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## Health Officer Order

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### **Mandatory Influenza Vaccination or Masking of Kern County Healthcare Workers During Influenza Season**

September 7, 2022

Dear Kern County Healthcare Provider:

In order to lower the risk of transmission of influenza to patients in healthcare facilities within our county, I am issuing this Health Officer Order to mandate that all healthcare facilities implement a program requiring its healthcare workers to receive an annual influenza vaccination prior to the influenza season; or, if they decline, to wear a respiratory mask for the duration of the influenza season while working within the healthcare facility.

#### Background

Kern County acute care facilities with mandatory influenza vaccination or masking policies reported an increase in vaccination coverage by an average of 39% between the 2013-2014 and the 2017-2018 influenza seasons. In contrast, acute care facilities without mandatory influenza vaccination or masking policies only reported an increase in coverage of 4% during the same time period. With an overall vaccination rate of 78% in Kern County's acute care facilities during the 2018-2019 influenza season, Kern County was not on track to meet the Healthy People 2020 goal of 90% vaccination rate among healthcare workers.

Persons infected with influenza can be contagious before the onset of symptoms so staying home when ill is not enough to prevent the spread of this infection. Healthcare workers are at higher risk for contracting influenza than the general population and healthcare workers are likely to come in contact with persons at high risk for complications of influenza such as young children, pregnant women, elderly, persons with weakened immune systems, and persons with chronic health conditions. Influenza vaccination of healthcare workers protects patients, reduces employee absenteeism during the influenza season, and results in financial savings to our community and healthcare system.

Notification of the intent to issue a Health Officer Order regarding influenza vaccination or respiratory masking was announced in the Health Bulletin distributed on November 6, 2017. The Health Officer Order was issued on August 6, 2018 with an update to the influenza season dates published on September 24, 2018. As mentioned in the original Health Officer Order, the order is ongoing and applies to each influenza season unless the order is rescinded or modified. The order was reissued on August 26, 2019, August 31, 2020 September 30, 2021, and is being reissued today for the 2022-2023 influenza season for clarification purposes.

State law requires general acute care hospitals and certain employers offer influenza vaccination to employees. If employees decline vaccination, they are required to sign a declination statement in lieu of vaccination. (California Health & Safety Code, §1288.7, subd. (a); 8 California Code of Regulation, §5199, subd. (c)(6)(D) and (h)(10)). This order is in addition to existing state law.

All facilities must continue to adhere to current [CDPH Masking Guidance](#), which includes universal masking of all persons in healthcare settings, regardless of COVID-19 vaccination status. Should there be changes to the CDPH Masking Guidance, this Health Officer Order requiring masking of healthcare workers who did not receive an influenza vaccination will continue to apply for the duration of the influenza season.

### ORDER

Pursuant to my authority under California Health and Safety Code §120175, for the purpose of limiting the spread of influenza, I hereby order every healthcare facility within the County of Kern to implement a program requiring healthcare workers receive an annual influenza vaccination for the current season prior to the start of the influenza season. Healthcare workers who decline to receive the annual influenza vaccination must wear a respiratory mask for the duration of the influenza season while working within the healthcare facility. Verifiable documentation that annual influenza vaccination was received outside the healthcare facility (e.g. pharmacy) is acceptable. This order was effective August 6, 2018, is ongoing, and applies to each influenza season unless the order is rescinded or modified.

It is also recommended that healthcare administrators adopt an easy way to identify the healthcare workers who have received their annual influenza vaccine in order to enforce the vaccination or masking policy. One such way is to place a sticker on the healthcare worker's badge following vaccination.

### Definition of Healthcare Workers and Healthcare Facilities

For the purpose of this order "healthcare workers" are all persons, paid or unpaid, working in healthcare facilities. This includes, but is not limited to, physicians, nurses, medical assistants, clerical staff, dietary/food services workers, janitorial/environmental staff, building services/engineering staff, employees, contractors, students, and volunteers. This also includes medical first responders such as paramedics and emergency medical technicians. Healthcare facilities include, but are not limited to, acute care hospitals, urgent care centers, surgical centers, skilled nursing facilities, long-term care facilities, dialysis centers, community clinics, private medical offices, psychiatric facilities, emergency medical services and medical transport, home health agencies, and hospice facilities.

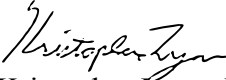
### Influenza Season

The influenza season is designated as November 1 through April 30 of the following year. In any given year, if influenza surveillance data demonstrate unusually early and/or late influenza activity, the influenza season may begin earlier or extend later in the year.

The Kern County Public Health Services Department shares with the county's healthcare professionals and facilities the goal that our community receives safe and effective care. We trust that all healthcare facilities will comply fully with this Health Officer Order and will notify their healthcare workers of its provisions. The role that healthcare workers play in preventing flu-related illness and mortality is invaluable.

If you have any questions, please contact KCPHSD by phone at (661) 321-3000, via email at [publichealth@kerncounty.com](mailto:publichealth@kerncounty.com), or visit our [website](#).

Thank you for your commitment to the health of our community.

  
Kristopher Lyon, MD  
Health Officer

## **Influenza Vaccination or Masking Frequently Asked Questions**

### **Why did Kern County issue a Health Officer Order for Influenza Vaccination or Masking?**

The national Healthy People 2020 goal for influenza vaccination among healthcare workers is 90%. Only one acute care facility in Kern County met that goal during the 2017-2018 influenza season and the overall vaccination rate across all Kern County facilities was 76% compared to California's 84%. Local data indicated that hospitals with a mandatory influenza vaccination or masking policy saw vaccination coverage in their facilities increase by an average of 39% between the 2013-2014 and 2017-2018 influenza seasons. In comparison, hospitals without mandatory influenza vaccination or masking policies saw an average increase of 4% during the same time period. The Health Officer Order was issued starting in the 2018-2019 influenza season and applies to future influenza seasons unless rescinded or modified.

**Why is the influenza season November 1 through April 30?** Influenza viruses typically circulate in the United States during this time. For consistency across California, local health officers have been asked to use a standardized time frame for influenza season. This is a general date range, as the influenza season may begin earlier or extend later in the year depending on local influenza surveillance data.

**Why does the Health Officer Order include so many different types of facilities?** Healthcare, ideally, is an integrated system. Including all healthcare facilities and all healthcare workers in the Health Officer's Order provides continuity of protection no matter where patients/clients interact with our healthcare system.

### **Why does the Health Officer Order include so many different types of healthcare workers?**

Any person who works in a healthcare facility may come in contact with patients/clients. They are therefore at increased risk of contracting influenza and increased risk of transmitting influenza to high risk patients/clients. In addition to protecting patients/clients, the Health Officer Order is intended to protect our healthcare workforce. Every healthcare worker is important to maintain an effective healthcare system, not just those with direct patient contact.

**Is my facility included in the Health Officer Order?** Any facility that sees patients/clients for any kind of healthcare need is included in the Health Officer Order. Healthcare needs include mental and behavioral health, physical therapy, and rehabilitation services, in addition to medical care. While there are exceptions, any facility that has an Aerosol Transmissible Diseases (ATD) policy, a Blood-borne Pathogen (BBP) policy, sharps policy, or policies regarding the Health Insurance Portability and Accountability Act (HIPAA) is highly likely to be a healthcare facility.

**I work at a healthcare facility but I do not see patients/clients. Am I still considered a healthcare worker and does the Health Officer Order apply to me?** Any person who enters a healthcare facility in any working capacity is a healthcare worker. This includes persons who do not provide direct patient care or have direct contact with patients. This also includes persons who are not directly employed by the health care facility (contractors, volunteers, etc.).

**I do not have direct patient contact and work in an area away from patients. Do I still have to be vaccinated or wear a mask?** If healthcare services are provided anywhere in the building, the entire building is the healthcare facility and any person working within it is a healthcare worker. This includes all floors, wings, units, and subsections of a building. This includes areas such as the lobby, waiting room, pharmacy, laboratory, dining room/cafeteria, and store room.

**I work for a healthcare facility but my office/workspace is a separate building where there are no patients. Do I still have to be vaccinated or wear a mask?** If no healthcare services are provided in the building, no patients/clients visit that building, and the building is physically separated (no connecting indoor walkways), this building would not be considered part of the healthcare facility for the purposes of this order. The Health Officer Order would not apply to persons working in the detached building. However, if a person who works in the detached building enters the healthcare facility for any reason during the influenza season (rounds, meetings, retrieve supplies, etc.), that person becomes a healthcare worker in a healthcare facility and the Health Officer Order applies.

For example, the Health Officer Order applies to those working in a skilled nursing facility and assisted living facility. The Health Officer Order does not apply to those working exclusively in the independent living facility, provided the independent living facility is in a separate physical building and the workers do not enter the skilled nursing facility or assisted living facility.

**Is the healthcare facility required to pay for the cost of vaccination or provide respiratory masks for its healthcare workers?** Many healthcare facilities are included in California Code of Regulations Section 5199. Pursuant to subsections (c)(6)(D), (h)(10), and Appendix C2, the healthcare facility is responsible for offering influenza vaccination at no cost to the healthcare worker and providing respiratory masks for healthcare workers who decline vaccination.

**I have an egg allergy and cannot get the flu vaccine. Does the Health Officer Order apply to me?** Yes. Since the 2016-2017 influenza season, the CDC has advised that most people with egg allergies can receive any licensed, recommended age-appropriate influenza vaccine. People with severe egg allergies should be vaccinated in a medical setting and be supervised by a healthcare provider who is able to recognize and manage severe allergic conditions. Alternately, there are two egg-free vaccines available for the 2022-2023 influenza season. Flublok is licensed for use in adults 18 years and over and Flucelvax is licensed for use in people 6 months and over.

**I have a doctor's note stating that I cannot get the influenza vaccination. Does the Health Officer Order still apply to me?** Yes. Anyone who does not receive the annual influenza vaccination must wear a respiratory mask while in the healthcare facility.

**Does the mask have to be an N-95 mask?** No. A respiratory/surgical mask is sufficient for general use in the vaccination or masking policy. A cloth face covering does not meet the standard of a respiratory mask for the purposes of the Health Officer Order. An N-95 mask should always be used if aerosol transmissible diseases are suspected or confirmed.

**If I decline the influenza vaccination, how long do I have to wear a respiratory mask?** Healthcare workers who decline influenza vaccination must wear a mask for the entirety of their working day while providing services in or on behalf of the healthcare facility for the duration of the influenza season. For example, if a declining healthcare worker leaves the healthcare facility to provide healthcare services at another location (e.g. home visit, community care setting), they must still wear a mask.

**Does the Health Department offer influenza vaccinations?** Yes. The Kern County Public Health Services Department does have a limited supply of influenza vaccine that is available to all members of the community. These are administered on a first come, first served basis. Appointments are recommended. Please call (661) 321-3000 to make an appointment at one of our clinics. Please make sure to retain a copy of your vaccination for your healthcare facility and personal records.

**Are influenza vaccinations at the Health Department free?** The Kern County Public Health Services Department accepts most health insurance plans and some people may qualify for free or reduced cost vaccinations.

**Are there free options for influenza vaccination?** Possibly. There may be opportunities to receive the influenza vaccination throughout the community free of charge as a general member of the public. Make sure to retain a copy of your vaccination for your healthcare facility and personal records.

**Are there corporate options for influenza vaccination?** Yes. There are various companies that provide influenza vaccinations in the facility/office setting. Please consult your administration to determine if this option is right for you or your facility.

**I still have questions. Who do I contact?** Please call the Kern County Public Health Services Department at (661) 321-3000.