



**MANDATING THE MASKING OF PERSONNEL IN SKILLED NURSING FACILITIES**

**ORDER NO. HO-COVID19-70**

**DATE OF ORDER: MARCH 28, 2023**

**Summary of the Order**

This Order of the Health Officer requires workers to wear face masks in specified areas of skilled nursing facilities in Contra Costa County for the purpose of providing protection to residents against infection with the virus that causes Coronavirus Disease 2019 (COVID-19), effective as of 12:01 a.m. on April 3, 2023. This Order also requires the operators of skilled nursing facilities to enforce the masking requirement.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

- 1. Basis of Order.** On March 3, 2023, the State Public Health Officer updated its Guidance for the Use of Face Masks, effective as of April 3, 2023, to replace a mandatory masking requirement applicable to healthcare and long-term care facilities and other high-risk settings with masking recommendations based on the level of community spread of SARS-CoV-2, the virus that causes COVID-19. Although the COVID-19 state of emergency and local emergency proclaimed in March 2020 have terminated, SARS-CoV-2 continues to circulate in the community, and continues to pose a risk of death and serious illness to vulnerable residents; in particular, residents of skilled nursing facilities in Contra Costa County (“County”). From March 2020 to August 2022, deaths of residents of skilled nursing facilities accounted for approximately 27 percent of all deaths from COVID-19 in the County in that time period. In the last six months, from September 2022 through February 2023, 23 percent of the County residents who died from COVID-19 were residents of skilled nursing facilities. This Order is necessary to provide a layer of protection to these residents.



**2. Definitions:**

- a. “Face Mask” means a face mask that is well-fitted to an individual and covers the nose and mouth. Examples include but are not necessarily limited to KN95, KF94, and N95 respirators. Guidance regarding well-fitted masks may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html>.
- b. “Operator” means a person who owns or operates a Skilled Nursing Facility.
- c. “Personnel” means individuals who are present in a Skilled Nursing Facility in the course of their employment or other occupation, including but not limited to employees, students, volunteers, contractors and emergency services personnel. “Personnel” does not include Residents or family members, friends and other individuals who enter Skilled Nursing Facilities for the primary purpose of engaging in social visitation with Residents.
- d. “Resident” means an individual who receives care in a Skilled Nursing Facility.
- e. “Skilled Nursing Facility” means a facility defined under section 72103 of title 22 of the California Code of Regulations that is located in Contra Costa County.

**3. Requirement for Personnel.** All Personnel shall wear Face Masks when in an enclosed space in a Skilled Nursing Facility where a Resident is present, or otherwise providing direct care to a Resident inside a Skilled Nursing Facility.

**4. Requirement for Operators.** All Operators shall develop and implement a program to enforce the requirement set forth in Section 3 of this Order.

**5. Exceptions.** The requirement in Section 3 does not apply to:

- a. Individuals with a medical condition, mental health condition, or disability that prevents the individual from wearing a Face Mask, or a hearing impairment;
- b. Individuals who are communicating with persons who are hearing-impaired, where the ability to see the mouth is essential for communication; or
- c. Individuals for whom wearing a Face Mask would create a risk to the individual related to the individual’s work, as determined by federal, state or local regulators or workplace safety guidelines.

**6. Effective Date and Time.** This Order takes effect at 12:01 a.m. on April 3, 2023.



7. **Copies; Contact Information.** Copies of this Order shall promptly be: (1) made available at the Office of the Director of Contra Costa Health Services, 1220 Morello Avenue, Suite 200, Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

**IT IS SO ORDERED:**



Dated: March 28, 2023

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Ori Tzvieli, M.D.  
Health Officer of the County of Contra Costa

