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Safe Actions For Employee Returns

Safety Tips for the OSHA Emergency Temporary Standard

OSHA recently issued an Emergency Temporary Standard (ETS) focusing on the healthcare industry. The ETS is designed to protect employees from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. The ETS requires covered employers with potential employee exposure to COVID-19 to develop and implement a “COVID-19 plan” to identify and control COVID-19 hazards in the workplace.

Healthcare establishments covered by the ETS include:

- Hospitals
- Nursing homes
- Assisted living
- Emergency responders
- Home healthcare workers
- Employees in ambulatory care facilities

Note: The ETS does not require employees be vaccinated. However, the ETS exempts fully vaccinated workers from masking, distancing and barrier requirements when in well-defined areas where there is no reasonable expectation any person with suspected or confirmed COVID-19 will be present.

The ETS does not apply to:

- First aid performed by an employee who is not a licensed healthcare provider
- Dispensing of prescriptions by pharmacists in retail settings

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- 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, 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)
- Telehealth services performed outside of a setting where direct patient care occurs

Note: Industries outside of healthcare are covered under the OSHA general duty clause and existing OSHA standards.

The ETS requires a covered employer to have a COVID-19 plan:

The plan must:

- Be in writing if there are 11 or more employees
- Be available for employees to review
- Designate a coordinator (like 29 CFR 1910.1030 – Bloodborne)
- Require the employer to conduct a site-specific hazard assessment
- Require the employer to seek input from and involve employees and employee representatives
- Requires the employer to monitor the workplace to make sure the plan is being implemented and is effective

The plan must cover the following topics:

- Patient screening and management
- Standard transmission-based precautions (in accordance with the CDC)
- Providing, use and training for PPE
 - Including face coverings
 - Including respirators for any aerosol generating procedures
- Aerosol generating procedures, which must be done in an isolation room, and equipment and surfaces must be disinfected on a regular and routine basis
- Physical distancing
- Controls, such as the use of barriers
- Cleaning and disinfecting surfaces and equipment
- Ventilation
- Health-related screening and medical management for employees
 - Screen each employee before each workday and shift (for example, by asking employees to self-monitor)
 - Provide employer-required testing at no cost to the employee (Note: employers are not required to conduct screening testing)
 - Require each employee to promptly notify the employer when the employee is COVID-19 positive, suspected of having COVID-19 or experiencing certain symptoms

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- Notifying certain employees within 24 hours when a person who has been in the workplace is COVID-19 positive
- Following requirements for removing workers from the workplace if positive for COVID-19, or are displaying signs and symptoms of COVID-19
- Making decisions on returning employees to work in accordance with guidance from a licensed healthcare provider or specified CDC guidance
- Continuing to pay removed employees, in most circumstances
- Employee training
- Keeping a COVID-19 log for all employee cases – work-related or not
- Mini-Respiratory Protection Program – one does not need to do a medical evaluation nor conduct fit-testing

Additional OSHA points on the ETS

1. Employers are required to provide reasonable time and paid leave for employee vaccinations and any side effects
2. Employers must ensure each employee receives training in a language and literacy level the employee understands, so the employee comprehends COVID-19, including how the disease is transmitted, employer-specific policies and procedures on patient screening and management, available sick leave policies, etc.
3. Employees must receive additional training whenever changes occur affecting employees' risk of getting COVID-19 at work, policies or procedures are changed or there is an indication employees have not retained the necessary understanding or skill
4. Employers are prohibited from discharging or discriminating against any worker for exercising their right to the protections required by the ETS
5. Employers with more than 10 workers must establish and maintain a COVID-19 log to record each instance identified by the employer in which an employee is COVID-19 positive, regardless of whether the instance is connected to exposure at work

References:

OSHA ETS:

<https://www.osha.gov/coronavirus/ets/faqs>