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September 27, 2022

TO: Licensed Acute Care Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, and Emergency Medical Services Provider Agencies in Los Angeles County

FROM: Muntu Davis, M.D., M.P.H. 
County Health Officer

SUBJECT: *HEALTH OFFICER ORDER FOR ANNUAL INFLUENZA IMMUNIZATION PROGRAMS FOR HEALTHCARE PERSONNEL OR MASKING OF HEALTHCARE PERSONNEL DURING THE INFLUENZA SEASON*

To lower the risk of transmission of influenza to patients, I am issuing this updated Health Officer Order to mandate that licensed acute care hospitals, skilled nursing facilities, intermediate care facilities, and emergency medical services (EMS) provider agencies in the County assist their healthcare personnel (HCP) to protect fellow personnel, patients, and others from influenza by requiring HCP who decline immunization to wear a respiratory mask when they are in contact with patients during the annual influenza season. This Order has been in effect in Los Angeles County since October 2013; and it will continue to remain in place for the 2022-2023 influenza season and future influenza seasons.

Influenza is a highly communicable disease, like COVID-19. It exists all year, but infection rates and the severity of symptoms increase markedly during what is commonly called “flu season” in the winter months. The Centers for Disease Control and Prevention (CDC) estimates that, influenza resulted in between 9 million and 41 million illnesses, between 140,000 and 710,000 hospitalizations, and between 12,000 and 52,000 deaths annually in the U.S. between 2010 and 2020. With persistent community transmission of COVID-19, there is possible risk of additive COVID-19 and influenza winter surges as seen in the Southern Hemisphere. There is also the possibility of co-infection with both viruses, which may make illnesses more severe in high-risk individuals and the elderly.

Unvaccinated HCP are not only at risk for contracting influenza but can also transmit the virus to their coworkers and patients. Patients in healthcare facilities—most especially young children, pregnant women, elderly, and persons with chronic health conditions—are particularly vulnerable to influenza infection and its subsequent complications.

Administration of influenza immunizations is recommended at the beginning of the influenza season to prevent influenza. By law, acute care hospitals in California must annually offer free influenza vaccinations on-site to their employees and require all to be vaccinated; any employee who elects not to be vaccinated must provide the hospital with a written declaration that he or she has declined the vaccination [Cal. Health & Safety Code §1288.7(a)].

In addition, occupational safety regulations mandate that many types of healthcare facilities, including hospitals, skilled nursing facilities, intermediate care facilities and EMS provider agencies make the seasonal influenza vaccine reasonably available to all employees with occupational exposure and ensure that each employee who refuses the vaccine signs a statement declining vaccination [8 Cal. Code Regs. §5199 (c)(6)(D) & (h)(10)].

In Los Angeles County, a Health Officer Order mandating that HCP be either vaccinated or masked in patient-care areas has been issued annually since 2013. Since that time, the average rate of hospital-based HCP immunization rates in Los Angeles County has risen from 58% to 86% in 2020. This past 2021-2022 influenza season, the average rate of hospital-based HCP immunization rates in Los Angeles County was 72%. Thus, there is a need to continue efforts to increase immunization rates to protect both HCP and the patients they serve.

ORDER: Pursuant to my authority under §120175 of the California Health and Safety Code, for the purpose of limiting the spread of influenza, I hereby order every 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 to implement a program under which healthcare personnel receive an annual influenza immunization for the current season or wear a respiratory mask for the duration of the influenza season while in contact with patients or working in patient-care areas.

PERSONS COVERED: For the purposes of this Order, “healthcare personnel” are all persons, including paid and unpaid employees, contractors, students, volunteers, and EMS healthcare personnel who work in a prehospital setting or in areas where patient care is provided in a licensed facility subject to this Order or who otherwise have direct contact with patients at such a facility or prehospital settings.

DURATION OF ORDER: Until rescinded, this Order applies to each influenza season, defined as November 1 of one year through April 30 of the following year. If surveillance data in a particular year demonstrate that the influenza season is different than November 1 to April 30, this period may be amended by a further order.

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 immunization rates within the requested timeframe either through the CDC’s National Healthcare Safety Network or a tool provided by the EMS Agency.

The Los Angeles County Department of Public Health shares with the county’s healthcare professionals and facilities the goal that our population receives safe and effective care. We trust that all facilities and EMS provider agencies subject to this Order will comply fully with it and will notify their HCP of its provisions. We strongly encourage other healthcare entities, such as physician offices, dialysis centers, congregate care facilities, and home health agencies, to voluntarily adopt the same measures to protect their personnel and patients from influenza.

Health Officer Order Resources

For additional information regarding this Health Officer Order, the following documents can be found at the Los Angeles County Department of Public Health, Acute Communicable Disease Control Program website at <http://publichealth.lacounty.gov/acd/flu.htm>

- Fact Sheet: Influenza Vaccination for Healthcare Personnel
- Frequently Asked Questions about Influenza Vaccinations

Further questions may be directed to the Los Angeles County Department of Public Health, Acute Communicable Disease Control Program at (213) 240-7941.

Attachment to this Document: Supporting Rationale for Requiring Influenza Vaccination or Masking for Healthcare Personnel