



DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Promoting and protecting health, well-being, self-sufficiency, and safety of all in Marin County.

Frequently Asked Questions (FAQ) – Marin County Flu Order



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Legal Support

Health Officers are mandated to provide communicable disease control, including the control of acute communicable diseases, based upon provision of appropriate preventive measures for the particular communicable disease hazards in the community (14 C.C.R. § 1276(c)). To fulfill this requirement, Health Officers are authorized to control contagious, infectious, or communicable disease and may “take measures as may be necessary” to prevent and control the spread of disease within the territory under their jurisdiction. H&S Code § 120175. On March 4, 2020, the Governor, in Executive Order N-29-20, proclaimed a State of Emergency to exist in California due to the threat of COVID-19. On March 10, 2020, the Marin County Board of Supervisors ratified a proclamation of local emergency in Resolution No. 2020-19. On March 13, 2020, the President of the United States proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency. The COVID-19 states of emergency have resulted in numerous orders from State and County health officers designed to prevent the healthcare systems from being overwhelmed, and to protect the safety of patients, residents and staff. During the SARS-CoV-2 pandemic, where COVID-19, like influenza, can result in acute respiratory symptoms requiring hospitalization, it is even more critical than ever to ensure widespread vaccination for influenza among workers in healthcare and residential facilities.

Unvaccinated Staff

Facilities covered by this order are strongly encouraged to implement a plan to prevent any unvaccinated onsite staff affiliated with the facility, including staff who cannot be vaccinated due to a medical condition, from contracting and transmitting the influenza virus to patients / residents or other staff members. Such a plan may include remote work, reassigning work activities or other actions appropriate to the individual facility.

FAQ

To whom does the order apply?

The [public health order](#) applies to all staff at Marin County hospitals, clinics, medical offices, Skilled Nursing Facilities and Residential Care Facilities for the Elderly, correctional facilities, hospice, home health agencies, Emergency Medical Services (EMS), and other health facilities.

How is this Order different than past years?

In the past the public health order only applied to health care facilities and health care personnel. This year it applies to all staff who work in facilities identified in the order. In the past the order permitted unvaccinated staff to wear a mask and continue to work in patient care areas.

Can staff decline a flu vaccination?

No. Under the Marin County flu order, staff cannot decline flu vaccination. They may request a medical or religious exemption. Staff who refuse flu vaccination should be counseled by their supervisors on the importance of annual flu vaccination and following Health Officer orders to prevent the spread of communicable diseases, including flu and COVID-19.

Is there a penalty or consequence for staff if they do not get a flu shot?

Employers are responsible for counseling individuals who do not certify that they have received the 2020-2021 flu vaccine or do not have an approved exemption. Supervisors are expected to counsel non-compliant staff on the legal support for mandatory flu vaccines and to implement strategies to mitigate risk of communicable disease spread and outbreaks (e.g., remote work, reassignment, mandatory hand hygiene training).

Are there any exemptions from the universal mandate?

Yes. Staff may request a medical exemption by submitting documentation for their healthcare provider identifying a qualifying medical condition for flu vaccine exemption (e.g., previous severe allergy to the vaccine or its components or a history of Guillain-Barré syndrome within 6 weeks of an influenza vaccine).

Staff may request a religious exemption by submitting a personal statement attesting that flu vaccination conflicts with their sincerely held religious belief, practice or observance.

Can staff who refuse vaccination and who do not have a medical or religious exemption provide patient or resident care with a mask?

Yes. Employers may allow non-vaccinated staff to provide patient or resident care with masks if exclusion may cause an interruption of services or staff shortages. Facilities should review Centers for Disease Control and Prevention (CDC) [guidance](#) on mitigating staff shortages.

How is this different from the State's flu vaccination requirements?

Cal. Health & Safety Code § 1288.7 (2007) and Cal. Code Regs. tit. 8, § 5199 require that general acute care hospitals, skilled nursing facilities, clinics, medical offices and other outpatient medical facilities require staff to be vaccinated, or if the staff elects not to be vaccinated, to sign an influenza vaccine declination

statement. The 2020 – 2021 Marin County flu order includes additional facility types (e.g., long-term care facilities) and additional staff classifications (not limited to healthcare providers).

Is Marin County's order more stringent than the State?

Yes. Orders for health care worker seasonal influenza vaccination are at the discretion of the Local Health Jurisdiction. For information on statewide data, please visit: https://www.cdph.ca.gov/Programs/CHCQ/HAI/Pages/HealthcarePersonnelInfluenzaVaccinationReportingInCA_Hospitals.aspx

Why hasn't Marin County required flu immunizations of all staff in these settings in the past?

Given the threat of the COVID-19 pandemic in circulation simultaneously with influenza, the expanded influenza vaccination order was deemed necessary for the health of the entire community and ensuring our health care systems and our communities are able to maintain capacity to care for our patients.

How will staff provide proof that they have received their flu shot?

All organizations included in this order are asked to update their internal procedures to certify that staff have received the 2020-2021 flu vaccine or have an approved exemption. Individual organizations may develop their own internal procedures for documentation and tracking.

Will staff working remotely need to document immunization?

If staff working remotely need to go on site at any time, they must certify that they have received the 2020-2021 flu vaccine or have an approved exemption.

What is the cost of the flu vaccinations for staff?

Most health insurance plans cover influenza vaccination at no cost. Staff are encouraged to seek immunization through their regular primary care provider or medical home. Flu vaccination is also available at many retail pharmacies and may be covered by insurance or paid for out-of-pocket. A list of locations to receive immunizations, including local clinics and retail pharmacies, is available at Marinflu.org.

If staff do not have health insurance that covers the full cost of a vaccine, will organizations included in this order reimburse staff for the cost?

It is at the employer's discretion to reimburse staff for the cost of vaccine.

Will Marin County Public Health be setting up flu vaccine clinics for staff at organizations included in this order?

No. Public Health is currently unable to provide immunization clinics for health care workers included in this order. Employers are responsible for ensuring that their staff obtain their flu vaccine according to the resources included in the above questions.

What about staff who have been strictly socially isolating due to being high-risk for COVID-19? Will they be forced to go to a health care facility or pharmacy to get a vaccine?

No, but we strongly recommend that they consult with their health care providers about the relative risks of foregoing the vaccine versus receiving it.

Will hourly workers be granted time off to obtain the vaccine?

This is at the employer's discretion. Providing flu vaccination on-site or paid time for staff to obtain immunization off-site may increase flu immunization coverage.

Will this requirement apply to union-represented employees?

Public Health encourages employers to communicate with labor unions about the critical importance of universal flu vaccination in preventing communicable disease transmission and staffing shortages during a pandemic.

Is October 25, 2020 a firm deadline for when staff must document they've received a flu vaccination or an approved exemption?

Yes, this is a firm deadline. Everyone is encouraged to obtain the 2020-2021 vaccine consistent with [CDC guidance](#).

Does this order apply to staff who work at agencies that are headquartered in a different county (e.g., Sonoma) but provide care to Marin residents?

Yes, this applies to all staff who work in the facilities identified in the order regardless of their county of residence.

What about staff concerns about the safety and/or efficacy of influenza immunization?

Flu vaccines are safe and are the most effective way to prevent illness from the flu virus. The CDC provides information about safety and efficacy of influenza vaccines at: <https://www.cdc.gov/flu/prevent/vaccinesafety.htm>. Individuals with concerns about their individual health or allergies to specific components in the vaccine should talk to their health care provider and may consider seeking a flu vaccine product that is right for them.