

OSHA Issues COVID-19 Standard to Protect Healthcare Workers

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The Occupational Safety and Health Administration (OSHA) issued an Emergency Temporary Standard (ETS) on June 10th targeted towards protecting employees in the healthcare sector from COVID-19. [Read OSHA's summary here.](#)

The COVID-19 ETS applies to all settings where any employer provides healthcare services or healthcare support services, including for example hospitals, nursing homes, assisted living facilities, emergency responders, home healthcare workers and employees working in ambulatory care facilities where COVID-19 patients are treated. These employers must do the following:

1. Develop and implement a COVID-19 plan for each workspace (if an employer employs more than 19 employees, the plan must be written).
2. Designate one or more workplace COVID-19 safety coordinators to implement the plan.
3. Conduct a workplace-specific hazard assessment and identify and ensure these hazards are addressed.
4. Monitor compliance with the COVID-19 plan and update if necessary.

Other Key Components of the ETS directed to healthcare employers:

- Paid Leave:
 - Employers must provide reasonable time and paid leave for employees to get vaccinated and recover from any side effects experienced following vaccination.
- Reporting Requirements:
 - Employers must report each work-related COVID-19 fatality within 8 hours of the employer learning about the fatality and each work-related COVID-19 in-patient hospitalization within 24 hours of the employer learning about the hospitalization.

The ETS also provides guidance for physical distancing measures, physical barriers at fixed

work locations, cleaning and disinfection requirements, ventilation, and other safety measures.

Many provisions in the ETS may seem redundant to healthcare employers who have already instituted protocols such as cleaning high touch surfaces at least once a day, erecting plexiglass structures separating employees from the general public, and screening employees before each work day. However, although the pandemic has lasted for what seems like an eternity, living in a world where many employees are vaccinated is an entirely new concept. New guidance, including this ETS, includes exceptions in certain circumstances for employees who are fully vaccinated when working in areas where there is no reasonable expectation that any person with suspected or confirmed COVID-19 will be present.

OSHA's Healthcare ETS will become effective immediately upon publication in the Federal Register (which should be any day). Employers are expected to comply with most provisions within 14 days of the effective date, and with provisions involving physical barriers, ventilation and training within 30 days. There is some wiggle room in the dates as OSHA declared in the ETS that employers making a "good faith" effort to comply with the ruling will not be considered running afoul of the rule. So for now, we will continue to monitor updates in the effective date. For employers reading this, consider whether this will apply to you and consult experienced legal counsel for compliance advice.