

OSHA Issues Emergency Temporary Standard

The Occupational Safety and Health Administration (OSHA) has issued an Emergency Temporary Standard (ETS) for healthcare and updated guidance for all industries. This healthcare ETS applies, with some exceptions, to settings where any employee provides healthcare services or healthcare support services. The ETS is aimed at protecting workers facing the highest COVID-19 hazards—those working in healthcare settings where suspected or confirmed COVID-19 patients are treated. This includes employees in hospitals, nursing homes, and assisted living facilities; emergency responders; home healthcare workers; and employees in ambulatory care facilities where suspected or confirmed COVID-19 patients are treated.

It does not apply to:

- First aid performed by an employee who is not a licensed healthcare provider
- Dispensing of prescriptions by pharmacists in retail settings
- 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
- Healthcare support services not performed in a healthcare setting (e.g., off-site laundry, off-site medical billing)
- Telehealth services performed outside of a setting where direct patient care occurs

For healthcare settings embedded in non-healthcare settings, the ETS applies only to the embedded healthcare setting and not to the remainder of the physical location. Where emergency responders or other licensed healthcare providers enter a non-healthcare setting to provide healthcare services, the ETS applies only to the provision of healthcare services by that employee. The ETS exempts fully vaccinated workers from masking, distancing, and barrier requirements when in well-defined areas where there is no reasonable expectation that any person with suspected or confirmed COVID-19 will be present.

The ETS was officially filed in the Office of the Federal Register on June 17, 2021, and it became effective when it was published on June 21, 2021. Employers must comply with most provisions within 14 days and with the remaining provisions within 30 days.

The Public Employment Risk Reduction Program (PERRP) has indicated they are reviewing this ETS but have not determined if they will follow it. We will keep you updated on their decision.

For questions or additional information please contact Jim Wirth, 614-546-7331 or jim.wirth@sedgwick.com