



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA
MANDATING OPERATORS OF CERTAIN HEALTH CARE AND RESIDENTIAL
FACILITIES TO REQUIRE PERSONNEL WHO WORK IN HIGH-RISK SETTINGS
TO WEAR FACE COVERINGS AND OBTAIN WEEKLY TESTING FOR SARS-COV-2
OR DOCUMENT THEIR FULLY VACCINATED STATUS, WITH SPECIFIED
EXEMPTIONS**

ORDER NO. HO-COVID19-47

DATE OF ORDER: JULY 1, 2021

Summary of the Order

This Order of the Health Officer requires the operators of acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, residential substance abuse treatment facilities, residential mental health treatment facilities, homeless shelters, and detention facilities in Contra Costa County to require personnel who work in high-risk settings within these facilities to either wear face coverings and get tested weekly for the virus that causes Coronavirus Disease 2019 (“COVID-19”), with specified exemptions, or produce satisfactory evidence that they are fully vaccinated against COVID-19.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

- 1. Basis for Order.** On June 17, 2021, The California Occupational Safety and Health Standards Board adopted workplace regulations for the prevention of COVID-19 (“Regulations”). Among other provisions, the Regulations mandate that employers require their employees who are not fully vaccinated to wear face coverings, with certain exceptions. Employees who are fully vaccinated against COVID-19, as documented by the employer, are not required to wear face coverings.

I have reviewed the Regulations and determined that the provisions of the Regulations pertaining to documentation of fully vaccinated status, and the COVID-19 prevention requirements that apply to unvaccinated workers, are not sufficient to protect patients and residents in certain settings in Contra Costa County (“County”) where the risk of



transmission of SARS-CoV-2 – the virus that causes COVID-19 – remains high; specifically, at acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and adult and juvenile detention facilities. Many of the patients and residents at these facilities are at high risk of severe illness and death from COVID-19 due to age, medical conditions or weakened immune systems, as evidenced by the number of cases at high risk facilities during the course of the COVID-19 pandemic. For example, as of June 21, 2021, there have been 219 COVID-19 outbreaks, 3,138 outbreak-related COVID-19 cases, 748 COVID-19-related hospitalizations and 330 COVID-19-related deaths in County long term care facilities -- primarily skilled nursing facilities and assisted living facilities for the elderly. There have also been 273 COVID-19 cases in adult detention facilities and 5 COVID-19 cases in youth detention facilities in the County in the same timeframe. Although no COVID-19 deaths were reported in County detention facilities, 224 inmates in California prisons had died with COVID-19 as of June 21, 2021. There have been 498 COVID-19 cases in acute care hospital staff in the County as of June 23, 2021. Outside the County, including in other Bay Area counties, COVID-19 outbreaks that led to multiple staff and patient deaths in hospitals were traced to staff. There were 73 Covid-19 cases in homeless individuals residing in a homeless shelter as of 6.23.21. Due to the rapid depopulation of congregate homeless shelters in the County and moving residents into hotel rooms, the County avoided large outbreaks in these settings that occurred in other counties in the Bay Area as well as nationwide. Congregate shelters have recently reopened or are soon to reopen, exposing residents to the risk of outbreaks. The risk of outbreaks in high-risk settings that begin with workers and spread to patients or residents remains elevated, despite overall declining community rates of COVID-19.

The SARS-CoV-2 Delta variant is anticipated to become the dominant strain of the SARS-CoV-2 virus in the United States, including the County, within weeks. This variant is more contagious and causes more severe illness than previous strains of SARS-CoV-2. With the easing of COVID-19 prevention restrictions since June 15, workers in high-risk settings now have potentially more exposure risk outside the workplace while shopping, going to restaurants or socializing in crowded settings where many individuals may not be wearing face coverings.

Vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, with the risk of infection reduced by 70 percent to 95 percent. Vaccination also appears to reduce the chance of transmission by an infected vaccinated person by 40 percent to 60 percent. The combination of reduced infection risk plus reduced transmission risk provides a very high level of protection for patients and residents who are in close proximity to a worker. In contrast, the wearing of face coverings reduces transmission by an infected person by about 70 percent; however, the combination of wearing face coverings and regular testing, followed by isolation of individuals who test positive, may approach the level of efficacy vaccination provides in terms of reduction of transmission risk.

The Regulations generally allow documentation of vaccination status by self-attestation, and require testing of unvaccinated employees only if they cannot wear face coverings for specified reasons. I have determined that, for purposes of this Order, documentation of the vaccination status of people who work at any of the above types of facilities must be based



on more reliable documentation than a self-attestation. I have also determined that people who work at any of the above types of facilities and are not documented as fully vaccinated must wear face coverings and be tested at least weekly for the presence of the SARS-CoV-2 virus.

2. Definitions. For purposes of this Order, the following terms have the meanings given below.

- a. CDC. “CDC” means the U.S. Centers for Disease Control and Prevention.
- b. COVID-19 Test. “COVID-19 Test” means a nucleic acid or antigen test to detect infection of a person with SARS-CoV-2, the virus that causes COVID-19.
- c. COVID-19 Vaccine. “COVID-19 Vaccine” means a vaccine to prevent COVID-19 that is (1) administered under an emergency use authorization from the FDA; (2) approved by the FDA; or (3) listed for emergency use by the World Health Organization.
- d. DHHS. “DHHS” means the U.S. Department of Health and Human Services.
- e. FDA. “FDA” means the U.S. Food and Drug Administration.
- f. Fully Vaccinated. “Fully Vaccinated” means a person’s status two weeks following the person’s receipt of a single-dose COVID-19 Vaccine or the second dose of a two-dose COVID-19 Vaccine.
- g. High-Risk Setting. “High-Risk Setting” mean an area inside a Facility (1) where care is provided to patients, or (2) to which patients or residents have access for any purpose.
- h. Face Covering. “Face Covering” means a U.S. Food and Drug Administration (FDA) -cleared surgical mask or an FDA-cleared or -authorized N95 and N95 equivalent face filtering respirator.
- i. Facility. “Facility” means an acute care hospital, skilled nursing facility, residential care facility for the elderly, residential substance abuse treatment facility, residential mental health treatment facility, homeless shelter, adult detention facility, or juvenile detention facility, that is located in the County.
- j. Operator. “Operator” means an entity that operates a Facility.
- k. Personnel. “Personnel” means employees, contractors, vendors, volunteers, and other agents of an Operator who enter a High-Risk Setting an average of at least once a week for the purpose of providing goods or services.
- l. WHO. “WHO” means the World Health Organization.



3. Face Covering and Testing Requirements.

- a. Except as set forth in Section 4 of this Order, an Operator shall require all of its Facility Personnel to do the following:
 - (1) Wear Face Coverings at all times while inside a High-Risk Setting except while eating or drinking, except as set forth in Section 3.b. of this Order; and
 - (2) Receive a COVID-19 Test at least once a week; and
 - (3) Unless test results are sent directly to the Operator by the test provider, promptly provide the results of each COVID-19 test to the Operator.
- b. An Operator may exempt an individual member of its Personnel from the Face Covering requirement in Section 3.a.(1) of this Order if the individual satisfies all of the applicable conditions below:
 - (1) In place of a Face Covering, the individual wears a clear plastic shield over the individual's face with a cloth drape hanging below the shield;
 - (2) The individual qualifies for at least one of the following exemptions:
 - i. The individual has a medical condition, mental health condition, or disability that prevents the individual from wearing a mask, or a hearing impairment;
 - ii. The individual communicates with persons who are hearing-impaired, where the ability to see the mouth is essential for communication; or
 - iii. Wearing a mask would create a risk to the individual related to the individual's work, as determined by federal, state or local regulators or workplace safety guidelines.
 - (3) For an exemption under Section 3.b.(2)i. of this Order, the individual provides the Operator with a document signed by a physician, nurse practitioner, or other licensed medical professional, or licensed audiologist, that states that the individual qualifies for the applicable exemption, and indicates the probable duration of the individual's inability to wear a face covering.
 - (4) For an exemption under Section 3.b.(2)(ii) of this Order, the individual signs a statement agreeing that the exemption will apply only while the individual is engaged in communication with a hearing-impaired person.

4. Fully Vaccinated Personnel. An Operator may exempt an individual member of its Personnel from the Face Covering and COVID-19 Test requirements set forth in Section 3 of this Order if the individual first presents to the Operator one of the following:



- a. The original DHSS CDC vaccination card issued to the individual following administration of the COVID-19 Vaccine (“CDC Card”).
- b. The original WHO International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 in a foreign country “WHO Yellow Card”);
- c. A paper photograph or photocopy of the CDC Card or WHO Yellow Card;
- d. An electronic image of the CDC Card or WHO Yellow Card;
- e. A digital copy of the individual’s COVID-19 Vaccine record, obtained through the following portal: <https://myvaccinerecord.cdph.ca.gov/>; or
- f. Documentation from a healthcare provider that the individual is Fully Vaccinated.

5. Record-Keeping Requirements. An Operator must keep and maintain a record of the following information for the purpose of inspection by an authorized representative of the Health Officer:

- a. For Personnel who provide the Operator with documentation of Fully Vaccinated status in accordance with Section 4 of this Order: (1) Full name and date of birth; (2) COVID-19 Vaccine manufacturer; and (3) date of COVID-2 Vaccine administration (first dose, and if applicable, second dose).
- b. For other Personnel: (1) COVID-19 Test results and (2) if applicable, documentation of applicable exemptions from the Face Covering requirement under Section 3.b. of this Order.

6. Effective Date and Time. This Order takes effect at 8:00 a.m. on July 27, 2021.

7. Copies; Contact Information. Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

IT IS SO ORDERED:



Chris Farnitano, M.D.
Health Officer of the County of Contra Costa

Dated: July 1, 2021

