

**ORDER NO. 2023-04-01 OF THE LOS ANGELES COUNTY HEALTH OFFICER**

**ORDER OF THE LOS ANGELES COUNTY HEALTH OFFICER**

**ANNUAL INFLUENZA IMMUNIZATION OR MASKING AND ADDITION OF UPDATED COVID-19 IMMUNIZATION OR MASKING REQUIREMENT FOR HEALTHCARE PERSONNEL DURING THE 2023-2024 RESPIRATORY VIRUS SEASON**

**Original Issue Date: Monday, September 11, 2023**

**Revision Date: Wednesday, September 27, 2023**

**Brief Highlights:**

**9/27/2023:**

- On 9/11/23, the U.S. Food and Drug Administration (FDA) approved and authorized for emergency use, updated COVID-19 vaccines (2023-2024 Formula). These updated vaccines more closely target currently circulating variants (i.e., Omicron variant XBB.1.5) and better protect against serious consequences of COVID-19, including severe illness, hospitalization, and death.
- On 9/12/23, the U.S. Centers for Disease Control and Prevention (CDC) recommended everyone 6 months and older get an updated COVID-19 vaccine to protect against the potentially serious outcomes of COVID-19 illness this fall and winter.
- Based on the FDA approval/authorization and the CDC guidance, HCP working in all licensed healthcare facilities in Los Angeles County must also receive the updated COVID-19 vaccine (2023-2024 Formula) this fall and winter. HCP who decline the updated COVID-19 vaccination will be required to wear a respiratory mask when in contact with patients or working in Patient-Care Areas during the respiratory virus season.

**9/11/2023:**

- Updates the annual Health Officer Order requiring influenza immunization or masking for healthcare personnel (HCP) during the influenza season by:
  - 1) Referring to the period typically known as the influenza or flu season (November 1, 2023–April 30, 2024) as the respiratory virus season due to various respiratory viruses circulating during the fall and winter months.
  - 2) Expanding the requirement to HCP working in all licensed healthcare facilities in Los Angeles County. HCP who decline influenza immunization are required to wear a respiratory mask when in contact with patients or working in Patient-Care Areas during the respiratory virus season (November 1, 2023–April 30, 2024).
  - 3) Strongly recommending that healthcare and direct care entities not covered by this Order adopt similar requirements.

- Upon FDA approval/authorization and depending on CDC guidance on a new COVID-19 vaccine, this Health Officer Order may be revised to require HCP working in all licensed healthcare facilities in Los Angeles County to also receive the new COVID-19 vaccine. HCP who decline the new COVID-19 vaccination will also be required to wear a respiratory mask when in contact with patients or working in Patient-Care Areas during the respiratory virus season.

### **Please read this Order carefully.**

#### **SUMMARY OF THE ORDER:**

Like COVID-19, influenza is a highly communicable respiratory disease. It exists all year, but infection rates and the severity of symptoms increase markedly in the fall and winter months. During the 2022-2023 influenza season, the CDC estimates that nationally, influenza resulted in between 27 and 54 million illnesses, 12-26 million medical visits, 300,000-650,000 hospitalizations, and 19,000-58,000 deaths.

Throughout the pandemic, LA County alone has experienced nearly 3.8 million cases and almost 37,000 deaths due to COVID. In 2022, COVID-19 was Los Angeles County's third leading cause of death, behind coronary heart disease and Alzheimer's disease. Despite anticipating a significant decrease in the ranking of COVID-19 this year based on death numbers to date, COVID-19 continues posing a risk of severe health consequences, including severe illness, hospitalization, and death, particularly for older adults and persons with weakened immune systems.

Last fall, there was **also** a triple epidemic and increased hospitalizations due to spikes in cases of three respiratory illnesses—influenza, COVID-19, and respiratory syncytial virus (RSV). With COVID-19 still circulating and increasing, we may see a triple epidemic again this fall. **To bring attention to the risk posed by these respiratory viruses,** we will be referring to the time period as the respiratory virus season, not simply the influenza or flu season.

Influenza immunizations, **updated COVID-19 immunizations,** and masking are important actions that HCP can take to protect fellow personnel, patients, and others from influenza **and COVID-19.** Unvaccinated HCP are not only at higher risk for contracting influenza **and COVID-19** but can also transmit **these viruses** to their coworkers and patients. Patients in healthcare facilities—most especially young children, pregnant women, elderly individuals, and persons with chronic health conditions who are immunocompromised—are particularly vulnerable to influenza **and COVID-19** infection and its complications.

Administration of influenza immunizations for HCP is recommended at the beginning of the respiratory virus season. California law requires acute care hospitals in California to annually offer free influenza vaccinations on-site to their employees and require all employees to be vaccinated. Any acute care hospital employee who elects not to be vaccinated must provide the

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

In addition, occupational safety regulations require many types of healthcare facilities, including hospitals, skilled nursing facilities, intermediate care facilities, and Emergency Medical Services (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 [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 rose from 58% to 86% in 2020. During the past 2022-2023 season, the average rate of hospital-based HCP **influenza** immunization rates in Los Angeles County was 73% and **the average rate of skilled nursing facility HCP influenza immunization rates in Los Angeles County was 68%**.

There is a need to continue efforts to increase immunization rates to protect both HCP and the patients they serve. We strongly encourage other 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.

**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 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 receive an annual influenza immunization for the current respiratory virus season or wear a respiratory mask for the duration of the season while in contact with patients or working in Patient-Care Areas. Moreover, this Order expands the influenza immunization or respiratory mask requirement to HCP in all licensed healthcare facilities (as defined in Paragraph 3a).

Beyond implementing protective measures against influenza, this Order also aims to limit the spread of COVID-19 and requires HCP in all licensed healthcare facilities be immunized with the updated COVID-19 vaccine (2023-2024 Formula) or 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 LA County to, as a protective measure, require HCP (as defined below) who decline influenza or updated COVID-19 immunization to wear a respiratory mask (i.e., can be a surgical, procedure, or N-95 mask also designated by some manufacturers as isolation, dental, or medical procedure facemasks) 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 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.

**5) Influenza 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 an influenza immunization 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, 2023, HCP who decline an influenza immunization must provide their employer, on a form provided by their employer, a written declaration that they have declined the influenza vaccination. HCP who decline or have not yet obtained the influenza vaccine 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) 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 an updated COVID-19 vaccine (2023-2024 Formula) 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, 2023, HCP who decline the updated COVID-19 vaccination must provide their employer, on a form provided by their employer, a written declaration that they have declined the updated COVID-19 vaccination. HCP who decline or have not yet obtained the updated COVID-19 vaccine must wear a respiratory mask while in contact with patients or working in Patient-Care Areas for the duration of the respiratory virus season.

Facilities are encouraged to stay abreast of [COVID-19 vaccine-related guidance issued by the CDC](#), including eligibility requirements for the updated COVID-19 vaccines (2023-2024 Formula). If an HCP has had a recent prior infection or received a COVID-19 vaccine in the last two months, they should discuss their eligibility to receive the updated COVID-19 vaccine (2023-2024 Formula) with their provider or pharmacist.

- 7) 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.
- The facility must provide such records to 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.
  - 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.
  - For unvaccinated workers: a declination form signed by the unvaccinated HCP.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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](http://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.
- 12) 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.
- 13) Amendments to Order.** This Order may be revised in the future to reflect evolving local or overarching public health conditions.
- 14) Statutory Authority.** This Order is issued pursuant to California Health and Safety Code (HSC) section 120175.

**15) Issue Date.** This Order is issued on Monday, September 11, 2023, and will continue until it is revised, rescinded, superseded, or amended in writing by the County Health Officer.

**IT IS SO ORDERED:**



**9/11/2023**

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

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**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/ip/influenza\\_providers.htm](http://ph.lacounty.gov/ip/influenza_providers.htm)

- Fact Sheet: Influenza Vaccination for Healthcare Personnel
- Fact Sheet: COVID-19 Vaccination for Healthcare Personnel
- Frequently Asked Questions about the Order
- Rationale for Mandated Influenza Vaccination for Healthcare Personnel

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.