

OSHA Issues COVID-19 Rules for Healthcare Employers Only

By Amanda M. Connelly

On June 10, 2021, Marty Walsh, Labor Secretary and acting assistant Secretary of Labor for Jim Frederick of Occupational Safety and Health Administration, announced the “emergency temporary standard,” or ETS, that identifies what employers must do to protect health care workers from COVID-19. The ETS is specifically tailored to employees in hospitals, nursing homes, and assisted living facilities; emergency responders; home healthcare workers; and employees in ambulatory care facilities where there are or may be COVID patients.

Some requirements under the ETS for health care employers are:

- to maintain social distancing protocols;
- screen patients for COVID-19 symptoms;
- screen employees for COVID-19 symptoms before each workday;
- provide training to employees on their rights under the ETS;
- install cleanable or disposable barriers for work stations;
- ensure that employer-owned HVAC systems have a Minimum Efficiency Reporting Value of 13 or higher (if the system allows it), and
- give employees time off to receive and recover from the COVID-19 vaccination.

Additionally, health care employers must develop and implement a COVID-19 plan (which must be in writing if there are more than 10 employees). The plan must identify a safety coordinator who is tasked with ensuring compliance, and it must identify policies and procedures to minimize the risk of transmission of COVID-19 to employees. However, there is a carve-out for certain workplaces where all employees are fully vaccinated and people who may have the virus are not allowed inside.

Notably, the ETS applies specifically to employers of health care workers. According to Walsh in his announcement, “OSHA has determined that a health care-specific safety requirement will make the biggest impact,” as those are the workers that are in contact with the virus on a day-to-day basis. Along with the ETS, OSHA issued voluntary guidelines to non-health care employers, such as meatpacking industries and high-volume retail facilities. OSHA also issued a flow-chart that helps employers identify whether the ETS applies to their workplace. The flow chart, and information regarding the ETS, can be found [here](#).

The effective date of the ETS has not yet been determined. Generally, it will take effect the day it is published in the Federal Register, but that date has not been announced. Once it takes effect, applicable employers must comply with most of the ETS provisions within 14 days, and with provisions involving physical barriers, ventilation, and training, employers must comply within 30 days.

Roetzel will continue to monitor developments in this area. For more information and insight on this matter, please contact one of the listed Roetzel attorneys.

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