



Grant Colfax, MD
Director of Health

Susan Philip, MD, MPH
Health Officer

MEMORANDUM & LETTER ORDER

DATE: September 17, 2021

TO: General Acute Care Hospitals, Skilled Nursing Facilities, and other Long-Term Care Facilities in San Francisco

FROM: Susan Philip, MD, MPH, Health Officer

SUBJECT: **Health Officer Order:** Mandatory Influenza Vaccination of Health Care Workers During Influenza Season

This Health Officer Order mandates that Designated Health Facilities such as general acute care hospitals, skilled nursing facilities, and other long-term care facilities in the City and County of San Francisco (the “City”) require that their Health Care Workers receive influenza vaccination each year during Influenza Season. The Order also requires such Health Care Workers to receive influenza vaccination annually. Health Care Workers are allowed to decline to be vaccinated each Influenza Season, in which case they must sign a declination form, the Designated Health Facility must keep the declination form, and the Health Care Worker must wear a mask in all patient care and resident living settings during Influenza Season as outlined in this Order. This Order goes into effect immediately on issuance, and Designated Health Facilities and their Health Care Workers, during each Influenza Season, must comply with the annual requirements no later than October 31st. Initially capitalized terms have the meanings listed below in this Order, and this Order remains in effect until it is rescinded, superseded, or amended in writing by the Health Officer. For other clinical facilities in the City that are not Designated Health Facilities, the Health Officer strongly recommends compliance with the requirements of this Order in order to protect patients and staff. And the masking required by this order is complementary to any COVID-19 or other masking protocols.

Basis of Order

The United States Centers for Disease Control and Prevention (“CDC”) routinely issues reports and other materials related to the annual Influenza Season. Two recent annual reports of this kind can be found online at www.cdc.gov/mmwr/volumes/69/rr/rr6908a1.htm and www.cdc.gov/mmwr/volumes/70/rr/rr7005a1.htm. Those reports, and future reports of that kind issued by the CDC, support the basis for this Order and are incorporated by this reference.

The annual impact of influenza is well-documented, including by the CDC. Influenza is a

seasonal disease that infects tens of millions in the United States each year (see, *e.g.*, www.cdc.gov/flu/about/burden/2019-2020.html) and can result in serious medical outcomes, including hospitalizations and death. It is a respiratory pathogen, and its impact can be greatly lessened through broad utilization of the annual influenza vaccine and other practices such as masking for unvaccinated people in patient care and resident living areas. Patients and residents in our health care facilities, especially young children, pregnant women, the elderly, and those with chronic health conditions, are at greater risk for influenza-related hospitalizations and death. Health Care Workers are at risk for influenza illness and can transmit the virus to their patients and coworkers. Moreover, influenza-related illness in Health Care Workers can cause absenteeism, placing further strain on our limited health care resources, and is preventable by means of annual vaccination.

California law requires that hospitals, skilled nursing facilities, long-term care facilities, and certain other health care facilities offer influenza vaccination annually to employees and that such facilities, in relation to employees who decline vaccination, maintain a record of the signed declination form. *See* Health & Safety Code § 1288.7; 8 Cal. Code Regs. §5199: Aerosol Transmissible Diseases Standard of Cal OSHA, effective September 1, 2010 (the “ATD Standard”). And operators of other clinical facilities, services, or operations are reminded that if they fall under the ATD Standard, they must similarly provide their employees with annual influenza vaccinations and maintain records of declinations. Although determination of the applicability of the ATD Standard is the responsibility of individual employers, this Order imposes similar requirements on Designated Health Facilities.

Further complicating the situation is the COVID-19 pandemic, which adds another serious respiratory virus to the impact of influenza. It is likely that SARS-CoV-2 infections and seasonal influenza infections will occur simultaneously during Influenza Season, making it essential to take precautions against both.

The United States Office of Disease Prevention and Health Promotion’s Healthy People 2020 objectives includes a target of 90% seasonal influenza vaccination rate for all health care personnel. *See* www.healthypeople.gov/2020/topics-objectives/topic/immunization-and-infectious-diseases/objectives. And studies show that comprehensive mandatory vaccination programs are associated with health care worker vaccination rates above 95%. *See, e.g.*, Rakita, RM, et al. (2010), Mandatory influenza vaccination of health care workers: a 5-year study, *Infection Control and Hospital Epidemiology*, 31, 881-888.

Prevention of influenza is critical to reducing influenza-related morbidity and mortality and potential surge demands for health care services, including hospitalizations and testing people with symptoms of influenza-like illness. For all of these reasons, it is imperative that all Health Care Workers at each Designated Health Facility receive an annual influenza vaccination or, for those Health Care Workers who decline the vaccine, wear a mask whenever present in patient care or resident living areas during Influenza Season.

Order

Under the authority of California Health and Safety Code Sections 101040, 101085, and 120175, I, as the Health Officer of the City and County of San Francisco, require Designated Health Facilities to ensure that Health Care Workers receive influenza vaccination each year during Influenza Season and require that all such Health Care Workers comply with this Order’s

vaccination requirements, as follows:

1. Each Designated Health Facility must implement a program requiring each of its Health Care Workers in relation to that year's Influenza Season to receive an annual influenza vaccination on or before October 31 or, if the Health Care Worker declines to receive a vaccination that year, to provide a signed declination and to wear a mask at all times in patient care or resident living areas as outlined by this Order. During Influenza Season, the Designated Health Facility must prohibit any Health Care Worker from entering any patient care or resident living area if the Health Care Worker has not either a) had that year's annual influenza vaccination or b) provided a declination form that year and is wearing a mask. For other clinical facilities in the City, the Health Officer strongly recommends implementation of policy for influenza vaccination that mirrors the requirements of this Order.
2. Each Health Care Worker in a Designated Health Facility must comply with this Order and must, in relation to each year's Influenza Season, receive an annual influenza vaccination on or before October 31 or, if the Health Care Worker declines to receive a vaccination that year, provide a signed declination and wear a mask at all times in patient care or resident living areas. The refusal by any Health Care Worker in a Designated Health Facility to comply with these requirements each year is a violation of this Order.
3. For the duration of Influenza Season, any Health Care Worker who has not received that year's influenza vaccination is required to wear a well-fitting mask whenever they are in any patient care or resident living area at the Designated Health Facility, even if patients or residents are not present at that moment. For purposes of this Order, references to patients includes residents, and care areas include resident living areas. To the extent that other state or local rules require masking, such as a universal masking requirement in relation to the COVID-19 pandemic, the masking requirements of this Order are complementary to such other rules, and a mask must be worn whenever required by any rule.
4. Each Designated Health Facility must, on an annual basis, maintain records showing that its Health Care Workers have complied with this Order's requirements either to be vaccinated or to decline vaccination that year. The declination form should be in a format similar to the one provided by the State of California online at www.dir.ca.gov/title8/5199c2.html. The Designated Health Facility must, on request, provide the Health Officer or the Health Officer's designee access to compliance information.
5. For purposes of this Order, the term "Influenza Season" means the period from November 1 through April 30 each year, which is generally based on statewide influenza epidemiology and aligns with the practice in many other California counties. Although specific conditions each year may change some aspects of when influenza begins to become widespread, peaks, and begins to wane, this period captures the general annual span of the risk of influenza transmission.
6. Information specific to each year's Influenza Season, including changes to the start and end date of that year's Influenza Season, may be provided by the Health Officer or the

Health Officer's designee by posting information for health care providers online at www.sfcddcp.org/infectious-diseases-a-to-z/influenza-flu/flu-information-for-health-care-providers/ or a similar website operated by the Department of Public Health. Each Designated Health Facility should periodically check that site for updated information, and each Designated Health Facility is required to comply with information specific to a specific year's Influenza Season when posted at that location as soon as the Designated Health Facility has notice of new information provided there.

Facilities and Personnel Subject to this Order

For purposes of this Order, the term "Designated Health Facility" means any licensed general acute care hospital, licensed skilled nursing facility (including subacute facilities), or long-term care facility in the City.

For the purposes of this Order, the term "Health Care Worker" means anyone, paid or unpaid, full-time or part-time, employee or contractor, who works in a Designated Health Facility and who, in that setting, for any amount of time has direct (in-person) patient contact or works in patient care areas.

Effective Date and Duration of Order

This Order goes into effect immediately on issuance. This Order will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

Severability

If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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 to this end, the provisions of this Order are severable.

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I appreciate your help and support in protecting the residents of the City and County of San Francisco, and in particular Health Care Workers and those who live at or receive care from Designated Health Facilities. For any additional questions about this Order, please contact the SFPDPH Communicable Disease Prevention Unit at (415) 554-2955.

IT IS SO ORDERED:



Susan Philip, MD, MPH,
Health Officer of the
City and County of San Francisco

Dated: September 17, 2021

cc: Grant Colfax, MD, Director of Health
Julie Van Nostern, Chief Attorney, Health & Human Services, City Attorney's Office