

§5199. Aerosol Transmissible Diseases.

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(b) Definitions

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“COVID-19” means coronavirus disease 2019, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

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“COVID-19 Vaccine.” A vaccine including all initial doses and booster doses for COVID-19, that meets all of the following three conditions:

1. Approved by, or authorized for emergency use by, the U.S. Food and Drug Administration (FDA);
2. Recommended by the U.S. Centers for Disease Control and Prevention (CDC) or California Department of Public Health (CDPH) for prevention or mitigation of COVID-19 disease, and;
3. Administered in accordance with those authorizations, approvals and guidelines.

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“SARS-CoV-2” means the severe acute respiratory syndrome coronavirus 2 including all variants.

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(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

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(2) The employer shall establish, implement, and maintain effective written source control procedures. For fixed health care and correctional facilities, and in other facilities, services, and operations to the extent reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings and orders made by the CDPH pursuant to authority granted under the Health and Safety Code, California Code of Regulations (CCR) Title 17, or CCR Title 22. These procedures shall include the method of informing persons with whom employees will have contact of the employer's source control measures.

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(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period an AirID case or suspected case ~~the person requiring referral~~ is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

- (A) placement of the person requiring referral in a separate room or area;
- (B) provision of separate ventilation or filtration in the room or area; and

(C) employee use of respiratory protection when entering the room or area in which an AirID case or suspected case is located, ~~if that person is not compliant with source control measures~~. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

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(6) The employer shall establish a system of medical services for employees which meets the following requirements:

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(D) The employer shall establish, implement, and maintain effective procedures for providing COVID-19 vaccine and vaccinations against seasonal influenza to all employees with occupational exposure, in accordance with subsection (h)(10).

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(e) Engineering and Work Practice Controls, and Personal Protective Equipment.

(1) General. Employers shall use feasible engineering and work practice controls to minimize employee exposures to ATPs. Where engineering and work practice controls do not provide sufficient protection (e.g., when an employee enters an All room or area) the employer shall provide, and ensure that employees use, personal protective equipment, and shall provide respiratory protection in accordance with subsection (g) to control exposures to AirIPs.

Note 1 to subsection (e)(1) Title 24, California Code of Regulations (California Mechanical Code) Chapter 4 contains requirements for ventilation systems in health care facilities regulated by the Office of Statewide Healthcare Planning and Development (OSHPD), including pressure balance relationships, ventilation rate, and filter efficiency.

Note 2 to subsection (e)(1). Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments, February 26, 2021, California Department of Public Health, provides guidance regarding the operation of ventilation systems to reduce transmission of COVID-19.

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(B) Each employer shall implement written source control procedures. For fixed health care and correctional facilities, and in field operations to the extent that it is reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings and orders made by the CDPH pursuant to authority granted under the Health and Safety Code, California Code of Regulations (CCR) Title 17, or CCR Title 22. The procedures shall include methods to inform individuals entering the facility, being transported by employees, or otherwise in close contact with employees, of the source control practices implemented by the employer.

(5) AirID cases or suspected cases shall be identified, and except in field operations and in settings where home health care or home-based hospice care is being provided, these individuals shall be:

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(D) Specific requirements for All rooms and areas.

1. Hospital isolation rooms constructed in conformance with Title 24, California Code of Regulations, Part 4 (California Mechanical Code) Section 417, Table 4A and Sections 407-417, and which are maintained to meet those requirements shall be considered to be in compliance with subsection (e)(5)(D)2.

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(h) Medical Services.

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(10) The employer shall make available seasonal influenza and COVID-19 vaccine to all employees with occupational exposure. The employer shall ensure that each employee who declines to accept the COVID-19 vaccine signs the statement in Appendix C1, and each employee who declines to accept the seasonal influenza vaccine signs the statement in Appendix C2.

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EXCEPTION 3 to subsection (h)(10): In lieu of the statement in Appendix C1, the employer may utilize a COVID-19 vaccine declination statement meeting the requirements of the State Public Health Officer Order of August 5, 2021, "Health Care Worker Vaccine Requirement."

§5199. Appendix A.

This appendix contains a list of diseases and pathogens which are to be considered aerosol transmissible pathogens or diseases for the purpose of Section 5199. Employers are required to provide the protections required by Section 5199 according to whether the disease or pathogen requires airborne infection isolation or droplet precautions as indicated by the two lists below.

Diseases/Pathogens Requiring Airborne Infection Isolation

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Coronavirus disease 2019 (COVID-19) / severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)

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Middle East Respiratory Syndrome (MERS)/ Middle East Respiratory Syndrome Coronavirus (MERS-CoV)

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Appendix D

MERS-CoV

SARS coronavirus (SARS-CoV) ~~(untreated specimens, cell cultures, experimental animal studies)~~

SARS-CoV-2

§5199 Appendix E: Aerosol Transmissible Disease Vaccination Recommendations for Susceptible Health Care Workers (Mandatory)

Vaccine	Schedule
<u>COVID-19</u>	<u>Initial doses and boosters as recommended by CDPH</u>
Influenza	One dose annually
Measles	Two doses
Mumps	Two doses
Rubella	One dose
Tetanus, Diphtheria, and Acellular Pertussis (Tdap)	One dose, booster as recommended
Varicella-zoster (VZV)	Two doses

Source: California Department of Public Health, Immunization Branch. Immunity should be determined in consultation with Epidemiology and Prevention of Vaccine-Preventable Diseases.