



Date: 7/29/21

Memo: State Health Officer Order – Unvaccinated workers in high-risk settings

Who: Most healthcare settings and settings of congregate living, incarceration, homeless shelters, behavioral health, doctor's offices, dental offices, etc.

What: COVID-19 vaccine verification, testing and masking for unvaccinated workers in these high-risk settings

Dear Humboldt County service provider,

You are getting this memo as you were identified to likely fall under the [California State Health Officer Order issued July 26, 2021, regarding unvaccinated workers in high risk settings](#). This order is in direct response to increasing cases seen across the US and in California, and the extreme contagiousness of the Delta variant that now makes up over 80% of cases in the state. The new order applies three requirements for these [high-risk settings](#):

- 1) verification of "fully vaccinated status" (not self-attestation),
- 2) weekly testing for the unvaccinated (including partially vaccinated, incomplete vaccination status), and
- 3) specific masking requirements for the unvaccinated (including partially vaccinated, incomplete vaccination status).

[All facilities listed](#) in this state health order already require everyone to mask regardless of vaccination status pursuant to the [California State Health Order on guidance for facial coverings from June 15, 2021](#). The new health order places a higher requirement however for the unvaccinated to be tested weekly and specific facial covering depending on the setting, either a [respirator or surgical grade mask](#).

As the employer in [these settings](#) you are required to comply with this [state health order](#), keep records of vaccination status and testing results for the unvaccinated. These records must be provided to Humboldt County Public Health when requested during case investigations of COVID-19 in your facility.

[Resources are available through the state for on-site testing of your unvaccinated employees](#). Both rapid antigen and PCR testing are acceptable for this requirement. An employer may choose to use off-site testing programs (clinics, Optum, pharmacy) but will need to track results. Some pharmacies will come on-site for testing. [The state on-site testing program](#) takes about 3-4 hours of training time for your staff, and you need to allow 2 weeks to enroll, train and initiate.



Due to the high volume of testing expected with this state health order, Humboldt County Public Health Laboratory (HCPHL) will not be able to initiate any new testing for surveillance of employees at this time. If you are currently using HCPHL for your employee surveillance we will continue to offer services to the best of our ability, and let you know if capacity is too limited to continue. All facilities, including those currently using HCPHL should sign up for the [state lab program](#) as a back up to testing at HCPHL.

Humboldt County Public Health will be holding informational meetings to further go over this state health order as we work towards the August 9th effective date, and August 23rd full implementation date. These meeting times and dates will be communicated next week.



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<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>

<https://testing.covid19.ca.gov/testing-type/>

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx>



I, as State Public Health Officer of the State of California, order:

This order applies to the following facilities:

A. Acute Health Care and Long-Term Care Settings:

1. General Acute Care Hospitals
2. Skilled Nursing Facilities (including Subacute Facilities)
3. Intermediate Care Facilities

B. High-Risk Congregate Settings:

4. Adult and Senior Care Facilities
5. Homeless Shelters
6. State and Local [Correctional Facilities and Detention Centers](#)

C. Other Health Care Settings:

7. Acute Psychiatric Hospitals
8. Adult Day Health Care Centers
9. Adult Day Programs Licensed by the California Department of Social Services
10. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
11. Ambulatory Surgery Centers
12. Chemical Dependency Recovery Hospitals
13. Clinics & Doctor Offices (including behavioral health, surgical)
14. Congregate Living Health Facilities
15. Dental Offices
16. Dialysis Centers
17. Hospice Facilities
18. Pediatric Day Health and Respite Care Facilities
19. Residential Substance Use Treatment and Mental Health Treatment Facilities

II. All facilities identified in this Order must verify vaccine status of all workers.

A. Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), only the following modes may be used as proof of vaccination:

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided, and date last dose administered); OR
2. a photo of a Vaccination Record Card as a separate document; OR
3. a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
4. documentation of COVID-19 vaccination from a health care provider; OR



5. digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type. The QR code must also confirm the vaccine record as an official record of the state of California; OR

6. documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

In the absence of knowledge to the contrary, a facility may accept the documentation presented as valid.

B. Facilities must have a plan in place for tracking verified worker vaccination status. Records of vaccination verification must be made available, upon request, to the local health jurisdiction for purposes of case investigation.

C. Workers who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

III. Respirator or mask requirements:

A. All facilities identified in this Order must strictly adhere to current [CDPH Masking Guidance](#). To the extent they are already applicable, facilities must also continue to adhere to Cal/OSHA's standards for Aerosol Transmissible Diseases (ATD), which requires respirator use in areas where suspected and confirmed COVID-19 cases may be present, and the Emergency Temporary Standards (ETS) that requires all unvaccinated workers be provided a respirator upon request.

B. Acute Health Care and Long-Term Care Settings: In addition to respirators required under Title 8 of the California Code of Regulations, facilities must provide respirators to all unvaccinated or incompletely vaccinated workers who work in indoor work settings where (1) care is provided to patients or residents, or (2) to which patients or residents have access for any purpose. Workers are strongly encouraged to wear respirators in all such settings. The facility must provide the respirators at no cost, and workers must be instructed how to properly wear the respirator and how to perform a seal check according to the manufacturer's instructions.

C. High-Risk Congregate Settings and Other Health Care Settings: Where Title 8 of the California Code of Regulations does not require the use of respirators, facilities shall provide all unvaccinated or incompletely vaccinated workers with FDA-cleared surgical masks. Workers are required to wear FDA-cleared surgical masks in indoor settings anywhere they are working with another person.



IV. Testing requirements:

A. Acute Health Care and Long-Term Care Settings:

1. Asymptomatic **unvaccinated** or incompletely vaccinated workers are **required to undergo** diagnostic screening testing.
2. Workers may choose either antigen or molecular tests to satisfy this requirement, but unvaccinated or incompletely vaccinated workers must be tested **at least twice weekly** with either PCR testing or antigen testing. Any PCR (molecular) or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

B. High-Risk Congregate Settings and Other Health Care Settings:

1. Asymptomatic **unvaccinated** or incompletely vaccinated workers are **required to undergo** diagnostic screening testing.
2. Workers may choose either antigen or molecular tests to satisfy this requirement, but unvaccinated or incompletely vaccinated workers must be tested **at least once weekly** with either PCR testing or antigen testing. More frequent testing improves outbreak prevention and control and is encouraged, especially with antigen testing. Any PCR (molecular) or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

C. All Facilities:

1. Unvaccinated or incompletely vaccinated workers must also observe all other infection control requirements, including masking, and are not exempted from the testing requirement even if they have a medical contraindication to vaccination, since they are still potentially able to spread the illness. Previous history of COVID-19 from which the individual recovered more than 90 days earlier, or a previous positive antibody test for COVID-19, **do not** waive this requirement for testing.
2. Diagnostic screening testing of asymptomatic fully vaccinated workers is not currently required. However, fully vaccinated workers may consider continuing routine diagnostic screening testing if they have underlying immunocompromising conditions (e.g., organ transplantation, cancer treatment), which might impact the level of protection provided by COVID-19 vaccine.



3. Facilities with workers required to undergo workplace diagnostic screening testing should have a plan in place for tracking test results, conducting workplace contact tracing, and must report results to local public health departments. There are IT platforms available that can facilitate these processes for facilities.

V. Definitions: For purposes of this Order, the following definitions apply:

A. "Fully Vaccinated" means individuals who are considered fully vaccinated for COVID-19: two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen). COVID-19 vaccines that are currently authorized for emergency use:

1. By the US Food and Drug Administration, are listed

at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>.

2. By the World Health Organization, are listed

at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>

B. "Incompletely vaccinated" means persons who have received at least one dose of COVID-19 vaccine but do not meet the definition of **fully vaccinated**.

C. "Respirator" means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.

D. "Unvaccinated" means persons who have not received any doses of COVID-19 vaccine or whose status is unknown.

E. "WHO Yellow Card" refers to the original World Health Organization International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 vaccine in a foreign country.

F. "Worker" refers to all paid and unpaid persons serving in health care, other health care or congregate settings who have the potential for direct or indirect exposure to patients/clients/residents or SARS-CoV-2 airborne aerosols.

Workers include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the health care facility, and persons not directly involved in patient care, but who could be exposed to infectious agents that can



be transmitted in the health care setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).

VI. The Terms of this Order supersede any conflicting terms in any other CDPH orders, directives, or guidance.

VII. Except to the extent this Order provides otherwise, all other terms in my [Order of June 11, 2021](#) remain in effect and shall continue to apply statewide.

VIII. This Order shall take effect on August 9, 2021, at 12:01 am. Facilities must be in full compliance with the Order by August 23, 2021.

IX. This Order is issued pursuant to Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080 and other applicable law.



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