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**Information Notice 21-02 - Revised**

**Date:** August 30, 2021

**To:** Program for All-Inclusive Care for the Elderly (PACE) Organizations

**Subject:** New COVID-19 vaccination requirements for health care workers and visitation requirements for Acute Health Care and Long-Term Care Settings.

**Reference:** State Public Health Officer Orders of August 5, 2021

Dear PACE Partners:

On August 5, 2021, the California Department of Public Health (CDPH) issued [new vaccination requirements for health care workers](#) and [new visitation requirements for Acute Health Care and Long-Term Care Settings](#) to decrease the risk of COVID-19 outbreaks, given emergence of more contagious variants and recent surges of COVID-19 cases. DHCS requires all PACE facilities to follow CDPH public health orders. This PACE Information Notice provides additional information to PACE organizations for operationalizing these new public health orders.

**Pertinent Information from CDPH's Public Health Officer Order:**

The COVID-19 pandemic remains a significant challenge in California. COVID-19 vaccines are effective in reducing infection and serious disease. At present, 63% of Californians 12 years of age and older are fully vaccinated with an additional 10% partially vaccinated. California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 18.3 new cases per 100,000 people per day, with case rates increasing ninefold within two months. The Delta variant is highly transmissible and may cause more severe illness. It is also currently the most common variant causing new infections in California.

Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among unvaccinated persons. Thanks to vaccinations and to measures taken since March 2020, California's health care system is currently able to address the increase in cases and hospitalizations. However, additional statewide facility-directed measures are

necessary to protect particularly vulnerable populations. Hospitals, skilled nursing facilities (SNFs), and intermediate care facilities (ICFs) serve uniquely vulnerable populations where COVID-19 outbreaks can have severe consequences including hospitalization, severe illness, and death.

Vaccinations have been available in California from December 2020 to the present, and from January 1, 2021, to July 27, 2021, a total of 9,371 confirmed COVID-19 outbreaks and 113,196 outbreak-related cases were reported to CDPH. The two most common settings for these outbreaks were: Residential care facilities (22.5%) and SNFs (9.8%). There have been over 4,000 outbreaks in residential care facilities, over 2,000 outbreaks in SNFs, and over 450 outbreaks in hospitals in California to date. Recent outbreaks in health care settings have frequently been traced to unvaccinated staff members, demonstrating the risk of unvaccinated persons in these settings.

Vaccination against COVID-19 is the most effective means of preventing further infections, transmission, and outbreaks. As we respond to the dramatic increase in cases, transmission prevention measures must be increased for the protection of the patients in the facilities referenced in this Order. This can be done by reducing the risk that visitors to these facilities are bringing COVID-19 from the community and introducing it into these settings. Requiring well-fitting face masks for all visitors is an important step for source control. An emphasis on vaccination and testing should also contribute to reduction of transmission risk in these high-risk settings.

For these reasons, COVID-19 remains a concern to public health and, in order to prevent its further spread in hospitals, SNFs, high-risk congregate settings and other health care settings, limited and temporary public health requirements are necessary at this time.

In workplaces, employers are subject to the Cal/OSHA COVID-19 [Emergency Temporary Standards \(ETS\)](#) or in some workplaces the [CalOSHA Aerosol Transmissible Diseases \(ATD\) Standard](#) and should consult those regulations for additional applicable requirements.

### **1) New Vaccination requirements for health care workers**

Per CDPH's [Public Health Order](#), all workers who provide services or work in facilities listed below must have their first dose of a one-dose regimen or their second dose of a two-dose regimen by September 30, 2021.

Two-dose vaccines include: Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization. The one-dose vaccine is: Johnson and Johnson [J&J]/Janssen. All COVID-19 vaccines that are currently authorized for emergency use can be found at the following links:

i. By the US Food and Drug Administration (FDA), are listed at the [FDA COVID-19 Vaccines webpage](#).

ii. By the World Health Organization (WHO), are listed at the [WHO COVID-19 Vaccines webpage](#).

"Worker" refers to all paid and unpaid individuals who work in indoor settings where (1) care is provided to patients, or (2) patients have access for any purpose. This includes workers serving in health care or other health care settings who have the potential for direct or indirect exposure to patients 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).

This Public Health Order, applies to health care workers in the following Health Care Facilities:

1. General Acute Care Hospitals
2. Skilled Nursing Facilities (including Subacute Facilities)
3. Intermediate Care Facilities
4. Acute Psychiatric Hospitals
5. Adult Day Health Care Centers
6. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
7. Ambulatory Surgery Centers
8. Chemical Dependency Recovery Hospitals
9. Clinics & Doctor Offices (including behavioral health, surgical)
10. Congregate Living Health Facilities
11. Dialysis Centers
12. Hospice Facilities
13. Pediatric Day Health and Respite Care Facilities
14. Residential Substance Use Treatment and Mental Health Treatment Facilities

### **Vaccine Exemptions**

Workers may be exempt from the vaccination requirements only upon providing the operator of the facility a declination form, signed by the individual stating either of the following:

(1) the worker is declining vaccination based on **Religious Beliefs**, or;

(2) the worker is excused from receiving any COVID-19 vaccine due to **Qualifying Medical Reasons**. To be eligible for a Qualified Medical Reasons exemption the worker must also provide to their employer a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should

not describe the underlying medical condition or disability) and indicating the probable duration of the worker's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).

If an operator of a facility listed above deems a worker to have met the requirements of an exemption pursuant to exemptions listed above, the unvaccinated exempt worker must meet the following requirements when entering or working in such facility:

- a. Test for COVID-19 with either PCR or antigen test that either has 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. Testing must occur twice weekly for unvaccinated exempt workers in acute health care and long-term care settings, and once weekly for such workers in other health care settings.
- b. Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while in the facility.

### **Other Requirements**

Consistent with applicable privacy laws and regulations, the operator of the facility must maintain records of workers' vaccination or exemption status. If the worker is exempt pursuant to section (2), the operator of the facility then also must maintain records of the workers' testing results pursuant to section (3).

- a. The facility must provide such records to the local or state Public Health Officer or their designee promptly upon request, and in any event no later than the next business day after receiving the request.
- b. Operators of the facilities subject to the requirement under section (1) must maintain records pursuant to the CDPH Guidance for Vaccine Records Guidelines & Standards with the following information: (1) full name and date of birth; (2) vaccine manufacturer; and, (3) date of vaccine administration (for first dose and, if applicable, second dose).
- c. For unvaccinated workers: signed declination forms with written health care provider's statement where applicable, as described in section (2) above. Testing records pursuant to section (3) must be maintained.

This Public Health Order went into effect on August 5, 2021, and facilities must be in full compliance with the Order by September 30, 2021. This Order was issued pursuant to Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080 and other applicable law.

### **2. Definitions:**

Please refer to CDPH's Public Health Orders on [new vaccination requirements for health care workers](#) and [new visitation requirements for Acute Health Care and Long-](#)

[Term Care Settings](#) for a full list of definitions.

**3. Terms of Public Health Order:**

The Public Health Order on [new vaccination requirements for health care workers](#) went into effect on August 5, 2021, and facilities must be in full compliance with the Order by September 30, 2021. This Order was issued pursuant to Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080 and other applicable law.

Should you have any questions about the content of this letter, please contact the PACE Policy Unit at [PACE@dhcs.ca.gov](mailto:PACE@dhcs.ca.gov).

Thank you,

Department of Health Care Services