



## INYO COUNTY HEALTH & HUMAN SERVICES Public Health and Prevention Division

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Public Health Officer Order

September 6, 2024

### Order of the Inyo County Health Officer Annual Influenza Immunization or Masking Requirement for Healthcare Personnel in Inyo County During Respiratory Virus Season

#### Summary of the Order:

This Order requires that, effective November 1, 2024, Healthcare Personnel (HCP) in all Licensed Healthcare Facilities must either:

- a) be immunized with an annual influenza vaccine for the current respiratory virus season or
- b) wear a high-quality mask while in contact with patients or working in health care facilities for the duration of the respiratory virus season, all as further defined below.

Each year, at the start of the respiratory virus season, HCPs are required to be immunized with the annual influenza vaccine for the current respiratory virus season. In California, acute care hospitals must offer free on-site annual influenza vaccinations to their employees and require all employees to be vaccinated. If an employee chooses not to be vaccinated, they must provide a written declaration that he or she has declined the vaccination to the hospital [See, Cal. Health & Safety Code §1288.7(a)].

#### Background

Influenza poses a significant risk to persons within Inyo County. Vaccination against influenza remains the most important strategy to prevent serious illness and death from respiratory illnesses. When healthcare providers and workers in health care settings are vaccinated, there is a reduced risk to those who interact with them.

The primary intent of this Order is to reduce the risk of influenza transmission to patients and staff by requiring all Licensed Healthcare Facilities in Inyo County to ensure that individuals who decline the annual influenza vaccine for the current respiratory virus season wear a high-quality mask while in contact with patients or working in patient-care areas for the duration of the respiratory virus season. Wearing a mask during influenza season is crucial for healthcare professionals to prevent the spread of the virus to vulnerable patients, as influenza is highly contagious and can cause severe illness, especially in immunocompromised individuals. Masks act as a barrier to respiratory droplets, which are the primary method of transmission for the flu, significantly reducing the risk of spreading the virus. Additionally, according to the CDC, the use of masks, combined with other infection control measures, helps maintain a safer healthcare environment, protecting both patients and staff from potential outbreaks.

#### Inyo County Health Officer Order No. 2024.01

Annual Influenza Immunization or Masking Requirement for Healthcare Personnel in Inyo County During Respiratory Virus Season

**Definitions**

*Respiratory Virus Season* refers to the period from November 1 of one-year through April 30 of the next year. If surveillance data demonstrates the need to extend the season, it may be extended per an updated order.

*Healthcare Personnel/Professional (HCP)* refers to all paid and unpaid employees, contractors, students, volunteers, and Emergency Medical Services (EMS) healthcare personnel, who have direct patient contact or work in Patient-Care Areas in Licensed Healthcare Facilities subject to this Order and the prehospital care setting (e.g., any setting in which medical care is provided prior to the patient's arrival at a hospital). This includes, but is not limited to, physicians, nurses, aides, physical therapists, emergency medical technicians (EMTs), paramedics, contract workers, students, volunteers, registration/reception staff, housekeeping, and maintenance personnel.

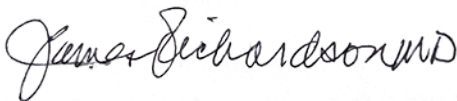
*Healthcare Facility* refers to Licensed Healthcare Facilities where persons may be admitted for a 24-hour stay or longer. For greater clarity, and without limiting the foregoing, "health care facilities" include Northern Inyo Hospital District, Bishop Care Center, Southern Inyo Hospital District and Skilled Nursing Facility, Toiyabe Indian Health Project, Emergency Medical Service, and Pioneer Home Health.

*High-quality mask* means at a minimum a professional quality surgical mask (an N-95 mask or respirator is allowed but not mandatory).

**Legal Authority**

The United States Supreme Court has determined that vaccine mandates are constitutionally permissible. (See *Henning Jacobson v. Massachusetts* (1905) 197 U.S. 11, 27-32.) In California, the local health officer has the authority pursuant to Health & Safety Code Section 120175 to "take measures as may be necessary to prevent and control the spread of disease within the territory under their jurisdiction," and a violation of an order issued pursuant to Section 120175 is a misdemeanor under Health & Safety Code Section 120295. Finally, even in the absence of this Order, hospital employees in California have a legal obligation to become vaccinated for influenza or declare their refusal in writing, pursuant to Health & Safety Code Section 1288.7.

**IT IS SO ORDERED:**



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James A. Richardson, MD  
Public Health Officer, County of Inyo

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Issue Date