

**ORDER OF THE MARIN COUNTY PUBLIC HEALTH OFFICER REQUIRING USE
OF FACE MASKS IN PATIENT CARE AREAS IN GENERAL ACUTE CARE
HOSPITALS AND SKILLED NURSING FACILITIES DURING DESIGNATED
WINTER RESPIRATORY VIRUS PERIOD**

DATE OF ORDER: September 27, 2023

EFFECTIVE DATE: November 1, 2023

Please read this Order carefully. Violation of, or failure to comply with, this Order is a public nuisance subject to citation, abatement, or both, as well as a misdemeanor punishable by fine, imprisonment, or both. [California Health and Safety Code § 120295 *et seq.*; California Penal Code § 69, 148(a)(1); Marin County Code 7.99.040].

ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE PUBLIC HEALTH OFFICER OF THE COUNTY OF MARIN (“HEALTH OFFICER”) HEREBY ORDERS AS FOLLOWS:

- 1. Background and Purpose.** Historical data shows higher rates of COVID-19, influenza, respiratory syncytial virus (“RSV”), and other viral infections that can cause severe respiratory disease among people living in Marin County annually between late fall and spring. This seasonal increase in circulation of multiple respiratory viruses causes a particular risk to populations more likely to experience severe disease and death if infected, including infants, older adults, and people with impaired immune systems. The seasonal surge also risks overwhelming the existing health care system in the county, jeopardizing the capacity to provide care for these and other diseases. The use of Face Masks has proven to be an effective barrier to curb the spread of respiratory disease and reduces the risk of infection for both the person wearing the Face Mask and those in close contact. The risk to vulnerable patients of COVID-19, influenza, RSV, and other respiratory infections in General Acute Care Hospitals and Skilled Nursing Facilities remains significant, and it continues to be important for Face Masks to be used in Patient Care Areas of these settings when seasonal risk of exposure to one or multiple viruses is at its highest. This Order introduces a new seasonal requirement for use of Face Masks in General Acute Care Hospitals and Skilled Nursing Facilities, as set forth in Section 2 below.
- 2. Mandatory Requirement to Wear Face Masks in Patient Care Areas of General Acute Care Hospitals and Skilled Nursing Facilities During the Designated Winter Respiratory Virus Period.**

 - a. Regardless of vaccination status, all persons in Patient Care Areas of General Acute Care Hospitals and Skilled Nursing Facilities must wear a Face Mask during the period deemed the Designated Winter Respiratory Virus Period by the Health Officer, except for the following:

- i. Persons aged five years old and younger.
 - ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes person 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.
 - iii. Persons who are hearing impaired, or communication with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
 - iv. 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.
 - v. Residents of Skilled Nursing Facilities when they are in their private or shared room.
- b. All Businesses with General Acute Care Hospitals and Skilled Nursing Facilities must enforce this Face Mask Requirement for all persons entering Patient Care Areas within covered facilities, regardless of vaccination status, except as otherwise provided in this Order. All such Businesses and entities must post clearly visible and easy-to-read signage at all entry points to Patient Care Areas to communicate the Face Mask requirements to all persons entering the Patient Care Areas of the General Acute Care Hospitals or Skilled Nursing Facilities.
 - c. In addition, those responsible for General Acute Care Hospitals and Skilled Nursing Facilities are required to provide Face Masks to individuals who will be in an area where Face Masks are required.

3. Definitions.

- a. “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership, or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- b. “Face Mask” means a surgical mask, KN95, KF94, or N95 mask. A scarf, ski mask, balaclava, bandana, turtleneck, collar, cloth mask, or any mask that has an unfiltered one-way exhaust valve does not qualify as a Face Mask under this Order.
- c. “General Acute Care Hospital” has the definition set forth in Health and Safety Code section 1250(a).
- d. “Skilled Nursing Facility” means a health facility or a distinct part of a hospital which provides continuous skilled nursing care and supportive care to patients whose

primary need is for availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, skilled nursing, dietary, pharmaceutical services and an activity program.

- e. “Patient Care Area” means any area that patients regularly access in order to receive healthcare within a General Acute Care Hospital or Skilled Nursing Facility. Patient care includes 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 General Acute Care Hospital or Skilled Nursing Facility. Patient Care Areas 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.
- f. “Designated Winter Respiratory Virus Period” means the period from November 1, 2023 to March 31, 2024. The Health Officer may adjust the dates of the Designated Winter Respiratory Virus Period based on respiratory virus surveillance data. If the Health Officer changes the dates of the Designated Winter Respiratory Virus Period, the Health Officer will notify General Acute Care Hospitals and Skilled Nursing Facilities through a health advisory and a notice posted on the County Public Health Department’s website.

4. **Recommendations from the Public Health Department.** Marin County Public Health strongly recommends that all individuals (staff, volunteers, and visitors) wear a well-fitting [face mask](#) with good filtration (N95, KF94, KN95, or surgical masks) and perform hand hygiene upon entry and in patient care and common areas of all health care facilities, long term care facilities, and congregate settings (including jail/prison, homeless shelters and residential treatment facilities), during the Designated Winter Respiratory Virus Period.

Marin County Public Health strongly recommends all healthcare workers, first responders, staff in congregate settings (including jail/prison, homeless shelters and residential treatment facilities), and staff of home health agencies and hospice facilities [stay up-to-date](#) with COVID-19 vaccinations and receive their [seasonal flu vaccine](#).

5. **Applicability.** All individuals, Businesses, and other entities in the County are ordered to comply with the applicable provisions of this Order. Governmental entities must follow the requirements of this Order applicable to Businesses, unless otherwise specifically directed by the Health Officer.
6. **Obligation to Follow Any Stricter State Requirements.** If a conflict exists between this Order and any order issued by the State Health Officer, the Governor, or a State agency (such as the California Division of Occupational Safety and Health (Cal/OSHA)) related to promotion or protection of public health, the most restrictive mandatory provision controls.

7. **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.
8. **Effective Date.** This Order shall become effective at 12:00 am on November 1, 2023. This Order shall expire at 11:59 PM on the last day of the Designated Winter Respiratory Virus Period.
9. **Copies.** Copies of this Order shall promptly be: (1) made available at the Bulletin Board adjacent to the entrance to the Chambers of the Board of Supervisors, Room 330, Administration Building, and in the display case in the center arch of the Hall of Justice, Marin County Civic Center, San Rafael, California; (2) posted on the County of Marin website (www.marincounty.org) as well as the County of Marin Department of Health and Human Services website (www.marinhhs.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED



Dated: September 27, 2023

Matt Willis, MD, MPH
Health Officer of the County of Marin