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Question of the Day: New COVID-19 Healthcare Emergency Temporary Standard

Legal Update

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Question

What is all the buzz about Federal OSHA's new COVID-19 Emergency Temporary Standard for healthcare providers?

Answer

The Federal Occupational Safety and Health Administration (OSHA) issued an Emergency Temporary Standard (ETS) for the healthcare industry in response to the ongoing effects of the COVID-19 pandemic. The compliance deadline for the vast majority of the ETS's *sweeping* requirements is **July 5, 2021**.

OSHA determined that existing standards and regulations, including laws related to employers' general duty of care, were inadequate to address the ongoing hazards to healthcare employees stemming from COVID-19. The scope of the ETS is broad and contains detailed and technical requirements related to, for example:

- COVID-19 plans and procedures
- Patient screening and management
- Personal protective equipment
- Cleaning and disinfection
- Ventilation
- Physical distancing and barriers
- Training
- Recordkeeping

In addition, the ETS obligates healthcare employers to conduct employee health screenings, make certain notifications of COVID-19 exposures, and take steps to remove employees from the workplace. The ETS also contains mandatory pay provisions for situations involving medical removal and vaccine side effects.

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For more information, contact Brian T. Benkstein at bbenkstein@fredlaw.com or 612.492.7096, or contact another member of the Employment Group.

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