



ORDER OF THE HEALTH OFFICER No. 2023-01 (updated)

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

**MANDATORY MASKING OF PERSONNEL IN HEALTHCARE
SETTINGS**

DATE OF ORDER: February 28, 2023, updated October 23, 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Summary: On February 28, 2023, the Health Officer terminated the local COVID-19 public health emergency declaration and rescinded most remaining Health Officer orders and directives relating to the COVID-19 pandemic.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 updated vaccines, 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 consideration for all San Francisco residents, the virus still 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 may continue to have concerns about their potential exposure to COVID-19 when they seek care, and some may be at greater risk for COVID-19-related complications.

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 risk of transmission to patients, especially those who are medically vulnerable, and to other healthcare Personnel, which is why the Health Officer also issued an order requiring vaccination of Personnel in healthcare and congregate living settings. Another important protection in these settings is the use of a Well-Fitted Mask by Personnel, which reduces both the risk of infection for those Personnel and also the risk of them transmitting respiratory viruses, including but not limited to SARS-CoV-2, to Patients, Clients, or Residents. 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 jail health facilities, all as further defined below—to wear a Well-Fitted Mask at all times when in the same room as Patients, Clients, 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



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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, Clients, or Residents.

The Order provides limited exceptions and does not apply to Patients, Clients, or Residents, or visitors of those people, although the Health Officer strongly recommends they wear a Well-Fitted Mask when appropriate. And the October 2023 update to this Order adds an exception allowing healthcare Personnel to remove their mask when doing so is beneficial to the care being provided.

The October 2023 update to this Order also removes references to parts of jail other than those devoted to the provision of healthcare to people who are incarcerated. And the October 2023 update removes outpatient behavioral health offices or clinics from the requirement for Personnel to wear a Well-Fitted Mask, but Personnel in those settings are encouraged to wear a Well-Fitted Mask on request and have them available for clients. These changes for jails and outpatient behavioral health are being made given the current state of the COVID-19 pandemic and the decreased need to require masking outside healthcare settings where the highest risk patients go for care.

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 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. *CDC*. "CDC" means the United States Centers for Disease Control and Prevention.
- b. *CDPH*. "CDPH" means the California Department of Public Health.



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- 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. *DPH*. “DPH” means the San Francisco Department of Public Health.
- f. *Healthcare Facility*. “Healthcare Facility” means the healthcare settings or facilities listed in this paragraph where people come to the setting or facility for healthcare services, often out of necessity. Some of those people may have a higher risk of negative health outcomes due to COVID-19. This term includes only the following settings (including as modified by Section 3 below): General Acute Care Hospitals; Skilled Nursing Facilities; Intermediate Care Facilities; Acute Psychiatric Hospitals; Adult Day Health Care Centers; Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers; Ambulatory Surgery Centers; Chemical Dependency Recovery Hospitals; Clinics & Doctor Offices (including surgical centers, but excluding outpatient behavioral health offices and clinics); Congregate Living Health Facilities; Jail Health Facilities; Dialysis Centers; Hospice Facilities; Pediatric Day Health and Respite Care Facilities; and Residential Substance Use Treatment and Mental Health Treatment Facilities. This term does not include any vehicle.
- g. *Health Officer*. “Health Officer” means the Health Officer of the City and County of San Francisco.
- h. *Patients, Clients, or Residents*. “Patients, Clients, or Residents” (and the related term “Patient, Client, or Resident”) means any person who is receiving care at any Healthcare Facility covered by this Order. These terms also include any person who is incarcerated when they are receiving healthcare services.
- i. *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, Clients, 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, Clients, 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 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 or congregate living setting (*e.g.*, clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).
- j. *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



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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. Although the state-wide emergency declaration and the local health emergency have ended, COVID-19 continues to remain a consideration for Patients, Clients, or Residents at Healthcare Facilities and poses a serious concern for medically vulnerable Patients, Clients, or Residents. Having Personnel wear a Well-Fitted Mask when in the room with Patients, Clients, 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 healthcare settings.

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 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, Clients, or Residents who receive care at Healthcare 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.
- 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 Healthcare Facilities in the County and Personnel who work or are present for any amount of time in Healthcare Facilities, as defined above and in more detail in this Section.



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- a. 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 areas where Patients, Clients, or Residents have access in the Healthcare Facility; or (ii) work in-person with Patients, Clients, or Residents who are present in those areas.
 - b. Minimum Requirements; Ability to Adopt More-Restrictive Measures. This Order establishes the minimum requirements related to masking 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. Masking Requirements for Healthcare Facilities and Personnel in Those Facilities.
- a. Healthcare Facilities. Each and every Healthcare 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, Client, or Resident. A Well-Fitted Mask is not required when no Patient, Client, or Resident is in the same room. 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, Client, 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 Healthcare Facilities. Except as provided in subsection (e) below, by the Effective Date of this Order, Personnel who work onsite in Healthcare Facilities must comply with the masking requirement listed in subsection (a) above. 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, Clients, or Residents.
 - c. Provision of a Well-Fitted Mask. Healthcare Facilities must provide Personnel who are required to wear a mask by this Order, on request, with a Well-Fitted Mask.



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- 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.
- 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, Client, 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.



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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.

- 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 Healthcare Facilities, even when a Patient, Client, or Resident is present due to the nature of those settings: cafeterias and dining rooms open to a mix of Personnel and Patients, Clients, or Residents when such Personnel are not performing their duties (but a cashier 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 Brown 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, all people in such Healthcare Facilities who are not required by this Order to wear a Well-Fitted Mask, including Patients, Clients, and Residents, and their visitors, are recommended to wear a Well-Fitted Mask when receiving care, interacting with Personnel, and when around other people as makes sense in the situation and based on each person's own risk assessment regarding COVID-19. A relevant consideration includes when a person, or someone with whom a person lives or works, is at a higher risk of a negative health outcome, such as older and immunocompromised individuals. And the October 2023 update to this Order removes outpatient behavioral health offices or clinics from the requirement for Personnel to wear a Well-Fitted Mask, but Personnel in such settings are encouraged to wear a Well-Fitted Mask on request and have them available for clients.
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 Healthcare 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



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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 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 immediately on issuance and will continue, as updated, to be in effect until 11:59 p.m. on October 31, 2023, or until the Health Officer rescinds, supersedes, or amends it in writing, whichever happens earlier. As of the effective date and time in the preceding sentence, this Order revises and entirely replaces the prior version of Health Officer Order No. 2023-01, issued February 28, 2023. And as of 12:00 a.m. on November 1, 2023, this Order is revised by and replaced by Health Officer Order No. 2023-01b, issued at the same time as this Order.
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 23, 2023