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September 1, 2023

TO: All Licensed Healthcare Facilities in Los Angeles County

FROM: Muntu Davis, M.D., M.P.H.
County Health Officer

A handwritten signature in blue ink, appearing to read "Muntu Davis, M.D., M.P.H.", written over the printed name of the County Health Officer.

SUBJECT: NOTIFICATION OF UPCOMING UPDATE TO HEALTH OFFICER ORDER FOR ANNUAL INFLUENZA IMMUNIZATION OR MASKING FOR HEALTHCARE PERSONNEL DURING THE 2023-2024 RESPIRATORY VIRUS SEASON

Last fall, there was a triple epidemic and increased hospitalizations due to spikes in cases of three respiratory viruses that were circulating at the same time. Notably, these included SARS-CoV-2, respiratory syncytial virus (RSV), and influenza. With COVID-19 still circulating and increasing, we may see a triple epidemic again this fall. Therefore, we will be referring to the time period as the respiratory virus season, not simply influenza season.

This memo is to notify you of a protective measure we will be implementing soon for this 2023-2024 respiratory virus season (November 1, 2023 – April 30, 2024), an update to the annual influenza immunization Health Officer Order (Order). This updated Order aims to lower the risk of influenza transmission to patients and directs all licensed healthcare facilities require healthcare personnel (HCP) who decline influenza immunization to wear a respiratory mask when in contact with patients during the respiratory virus season. Licensed healthcare facilities include all acute care hospitals, skilled nursing facilities, intermediate care facilities, emergency medical services (EMS) provider agencies, congregate living health facilities, chemical dependency recovery hospitals, acute psychiatric hospitals, dialysis centers, home health agencies, primary care clinics, ambulatory surgery centers, and hospice facilities in Los Angeles County. HCP applies to all persons, including paid and unpaid employees, contractors, students, volunteers, and EMS healthcare personnel who work in a prehospital setting or in areas where patient care is provided in a licensed healthcare facility subject to this upcoming Order or who otherwise have direct contact with patients at such a facility or prehospital setting. Public Health strongly recommends that healthcare and direct care entities not covered by this Order adopt similar requirements.

Like COVID-19, influenza is a highly communicable disease. It exists all year, but infection rates and the severity of symptoms increase markedly in the fall and winter months.

Influenza immunizations and masking are important actions that HCP can take to protect fellow personnel, patients, and others from influenza.

To prevent influenza, administration of influenza immunizations is recommended at the beginning of each respiratory virus season. By law, acute care hospitals in California must annually offer free influenza vaccinations on-site to their employees. Each acute care hospital shall require its employees to be vaccinated, or if the employee elects not to be vaccinated, to declare in writing that he or she has declined the vaccination. [See, Cal. Health & Safety Code §1288.7(a)]

In addition, occupational safety regulations mandate that many types of healthcare facilities, including hospitals, skilled nursing facilities, intermediate care facilities and EMS provider agencies make the seasonal influenza vaccine reasonably available to all employees with occupational exposure and ensure that each employee who refuses the vaccine signs a statement declining vaccination. [See, 8 Cal. Code Regs. §5199 (c)(6)(D) & (h)(10)]

In Los Angeles County, a Health Officer Order requiring that HCP in specified healthcare facilities be either vaccinated or masked in patient-care areas has been issued annually since 2013. For the last influenza season, this Order applied to licensed acute care hospitals, skilled nursing facilities, intermediate care facilities, and EMS provider agencies. For the 2023-2024 respiratory virus season, this Order will be expanded to include all licensed healthcare facilities in the Los Angeles County public health jurisdiction. Unless rescinded, the Order will continue to apply annually to each respiratory virus season (November 1 of one year through April 30 of the following year). If surveillance data in a particular year demonstrate that the respiratory virus season is different than November 1 to April 30, this period may be amended by a further order.

Pending FDA authorization and CDC guidance on a new fall COVID-19 vaccine, this upcoming Order may be revised to also require masking for HCP who decline vaccination against COVID-19.

For your reference, the 2022-2023 Health Officer Order (which will be replaced soon) and resources that support implementation of the Order, including Frequently Asked Questions and a rationale document, are currently posted at: http://ph.lacounty.gov/ip/influenza_providers.htm. When released, the updated Health Officer Order and supporting materials will replace existing materials on this site.

The Los Angeles County Department of Public Health (LAC DPH) shares with all healthcare professionals and facilities in the County, the goal of our patients receiving safe and effective care. We look forward to all facilities that are subject to the upcoming Order complying fully with its requirements. Questions regarding this memo may be directed to the LAC DPH Acute Communicable Disease Control Program at (213) 240-7941.