



State of California—Health and Human
Services Agency
**California Department of
Public Health**



September 9, 2021

AFL 21-34

TO: All Facilities

SUBJECT: Coronavirus Disease 2019 (COVID-19) Vaccine Requirement for Healthcare Personnel (HCP)

AUTHORITY: State Public Health Order - Health Care Worker Vaccine Requirement

All Facilities Letter (AFL) Summary

- This AFL notifies all facilities of the August 5, 2021 Public Health Order related to mandatory vaccination for health care workers in identified healthcare settings.
- This AFL requires HCP to receive COVID-19 vaccination. HCP must ensure they have received either the first dose of a one-dose regimen or their second dose of a two-dose regimen no later than September 30, 2021, unless exempt.
- Facilities must document HCP COVID-19 vaccination or exemption status by September 30, 2021 to be in full compliance.

Background

Coinciding with increasing circulation of more transmissible variants of the SARS-CoV-2 virus, COVID-19 cases are rising rapidly with the majority of cases occurring in unvaccinated individuals. Despite the availability of safe and highly effective COVID-19 vaccination, many HCP remain unvaccinated and are at high risk of acquiring COVID-19 and exposing other HCP and patients/residents.

In an ongoing effort to ensure patient safety and to minimize the spread of COVID-19 among vulnerable individuals, the California Department of Public Health (CDPH) is requiring all HCP who provide services or work in certain healthcare facilities identified in the Public Health Order to receive COVID-19 vaccination. HCP must have completed the vaccination series of either the first dose of a one-dose regimen or their second dose of a two-dose regimen by September 30, 2021. Facilities can also implement additional infection control policies beyond these requirements, as some already have.

Vaccination Requirement

HCP subject to the vaccine requirement include all paid and unpaid individuals who work in indoor settings where care is provided to patients, or patients have access to for any purpose. This includes HCP 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.

HCP include, but are not limited to, the following:

- Nurses
- Nursing assistants
- Physicians
- Technicians
- Therapists
- Phlebotomists
- Pharmacists
- Students and trainees
- Contractual staff not employed by the health care facility
- 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).

Vaccination Exemptions

HCP may be exempt from the vaccination requirements only upon providing the facility operator a written declination statement, signed by the HCP stating either:

- the worker is declining vaccination based on religious beliefs; or
- 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 HCP must also provide their employer with 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). The employer may request documentation of a medical exemption or a religious exemption in accordance with federal and state antidiscrimination law.

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

- Test for COVID-19 with either molecular (e.g. 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 workers in other health care settings. HCP that provide care to patients in outpatient clinics that are not in the main hospital are not workers in the acute health care setting; for these unvaccinated exempt workers, testing must occur weekly. Unvaccinated exempt workers who work no more than one shift per week must undergo SARS-CoV-2 diagnostic screening testing within 48 hours of each shift. Unvaccinated exempt workers who work less frequently than weekly must undergo SARS-CoV-2 diagnostic screening testing within 48 hours of each shift.
- 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.

For HCP who test positive, hospitals should follow AFL 21-08.4, "Guidance on Quarantine for Health Care Personnel (HCP) Exposed to SARS-CoV-2." Twice weekly or weekly testing is not necessary during quarantine.

Authorized Vaccine Options

The following vaccines are available:

- Two-dose vaccine from Pfizer-BioNTech, Moderna or vaccine authorized by the World Health Organization.

- One-dose vaccine: Johnson and Johnson [J&J]/Janssen.

For more information regarding COVID-19 vaccines that are currently authorized for emergency use, please refer to the Food and Drug Administration COVID-19 Vaccines webpage and/or the World Health Organization COVID-19 Vaccines webpage.

To get vaccinated HCP can check with their healthcare provider, the Centers for Disease Control's Find Vaccines webpage, or California's My Turn webpage.

HCP Vaccination Records

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 from COVID-19 vaccination, the facility operator must maintain records of the workers' testing results as described above. Facilities must provide such records to CDPH the local or state Public Health Officer or their designee immediately upon request or by no later than the next business day after receiving the request.

Operators of healthcare facilities must maintain vaccination records per the July 26, 2021 Public Health Order. Additionally, ensure the records are in compliance with CDPH Guidance for Vaccine Records Guidelines & Standards and contain the following information:

- Full name
- Date of birth
- Vaccine manufacturer
- Date of vaccine administration (for first dose and, if applicable, second dose).

If a contractor or vendor has entered into an agreement to verify and document HCP vaccination/exemption status or test results, the agreement shall also require the contractor to maintain records per the July 26, 2021, Public Health Order and provide such records to CDPH, the local or state Public Health Officer, or their designee immediately upon request or by no later than the next business day after receiving the request. The operator of the facility shall maintain a record of the agreement on-site.

Facility Policies and Procedures

Pursuant to the Public Health Order, facilities will be required to maintain records demonstrating compliance with the vaccine and testing requirements for HCP described in this AFL. Facilities that do not present records demonstrating compliance with the Public Health Order may be subject to enforcement actions by CDPH. CDPH recommends facilities update their policies and procedures to address vaccination and documentation requirements.

If you have any questions about this AFL, please contact the CDPH Healthcare-Associated Infections Program via email at HAIPProgram@cdph.ca.gov.

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Acting Deputy Director

Resources:

- State Public Health Order - Health Care Worker Vaccine Requirement
- State Public Health Order - Health Care Worker Protections in High-Risk Settings
- Food and Drug Administration COVID-19 Vaccines webpage
- World Health Organization COVID-19 Vaccines webpage
- Center for Disease Control's Find Vaccines webpage
- CDPH's My Turn webpage
- CDPH Guidance for Vaccine Records Guidelines & Standards

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