

California Mandates Vaccination for Workers in the Health Care Industry by September 30th

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With the significant increase in COVID-19 cases, the state of California has started implementing new measures to try to combat the rise. On July 26, 2021, the California Department of Public Health (CDPH) issued [an order](#) requiring covered healthcare facilities to verify the vaccination status of all workers and put mandatory testing requirements in place for those employees who are unvaccinated.

Only a week and a half later, CDPH issued [a new, first in the nation, order](#) mandating that workers who provide services or work in certain health care facilities receive their first dose of a one-dose vaccine or their second dose of a two-dose vaccine by **September 30, 2021**.

Covered Facilities

Workers for the following facilities are covered by the order:

- General Acute Care Hospitals
- Skilled Nursing Facilities (including Subacute Facilities)
- Intermediate Care Facilities
- Acute Psychiatric Hospitals
- Adult Day Health Care Centers
- Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
- Ambulatory Surgery Centers
- Chemical Dependency Recovery Hospitals
- Clinics & Doctor Offices (including behavioral health, surgical)

- Congregate Living Health Facilities
- Dialysis Centers
- Hospice Facilities
- Pediatric Day Health and Respite Care Facilities
- Residential Substance Use Treatment and Mental Health Treatment Facilities

Covered Workers

“Worker” for purposes of the order is defined as all paid and unpaid individuals who work in indoor settings where care is provided to patients or patients have access for any purpose. Per the order, this includes workers who have the potential for direct or indirect exposure to patients, and include nurses, technicians, students, contractual staff not employed by the facility directly, security, facilities management, administrative, and billing personnel.

Exemptions

Workers may be exempt from the vaccination requirements only if they provide a declination form signed by the worker stating that they are declining based on religious beliefs or due to a qualifying medical reason. To be eligible for the qualified medical reason exemption the worker must provide their employer a written statement signed by a physician, nurse practitioner, or another licensed medical professional practicing under the license of a physician, stating the individual qualifies for the exemption. The statement should also indicate the probable duration of the worker’s inability to receive the vaccine if known. The statement should not describe the underlying medical condition or disability.

Exempt workers must be tested for COVID-19 twice weekly if in acute health care and long-term care settings, and once weekly if in other health care settings. Exempt workers must also wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health, such as an N95 filtering facepiece respirator, at all times while in the facility.

Recordkeeping

Consistent with privacy laws and regulations, the facility must maintain records of each worker’s vaccination status or exemption. For those employees who are exempt from the vaccination requirement, the facility must also maintain all COVID-19 test results.

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