

# Welcome and Introductions

Wednesday, July 14, 2021



Allen Jansen  
Senior Deputy Director  
Behavioral Health and Developmental Disabilities

*Putting people first, with the goal of helping all Michiganders lead healthier  
and more productive lives, no matter their stage in life.*

## Today's topic and guest

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- **Scope and Application of the OSHA/MIOSHA  
Emergency Temporary Standard**

Audrey Carlstrom

Industrial Hygienist

MIOSHA Consultation, Education & Training  
(CET) Division

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*Due to the detailed nature of this information, we will not  
be answering questions live today.*



## If you have a question:

- Type it into the CHAT and **include your email** so we can respond to you personally...

OR

- Submit your question to MIOSHA using this form:

[Labor and Economic Opportunity, General Industry Safety and Health Email Correspondence Form](#)



Please include as much information about your scenario as possible, so we can send you helpful answers!

# Preview of our next session

(July 28, 2:00 pm)



Review of Emergency Orders in the context of summertime activities and gatherings



# COVID-19 HEALTHCARE EMERGENCY TEMPORARY STANDARD (ETS) OVERVIEW

Audrey Carlstrom

Industrial Hygienist

MIOSHA Consultation, Education, & Training Division

# OVERVIEW

- Introduction
- Important Definitions
- Which workplaces have to comply with the ETS
- Exemptions
- Key Elements
- Resources

# COVID-19 HEALTHCARE ETS

## EMERGENCY TEMPORARY STANDARD

COVID-19 Healthcare ETS



- Posted Jun 11, 2021
- Effective June 21, 2021
- Compliance required by July 6, 2021

# IMPORTANT DEFINITIONS

- Healthcare Services
  - Services that are provided to individuals by a professional healthcare practitioners (e.g. doctors, nurses, emergency medical personnel, oral health professionals)
- Healthcare Support Services
  - Services that facilitate the provision of healthcare services. Services include patient intake, patient food services, equipment & facility maintenance, housekeeping services, healthcare laundry services, medical waste handling services & medical equipment cleaning/reprocessing services
- Facemask
  - A surgical, medical procedure, dental, or isolation mask that is FDA-cleared, authorized by an FDA EUA, or offered or distributed as described in an FDA enforcement policy



# COVID-19 ETS SCOPE & APPLICATION

Applies to ALL settings where ANY employee provides healthcare services or health care support services

# COVID-19 ETS SCOPE & APPLICATION

## Exemptions:

1. First aid provided by an employee who is not a licensed healthcare provider
2. Dispensing prescriptions by pharmacists in retail settings
3. **Non-hospital ambulatory care settings where all non-employees are screened prior to entry & people with suspected/confirmed COVID-19 are not permitted to enter**
4. Well-defined hospital ambulatory care settings where all employees are fully vaccinated & all non-employees are screened prior to entry & people with suspected/confirmed COVID-19 are not permitted to enter
5. **Home healthcare settings where all employees are fully vaccinated & all non-employees are screened prior to entry & people with suspected/confirmed COVID-19 are not permitted to enter**
6. **Healthcare support services not performed in a healthcare setting (e.g., off-site laundry, off-site medical billing)**
7. Telehealth services performed outside of a setting where direct patient care occurs

# IS YOUR WORKPLACE COVERED?

## Self Assessment Tool

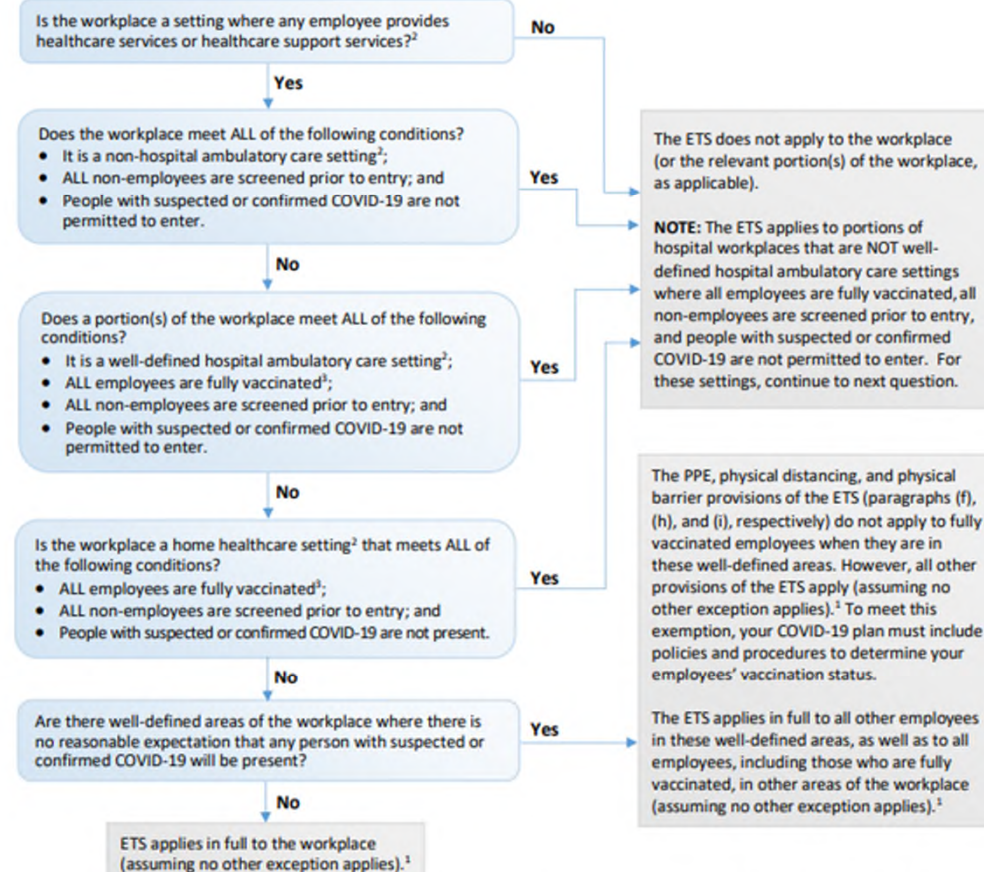
- OSHA Flowchart – “Is your workplace covered by the COVID-19 Healthcare ETS”

### EMERGENCY TEMPORARY STANDARD

## Is your workplace covered by the COVID-19 Healthcare ETS?



Employers may use the flow chart and footnote 1, below, to determine whether and how your workplace is covered by the ETS.<sup>1</sup> For the full text of the ETS, refer to **29 CFR 1910.502** at [www.osha.gov/coronavirus/ets](http://www.osha.gov/coronavirus/ets).



<sup>1</sup> The ETS does not apply to the following: the provision of first aid by an employee who is not a licensed healthcare provider, the dispensing of prescriptions by pharmacists in retail settings, healthcare support services not performed in a healthcare setting (e.g., off-site laundry, off-site medical billing), and telehealth services performed outside of a setting where direct patient care occurs. Furthermore, where a healthcare setting is embedded within a non-healthcare setting (e.g., medical clinic in a manufacturing facility, walk-in clinic in a retail setting), the ETS applies only to the embedded healthcare setting and not to the remainder of the physical location. Finally, 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 the healthcare services by that employee.

<sup>2</sup> Healthcare services mean services that are provided to individuals by professional healthcare practitioners for the purpose of promoting, maintaining, monitoring, or restoring health. Healthcare support services mean services that facilitate the provision of healthcare services. Ambulatory care means healthcare services performed on an outpatient basis, without admission to a hospital or other facility, but does not include home healthcare settings for the purposes of the ETS. A non-employee, for the purposes of the relevant exceptions, is any person who is not an employee of the employer who owns or controls the setting (e.g., contractors working on the HVAC system).

<sup>3</sup> Fully vaccinated means 2 weeks or more following the final dose of a COVID-19 vaccine. OSHA does not intend to preclude the employers of employees who are unable to be vaccinated from the scope exemption in paragraphs (a)(2)(iv) and (a)(2)(v). See Note to 29 CFR 1910.502(a)(2)(iv) and (a)(2)(v).

This document is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this document is not itself a standard or regulation, and it creates no new legal obligations.

# IS YOUR WORKPLACE COVERED?

- Is the workplace a setting where any employee provides healthcare services or healthcare support services?
- If no – the ETS does not apply to your workplace
- If yes – continue on the flow chart

# IS YOUR WORKPLACE COVERED

- Does the workplace meet ALL of the following conditions?
  - It is a non-hospital ambulatory care setting;
  - ALL non-employees are screened prior to entry; AND
  - People with suspected or confirmed COVID-19 are not permitted to enter
- If yes to all of the above – the ETS does not apply to the workplace
- If no – continue on the flowchart

# IS YOUR WORKPLACE COVERED?

- Does a portion(s) of the workplace meet ALL of the following conditions?
  - It is a well-defined hospital ambulatory care setting;
  - ALL employees are fully vaccinated;
  - ALL non-employees are screened prior to entry; AND
  - People with suspected or confirmed COVID-19 are not permitted to enter
- If yes to all of the above – the ETS does not apply to the workplace
- If no – continue on the flowchart

# IS YOUR WORKPLACE COVERED?

- Is the workplace a home healthcare setting that meets ALL of the following conditions?
  - ALL employees are fully vaccinated;
  - ALL non-employees are screened prior to entry; AND
  - People with suspected or confirmed COVID-19 are not present
- If yes to all of the above – The ETS does not apply to the workplace
- If no – continue on the flowchart

# IS YOUR WORKPLACE COVERED?

- Are there well-defined areas of the workplace where there is no reasonable expectation that any person with suspected or confirmed COVID-19 will be present?
- If no – The ETS applies to the entire workplace
- If yes – The ETS applies only partially in the well defined area if there are employees who are fully vaccinated. The ETS applies fully to non-vaccinated employees in these well defined areas, as well as all employees in other areas of the workplace



# EMPLOYEE VACCINATIONS

## Note to paragraph (a)(2) Exemptions to ETS Scope & Application

- OSHA does not intend to preclude the employers of employees who are unable to be vaccinated from the scope exemption in paragraphs (a)(2)(iv) and (v) of this section. Under various anti-discrimination laws, workers who cannot be vaccinated because of medical conditions, such as allergies to vaccine ingredients, or certain religious beliefs may ask for a reasonable accommodation from their employer. Accordingly, where an employer reasonably accommodates an employee who is unable to be vaccinated in a manner that does not expose the employee to COVID-19 hazards (e.g., telework, working in isolation), that employer may be within the scope exemption in paragraphs (a)(2)(iv) and (v) of this section

# COVID-19 ETS KEY ELEMENTS

- COVID-19 Plan
- Patient Screening & Management
- Standard & Transmission-Based Precautions
- Personal Protective Equipment
- Aerosol-Generating Procedures Protection Measures
- Physical Distancing
- Physical Barriers
- Cleaning & Disinfection
- Ventilation
- Employee Health Screening & Management
- Vaccinations
- Training
- Anti-Retaliation
- Recordkeeping

# COVID-19 ETS KEY ELEMENTS

- COVID-19 Plan
  - Conduct a workplace-specific hazard assessment to identify potential workplace hazards related to COVID-19
  - In order for an employer to be exempt from providing controls in a well-defined area based on employees' fully vaccinated status, the COVID-19 plan must include policies/procedures to determine employees' vaccination status
  - Include policies/procedures to protect employees who enter into private residences or physical locations controlled by a person not covered by the OSHA Act (e.g. homeowners, sole proprietors). This MUST include procedures for employee withdrawal from that location if those protections are inadequate
- Screening for non-employees prior to entering the setting. Includes patients, clients, residents, delivery people and other visitors.
- PPE: Provide facemasks & ensure employees wear facemasks while indoors or when occupying a vehicles with others for work purposes
- Vaccination: Provide reasonable time & paid leave for vaccinations & vaccination side effects
- Train employees on COVID-19 & workplace specific policies & procedures

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[OSHA Guidance to Protect Employees from COVID-19](#)

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[MDHHS Facemask Recommendations 06/22/2021](#)

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[CDC COVID-19 Guidance for Community Work & School](#)

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[CDC COVID-19 Guidance for Shared & Congregate Housing](#)

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IF YOUR WORKPLACE  
ISN'T COVERED BY THE  
COVID-19 ETS

# MIOSHA ASSISTANCE

- [MIOSHA Consultation, Education, & Training Division](#)
  - Request Consultative Assistance – [RCA Form](#)
  - Ask MIOSHA – [Question Form](#)
  - Main Phone Number – 517-284-7720
- [MIOSHA Homepage](#)
  - Sign Up for MIOSHA Emails
  - See Recent Updates to COVID-19 Rules
- [Michigan COVID-19 Workplace Safety Resources](#)
- MIOSHA COVID-19 Hotline – 1-855-723-3219

# RESOURCES

- ["Is your workplace covered by the COVID-19 Healthcare ETS?"](#)
- [OSHA FAQs for COVID-19 ETS](#)
- [COVID-19 Template Plan](#)
- [COVID-19 Healthcare Worksite Checklist & Employee Job Hazard Analysis](#)
- [Employee Training Presentation – Healthcare ETS](#)
- [COVID-19 Healthcare ETS Factsheet](#)
- [COVID-19 Guidelines for All Employers](#)

# CONTACT MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)

530 W. Allegan Street, P.O. Box 30643

Lansing, Michigan 48909-8143

If you need further information regarding COVID-19

Call 855-SAFEC19 (855-723-3219).

To request consultation, education and training services, call 517-284-7720

or visit our website at:

[www.michigan.gov/miosha](http://www.michigan.gov/miosha)



MICHIGAN DEPARTMENT OF  
**LABOR & ECONOMIC  
OPPORTUNITY**



## Concluding Remarks

If you didn't have time to type your question into the CHAT, you can submit it to MIOSHA using this form:

[Labor and Economic Opportunity,  
General Industry Safety and Health Email  
Correspondence Form](#)



Be sure to include information about your particular scenario so we can provide helpful answers!



## Reminder

A recording of today's presentation will be sent to the groups below, and they will email it to their members.

- Community Mental Health Association of Michigan
- Michigan Assisted Living Association
- Michigan Center for Assisted Living
- Leading Age of Michigan

You can also download the slides from our presentations at [Michigan.gov/Coronavirus](https://Michigan.gov/Coronavirus). Click the RESOURCES tab and select "For AFC and HFA Operators." Scroll to bottom of page.

# Next session's topic

(July 28, 2:00 pm)



Review of Emergency Orders in the context of summertime activities and gatherings

## Questions on other topics can be sent to:

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**Staffing:** [MDHHS-LTCStaffing@michigan.gov](mailto:MDHHS-LTCStaffing@michigan.gov)

**Vaccines:** [MDHHS-COVID-Longtermcare@Michigan.gov](mailto:MDHHS-COVID-Longtermcare@Michigan.gov)

**Testing:** [MDHHS-COVIDTestingSupport@michigan.gov](mailto:MDHHS-COVIDTestingSupport@michigan.gov)

**Emergency Orders:** [MDHHS-MSA-COVID19@michigan.gov](mailto:MDHHS-MSA-COVID19@michigan.gov)

### **All Other Questions:**

[MDHHS-COVID-AFC-HFA-Response@michigan.gov](mailto:MDHHS-COVID-AFC-HFA-Response@michigan.gov)

- Subscribe to correspondence at this link: [Subscribe](#)