

LEGAL UPDATE

OSHA Will Not Amend COVID-19 Healthcare ETS After CDC Reversed Face Mask Guidance

OSHA recently determined it will not be making changes to the healthcare emergency temporary standard (ETS) after reviewing the latest guidance, science and data on COVID-19, and the recently updated CDC face mask guidance. However, OSHA will continue to monitor and assess the need for changes monthly.

OSHA determined that neither the CDC's guidance on health care settings nor the underlying science and data on COVID-19 in health care settings has materially changed in a way to necessitate changes in the June 10, 2021 ETS.

Revised CDC Guidance

The CDC recently announced updates to its face mask guidelines, recommending that fully vaccinated individuals should wear a mask in public, indoor settings in areas where there is high or substantial COVID-19 transmission, including of the new coronavirus delta variant. Prior to this update, the CDC guidance allowed fully vaccinated individuals to stop wearing a mask in most settings.

OSHA's Healthcare ETS

Since OSHA has not changed its requirements for the healthcare ETS, the face mask exceptions under the standard still apply. The healthcare ETS covers employers in various health care industries, such as hospitals, nursing homes, assisted living facilities, emergency responders, home health workers and employees in ambulatory care settings where suspected or confirmed COVID-19 patients are treated.

Next Steps

Health care employers should continue to monitor the OSHA website for updates on how changes in COVID-19 transmission affect agency policy and guidance. OSHA will continue to assess the need for changes monthly.

ETS Face Mask Exceptions:

Employees are not required under the healthcare ETS to wear face masks when:

- They are alone in a room;
- They are eating and drinking;
- It is important to see a person's mouth while communicating;
- Employees are unable to wear face masks due to a medical necessity or condition; or
- Use of a face mask presents a hazard to an employee of serious death or injury.

OSHA will not make changes to its healthcare emergency temporary standard at this time, despite the updated CDC guidance.



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