



ORDER OF THE HEALTH OFFICER No. 2023-02

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

**MANDATORY COVID-19 VACCINATION OF HEALTHCARE
PERSONNEL**

DATE OF ORDER: February 28, 2023

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Summary: On February 28, 2023, the Health Officer terminated the local COVID-19 public health emergency declaration and rescinded most remaining Health Officer orders and directives relating to the COVID-19 pandemic. Those changes were based on current scientific knowledge about COVID-19 and due in large part to the high rate of vaccination in the community, including especially the newer bivalent booster, greater availability of effective treatments for those who are vulnerable to severe disease, and effective use of mitigation strategies, such as testing and masking.

While the SARS-CoV-2 virus, including other future variants or subvariants, remains a concern for all San Francisco residents, the virus poses a particular risk to the health of medically vulnerable residents and people who might be exposed through necessity based on their circumstances. Patients, clients, and residents in healthcare settings, as well as people who are incarcerated, have little choice about their potential exposure to COVID-19 when they seek care, and many of them are at greater risk for COVID-19-related complications.

Vaccines and Boosters that target SARS-CoV-2 continue to be the best protection against severe disease. And when Personnel in healthcare settings are vaccinated, including receipt of a Booster, there is a reduced risk to those who interact with them, especially when such Personnel are also wearing a Well-Fitted Mask (a subject of a separate Health Officer order issued concurrently with this one). Accordingly, this Order requires Personnel working in designated Healthcare Facilities—meaning general acute care hospitals, skilled nursing facilities, intermediate care facilities, other types of ambulatory care settings, and congregate and jail health facilities, all as further defined below—to both receive the full initial course of vaccination and, once they are eligible, to receive a Booster. The Health Officer anticipates that state and federal regulators will in coming months shift the vaccination protocols to more of a seasonal model (like receipt of an annual influenza vaccination), and the Health Officer will evaluate such changes to determine whether to revise this Order in response.

The Order provides limited exceptions and does not apply to people who only visit the Healthcare Facility on an intermittent or occasional basis or for short periods of time,



ORDER OF THE HEALTH OFFICER No. 2023-02

such as firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement (unless they are stationed or routinely assigned to work at the Healthcare Facility). And such people must wear a Well-Fitted Mask whenever they are onsite at a Healthcare Facility and interacting with patients, clients, residents, or people who are incarcerated. This Order also does not apply to patients, clients, residents, people who are incarcerated, or their visitors, although the Health Officer strongly recommends they wear a Well-Fitted Mask in those healthcare settings as further outlined in the companion order regarding masking and are vaccinated consistent with CDC guidance.

Aside from the requirements of this Order, the Health Officer still 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 vaccination and booster 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 State'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.

**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. *Booster.* A "Booster" means an additional dose of a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization (WHO), for which a person is Booster-Eligible. Consistent with CDC and CDPH guidance, either the Pfizer-BioNTech (Comirnaty) or Moderna (Spikevax) COVID-19 vaccine is preferred for the Booster. The term "Booster" includes any such additional dose authorized by the FDA, including formulations that are different than the original COVID-19 vaccines (such as bivalent boosters available in September 2022 or other future formulations). A person is considered "Boosted" as soon as they receive any such Booster.
- b. *Booster-Eligible.* "Booster-Eligible" means a person who meets the criteria to receive a Booster under CDC or CDPH guidance. The CDC's Booster eligibility criteria is available online (available at www.cdc.gov/coronavirus/2019-



ORDER OF THE HEALTH OFFICER No. 2023-02

[ncov/vaccines/booster-shot.html](#)), and CDPH Booster eligibility guidance is also available online (available at www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Vaccine-Boosters.aspx). Up-to-date information on booster eligibility may be found online at <https://sf.gov/get-your-covid-19-booster>.

- c. *CDC*. “CDC” means the United States Centers for Disease Control and Prevention.
- d. *CDPH*. “CDPH” means the California Department of Public Health.
- e. *County*. The “County” means the City and County of San Francisco.
- f. *COVID-19*. “COVID-19” means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
- g. *DPH*. “DPH” means the San Francisco Department of Public Health.
- h. *FDA*. “FDA” means the United States Food and Drug Administration.
- i. *Healthcare Facility*. “Healthcare Facility” means certain healthcare settings and facilities where vulnerable populations come to the facility, often out of necessity, and where some of those people have a higher risk of negative health outcomes due to COVID-19. The full list of each type of included facility is listed in Section 3(a) below, including details about what parts of buildings are included in the definition of this term.
- j. *Health Officer*. “Health Officer” means the Health Officer of the City and County of San Francisco.
- k. *Personnel*. “Personnel” means all paid and unpaid people who work in indoor Healthcare Facilities in the County where (1) care is provided to patients, or (2) patients or clients, including residents or people who are incarcerated, 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 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 Healthcare 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, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel). People who in the course of their duties may enter or work in a Healthcare Facility on an intermittent or occasional basis or for short periods of time, including, but not limited to, firefighters, paramedics, emergency medical technicians (EMTs), police, other law enforcement, and attorneys, are not included in the term Personnel unless they are permanently stationed or regularly assigned to work in a Healthcare Facility.
- l. *Qualifying Medical Reason*. “Qualifying Medical Reason” means a medical



ORDER OF THE HEALTH OFFICER No. 2023-02

condition or disability recognized by the FDA or CDC as a contra-indication to COVID-19 vaccination.

- m. *Religious Beliefs*. “Religious Beliefs” means a sincerely held religious belief, practice, or observance protected by state or federal law.
- n. *Up-to-Date on Vaccination*. “Up-to-Date on Vaccination” means when a person has received all vaccine doses recommended by the CDC once they are eligible for those doses and receive them by the end of the recommended timeframe. A person is Up-to-Date on Vaccination immediately on receipt of the most recent CDC-recommended dose.
- o. *Vaccinated with a Complete Initial Series*. “Vaccinated with a Complete Initial Series” means immediately after completing the entire recommended initial series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization (WHO). A list of FDA-authorized vaccines is available at www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines. A list of WHO-authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/vaccinescovid-19-vaccine-eul-issued>.
- p. *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/COVID-19/Get-the-Most-out-of-Masking.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. Health Officer Order No. 2023-01 addresses the mandatory use of Well-Fitted Masks in Healthcare Facilities and jails in more detail.

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. Although the state-wide emergency declaration and the local health emergency have ended, COVID-19 continues to pose a risk to patients, clients, residents, and people who are incarcerated at Healthcare Facilities. Being Up-to-Date on Vaccination, including receipt of the most recent Booster, is the most effective method to prevent severe outcomes due to COVID-19, such as hospitalizations and deaths.

This Order is based on evidence of continued community transmission of SARS-CoV-2 within the County as well as scientific evidence and best practices to prevent severe negative health outcomes due to COVID-19. The Health Officer will continue to monitor data regarding the evolving scientific understanding of the risks posed by



ORDER OF THE HEALTH OFFICER No. 2023-02

COVID-19, including the impact of vaccination, 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, clients, residents, and people who are incarcerated who receive care at Healthcare Facilities from infection, and to reduce the risk of severe health outcomes, such as hospitalization or death, due to COVID-19, by ensuring that Personnel who work with such people are Vaccinated with a Complete Initial Series and receive a Booster as soon as Booster-Eligible.
 - 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 6 below.
3. Facilities Subject to this Order. This Order applies to Healthcare Facilities in the County and Personnel who routinely work in Healthcare Facilities, as defined above and in more detail in this Section.
- a. Healthcare Facilities. Healthcare Facilities subject to this Order include the following facilities or settings:
 - i. General Acute Care Hospitals;
 - ii. Skilled Nursing 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. Jail Health Facilities;
 - xii. Dialysis Centers;
 - xiii. Hospice Facilities;
 - xiv. Pediatric Day Health and Respite Care Facilities; and
 - xv. Residential Substance Use Treatment and Mental Health Treatment Facilities.



ORDER OF THE HEALTH OFFICER No. 2023-02

This list was adopted from the September 13, 2022, CDPH “Health Care Worker Vaccine Requirement” State Public Health Officer Order, with the intent to maintain masking and vaccination requirements in place prior to March 1, 2023, at locations that were already subject to similar requirements under CDPH rules, including also the requirement listed in the September 20, 2022, CDPH “Guidance for the Use of Face Masks” order requiring masking in all healthcare settings. Any changes to the listed CDPH State Public Health Officer Order and masking order do not alter the list above for purposes of this Order.

The term Healthcare Facility applies to the entirety of buildings that are primarily devoted to providing healthcare (such as the entirety of hospitals, stand-alone skilled nursing facilities, professional offices that mostly have primarily doctor offices or clinics, etc.). The term does not apply to the parts of mixed-use buildings or structures where the building or structure is not primarily devoted to the provision of healthcare, in which case the term Healthcare Facility applies to those parts of such buildings or facilities where healthcare is provided (such as suites of doctors offices or clinics in a commercial office building that has more tenants not providing healthcare, or the parts of correctional facilities designated for the full-time provision of healthcare).

- b. Campus Buildings Included. For clarity, this Order applies to Personnel in other buildings in a site containing a Healthcare Facility, such as a campus or other similar grouping of related buildings, where such Personnel do any of the following: (i) access the acute care areas or areas where patients, clients, residents, or people who are incarcerated have access in the Healthcare Facility; or (ii) work in-person with patients, clients, residents, or people who are incarcerated who are present in those areas.
 - c. Minimum Requirements; Ability to Adopt More-Restrictive Measures. This Order establishes the minimum requirements related to COVID-19 vaccinations in Healthcare 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 Healthcare Facility’s choices to take more health protective measures. Healthcare Facilities may impose further restrictions that are more protective of public health than the minimum requirements or recommendations under this Order.
4. Vaccination Requirements for Healthcare Facilities and Personnel in Healthcare Facilities.
- a. Healthcare Facilities. Each and every Healthcare Facility must implement a program requiring its Personnel, consistent with this Order, to be Vaccinated with a Complete Initial Series and, once Booster-Eligible, receive at least one Booster dose within the timeframe recommended by the CDC.



ORDER OF THE HEALTH OFFICER No. 2023-02

- b. Personnel in Healthcare Facilities. Except as provided in subsection (d) below, by the Effective Date of this Order, Personnel who routinely work onsite in Healthcare Facilities must be Vaccinated with a Complete Initial Series. Personnel who routinely work onsite in Healthcare Facilities must also receive, within the timeframe recommended by the CDC, at least one Booster after they become Booster-Eligible, and it is recommended that they remain Up-to-Date on Vaccination.
- c. Transition Period for Personnel Who Have Not Received Vaccination Doses Required by This Order. Some Personnel may not be Vaccinated with a Complete Initial Series and have not received at least one Booster because, for example, they are recently hired, deferred receiving a dose due to a positive COVID-19 test or clinical diagnosis, or are not yet Booster-Eligible. Personnel who are not Vaccinated with a Complete Initial Series must receive their first dose of a COVID-19 vaccine within 15 days of becoming eligible to receive such a dose, or, if that period has lapsed, within 15 days of starting work at the Healthcare Facility. For a two-dose vaccine regimen, Personnel must receive their second dose within 15 days of becoming eligible to receive such second dose, or, if that period has lapsed, within 15 days of starting work at the Healthcare Facility. Personnel must receive their Booster dose, after they are Booster-Eligible, within 15 days of the end of the CDC-recommended period for receipt of a Booster, or, if that period has lapsed, within 15 days of starting work at the Healthcare Facility. And for the period between when Personnel are eligible for any COVID-19 vaccine dose required by this Order but have not yet received it, the Healthcare Facility must ensure that each such person comply with the face covering requirements in subsection (e).
- d. Limited Exceptions.
- i. Personnel may be exempt from the vaccination requirements under this Section only upon providing the requesting Healthcare Facility a declination form stating either of the following: (1) the individual is declining vaccination based on Religious Beliefs or (2) the individual is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.
 - As to declinations for Qualifying Medical Reasons, to be eligible for this exemption Personnel must also provide to their employer 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 individual's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).
 - As to declinations based on Religious Beliefs, a Healthcare Facility may seek additional information as allowed or required by applicable law to determine whether Personnel have a qualifying Religious Belief.



ORDER OF THE HEALTH OFFICER No. 2023-02

8. 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>).
9. 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:

A handwritten signature in black ink, appearing to read "Susan Philip", written over a horizontal line.

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

Dated: February 28, 2023