

**CITY OF PASADENA HEALTH OFFICER ORDER  
FOR THE CONTROL OF COVID-19**

**ORDER REQUIRING WEARING OF FACE MASKS BY PERSONNEL,  
PATIENTS, CLIENTS, AND VISITORS  
IN HEALTH CARE SETTINGS**

**This Order Issued: March 29, 2023**

**Effective Date: April 3, 2023**

**THIS ORDER SUPERSEDES THE ORDER REQUIRING WEARING OF FACE MASKS  
IN ALL HEALTH CARE SETTINGS ISSUED SEPTEMBER 27, 2022. THIS ORDER IS  
IN EFFECT AS OF 12:01 A.M. ON APRIL 3, 2023 UNTIL RESCINDED IN WRITING  
BY THE HEALTH OFFICER.**

**Please read this Order carefully. Violation of or failure to comply with this Order is a  
misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety  
Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1).)**

Summary: On March 6, 2023, the local COVID-19 public health emergency declaration was terminated and Health Officer orders relating to the COVID-19 pandemic requirements for public settings were rescinded with limited exceptions. These actions were based on current scientific knowledge about COVID-19 and due in large part to the high rate of vaccination in the community, especially the newer bivalent booster, greater availability of effective treatments for those who are vulnerable to severe disease, and effective use of mitigation strategies, such as testing and masking.

While the SARS-CoV-2 virus, which causes COVID-19, including other future variants or subvariants, remains a concern for all Pasadena residents, the virus poses a particular risk to the health of medically vulnerable residents and people who might be exposed through necessity based on their circumstances. Patients, clients, and residents in health care, have little choice about their potential exposure to COVID-19 when they seek care or reside in congregate settings, and many of them are at greater risk for complications related to COVID-19.

Vaccines and boosters designed to prevent serious illness from SARS-CoV-2 infection continue to be the best protection against severe disease and death. Federal law for Medicare and Medicaid providers requires vaccinations with COVID-19 primary series for all applicable staff. Another important protection in these settings is the use of a Well-Fitted Mask by Personnel, which reduces both the risk of infection for those Personnel and the risk of them transmitting respiratory viruses, including but not limited to SARS-CoV-2, to Patients, Clients or Residents. Accordingly, this Order requires Personnel working in designated Health Care Facilities—meaning general acute care hospitals, skilled nursing facilities, intermediate care facilities, other types of ambulatory care settings, congregate facilities—to wear a Well-Fitted Mask at all times when in the same room or common area as Patients, Clients or Residents when certain conditions

are met as described in this Order. The requirement to wear a Well-Fitted Mask also applies to people who only visit such locations on an intermittent or occasional basis or for short periods of time, such as delivery people, contractors, regulators, firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement—all such people must wear a Well-Fitted Mask when in the same room or common area as Patients, Clients or Residents in certain health care settings.

This Order provides requirements that apply to health care workers and Patients, Clients and visitors to health care settings to wear a Well-Fitted Mask, as ordered. The most important ongoing protection against serious illness and hospitalization related to COVID-19 remains being up to date on COVID-19 vaccination, including receipt of the most recent booster dose recommended by the United States Centers for Disease Control and Prevention (“CDC”). Everyone is required to stay home whenever they feel sick in order to protect others around them and follow the CDC and the State of California isolation and quarantine guidance. When required by state or local orders, everyone shall wear a mask. In other settings, the Health Officer recommends everyone assess their personal risk factors and wear a well-fitting mask, especially if they or someone they live with is vulnerable to the worst outcomes of COVID-19.

The Health Officer also strongly recommends that everyone continue appropriate protections based on their situation, including the following measures: 1) following the CDC’s most current COVID-19 vaccination and booster guidance; 2) staying aware of treatments available to you if you get sick with COVID-19; and 3) being aware of information about COVID-19 and other respiratory illnesses.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 120175 et seq., AND THE PASADENA MUNICIPAL CODE SECTION 8.04.010, THE CITY OF PASADENA HEALTH OFFICER ORDERS:**

1. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

- a. *CDC*. “CDC” means the United States Centers for Disease Control and Prevention.
- b. *CDPH*. “CDPH” means the California Department of Public Health.
- c. *City*. The “City” means the City of Pasadena.
- d. *COVID-19*. “COVID-19” means coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus.
- e. *Health Care Facility*. “Health Care Facility” means certain health care settings and facilities where vulnerable populations come to the facility, often out of necessity, and where some of those people have a higher risk of negative health outcomes due to COVID-19. The full list of each type of included facility is listed in Section 3(a) below, including details about what parts of buildings are included in the definition of this term. This term does not include any vehicle.

- f. *Health Officer*. “Health Officer” means the Health Officer of Pasadena.
- g. *Patients, Clients or Residents*. “Patients, Clients or Residents” (and the related term “Patient, Client or Residents”) means any person who is receiving care or residing overnight or longer at any Health Care Facility covered by this Order.
- h. *Personnel*. “Personnel” means all paid and unpaid people who work in indoor Health Care Facilities where (1) care is provided to patients, or (2) Patients, Clients or Residents have access for any purpose. This includes workers serving in health care or other settings who have the potential for direct or indirect exposure to Patients, Clients, or Residents to SARS-CoV-2 airborne aerosols. Personnel include, but are not limited to, 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 or congregate living setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).
- i. *Well-Fitted Mask*. A “Well-Fitted Mask” means a face covering that is well-fitted to an individual and covers the nose and mouth especially while talking. CDC guidance regarding Well-Fitted Masks may be found at [www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/types-of-masks.html](http://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/types-of-masks.html), and CDPH guidance may be found at [www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx). Non-vented well-fitting masks including N95, KN95, or KF94 respirators are strongly recommended as a Well-Fitted Mask, even if not fit-tested, to provide maximum protection.

2. Purpose and Intent.

- a. Purpose. The public health threat of serious illness or death from COVID-19 has decreased in the Pasadena due to the high rate of vaccination of the community. Although the state-wide emergency declaration and the local health emergency declaration have ended, COVID-19 continues to pose a risk to Patients, Clients or Residents. Having Personnel wear a Well-Fitted Mask when in the room with Patients, Clients or Residents protects those people. Although the protection from wearing a Well-Fitted Mask is not perfect, evidence shows that it can be an important part of reducing the spread of respiratory viruses, including SARS-CoV-2, in these kinds of settings.

For Health care workers: Masking *remains* required for all staff providing patient care or working in patient care areas. In other facility locations where patient care is not being provided, employees are not required to mask, although masks remain strongly recommended.

For Patients, Clients or visitors to health care settings: Mask requirements detailed within this Order will extend to all Patients, Clients, or visitors to health care settings if a health care facility is in outbreak status (as defined by CDPH [AFL 23-09](#)) or when there is evidence of high [CDC community transmission levels](#) of SARS-CoV-2 within the County of Los Angeles. Masks are strongly recommended for patients, clients or visitors to health care settings. The Health Officer will continue to monitor local data, CDC community transmission level data, and data regarding the evolving scientific understanding of the risks posed by COVID-19, including the impact of masking. Based on an analysis of that data and knowledge, the Health Officer may amend or rescind this Order.

- b. Intent. The primary intent of this Order is to protect Patients, Clients or Residents who receive care at Health Care Facilities or reside in such facilities to reduce the risk of severe health outcomes, such as hospitalization or death, due to COVID-19.
  - c. Interpretation. All provisions of this Order must be interpreted to effectuate the purpose and intent of this Order as described above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order. In the event of any inconsistency between the summary, headings, or subheadings and the text of this Order, the text will control. Certain initially capitalized terms used in this Order have the meanings given them in Section 1 above.
  - d. Effect of Failure to Comply. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 6 below.
3. Facilities Subject to this Order. This Order applies to Health Care Facilities in the City and Personnel who work or are present for any amount of time in Health Care Facilities, as defined above and in more detail in this Section.
- a. Health Care Facilities. Health Care Facilities subject to this Order include the following facilities or setting:
    - i. General Acute Care Hospitals;
    - ii. Skilled Nursing Facilities;
    - iii. Intermediate Care Facilities;
    - iv. Acute Psychiatric Hospitals;
    - v. Adult Day Care Centers;
    - vi. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers;
    - vii. Ambulatory Surgery Centers;
    - viii. Chemical Dependency Recovery Hospitals;
    - ix. Clinics & Doctor Offices (including behavioral health, surgical);
    - x. Congregate Living Facilities;
    - xi. Dialysis Centers;
    - xii. Hospice Facilities;

- xiii. Pediatric Day Health and Respite Care Facilities; and
- xiv. Residential Substance Use Treatment Centers and Mental Health Treatment Facilities

This list was adopted from the September 13, 2022, CDPH “Health Care Worker Vaccine Requirement” State Public Health Officer Order, with the intent to maintain masking and vaccination requirements in place prior to April 3, 2023, at locations that were already subject to similar requirements under CDPH rules, including also the requirement listed in the September 20, 2022, CDPH “Guidance for the Use of Face Masks” order requiring masking in all health care settings. Any changes to the listed CDPH State Public Health Officer Order and masking order do not alter the list above for purposes of this Order.

- b. Campus Buildings Included. For clarity, this Order applies to Personnel in other buildings in a site containing a Health care Facility, such as a campus or other similar grouping of related buildings, where such Personnel do any of the following: (i) access the areas where Patients, Clients or Residents, have access in the Health care Facility; or (ii) work in-person with Patients, Clients, or Residents who are present in those areas.
  - c. Minimum Requirements; Ability to Adopt More-Restrictive Measures. This Order establishes the minimum requirements related to masking in Health Care Facilities. Nothing in this Order is intended to reduce any other federal, state, or local legal requirements or otherwise modify them in a way that is less protective of public health, or to limit a Health Care Facility’s choices to take more health protective measures. Health Care Facilities may impose further restrictions that are more protective of public health than the minimum requirements or recommendations under this Order.
4. Masking Requirements for Health Care Facilities and Personnel in Those Facilities.
- a. Health care Facilities. Each and every Health Care Facility must, consistent with this Order, implement a program requiring its Personnel to wear a Well-Fitted Mask at all times when Personnel are in the same room or common area and sharing air space with a Patient, Client or Resident. The following are examples of situations when a Well-Fitted Mask must be worn by all Personnel in the listed areas when a Patient, Client or Resident is also in the same space: waiting rooms; exam, care, or treatment rooms; residential rooms; hallways; any room in which health care is being provided; triage or patient assessment areas; bathrooms; administrative areas or offices; indoor open areas that are part of a larger room or contiguous space (such as nursing stations, reception areas, areas with work spaces that do not have a closing door, hallways, meeting rooms, etc.); temporary enclosed structures (including an enclosed tent or shelter); recreational or activity rooms; rooms within the facility where personal services (like hairstyling, etc.) are provided; holding areas or cells where people who are incarcerated or detained are only separated from Personnel by bars, mesh, or other materials that allow airflow); and interview

rooms. This requirement does not apply to spaces that are not enclosed, such as outdoor patios or exercise areas, pathways, etc.

- b. Personnel in Health Care Facilities. Except as provided in subsection (e) below, by the Effective Date of this Order, Personnel who work onsite in Health Care Facilities must comply with the masking requirement listed in subsection (a) above. The requirement to wear a Well-Fitted Mask also applies to people who only visit such locations on an intermittent or occasional basis or for short periods of time, such as delivery people, contractors, regulators, firefighters, emergency medical technicians (EMTs), paramedics, police, and other law enforcement—all such people must wear a Well-Fitted Mask when in the same room or common space as Patients, Clients or Residents.
- c. Provision of a Well-Fitted Mask. Upon request, Health Care Facilities must provide Personnel who are required to wear a mask by this Order with a Well-Fitted Mask.
- d. Fit and Filtration Guidance. When wearing a mask, everyone should consistently wear the best mask they can obtain, considering fit and filtration (and without using a one-way exhalation valve that is not filtered). As provided in the definition of a Well-Fitted Mask, a well-fitting non-vented N95, KN95, or KF94 respirator is strongly recommended. More information about fit and filtration and the best mask options is available online at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/types-of-masks.html> and [www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx](http://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Get-the-Most-out-of-Masking.aspx).
- e. Limited Exceptions. Personnel are exempt from the masking requirements of this Order in the following situations:
  - i. Personal Protective Equipment. A person required by this Order to wear a Well-Fitted Mask does not need to do so when wearing personal protective equipment (“PPE”) that is more protective than a Well-Fitted Mask, including when required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE and in an indoor setting, they must wear a Well-Fitted Mask or PPE that is more protective unless otherwise exempted under this Order.
  - ii. Medical or Safety Exemption. A person does not need to wear a Well-Fitted Mask when they can show: (1) a medical professional has provided a written exemption to the mask requirement, based on the person’s medical condition, other health concern, or disability; or (2) that they are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication; or (3) wearing a Well-Fitted Mask while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. In accordance with state and federal guidelines, if a person is

required by this Order to wear a Well-Fitted Mask but is exempt from wearing one under this paragraph, they still must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless they can show either: (1) a medical professional has provided a written exemption to this alternative face covering requirement, based on the person's medical condition, other health concern, or disability; or (2) wearing an alternative face covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines.


A Well-Fitted Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Well-Fitted Mask without assistance.

- iii. Children. Although children under two years old generally should not wear a mask, there should not be Personnel covered by this Order who are that young. Children ten years old and older, if acting as Personnel (such as volunteers at hospitals or clinics), must follow the rules of this Order.
  - iv. Certain Group Settings. A Well-Fitted Mask is not required to be worn by Personnel in the following settings in Health Care Facilities, even when a Patient, Client or Resident is present due to the nature of those settings: cafeterias and dining rooms open to a mix of Personnel and Patients, Clients or Residents, when such Personnel are not performing their duties (but a cashier would need to wear a Well-Fitted Mask since they are working in that setting); public libraries onsite; and meeting rooms during meetings where meetings subject to the Brown M. Brown Act (regarding public meetings) are being held.
5. Obligation to Follow Health Officer Orders and Directives and Mandatory State and Federal Rules. In addition to complying with all provisions of this Order, all Personnel working indoors in Health Care Facilities must also follow any applicable orders and directives issued by the Health Officer (available online at <https://www.cityofpasadena.net/public-health/health-order/covid-19/>) and any applicable rules issued by state or federal authorities, including but not limited to Cal/OSHA's regulations. Based on local health conditions, this Order may include a limited number of health and safety restrictions that are more stringent or more detailed than those contained under other rules. Businesses and other entities must adhere to applicable Cal/OSHA regulations relating to COVID-19 health and safety measures in the workplace. In the event of a conflict between provisions of any Health Officer order and any other order or rule, the provision that is more protective of health controls over the conflicting provisions of the other order or rule.
6. Enforcement. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Safety Code Section 120295. This Order will be enforced by the City of Pasadena Police Department, City Attorney/City Prosecutor's

Office, and/or any other agency designated by the Pasadena City Manager for enforcement. The violation of any provision of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

7. Protocols established by the Health Officer to implement health orders issued by the State Public Health Officer or the City of Pasadena Health Officer have the same force and effect as other Orders issued by the Health Officer. To the extent any health order of the Health Officer, including any protocols established to implement any health order, is more restrictive than any order or directive issued by the State Public Health Officer, the health order of the Health Officer shall control.
8. This Order applies to all persons within the City of Pasadena under the Health Officer's jurisdiction.
9. Effective Date. This Order is effective on April 3, 2023, and will continue, as updated, to be in effect until the Health Officer rescinds, supersedes, or amends it in writing.
10. If any subsection, sentence, clause, phrase, or word of this Order (or any other prior Order) or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions of this Order (or any other prior Order).

**IT IS SO ORDERED:**



Date: 03/29/2023

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Eric G. Handler, MD, MPH, FAAP  
Health Officer, City of Pasadena