

ORDER NO. 2023-02 OF THE LOS ANGELES COUNTY HEALTH OFFICER

ORDER OF THE LOS ANGELES COUNTY HEALTH OFFICER

REQUIRED MASKING OF WORKERS IN HEALTHCARE AND DIRECT CARE SETTINGS

Issue Date: Thursday, March 30, 2023

Effective at 12:01am on Monday, April 03, 2023

Brief Highlights:

3/30/2023:

- This Order requires employees who work in Healthcare Facilities and with individuals who are at high-risk to wear a Well-Fitting Mask when providing care to or working in-person with Patients, Clients, and Residents and when in patient care areas in healthcare and direct care settings. A Well-Fitting Mask is not required to be worn when no Patient, Client, or Resident is present.

Please read this Order carefully.

SUMMARY OF THE ORDER:

On March 31, 2023, the Los Angeles County emergency declarations for COVID-19 will be lifted. Lifting of the emergency declarations is in response to the presence and greater availability of resources needed to respond to the pandemic, such as vaccinations, effective treatments for those who are vulnerable to severe disease, and effective use of mitigation strategies, such as testing and masking—all of which were either not present or were in scarce supply early in the pandemic.

Despite improvements of knowledge about COVID-19 and the availability of resources, the SARS-CoV-2 virus, other future variants or subvariants of the SARS-CoV-2 virus, and other circulating respiratory viruses remain a concern for Los Angeles County residents. The SARS-CoV-2 and other circulating respiratory viruses pose a particular risk to the health of medically vulnerable residents and people who may be exposed based upon the necessity of their circumstances. Patients, clients, and residents in healthcare settings have little choice about their potential exposure when they seek care, and many of them are at greater risk of severe COVID-19-related illness and death due to age, underlying health conditions, or both.

COVID-19 vaccination and boosters continue to be the most important strategy to prevent serious illness and death from COVID-19. Another important protection in these settings is the use of a Well-Fitting Mask by workers, which reduces both the risk of infection for those workers and reduces the risk of them transmitting respiratory viruses, including but not limited to SARS-CoV-2, to Patients, Clients, and Residents. Accordingly, this Order requires workers working in designated Healthcare Facilities—meaning general acute care hospitals, skilled nursing facilities, intermediate care facilities, other types of ambulatory care settings,

pre-hospital care settings, and home care settings, further defined below—to wear a Well-Fitting Mask at all times when providing care to Patients, Clients, and Residents and when in patient or direct care settings, as described in this Order.

The Order provides limited exceptions and does not apply to patients, clients, residents, or visitors of those people, although the County Health Officer strongly recommends they wear a Well-Fitting Mask and that entities covered by this Order continue to require universal masking of visitors as appropriate.

Aside from the requirements of this Order, the County Health Officer still strongly recommends that everyone continue appropriate protections based on their situation, including the following five measures: 1) following the CDC’s most current COVID-19 vaccination and booster guidance; 2) wearing a Well-Fitting Mask in appropriate settings based upon personal and household risk factors; 3) staying home whenever you feel sick in order to protect others around you and following the State and County’s guidance if you are a COVID-19 case or a close contact of a case; 4) staying aware of medication that you can use if you get sick with COVID-19, including drugs like Paxlovid, that can decrease the severity of the infection, especially for anyone over 50 years old or who has other risk factors; and 5) remaining aware of information about COVID-19 and other respiratory illnesses.

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 is effective at 12:01 am on Monday, April 03, 2023.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE (HSC) SECTION 120175; CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 17, SECTION 2501; AND LOS ANGELES COUNTY CODE, SECTION 11.04.010
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1) Purpose. Although the state-wide emergency declaration and the local emergency have ended, COVID-19 and other circulating respiratory viruses continue to pose a risk to Patients, Clients, and Residents at Healthcare Facilities and in direct care settings. Having Workers at those facilities wear a Well-Fitting Mask when providing care to Patients, Clients, and Residents and when in patient care areas protects those people and the workers. Although the protection from wearing a Well-Fitting Mask is not perfect, evidence shows that it can be an important part of reducing the spread of respiratory viruses in these types of settings.

This Order is based on the evidence of continued community transmission of respiratory viruses within the County as well as scientific evidence and best practices to prevent severe negative health outcomes due to COVID-19 infection. The County Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by COVID-19 and other respiratory viruses, including the impact of masking, and may amend or rescind this Order based on analysis of that data and knowledge.

- 2) **Intent.** The primary intent of this Order is to Protect Patients, Clients, and Residents who receive care at Healthcare Facilities and in direct care settings from infection, and to reduce the risk of severe health outcomes, such as hospitalization or death due to COVID-19 and other respiratory infections.
- 3) **Interpretation.** All provisions of this Order must be interpreted to effectuate the purpose and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control.
- 4) **Definitions.** For purposes of this Order the following terms have the meanings given below:
- a) **CDC.** “CDC” means the United States Centers for Disease Control and Prevention.
 - b) **CDPH.** “CDPH” means the California Department of Public Health.
 - c) **COVID-19.** “COVID-19” means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
 - d) **Direct Care Setting.** “Direct care setting” means specific locations where care is provided directly to patients, clients, and residents.
 - e) **Healthcare Facility.** “Healthcare Facility” means certain healthcare settings and facilities where vulnerable population come to the facility, often out of necessity, and where some of those people have a higher risk of negative health outcomes due to COVID-19. The full list of each type of included facility is listed in Section 5(a)-(b) below, including details about what parts of buildings are included in the definition of this term.
 - f) **Patients, Clients, and Residents.** “Patients, Clients, and Residents” means any person who is receiving care or services or is residing overnight or longer at any Healthcare Facility covered by this Order.
 - g) **Well-Fitting Mask.** A “Well-Fitting Mask” means a mask or respirator that fits the individual well (i.e., it fits closely on the face without any gaps along the edges or around the nose), covers the nose and mouth, especially while talking, and provides good protection. CDC guidance regarding well-fitting masks may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/masks.html>, and CDPH guidance may be found at: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx>.
 - h) **Worker.** “Worker” means 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, Clients, and Residents), (2) patients have access for any purpose, leading to direct or indirect patient contact or exposure to SARS-CoV-2 airborne aerosols, (3) home care or daily living assistance is provided

to residents, or individuals working in settings specified in Paragraph 5(c). This includes workers serving in health care, prehospital care, patient transport, medical and 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, birth attendants, 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). People who in the course of their duties may enter or work in a Healthcare Facility on an intermittent or occasional basis or for short periods of time including, but not limited to, firefighters, emergency medical technicians (EMTs), EMT-paramedics, police, other law enforcement are included in the term Worker.

5) Facilities Subject to this Order. This Order applies to Healthcare Facilities in the County Public Health Jurisdiction and Workers who work or are present for any amount of time in indoor portions of Healthcare Facilities, and other specific Workers, who work with high-risk individuals, as defined in detail in this Section below.

a) **Healthcare Facilities.** Healthcare Facilities subject to this Order include the following facilities or settings:

- i) General Acute Care Hospitals;
- ii) Skilled Nursing 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 and 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;

c) Workers Who Work with Specific High-Risk Individuals.

- i) 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;
- ii) 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;
- iii) All hospice workers who are providing services in the home or in a licensed facility;
- iv) 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.

- d) Minimum Requirements; Ability to Adopt More-Protective Measures.** This Order establishes the minimum requirements related to masking in Healthcare Facilities. Nothing in this Order is intended to reduce any other federal, state, or local legal requirements or otherwise modify them in a way that is less protective of public health, or to limit a Healthcare Facility's choices to take more health protective measures. Healthcare Facilities may impose further protective measures than the minimum requirements or recommendations under this Order.

6) Masking Requirements for Workers in Healthcare Facilities and in Home and Direct Care Settings.

- a) Healthcare Facilities and Home and Direct Care Settings.** Each Healthcare Facility and Home Care Setting must, consistent with this Order, implement a program requiring its Workers to wear a Well-Fitting Mask at all times when Workers are providing care to or working in-person with a patient, client or resident or are in patient care areas. A Well-Fitting Mask is not required when no patient, client, or resident is present.

- b) **Workers in Healthcare Facilities.** Except as provided in subsection (e) below, by the Effective Date of this Order, Workers who work onsite in Healthcare Facilities must comply with the masking requirement listed in subsection (a) above. The requirement to wear a Well-Fitting Mask also applies to people who only visit such locations on an intermittent or occasional basis or for short periods of time, such as contractors, regulators, firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement—all such people must wear a Well-Fitting masking when interacting with Patients, Clients, and Residents or when in patient or direct care areas where Patients, Clients, or Residents are present.
- c) **Provision of a Well-Fitting Mask.** Healthcare Facilities and entities must provide workers who are required to wear a mask by this Order, on request, with a Well-Fitting Mask.
- d) **Fit and Filtration Guidance.** When wearing a mask, everyone should consistently wear the best mask they can obtain, considering fit and filtration (and without using a one-way exhalation valve that is not filtered). A well-fitting non-vented N95, KN95 or KF94 respirator for voluntary use is strongly recommended, even if not fit-tested, to provide maximum protection.
- e) **Limited Exceptions.** Workers are exempt from the masking requirements of this Order in the following situations:
- i) **Personal Protective Equipment.** A person required by this Order to wear a Well-Fitting Mask does not need to do so when wearing personal protective equipment (“PPE”) that is more protective than a well-fitting mask, including when required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a Worker is not required to wear such PPE and in an indoor Healthcare Facility setting, they must wear a Well-Fitting Mask or PPE that is more protective unless otherwise exempted under this Order.
 - ii) **Medical or Safety Exemption.** A Worker does not need to wear a Well-Fitting Mask when they can show: (1) a medical professional has provided a written exemption to the mask requirement based on the person medical condition, other health concern, or disability; or (2) that they are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; or (3) wearing a Well-Fitting Mask while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. In accordance with state and federal guidelines, if a person is required by this Order to wear a Well-Fitting Mask but is exempt from wearing one under this paragraph, that person still must wear an alternative face covering such as a face shield with a drape on the bottom edge, unless they can show either: (1) a medical professional has provided a written exemption to this alternative face covering requirement, based on the person’s medical condition, other health concern, or disability; or (2) wearing an alternative face covering while working would create a risk to the person related to their work as determine by local, state

or federal regulators or workplace safety guidelines. Please note that transit providers may elect to continue requiring masking in their transportation hubs and on their conveyances. A Well-Fitting Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Well-Fitting Mask without assistance.

- iii) **Children.** Children ten years of age and older, if acting as a Worker (such as a volunteer at hospitals or clinics), must follow the rules of this Order.
- iv) **Certain Group Settings.** A Well-Fitting Mask is not required to be worn by Workers in the following settings in Healthcare Facilities, even when a patient, client, or resident is present due to the nature of those settings: cafeterias and dining rooms open to a mix of Workers and Patients, Clients, or Residents when such Workers are not performing their duties (but a cashier is strongly recommended to wear a Well-Fitting Mask when they are working in that setting); public libraries onsite; non-patient care areas and work stations outside of patient rooms and patient care areas, and meeting rooms.
- v) **Federal Facilities.** This Order does not apply to any facility in the County's Public Health Jurisdiction owned or operated by the United States government. Its requirements should be considered strong recommendations for such facilities.

7) Recommendation to Wear a Well-Fitting Mask. Subject to any requirements of the State of California or the specific facility, all people in such Healthcare Facilities and Home or Direct Care Settings who are not required by the Order to wear a well-fitting mask, including Patients, Clients, and Residents and their visitors, are strongly recommended to wear a Well-Fitting Mask when receiving care, interacting with Workers, and when around other people as makes sense in the situation and based on each person's own and household risk assessment regarding COVID-19 and other respiratory viruses. Relevant considerations include when a person, or someone with whom a person lives or works, is at a higher risk of a negative health outcome, such as older and immune-compromised individuals.

8) Obligation to Follow County Health Officer Orders and Directives and Mandatory State and Federal Rules. All Healthcare Facilities and Workers in those settings must follow any applicable orders of the County Health Officer and any applicable rules issued by state or federal authorities, including but not limited to Cal/OSHA regulations. Based on local health conditions, this Order may include a limited number of health and safety requirements that are more protective or more detailed than those contain under other rules. Employers must adhere to applicable Cal/OSHA regulations relating to COVID-19 health and safety measures in the workplace. In the event of a conflict between provisions of any County Health Officer Order and any order or rule, the provision that is more protective of health supersedes the conflicting, less protective provisions of the other order or rule.

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



- 9) 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.
- 10) 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.
- 11) Amendments to Order.** This Order may be revised in the future as the State Public Health Officer amends its guidance to reflect evolving public health conditions and recommendations issued by the federal CDC and other public health authorities. Should local COVID-19 conditions warrant, the County Health Officer may issue orders that are more protective than the guidance and orders issued by the State Public Health Officer.
- 12) Statutory Authority.** This Order is issued pursuant to California Health and Safety Code (HSC) section 120175; California Code of Regulations (CCR), Title 17, section 2501; and Los Angeles County Code, section 11.04.010.
- 13) Effective Date.** This Order shall become effective at 12:01am Monday, April 3, 2023, and will continue to be until it is revised, rescinded, superseded, or amended in writing by the County Health Officer.

IT IS SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Muntu Davis, M.D., M.P.H.', is written over a horizontal line.

3/30/2023

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

County Health Officer,
County of Los Angeles

Issue Date