

OSHA issues COVID-19 Emergency Temporary Standard for healthcare employers



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On June 10, 2021, the Occupational Safety and Health Administration (OSHA) issued its long-awaited [Emergency Temporary Standard \(ETS\)](#) regarding mandatory safety standards for COVID-19 for healthcare employers pursuant to [President Biden's January 21, 2021 Executive Order](#). The ETS outlines what healthcare employers must do to protect healthcare workers from COVID-19. OSHA also issued [voluntary guidelines](#) for employers outside of the healthcare sector.

The rule is designed to protect workers who face the highest risk of contracting COVID-19 in the workplace – namely, those working in healthcare settings where suspected or confirmed COVID-19 patients may be treated. This includes employees in hospitals, nursing homes, and assisted living facilities;

emergency responders; home healthcare workers; and employees in outpatient care facilities. The ETS exempts fully vaccinated workers from masking, distancing, and barrier requirements in well-defined areas where there is no reasonable expectation that any person with COVID-19 will be present.

Here are the key requirements of the ETS:

- **Written COVID-19 Plan:** Healthcare employers with more than 10 employees must develop and implement a written plan that designates a safety coordinator who has the authority to ensure compliance with the ETS. The plan must include a workplace-specific hazard assessment and involve non-managerial employees in the hazard assessment and plan development. Additionally, the plan must include policies and procedures to minimize the risk of transmission of COVID-19 between employees.
- **Patient Screening and Management:** Employers must limit and monitor points of entry to settings where direct COVID-19 patient care is provided. Employers must also screen and triage patients, clients, other visitors and non-employees.
- **Personal Protective Equipment (PPE):** Employers must provide and ensure that each employee wears a facemask when indoors or in a vehicle with other employees for work purposes. Employers must provide and ensure that each employee working directly with suspected or confirmed COVID-19 patients use respirators and other PPE to prevent exposure to the virus.
- **Social Distancing:** Employers must keep people six feet apart when indoors.
- **Physical barriers:** Employers must install cleanable or disposable barriers at each work location in non-patient care areas where employees are not separated by six feet.
- **Vaccination:** Employers must provide reasonable time and

paid leave for vaccination and vaccine side effects.

- No Cost: All requirements of the ETS must be implemented at no cost to the employees.

The rule will take effect when it is published in the Federal Register and healthcare employers must comply with the majority of the guidelines 14 days after publication.

Phillips Murrah's labor and employment attorneys continue to monitor developments regarding COVID-19 rules in the workplace to provide up-to-date advice to our clients.

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