



**ORDER OF THE HEALTH OFFICER OF THE CITY OF BERKELEY
RESCINDING THE ORDER FOR THE CONTROL OF COVID-19
TRANSMISSION IN SKILLED NURSING FACILITIES
Mandatory Masking of Staff in Skilled Nursing Facilities**

**Date Order Issued: June 27, 2023
This Order is effective at 12:01 am June 28, 2023**

SUMMARY OF THE ORDER

This Order rescinds the Health Officer Order requiring masking of staff in Skilled Nursing Facilities in the City of Berkeley. This order recommends that Skilled Nursing Facilities continue to make face coverings available to staff and any individual entering the facility requesting a mask. Individuals and businesses in the City of Berkeley should refer to the State's recommendations for the wearing of face coverings, including the California Department of Public Health's (CDPH) [Get the Most Out of Masking: Tips & Resources](#).

Facilities are also subject to the [Cal/OSHA COVID-19 Prevention Non-Emergency Regulations](#) and/or the [Cal/OSHA Aerosol Transmissible Diseases \(ATD\)](#) Standard and should consult those regulations for additional applicable requirements.

On September 22, 2022, the Health Officer rescinded the last remaining City of Berkeley Health Officer Order related to COVID-19. On February 28, 2023 the California COVID-19 State of Emergency ended. On April 3, 2023, the California State Health Officer and the California Department of Public Health rescinded the order which required masking in indoor high-risk and healthcare settings including healthcare, long-term care, and correctional facilities as well as homeless shelters.

On March 31, 2023, the City of Berkeley Health Officer issued an order requiring the masking of staff in City of Berkeley Skilled Nursing Facilities due to the presence of COVID-19 in the community and to reduce the spread of COVID-19 in certain vulnerable populations. The communal nature of Skilled Nursing Facilities and the population served (generally older adults often with underlying medical conditions), put those living in Skilled Nursing Facilities at increased risk of infection and severe illness from COVID-19, if infected.

Accordingly, the Health Officer required all Skilled Nursing Facilities, operating within the City of Berkeley Public Health Jurisdiction, to comply with all measures in the Order. The required measures were intended to reduce the transmission of COVID-19 in these facilities and to protect vulnerable patients/residents.

**UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND SAFETY
CODE SECTIONS 101475 AND 120175,
THE CITY OF BERKELEY HEALTH OFFICER ORDERS:**

Please read this Order carefully.

1. Effective June 2, 2023 at 12:01 am the Health Officer's Order for the Control of COVID-19 transmission in Skilled Nursing Facilities: Mandatory Masking of Staff in Skilled Nursing Facilities issued on March 31,2023 is hereby rescinded.
2. The Health Officer of the City of Berkeley recommends that all individuals and facilities follow California Department of Public Health's (CDPH) [Get the Most Out of Masking: Tips & Resources](#).
3. The Health Officer of the City of Berkeley recommends that Skilled Nursing Facilities continue to make face coverings available to staff and any individual entering the facility requesting a mask.
4. In the event of an outbreak, the Health Officer may take additional action(s), including but not limited to requiring masking of staff, visitors, and patients in Skilled Nursing Facilities, to protect the public's health.
5. Nothing in this Order limits the obligation of a facility to comply with the requirements in the [Cal/OSHA COVID-19 Prevention Non-Emergency Regulations](#); the [Cal/OSHA Aerosol Transmissible Diseases \(ATD\)](#) standard, and any applicable rules issued by state or federal authorities including but not limited to Cal/OSHA's regulations.
6. Nothing in this Order shall be construed to limit the ability of an employer to impose policies which are stricter than those imposed by this Order.
7. The City must promptly provide copies of this Order as follows: (1) by posting on the City's website (berkeleyca.gov); (2) by posting at Old City Hall, located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704; and (3) by providing to any member of the public requesting a copy.
8. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Lisa B. Hernandez, MD, MPH
Health Officer, City of Berkeley

Date: June 26, 2023