



OSHA's Healthcare Emergency Temporary Standard for COVID-19

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WE ARE AN INDEPENDENT MEMBER OF HLB—THE GLOBAL ADVISORY AND ACCOUNTING NETWORK

- Applicably to Healthcare Organizations
 - Immediate Key Next Steps
 - Vaccination Status and OSHA Statement
 - Communication to Employees
 - Exceptions & Impact
- Possible Issues & Solutions
 - Issues
 - Solution
 - Inspection Procedures

For additional information: <https://www.pyapc.com/insights/are-your-current-covid-19-prevention-practices-enough/>



Applicability to Healthcare Organizations



Organizations Impacted by ETS



Hospitals

- General
- Specialty
- Teaching



Ambulatory Care Facilities

- Physician Offices
- Specialty Care Clinics
- Ambulatory Surgery Centers



Home Healthcare

- Hospice
- Home Healthcare & Therapy

For a list of Settings Covered: <https://www.federalregister.gov/documents/2021/06/21/2021-12428/occupational-exposure-to-covid-19-emergency-temporary-standard#p-1122>



Emergency Responders & Prehospital Care

- Ambulance Companies
- Medical Transport
- Air Evacuation Companies



Long-term Care

- Skilled Nursing Facilities
- Residential Psychiatric Centers
- Residential Substance Abuse Centers
- Residential Rehab Centers

For a list of Settings Covered: <https://www.federalregister.gov/documents/2021/06/21/2021-12428/occupational-exposure-to-covid-19-emergency-temporary-standard#p-1122>

Immediate Key Next Steps

- Conduct a hazard assessment
- Develop a formal COVID-19 plan
- Establish and maintain an exposure log
- Assess physical environment issues
- Evaluate COVID-19 related policies and procedures
- Prepare for and conduct training for all employees



Address “building & clinic” physical environment issues

- Install physical barriers where necessary and as required
- Standardize/enhance cleaning and disinfection standards (ref: CDC)
- Review building maintenance plans and verify performance of mechanical systems; functioning as designed for maximum fresh air changes (ref: ASHRAE)
- Ensure building air filtration systems utilize maximum efficiency reporting value (MERV) rated filters with MERV 13 being the benchmark
- Establish reoccurring fresh air intake cleaning procedures



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Status

- Three (3) vaccines currently approved for emergency use by the FDA: Pfizer-BioNTech, Moderna, and Johnson and Johnson
- Guideline recommend vaccination for persons age 12 and older

OSHA on Statement on Vaccination (29 CFR 1910, June 21, 2021)

- *“OSHA has long recognized the importance of vaccinating employees against preventable illness to which they may be exposed on the job.”*



Communication to Employees

- Employers to develop and implement a plan for each workplace
- Employers must perform a hazard assessment
- Employees must wear a facemask, with certain exceptions
- Access to patient care areas must be limited and monitored
- All individuals maintain 6 feet distance indoors, physical barriers if not socially distant (unless in certain circumstances)





- Standard practices for cleaning and disinfection compliant with CDC guideline
- Employees
 - Must be screened prior to each workday and shift
 - Immediately notify employee if test positive, suspect having COVID-19 or experience COVID-19 symptoms
 - Must receive training to understand transmission of COVID-19
- Employers
 - Must notify with 24 hours of potential exposure
 - Must provide reasonable time off for vaccinations and side effects
 - Must establish a log to document all employee instances of COVID-19 regardless of occupational exposure (unless an exclusion is met)

Exceptions & Impact

- Non-owned, 3rd party lease sites, partial exemption
 - Must still meet minimum standards for only the clinic site
- Certain non-clinical or healthcare settings
 - OSHA ETS Flow Chart*
- Less than 10 employees
- Timeline
 - July 21st Implementation



- Cost Implications
 - Admin staff, screenings, logs, & reporting
 - Environmental services/janitorial enhancements
 - Maintenance planning and engineering system evaluations
 - Supplies and materials
 - Capital equipment failure and/or upgrades to meet minimum requirements

*<https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf>

Possible Issues & Solutions



- Employees do / will not disclose vaccination status
- Third party landlord does not cooperate
- Buildings that lack test and balance benchmarks
- Physical barrier not possible or available
- Unknown building maintenance plans and lack of regulatory direction
- MERV 13 filters not available (backorders)
- Equipment will not operate with MERV 13 or equipment rated for MERV 13 filters but not functioning correctly





- **DOCUMENT, DOCUMENT, DOCUMENT**
(Old saying: “If you didn’t document it, it never happened”)
- If you cannot prove you tried to meet the standard, you could be found in violation of OSHA ETS 29 CFR 1910, Subpart U.
- Non-Compliance
 - Fines
 - \$13,653 per violation - Serious Violation
 - \$13,653 per day - Failure to Abate after July 21st
 - \$136,532 per violation - Willful or Repeat Violation
- Inspection
 - OSHA Direction - Inspection Procedures for Covid-19 ETS

For additional information: https://www.osha.gov/sites/default/files/enforcement/directives/DIR_2021-02_CPL_02.pdf

Questions?



Contact Information



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Hank currently serves as a Senior Vice President in the RTG - Johnson City, TN office with responsibility over day to day operations and client interaction. In addition, Hank serves as the Operations Service Line leader overseeing 56 team members and 14,500,000 SF of managed space across the RTG portfolio. Prior to joining Realty Trust Group, Hank served as President of Corridor Properties, LLC in Johnson City, TN. He has been in commercial real estate since 1986 gaining broad experience in land use planning, development, property management, project management, and general brokerage with an emphasis in the land, office, and medical office sales and leasing.