long-term care settings, and once weekly for such workers in other health care and home settings. Operators of facility, organization, or agency ("High-Risk Setting") must begin testing of all booster-eligible workers who have not yet received their booster by December 27, 2021.
 - 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 in residential care or other direct care settings.
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).
- 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. Public Health strongly recommends that all Workers immediately begin to 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 in a residential care or other direct care setting.
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 on **Friday, February 25, 2022** and will continue until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:



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

Health Officer,
County of Los Angeles

2/25/2022

Issue Date