



ORDER OF THE HEALTH OFFICER No. 2024-01

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO**

**MANDATORY MASKING OF PERSONNEL IN SKILLED NURSING
FACILITY HEALTHCARE SETTINGS**

DATE OF ORDER: October 16, 2024 (effective November 1, 2024)

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1).)

Summary: Between fall and spring, COVID-19, as well as other respiratory infections, such as influenza and respiratory syncytial virus (RSV), pose a risk to the health of medically vulnerable people who might be exposed through necessity based on their circumstances. In particular, Patients and Residents in Skilled Nursing Facilities may have concerns about their potential exposure to COVID-19, influenza, and RSV when they seek care, and some may be at greater risk for complications due to respiratory infections. Local, state, and national data confirm that Patients and Residents of Skilled Nursing Facilities continue to be among those at highest ongoing risk for severe disease and death from COVID-19 and other respiratory infections.

Current vaccine formulations that target SARS-CoV-2 continue to provide good protection against severe disease. And, although vaccination does not prevent all infection or transmission, being vaccinated decreases the burden of disease and thus risk of transmission to patients and others. During the fall and winter respiratory virus period, another important prevention tool in these settings is the use of a Well-Fitted Mask by Personnel, which reduces both the risk of infection for those Personnel and transmission of respiratory viruses, including but not limited to SARS-CoV-2, influenza, and RSV, to Patients or Residents.

Accordingly, during the period from November 1, 2024, to March 31, 2025, this Order requires Personnel working in Skilled Nursing Facilities to wear a Well-Fitted Mask at all times when in the same room as Patients or Residents as described in this Order. The requirement to wear a Well-Fitted Mask also applies to people who only visit such locations on an intermittent or occasional basis or for short periods of time, such as delivery people, contractors, regulators, firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement—all such people must wear a Well-Fitted Mask when in the same room as Patients or Residents.

The Order provides limited exceptions. For example, Personnel may temporarily remove their mask when it would otherwise interfere with the care of some individuals, such as



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Patients or Residents with hearing deficits or who require speech or occupational therapy. The Order does not apply to Patients or Residents, or visitors of those people, although the Health Officer strongly recommends they wear a Well-Fitted Mask when appropriate as indicated below.

Aside from the requirements of this Order, the Health Officer strongly recommends that everyone continue appropriate protections based on their situation, including the following five measures: 1) following the CDC's most current COVID-19, influenza, and RSV vaccination guidance; 2) wearing a Well-Fitted Mask in appropriate settings based on personal risk factors, especially if you or someone you live with is vulnerable to the worst outcomes of COVID-19; 3) staying home whenever you feel sick in order to protect others around you and following the CDC's and the California Department of Public Health's isolation and quarantine guidance; 4) staying aware of medications that you can use when you get sick with COVID-19, including drugs like Paxlovid that can decrease the severity of infection, especially for anyone over 50 years old or who has other risk factors; and 5) remaining aware of information about COVID-19 and other respiratory illnesses. This order will expire on March 31, 2025, unless revised or rescinded sooner.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTION 120175, THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN
FRANCISCO ORDERS:**

1. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

- a. *CDC*. "CDC" means the United States Centers for Disease Control and Prevention.
- b. *CDPH*. "CDPH" means the California Department of Public Health.
- c. *County*. The "County" means the City and County of San Francisco.
- d. *COVID-19*. "COVID-19" means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
- e. *Designated Winter Respiratory Virus Period*. "Designated Winter Respiratory Virus Period" means the period from November 1, 2024, to March 31, 2025. The Health Officer may adjust the dates of the Designated Winter Respiratory Virus Period based on respiratory virus surveillance data. If the Health Officer changes the dates of the Designated Winter Respiratory Virus Period via an amendment to this Order, the Health Officer will notify Skilled Nursing Facilities.
- f. *DPH*. "DPH" means the San Francisco Department of Public Health.



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- g. *Health Officer*. “Health Officer” means the Health Officer of the City and County of San Francisco.
 - h. *Patients or Residents*. “Patients or Residents” (and the related term “Patient or Resident”) means any person who is receiving care at any Skilled Nursing Facility covered by this Order.
 - i. *Personnel*. “Personnel” means all paid and unpaid people who work in indoor Skilled Nursing Facilities in the County where (1) care is provided to patients, or (2) Patients or Residents have access for any purpose. This includes workers serving in healthcare or other settings who have the potential for direct or indirect exposure to Patients or Residents, or SARS-CoV-2 airborne aerosols. Personnel include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the Skilled Nursing 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, foodservice, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).
 - j. *Skilled Nursing Facility*. “Skilled Nursing Facility” means any licensed skilled nursing facility in the County.
 - k. *Well-Fitted Mask*. A “Well-Fitted Mask” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking. CDC guidance regarding Well-Fitted Masks may be found at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html, and CDPH guidance may be found at www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx. A Well-Fitted non-vented N95, KN95, or KF94 respirator is strongly recommended as a Well-Fitted Mask, even if not fit-tested, to provide maximum protection.
2. Purpose and Intent.
- a. Purpose. The public health threat of serious illness or death from COVID-19 has decreased in the County and the Bay Area due to the high rate of vaccination of the community. COVID-19 continues to remain a consideration for Patients or Residents and poses a serious concern for medically vulnerable Patients or Residents. Other respiratory viruses, including influenza and RSV, also pose similar considerations every year from fall to spring. Having Personnel wear a Well-Fitted Mask when in the room with Patients or Residents protects those people. Although the protection from wearing a Well-Fitted Mask is not perfect, evidence shows that it can be an important part of reducing the spread of respiratory viruses, including SARS-CoV-2, in skilled nursing settings.

This Order is based on evidence of continued community transmission of SARS-



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CoV-2 within the County as well as scientific evidence and best practices to prevent severe negative health outcomes due to COVID-19, influenza, RSV, and other respiratory viruses, including hospitalization and death. The Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by COVID-19, including the impact of masking, and may amend or rescind this Order based on analysis of that data and knowledge.

- b. Intent. The primary intent of this Order is to protect Patients or Residents who receive care at Skilled Nursing Facilities or reside in such facilities from infection and to reduce the risk of severe health outcomes, such as hospitalization or death, due to COVID-19, influenza, RSV, and other respiratory viruses during the Designated Winter Respiratory Virus Period.
 - c. Interpretation. All provisions of this Order must be interpreted to effectuate the purpose and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in Section 1 above.
 - d. Effect of Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 7 below.
3. Facilities Subject to this Order. This Order applies to Skilled Nursing Facilities in the County and Personnel who work or are present for any amount of time in Skilled Nursing Facilities, as defined above and in more detail in this Section.
 - a. Campus Buildings Included. For clarity, this Order applies to Personnel in other buildings in a site containing a Skilled Nursing Facility, such as a campus or other similar grouping of related buildings, where the Skilled Nursing Facility constitutes fifty percent or more of the licensed beds of the overall facility and such Personnel do any of the following: (i) access the areas where Patients or Residents have access in the Skilled Nursing Facility; or (ii) work in-person with Patients or Residents who are present in those areas. For other facilities where the Skilled Nursing Facility constitutes less than fifty percent of the licensed beds of the overall facility, this Order applies only to the unit containing the licensed Skilled Nursing Facility beds.
 - b. Minimum Requirements; Ability to Adopt More-Restrictive Measures. This Order establishes the minimum requirements related to masking in Skilled Nursing Facilities. Nothing in this Order is intended to reduce any other federal, state, or local legal requirements or otherwise modify them in a way that is less protective of public health, or to limit a Skilled Nursing Facility's choices to take more health protective measures. Skilled Nursing Facilities may impose further restrictions that are more



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protective of public health than the minimum requirements or recommendations under this Order.

4. Masking Requirements for Skilled Nursing Facilities and Personnel in Those Facilities.

- a. Skilled Nursing Facilities. During the Designated Winter Respiratory Virus Period, each Skilled Nursing Facility must, consistent with this Order, implement a program requiring its Personnel to wear a Well-Fitted Mask at all times when Personnel are in the same room and sharing air space with a Patient or Resident. But, when Personnel are not in the same room and sharing air space with a Patient or Resident, they are not required to wear a Well-Fitted Mask. For clarity, the following are examples of situations when a Well-Fitted Mask must be worn by all Personnel in the listed areas when a Patient or Resident is also in the same space: waiting rooms; exam, care, or treatment rooms; residential rooms; hallways; any room in which healthcare is being provided; triage or patient assessment areas; bathrooms; administrative areas or offices; indoor open areas that are part of a larger room or contiguous space (such as nursing stations, reception areas, areas with work spaces that do not have a closing door, hallways, meeting rooms, etc.); temporary enclosed structures (including an enclosed tent or shelter); recreational or activity rooms; rooms within the facility where personal services (like hairstyling, etc.) are provided; and interview rooms. This requirement does not apply to spaces that are not enclosed, such as outdoor patios or exercise areas, pathways, etc.
- b. Personnel in Skilled Nursing Facilities. Except as provided in subsection (e) below, during the Designated Winter Respiratory Virus Period, Personnel who work onsite in Skilled Nursing Facilities must comply with the masking requirement listed in subsection (a) above. The requirement to wear a Well-Fitted Mask during the Designated Winter Respiratory Virus Period also applies to people who only visit such locations on an intermittent or occasional basis or for short periods of time, such as delivery people, contractors, regulators, firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement—all such people must wear a Well-Fitted Mask when in the same room as Patients or Residents.
- c. Provision of a Well-Fitted Mask. Skilled Nursing Facilities must provide Personnel who are required to wear a mask by this Order, on request, with a Well-Fitted Mask.
- d. Fit and Filtration Guidance. When wearing a mask, everyone should consistently wear the best mask they can obtain, considering fit and filtration (and without using a one-way exhalation valve that is not filtered). As provided in the definition of a Well-Fitted Mask, a well-fitting non-vented N95, KN95, or KF94 respirator is strongly recommended. More information about fit and filtration and the best mask options is available online at www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html and www.cdph.ca.gov/Programs/CID/DCDC/Pages/Respiratory-Viruses/When-and-Why-to-Wear-a-Mask.aspx.



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- e. Limited Exceptions. Personnel are exempt from the masking requirements of this Order in the following situations:
- i. Personal Protective Equipment. A person required by this Order to wear a Well-Fitted Mask does not need to do so when wearing personal protective equipment (“PPE”) that is more protective than a Well-Fitted Mask, including when required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE and in an indoor setting, they must wear a Well-Fitted Mask or PPE that is more protective unless otherwise exempted under this Order.
 - ii. Necessary for Care. A person required by this Order to wear a Well-Fitted Mask may briefly remove the mask if the person needs to effectively communicate with the Patient or Resident, or for healthcare such as speech or language therapy. Any person removing a Well-Fitted Mask under this exception may remove the mask only for the duration required for the activity.
 - iii. Medical or Safety Exemption. A person does not need to wear a Well-Fitted Mask when they can show: (1) a medical professional has provided a written exemption to the mask requirement, based on the person’s medical condition, other health concern, or disability; or (2) that they are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; or (3) wearing a Well-Fitted Mask while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. In accordance with state and federal guidelines, if a person is required by this Order to wear a Well-Fitted Mask but is exempt from wearing one under this paragraph, they still must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless they can show either: (1) a medical professional has provided a written exemption to this alternative face covering requirement, based on the person’s medical condition, other health concern, or disability; or (2) wearing an alternative face covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines.

A Well-Fitted Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Well-Fitted Mask without assistance.

This Order is not intended to delay or interfere with the work of any first responder or other emergency personnel to the extent that wearing a Well-Fitted Mask is not possible during any emergency response, such as a fire response or mass evacuation.



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- iv. Children. Although children under two years old generally should not wear a mask, there should not be Personnel covered by this Order who are that young. Children ten years old and older, if acting as Personnel (such as acting as a volunteer), must follow the rules of this Order.
 - v. Certain Group Settings. A Well-Fitted Mask is not required to be worn by Personnel in the following settings in Skilled Nursing Facilities, even when a Patient or Resident is present due to the nature of those settings: cafeterias and dining rooms open to a mix of Personnel and Patients or Residents when such Personnel are not performing their duties (but a cashier or server would need to wear a Well-Fitted Mask since they are working in that setting), public libraries onsite, and meeting rooms during meetings where meetings subject to the Ralph M. Brown Act (regarding public meetings) are being held.
 - vi. Federal Facilities. This Order does not apply to any facility in the County owned or operated by the United States government. Its requirements should be considered strong recommendations for such facilities.
5. Recommendation to Wear a Well-Fitted Mask. Subject to any requirements of the State of California or the specific facility, Skilled Nursing Facilities are strongly recommended to adopt a policy tailored to that setting regarding when people who are not Personnel should or must wear a Well-Fitted Mask, especially in relation to Patients, Residents, and their visitors. All healthcare facilities in the County are also strongly recommended to adopt policies that address situations where a Patient or Resident asks a healthcare provider to wear a Well-Fitted Mask and situations or settings that pose higher risk to certain Patients or Residents.
 6. Obligation to Follow Health Officer Orders and Directives and Mandatory State and Federal Rules. In addition to complying with all provisions of this Order, all Personnel and Skilled Nursing Facilities must also follow any applicable orders and directives issued by the Health Officer (available online at <https://sf.gov/healthrules>) and any applicable rules issued by state or federal authorities, including but not limited to Cal/OSHA's regulations. Based on local health conditions, this Order may include a limited number of health and safety restrictions that are more stringent or more detailed than those contained under other rules. Businesses and other entities must adhere to applicable Cal/OSHA regulations relating to COVID-19 health and safety measures in the workplace. In the event of a conflict between provisions of any Health Officer order and any other order or rule, the provision that is more protective of health controls over the conflicting provisions of the other order or rule.
 7. Enforcement. Under Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and



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immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

8. Effective Date and Relation to Prior Order. This Order is effective at 12:00 a.m. on November 1, 2024, and will continue, as updated, to be in effect until 11:59 p.m. on March 31, 2025, unless the Health Officer rescinds, supersedes, or amends it in writing prior to then.
9. Copies. The County must promptly provide copies of this Order as follows: (1) by posting on the County's website (<https://sf.gov/healthrules>); (2) by providing to any member of the public requesting a copy; and (3) by providing the opportunity for any member of the public to sign up for an email distribution list relative to changes to Health Officer orders and guidance (available at <https://sf.gov/healthrules>).
10. Severability. If a court holds any provision of this Order or its application to any person or circumstance 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 effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

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

Dated: October 16, 2024