



New OSHA COVID-19 Standards Apply To Physician Offices

OSHA (Occupational Safety and Health Administration) has issued a new [Emergency Temporary Standard](#) (ETS) to protect healthcare workers at risk for contracting COVID-19 in healthcare settings. The ETS was published in the [Federal Register](#) and became effective on June 21, 2021. **Healthcare employers must comply by July 6, 2021, except for the sections on Physical Barriers, Ventilation, and Employee Training, which must be achieved by July 21, 2021.** However, OSHA's [press release](#) indicated that it will "use its enforcement discretion to avoid citing employers who miss a compliance deadline but are making a good faith effort to comply with the ETS."

Does the ETS apply to Physician Practices?

Yes, it applies to all settings where any employee provides healthcare services or healthcare support services. There are certain limited exceptions, including but not limited to:

- Retail pharmacies
- 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

Visit [OSHA's website](#) for a full list of the exceptions under *Subpart U, Section A (1910.501/Healthcare)*.

What are the Requirements of ETS?

Some of requirements for non-exempt employers are:

- **Written COVID-19 Plan For Employers With More Than 10 Employees.** For employers with 10 or less employees, a written plan is not required. However, the employer must still implement the other requirements of the ETS.
- **Workplace Specific COVID-19 Hazard Assessment.** The plan must address the hazards identified.
- **Safety Coordinators.** Designation of one or more workplace COVID-19 safety coordinators to implement and provide ongoing monitoring of the COVID-19 plan. This individual(s) must be knowledgeable in infection control principles and practices as they apply to the workplace and employee job operations. The identity of the safety coordinator(s) must be documented in any written COVID-19 plan.
- **Personal Protective Equipment (PPE).** Provision of PPE, such as facemasks, and limited exceptions.
- **Physical Distancing.** For example, ensure each employee is separated from all other people by at least 6 feet when indoors unless the employer can demonstrate that such physical distancing is not feasible for a specific activity (e.g., hands-on medical care).

What are the Requirements of ETS? (Cont'd)

- **Physical Barriers.** Place physical barriers outside of direct patient care areas (e.g., entryway/lobby, check-in desks, triage, hospital pharmacy windows, bill payment) where the employees are not separated from all other people by at least 6 feet of distance.
- **Ventilation.** Employers who own or control buildings or structures with an existing heating, ventilation, and air conditioning (HVAC) system(s) must ensure that the HVAC system(s) meets the requirements listed in the ETS.
- **Employee Health Screening and Medical Management.** As listed in the ETS, such measures as screening, testing, and reporting requirements must be implemented.
- **Vaccination.** Support COVID-19 vaccination for each employee by providing reasonable time and paid leave to each employee for vaccination and any side effects experienced following vaccination.
- **Employee Training.** Ensure that each employee receives training about COVID-19 in a language and at a literacy level the employee understands. Training must incorporate the components listed in the ETS.
- **Recordkeeping/Logs.** Employers with more than 10 employees must establish and maintain a COVID-19 log to record each instance in which an employee is COVID-19 positive, regardless of whether the instance is connected to exposure to COVID-19 at work.
- **Anti-Retaliation.** The employer must inform each employee that they have a right to the protections as specified in the ETS.

Refer to the OSHA's [full text](#) for a complete description of all ETS requirements and exemptions.

How Do I prepare to meet the ETS requirements?

CONVENTUS RECOMMENDS:

- **Develop a COVID-19 Plan.** The [OSHA website](#) contains several resources to assist with plan development. In addition, [California OSHA](#) has developed a [sample fillable plan](#). While there is no guarantee it meets the federal OSHA requirements, it provides a plan table of contents and format. The ETS references a sample plan on the OSHA website. Conventus will monitor the site for the availability of this document. Alternatively, Conventus' strategic alliance partner, [Healthcare Compliance Network](#) (HCN), can assist in developing a plan and ensuring compliance with all the requirements of the ETS. Conventus members receive discounted rates from HCN.
- **Identify a Safety Coordinator(s).** This individual should have training in infection prevention and control. Your current OSHA and Infection Prevention designee may be able to meet the requirements for this role.
- **Conduct a COVID-19 Hazard Assessment.** Visit OSHA's [Hazard Recognition](#) and [Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace](#) resources for assistance. Once hazards have been identified, the practice needs to implement policies/procedures to address them.
- **Develop a COVID-19 Log.** There is a [sample COVID-19 log](#) on the OSHA website.
- **Train Employees.** [California OSHA](#) for [educational materials](#) that may assist in training employees. [NJ OSHA](#) also has [trainings](#) and [videos](#) about how to keep workers safe.
- **Review OSHA's ETS.** It is important to understand the [full details of all the requirements of OSHA's ETS](#).

As always, Conventus members can call our Practice Resources Department at (877) 444-0484 ext. 7466 to speak with a member of our team for assistance with the requirements.

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