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Client Alert

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NOT SO FAST...HEALTH CARE WORKERS *MUST* VACCINATE BY SEPTEMBER 30, 2021

Despite Governor Newsom announcing just last week a new requirement for State employees and health care workers to either be vaccinated or submit to weekly COVID-19 testing, the California Department of Public Health issued an order yesterday that offers these individuals no real choice. Instead, *anyone working in a health care facility will be required to become vaccinated no later than September 30, 2021*. The only instances in which workers can elect not to be vaccinated are due to a qualifying medical reason or religious belief.

Anyone who claims an exemption based on one of these two reasons will need to submit to PCR or antigen testing twice per week in acute health care and long-term care settings, and once per week for workers in other health care settings. They will also need to wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health, such as an N95 mask, at all times.

Health care workers covered by the latest order include not only those who provide direct patient care (paid and volunteer), but also anyone who could be exposed to infectious agents that can be transmitted in the health care setting. This includes clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing and volunteer personnel.

Workers who provide services in a “health care facility,” listed below, are covered by the order.

- i. General Acute Care Hospitals
- ii. Skilled Nursing Facilities (including Subacute Facilities)
- iii. Intermediate Care Facilities
- iv. Acute Psychiatric Hospitals
- v. Adult Day Health Care Centers
- vi. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
- vii. Ambulatory Surgery Centers
- viii. Chemical Dependency Recovery Hospitals
- ix. Clinics & Doctor Offices (including behavioral health, surgical)
- x. Congregate Living Health Facilities
- xi. Dialysis Centers
- xii. Hospice Facilities
- xiii. Pediatric Day Health and Respite Care Facilities
- xiv. Residential Substance Use Treatment and Mental Health Treatment Facilities

This latest order constitutes further proof that COVID-19 workplace regulations are continuing to evolve on the regular. Earlier this week, the Los Angeles County Board of Supervisors issued its own Executive Order requiring all County employees to provide proof of full vaccination by October 1, 2021. Employers should be vigilant about monitoring regulations put out by governing agencies, including both the California and Los Angeles Departments of Public Health. (www.cdph.ca.gov; www.publichealth.lacounty.gov)