



OSHA COVID-19

Enforcement for Hospital, Nursing Facilities and Assisted Living



The Occupational Safety and Health Administration (OSHA) released an enforcement memorandum

providing guidance for a highly focused, short-term inspection initiative directed at hospitals, skilled nursing and assisted living care facilities that treat or handle COVID-19 patients.

Through this initiative, OSHA will assess employer compliance efforts, including the readiness of hospitals and skilled nursing care employers to address any ongoing or future COVID-19 surges.

This initiative will focus on follow-up and monitoring inspections of hospitals and skilled nursing care facilities that OSHA had previously inspected or investigated.

- The introduction to this article was published by National Law Review on Thursday March 10, 2022.*
- The information summarizes the COVID-19 enforcement memorandum issued by OSHA and posted at [osha.gov/coronavirus/enforcement-memo](https://www.osha.gov/coronavirus/enforcement-memo).
- The intent of this initiative is to magnify OSHA's presence in high-hazard healthcare facilities through June 9, 2022, to encourage employers in these industry sectors to take the necessary steps to protect their workers against the hazards of COVID-19. OSHA's goal is that 15% of all inspections conducted during this period will target this initiative in each OSHA Region.
- Facilities targeted are those in the four North American Industry Classification System (NAICS) codes:
 - 622110 General Medical Surgical Hospitals
 - 622210 Psychiatric and Substance Abuse Hospitals
 - 62310 Nursing Care Facilities – Skilled Nursing Facilities
 - 623312 Assisted Living Facilities for the Elderly

*Jonathan H. Schaefer "et. al.", "OSHA Announces COVID-19 Enforcement Initiative for Hospitals and Nursing Care Facilities," National Law Review, vol. XII, no. 69, 2022.

- OSHA may select facilities if they meet one of the following criteria:
 - Follow-up inspection of any prior inspection for which a COVID-19-related citation or hazard alert letter was issued
 - Follow-up or monitoring inspections for randomly selected closed COVID-19 unprogrammed activity, to include COVID-19 complaints and Rapid Response Investigations

or

- Monitoring inspections for randomly selected, remote-only COVID-19 inspections for which COVID-19-related citations were previously issued
- In addition to reviewing compliance with past inspection findings, the General Duty Clause and focused walkarounds, items related to the following general industry standards may be reviewed:
 - 29 CFR Part § 1904, Recording and Reporting Occupational Injuries and Illness
 - 29 CFR § 1910.132, General Requirements-Personal Protective Equipment
 - 29 CFR § 1910.134, Respiratory Protection
 - 29 CFR § 1910.1020, Access to Employee Exposure and Medical Records
 - 29 CFR § 1910.502(q)(2)(ii) and (q)(3)(ii)-(iv), Healthcare ETS COVID-19 Recordkeeping
 - 29 CFR § 1910.502(r), Healthcare ETS COVID-19 Reporting

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