



ORDER OF THE HEALTH OFFICER OF SAN BENITO COUNTY REQUIRING USE OF FACE MASKS BY PERSONNEL IN HEALTHCARE FACILITIES

DATE OF ORDER: October 11th, 2023

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor and may be punishable by fine, imprisonment, or both. (California Health and Safety Code § 120275, *et seq.*)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 1288.7, 101040, 101085, AND 120175, AND 8 CAL. CODE REGS SECTION 5199, THE HEALTH OFFICER OF THE COUNTY OF SAN BENITO ORDERS:

- 1. Summary.** This Order of the Health Officer requires health care delivery facility personnel to receive the annual flu vaccine or wear a face mask in patient care areas of specified health care delivery locations, subject to medical and other specified exemptions, during the time period listed below. Additionally, regardless of vaccination status, masks must be worn by health care personnel in patient care areas of skilled nursing facilities.
- 2. Effective Date and Duration of this Order.** This Order takes effect at 12:01 a.m. on November 1, 2023, and shall remain in effect until April 30, 2024. The Health Officer may adjust these dates based on respiratory virus surveillance data. If the Health Officer changes the dates of this Order, the Health Officer will notify health care delivery facilities through a Health Advisory and notice posted on the County of San Benito Health and Human Services Agency website.
- 3. Basis for Order.** Historical data demonstrate that higher rates of influenza, COVID-19, respiratory syncytial (RSV) and other respiratory viruses that cause severe respiratory infections occur annually between late fall and spring. Influenza and other seasonal respiratory viruses infect tens of millions in the United States each year, resulting in serious medical outcomes, including hospitalization and death.

The Health Officer makes this Order coincident with seasonal recurrence of influenza and other respiratory infections. Mandatory flu vaccination among health care workers has been shown to protect patients from morbidity/mortality from influenza infection and health care facility adherence to the order has resulted in increased healthcare worker flu vaccination rates over the past several years. Absent influenza vaccination, using face masks in patient care areas of health care facilities provides transmission protection when the seasonal risk of exposure to one or multiple viruses is at its highest.

Workers in health care, including direct care and congregate facilities, are at increased risk for respiratory illness and can transmit viruses to clients, patients, and co-workers. Moreover, respiratory virus-related illness in health care workers can cause absenteeism, placing further strain on limited health care resources.

Patients and residents within our health care facilities, especially young children, pregnant women, those with chronic health conditions and/or impaired immunity, and the elderly are at greater risk for respiratory virus-related illnesses. Approximately 70-80% of seasonal flu hospitalizations and deaths occur within the elderly population.

San Benito County Public Health Services has required health facilities previously to establish a flu vaccination and/or masking program during respiratory illness season. This requirement was extended further during the Covid-19 pandemic.

The most effective way to reduce risk of infection, hospitalizations, or death from serious respiratory illnesses remains vaccination. It is highly recommended that all eligible persons get updated vaccines for influenza, COVID-19, and RSV viruses.

4. Mandatory Requirement to Receive Influenza Vaccination or Wear a Face Mask in Patient Care Areas of Health Care Delivery Facilities.

In recognition of the significant mortality and morbidity posed by co-circulation of multiple respiratory viruses, this Order requires influenza vaccination or face masks in health care delivery facilities as set forth below.

All personnel in patient care areas of licensed health care facilities must receive the annual flu vaccine or wear a face mask throughout the duration of this Order. Moreover, because the risk of respiratory viral illnesses to vulnerable patients in skilled nursing facilities remains high, masks must be worn by health care personnel in skilled nursing facilities patient care areas regardless of vaccination status.

In addition, those responsible for health care delivery facilities are required to provide face masks to personnel who will be in an area where face masks are required.

All businesses and governmental entities with health care delivery facilities must enforce this vaccination or mask requirement for all personnel entering patient care areas within the health care delivery facility.

All such businesses and governmental entities must post clearly visible and easy-to-read signage at all entry points to patient care areas to communicate the flu vaccination or face mask requirements to all personnel entering the patient care areas of the health care delivery facility.

5. Definitions. For purposes of this Order, the following terms have the meanings below:

- a. "Business" includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.

- b. “Face Mask” means a surgical mask, KN95, KF94, or N95 respirator. A cloth mask, scarf, ski mask, balaclava, bandana, turtleneck, collar, or any mask that has an unfiltered, one-way exhaust valve does not qualify as a “face mask” under this Order.
“Health Care Delivery Facility” means a setting where patient care is provided indoors. Health care facilities include hospitals, clinics, surgery centers, infusion centers, dialysis centers, sites that provide inpatient or outpatient health care, skilled nursing facilities, portions of long-term care facilities where nursing care is provided, and other facilities where patient care is provided indoors.
- c. “Patient Care Area” means any area that patients regularly access in order to receive healthcare within a health care delivery facility. Patient care areas include lobbies, waiting rooms, examination rooms, patient wings, elevators, and hallways used by patients. Patient care areas do not include areas such as cafeterias or gift shops that are not used for the provision of healthcare or access to areas where healthcare services are provided.
- d. “Personnel Subject to the Order” shall mean, except where otherwise specified below in Facilities Subject to the Order, all paid and unpaid persons who work in indoor settings where (1) health care is provided to individuals, or (2) persons in care have access for any purpose. This includes workers in health care or other health care settings as well as workers in other direct care settings who have the potential for direct or indirect exposure to patients/clients/residents or respiratory illnesses airborne aerosols.

Workers include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, Emergency Medical Services personnel, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the covered facility, and persons not directly involved in patient care but who could be exposed to infectious agents that can be transmitted in the covered setting (eg, clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, cosmetology, personnel training, and volunteer personnel).

To the extent that remote workers, or those not working within these facilities, do not meet this definition, they would not be covered by this Order.

- 6. **Facilities Subject to this Order.** Refer any interpretation questions to San Benito County Division of Public Health, (831) 647-5367.
- 7. **More Restrictive Order.** Where a conflict exists between this Order and any state or federal public health orders, then the most restrictive provision (i.e, the more broadly protective of public health) controls.
- 8. **Public Distribution.** Copies of this Order are available:
 - i. To any member of the public requesting a copy of this order
 - ii. At San Benito County Public Health Division, 351 Tres Pinos Road, Hollister, CA 95023, (831) 637-5367
 - iii. And posted on the County HHS website:
[Home - San Benito County Health and Human Services Agency \(cosb.us\)](http://cosb.us)
- 9. **Severability.** If any provision of this Order to the application thereof to any person or circumstance

is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Cheryl L. Scott, MD, MPH Dated: October 11th, 2023
Cheryl L. Scott, MD, MPH
Health Officer of the County of San Benito