



County of Santa Cruz

HEALTH SERVICES AGENCY

POST OFFICE BOX 962, 1080 Emeline Ave., SANTA CRUZ, CA 95061-0962
TELEPHONE: (831) 454-4000 FAX: (831) 454-4488 TDD: Call 711

ORDER OF THE HEALTH OFFICER REQUIRING USE OF FACE MASKS INDOORS BY ALL PERSONS IN SKILLED NURSING FACILITIES

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.; Cal. Penal Code §§ 69, 148(a)(1).)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 120175, THE HEALTH OFFICER OF THE COUNTY OF SANTA CRUZ ("HEALTH OFFICER") ORDERS:

This Order is made in light of the 7 recent COVID-19 related deaths in Skilled Nursing Facilities as well as significant increase in COVID-19 in Santa Cruz County ("County"). Current COVID-19 metrics indicate that there is increased COVID-19 transmission in the County. The three COVID-19 metrics that support this determination consist of the County's increase in hospitalizations, the County's rising testing positivity rate, and the County's Effective Reproductive Number (R_t) persistent rise above 1.00. Furthermore, the communal nature of Skilled Nursing Facilities and the population served (generally older adults often with underlying medical conditions), put those individuals at risk of infection and severe illness from COVID-19, if infected.

1. Accordingly, the Health Officer requires all Skilled Nursing Facilities operating within the County, to comply with all measures in this Order. The required measures are intended to reduce transmission of COVID-19 in these facilities and to protect vulnerable patients/residents.
2. This Order shall become effective at 12:00 am on September 2, 2023, and will continue through October 31, 2023, unless it is rescinded, superseded, or amended in writing by the Health Officer. The Health Officer intends to continually review the need for the Order and may extend the order as needed based on COVID-19 metrics including without limitation percent positivity, hospitalizations, Effective Reproductive Number, variants of concern circulating in the County, and vaccination rates.
3. All Skilled Nursing Facilities in Santa Cruz County must require all persons, including staff and visitors, to wear a well-fitting high-quality face mask **in patient care areas and during the direct provision of patient care or while working in patient care areas.**

4. Requirement to Wear Face Masks.

- a. Regardless of vaccination status, all persons must wear face masks at all times when indoors **in patient care areas and during the direct provision of patient care or while working in patient care areas** except:
 - i. Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance.
 - ii. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - iii. Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- b. All facilities subject to this Order must enforce this face mask requirement for all persons regardless of vaccination status.
- c. In the event of a worsening outbreak, or if a facility subject to this Order violates or fails to comply with this Order, the Health Officer may take additional action(s), including but not limited to requiring masking of patients to protect the public's health.
- d. **Definitions.** For purposes of this Order, the following definitions apply:
 - i. "Skilled Nursing Facility" means a healthcare facility that provides 24-hour skilled nursing and supportive care to residents/patients.
 - ii. "Face mask" means a high-quality surgical mask, KN95, KF94 or N95 that is well-fitted to an individual and covers the nose and mouth especially while talking. A face mask does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric or any mask that has an unfiltered one-way exhaust valve. Please refer to CDPH guidance found in [Get the Most Out of Masking: Tips & Resources \(ca.gov\)](#) for more information.
 - iii. "Patient Care Area" means any area that patients regularly access in order to receive healthcare within a skilled nursing facility. Patient Care Areas include lobbies, waiting rooms, examination rooms, patient wings, elevators, and hallways used by patients. Patient Care Areas do not include administrative offices or staff break areas that are only accessible to personnel of the facility. Patient Care Areas also do not include areas such as cafeterias or gift shops that are not used for the provision of healthcare or to access areas where healthcare services are provided.

5. **Getting Vaccinated Is the Best Way to Reduce Risk.** Getting vaccinated against COVID-19 is the best way to protect the vaccinated person from infection, hospitalization, or death from COVID-19, as well as to prevent harm to others by reducing the risk of transmission of COVID-19. Therefore, all eligible persons are strongly urged to get be up to date on their COVID-19 vaccination.
6. **Applicability.** All Skilled Nursing Facilities in Santa Cruz County are ordered to comply with the applicable provisions of this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of the Order when they are in the County. All individuals, businesses, and government agencies operating a facility subject to this Order in the County are required to follow the provisions of this Order. This Order applies to the unincorporated areas of the County as well as the cities of Capitola, Santa Cruz, Scotts Valley, and Watsonville.
7. This Order does not restrict the ability of a facility subject to this Order to require face masks beyond the requirements of this Order. The Health Officer does not require patients/residents to wear masks, although masks are strongly recommended in this setting. Facilities subject to this Order should prominently display face masks for use by patients/residents if they desire to wear one.
8. **Obligation to Follow Stricter Order.** Where a conflict exists between this Order and any order issued by the State Public Health Officer, the Governor, or a State agency (such as the California Division of Occupational Safety and Health (Cal/OSHA)) related to the COVID-19 pandemic, the most restrictive provision controls. For clarity, all individuals and entities must comply with the State Order, any mandatory guidance issued by the California Department of Public Health, any mandatory orders of the Governor or a State agency, or any other mandatory provision of State law to the extent it is stricter than any provision of this Order. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except if the State Health Officer issues an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. In addition, to the extent any federal guidelines are inconsistent with this Order, this Order is controlling.
9. **Enforcement.** Pursuant to Government Code sections 26602 and 41601, and Health and Safety Code section 101029, the Health Officer requests that the Sheriff, all chiefs of police in the County, and all enforcement officers ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
10. **Copies.** Copies of this Order shall promptly be: (1) made available at the County offices at 701 Ocean St, Santa Cruz, CA 95060; (2) posted on the County Health Services Public Health Department website (www.santacruzhealthservices.org); and (3) provided to any member of the public requesting a copy of this Order.

11. **Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, 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:



Lisa B, Hernandez, MD, MPH
Health Officer of the County of Santa Cruz

Dated: August 31, 2023

Approved as to Form:



Office of the County Counsel