

EMERGENCY TEMPORARY STANDARD

OSHA has announced it will issue an emergency temporary standard to protect healthcare workers from contracting COVID-19. The healthcare emergency temporary standard (ETS) is aimed at protecting workers in healthcare settings where suspected or confirmed coronavirus patients are treated. This includes employees in hospitals, nursing homes and assisted living facilities; emergency responders, home healthcare workers and employees in ambulatory care settings where suspected or confirmed coronavirus patients are treated.

The ETS will become immediately effective upon publication in the Federal Register. Employers will have to comply with most provisions, of the ETS, within 14 days and with provisions involving physical barriers, ventilation and training within 30 days. It is believed that CONN-OSHA, which oversees public entities, will be adopting the ETS as well.

There are some notable exceptions to this standard:

- First aid performed by an employee who is not a licensed healthcare provider;
- Dispensing of prescriptions by pharmacists in retail settings;
- Non-hospital ambulatory care settings where all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not permitted to enter those settings;
- Well-defined hospital ambulatory care settings where all employees are fully vaccinated and all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not permitted to enter those settings;
- Home healthcare settings where all employees are fully vaccinated and all non-employees are screened prior to entry and people with suspected or confirmed COVID-19 are not present;
- Healthcare support services not performed in a healthcare setting (e.g., off-site laundry, off-site medical billing); or
- Telehealth services performed outside of a setting where direct patient care occurs.

A broad overview of the ETS requirements include:

- Conduct a workplace specific hazard assessment, with input from non-managerial employees and their union, if applicable;
- Develop a COVID-19 plan for each workplace and designate a safety coordinator to implement and monitor compliance with the plan;
- Limit and monitor points of entry in direct patient care settings and screen and triage all non-employees upon entry;
- Provide and ensure employees wear facemasks when indoors, and respirators and other PPE when exposed to people with suspected or confirmed COVID-19;
- Follow specific protocol for aerosol-generating procedures on persons with suspected or confirmed COVID-19;
- Ensure employees are following physical distancing rules while indoors, and install physical barriers at work locations in non-patient care areas where employees are not separated by at least 6 feet;
- Follow CDC guidelines on cleaning and disinfecting;

- Use HVAC systems in accordance with manufacturer’s directions and with a filter with a MERV rating of 13 or higher if possible;
- Screen and monitor employees, including notification to employees;
- Support employee vaccination with reasonable time and paid leave for vaccination and any side effects;
- Train employees on disease transmission and relevant policies and procedures;
- Inform employees of their rights under the ETS;
- Maintain a log to record each instance in which an employee is COVID-19 positive, regardless of whether it is connected to occupational exposure;
- Implement a Mini Respirator Program as it applies only to specific circumstances specified under the ETS; and
- Report COVID-19 hospitalizations and fatalities to OSHA.

The standard and requirements are complex and healthcare employers should carefully review the ETS to ensure compliance.

Link to the Emergency Temporary Standard <https://www.osha.gov/coronavirus/ets>

Link to Frequently Asked Questions <https://www.osha.gov/coronavirus/ets/faqs>

Link to the Fact Sheet Subpart U—COVID-19 Healthcare ETS

<https://www.osha.gov/sites/default/files/publications/OSHA4122.pdf>

Fact Sheet - Mini Respiratory Protection Program

<https://www.osha.gov/sites/default/files/publications/OSHA4121.pdf>

The COVID-19 Log

<https://www.osha.gov/sites/default/files/publications/OSHA4130.pdf>

Sample Employee COVID-19 Health Screening Questionnaire

<https://www.osha.gov/sites/default/files/publications/OSHA4132.pdf>

Is your workplace covered by the COVID-19 Healthcare ETS?

<https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf>

If you have questions, please contact your assigned Senior Loss Control Consultant or email Carol Fronczek at fronczek@wctrust.com