

LEGAL UPDATE

OSHA Issues COVID-19 Emergency Temporary Standard for Health Care

On June 10, 2021, the Occupational Safety and Health Administration (OSHA) announced its [COVID-19 Emergency Temporary Standards](#) (ETS). The ETS was developed to protect health care and health care support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. The ETS is expected to become effective as soon as it is published in the Federal Register.

Covered employers include hospitals, nursing homes, and assisted living facilities; emergency responders; home health care workers; and employees in ambulatory care settings where suspected or confirmed coronavirus patients are treated.

ETS Requirements

The ETS requires covered health care employers to develop and implement a COVID-19 plan to identify and control COVID-19 hazards in the workplace.

Covered employees must also implement other requirements to reduce the transmission of COVID-19 in the workplace. These requirements include, but are not limited to, health screenings, personal protective equipment (PPE), controls for aerosol-generating procedures, physical distancing, cleaning and disinfection protocols, ventilation standards and employee training.

OSHA will update the standard, if necessary, to align with CDC guidelines and changes for the pandemic.

Employee Vaccination

The standard encourages vaccinations by requiring employers to provide reasonable time off and paid leave for employees to receive vaccinations and to recover from any vaccination side effects.

Respiratory Program

The ETS also encourages respirator use when they are used in lieu of required facemasks by including a mini respiratory program that applies to such use.

ETS Exemptions

- ☒ Fully vaccinated workers are exempt from masking, distancing and barrier requirements when in well-defined areas where there is no reasonable expectation that any person will be present with suspected or confirmed coronavirus.

The ETS was developed to protect health care and health care support service workers from occupational exposure to COVID-19.

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