

In The News

Akerman Partners Detail Strict OSHA Standards on COVID-19 that Affect Healthcare Facilities Nationwide

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Healthcare employers must comply with strict OSHA (Occupational Safety and Health Administration) rules, three Akerman lawyers reported in *Employee Benefit Plan Review*. There are a few exceptions, the authors report.

Labor and Employment Practice Group partners [Sul Kim](#), [John Linker](#), and [Lillian Chaves Moon](#) detail the 916-page Emergency Temporary Standard issued by OSHA, after President Biden, on his first full day in office, ordered OSHA to develop the new rules. The authors write that, among many other new regulations, most healthcare settings are now required to implement:

- A comprehensive Covid-19 identifying and addressing hazards;
- Patient screening and management protocols and transmission-based precautions;
- Protocols for providing and requiring use of personal protective equipment;
- Requirements for physical distancing, physical barriers, cleaning and disinfection;
- Improved ventilation, health screening and medical management;
- Training, anti-retaliation measures, improved recordkeeping, and reporting.

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Kim, Linker, and Moon provide extensive examples of the specificity of the stringent new OSHA regulations, including this one for ventilation in most healthcare facilities:

“Employers who own or control buildings must ensure, among other things, that the heating, ventilation, and air conditioning (“HVAC”) system air filters are rated Minimum Efficiency Reporting Value (“MERV”) 13 or higher. If such filters are not compatible with the HVAC system, employers must use filters with the highest compatible filter efficiency for their specific system. The air filters must be maintained and replaced to ensure proper functioning and performance of the HVAC system. All intake ports that provide outside air to the HVAC system must be cleaned, maintained, and clear of debris.”

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