



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA  
AMENDING PRIOR ORDER THAT MANDATED EMPLOYERS OF SPECIFIED  
EMERGENCY FIRST RESPONDERS AND NON-EMERGENCY MEDICAL  
TRANSPORT WORKERS TO OBTAIN ROUTINE TESTING FOR SARS-COV-2 OR  
DOCUMENT THEIR FULLY VACCINATED STATUS**

**ORDER NO. HO-COVID19-60**

**DATE OF ORDER: DECEMBER 27, 2021**

**Summary of the Order**

This Order of the Health Officer amends a prior order that mandated law enforcement agencies, fire protection agencies, emergency medical response entities, and non-emergency medical transport entities to require certain workers who respond to emergency calls for assistance at specified health care and other high risk facilities in Contra Costa County (“County”), or provide non-emergency medical transport services involving patients at these facilities, as part of their usual duties, to either undergo weekly testing for the virus that causes Coronavirus Disease 2019 (“COVID-19”) or prove they are fully vaccinated with a COVID-19 vaccine. Under this Order, workers subject to the prior order will need to undergo weekly testing commencing on January 10, 2022, with certain exceptions, or prove that they are fully vaccinated and have received a booster shot.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 AND 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

1. **Basis for Order.** On July 26, 2021, the State Public Health Officer issued an order (“State Order”) that requires workers in specified health care or congregate settings who “have the potential for direct or indirect exposure to patients/clients/residents or SARS-CoV-2 airborne aerosols” to undergo routine diagnostic screening testing for SARS-CoV-2 (the virus that causes COVID-19) if not fully vaccinated with a COVID-19 vaccine. Workers to whom the State Order applies include nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the health care 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 settings (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel). The settings described in the State Order included hospitals, skilled nursing facilities, congregate living facilities such as homeless shelters, and other health care facilities (collectively “Facilities”).

Upon review of the State Order, I determined that it did not reach all of the individuals who work in the types of health care and residential facilities described in the State Order and who potentially could expose patients, clients, or residents of those Facilities to SARS-CoV-2. Specifically, the State Order did not apply to emergency first responders or non-emergency medical transport personnel who regularly enter these types of Facilities in the course of their duties. To protect the patients and residents of these facilities, I issued Health Officer Order No. HO-COVID19-53 (the “Prior Order”) on August 13, 2021, to require emergency first responders and non-emergency medical transport personnel who enter high-risk settings within these facilities to undergo weekly testing for the COVID-19 virus, with exceptions for fully vaccinated workers and others who should not be tested under current guidance by the U.S. Centers for Disease Control and Prevention (“CDC”).

Since the issuance of the Prior Order, the protection offered by all of the COVID-19 vaccines authorized for use in the United States has been found to wane after a period of time, and the CDC now recommends booster shots at six months after a person’s second dose of a two-dose mRNA vaccine (Pfizer or Moderna) and two months after the Johnson & Johnson single dose vaccine. These developments necessitate a new requirement that vaccinated individuals who work in Facilities subject to the State Order, and do not undergo routine COVID-19 testing, to receive boosters when indicated.

The emergence of the Omicron variant of the SARS-CoV-2 virus is an additional factor giving rise to the need for stricter measures. Approximately 73 percent of COVID-19 cases in the United States now involve the Omicron variant, and it is anticipated that this new variant will become the dominant variant in the County with two weeks. Early reports indicated that the Omicron variant caused mild symptoms, but London and New York are now seeing a surge in hospitalizations due to the new variant. The CDC advises that scientists are currently investigating Omicron, including how protected fully vaccinated people will be against infection, hospitalization, and death. Pending the results of these investigations, the expectation of the CDC is that the current vaccines will protect against severe illness, hospitalizations, and deaths due to infection with the Omicron variant.

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On December 22, 2021, in response to the arrival in California of the Omicron variant, the State Public Health Officer issued a new order (the “Updated State Order”), effective immediately, requiring fully vaccinated personnel at many of the Facilities identified in the State Order to receive booster shots, and personnel not required to be vaccinated – including Fully Vaccinated personnel not yet eligible to receive booster shots -- to undergo testing. I have determined that, to protect the vulnerable patients and residents of the Facilities located in the County, it is necessary to amend the Prior Order to align with the Updated State Order.



## 2. Amendments.

a. Section 2 of the Prior Order is hereby amended by adding subsection 1, to read as follows:

1. Booster. “Booster” means an additional dose of a COVID-19 Vaccine in accordance with CDC recommendations.

b. Section 3 of the Prior Order is hereby amended to read as follows:

### 3. Testing Requirement.

- a. Except as set forth in Section 3.c. or Section 4 of this Order, an Employer shall require each of its Workers to do the following:
  - (1) Receive a COVID-19 Test each week that the Worker reports for duty; and
  - (2) Promptly provide the results of each COVID-19 Test to the Employer unless test results are sent directly to the Employer.
- b. The testing requirement in subsection 3.a.(1) may be met by a Worker’s self-administration of a COVID-19 test only if an authorized representative of Operator:
  - (1) Observes the Worker collect the sample and perform the remaining steps needed to complete the test;
  - (2) Confirms that these steps were performed in accordance with the manufacturer’s instructions; and
  - (3) Confirms the result by direct observation.
- c. Exception. If a Worker tests or has tested positive for SARS-CoV-2, the Worker is not required to and should not undergo another COVID-19 Test until 90 days have passed since the date of the positive test. An Employer shall communicate this exception to its Workers, and shall exempt a Worker from the testing requirement for the applicable period of time upon request of the Worker if the Worker proves that he or she is qualified for the exception. A Worker may prove that he or she is qualified for the exception if:
  - (1) The Worker attests in writing that he or she has no symptoms of COVID-19, and provides the written attestation to the Employer; and



(2) The Worker shows the Employer a copy of the report of the positive COVID-19 Test that shows the date of the test, and the date falls within the 90-day timeframe describe above.

c. Section 4 of the Prior Order is hereby amended to read as follows:

- 4. Vaccinated Workers.** An Employer may exempt a Worker from the COVID-19 testing requirements set forth in Section 3 of this Order if the individual first presents to the Employer documentation showing that the Worker is Fully Vaccinated and has received a Booster. The documentation must be in the form of one or more of the following:
- a. An original DHSS CDC vaccination card issued to the Worker following administration of a dose of a COVID-19 Vaccine (“CDC Card”).
  - b. An original WHO International Certificate of Vaccination or Prophylaxis issued to the Worker following administration of a dose of a COVID-19 Vaccine in a foreign country (“WHO Yellow Card”);
  - c. A paper photograph or photocopy of the Worker’s CDC Card or WHO Yellow Card;
  - d. An electronic image of the Worker’s CDC Card or WHO Yellow Card;
  - e. A digital copy of the Worker’s COVID-19 Vaccine record, obtained through the following portal: <https://myvaccinerecord.cdph.ca.gov/>; or
  - f. Documentation from one or more healthcare providers that the Worker (i) is Fully Vaccinated; (ii) has received a Booster; or (ii) is both Fully Vaccinated and has received a Booster.

d. Section 5 of the Prior Order is amended to read as follows:

- 5. Record-Keeping Requirements.** An Employer must keep and maintain a record of the following information for the purpose of inspection by an authorized representative of the Health Officer:
- a. For Workers who provide the Employer with documentation that they are Fully Vaccinated and have received a Booster in accordance with Section 4 of this Order: (1) Full name and date of birth; (2) COVID-19 Vaccine manufacturer(s); and (3) date of COVID-2 Vaccine administration (initial dose or series of doses, and Booster).
  - b. For other Workers: COVID-19 Test results.



6. **Effective Date and Time.** This Order takes effect at 8:00 a.m. on January 10, 2022.
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:**



Chris Farnitano, M.D.  
Health Officer of the County of Contra Costa

Dated: December 27, 2021

