

MIOSHA Fact Sheet



Healthcare COVID-19 Safety

Healthcare employees that provide medical care to the most severe cases of COVID-19, are at the highest risk of exposure and their employers must protect them. These critical workers must be provided the proper PPE when exposed to a patient with suspected or confirmed COVID-19. MIOSHA recommends that healthcare workers with exposure to suspected or confirmed COVID-19 patients wear:

- Gloves
- Gowns
- Eye/face protection (e.g., goggles, face shield)
- NIOSH-certified, disposable N95 filtering facepiece respirators or better

Does MIOSHA's Respiratory Protection Standard, Part 451 require the establishment of a written respiratory protection program to cover exposure to COVID-19?

Yes, MIOSHA's Respiratory Protection Standard, [Part 451](#) covers exposure to COVID-19, triggering the required establishment of a respiratory protection program and provision of respirators, when the employer's hazard assessment under Michigan Personal Protective Equipment Standards [Parts 33](#) and [433](#), identifies a hazard of exposure to COVID-19 for a given work task or operation. The primary mode of transmission of SARS-CoV-2 infection leading to COVID-19 is airborne through respiratory aerosols or droplets which are expelled from an infected person's nose and mouth when they cough, sneeze, speak, or even exhale. Because not all work environments, operations or tasks will present the same level of exposure to COVID-19, the standard's requirement for establishment of a respiratory protection program and provision of respirators is not applicable to all employers or all employees. Completing an assessment of an employee's exposure risk based on work task or operation is the required first step.

What staff would be covered by the program?

The program would apply to staff who have direct contact with patients known or highly suspected, due to symptom presentment, to be infected with COVID-19. Through the required assessment these employees would be deemed to have hazardous exposure to COVID-19 triggering the applicability of the respiratory protection standard and its requirements.

What MIOSHA standards require hospital staff to wear protective respirators, gowns, gloves, face shields, or other types of personal protective equipment (PPE) to prohibit contamination from other types of illnesses?

MIOSHA's Personal Protective Equipment Standards [Part 33](#) and [Part 433](#) would require staff to wear protective hand, body, face and eyewear where hazards from harmful contacts or exposures exist for the employee's specific job tasks or operations. MIOSHA's Bloodborne Infectious Disease Standard, [Part 554](#) in rule 8 also requires an employer to provide protective work clothing and equipment when there is occupational exposure to blood or other potentially infectious material (OPIM). The rules state that an employer shall provide, at no cost to the employee, and assure that an employee uses, appropriate personal protective clothing and equipment.

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MIOSHA Consultation Education and Training Division
530 Allegan Street • P.O. BOX 30643 • LANSING, MICHIGAN 48909
www.michigan.gov/miosha • (517) 284-7720
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Is the only source of PPE required, related to COVID-19 exposure, a result of utilizing the general duty clause to enforce CDC guidelines?

No, the requirement of PPE for the protection of the hands, eyes, face, and body from harmful contacts or exposures are established by MIOSHA's Personal Protective Equipment Standards Parts [33](#) and [433](#). Where the PPE standards do not specify what grade or type of PPE must be selected, the CDC guidelines will be used as a reference for identification of the level or grade of PPE best suited to protect against COVID-19 exposure.

How does MIOSHA distinguish between respiratory protection and other PPE?

The requirement for respiratory protection due to exposure to infectious aerosols of SARS-CoV-2 are established by MIOSHA's Respiratory Protection Standard [Part 451](#). A respiratory protection program, per the standard, requires that **all respirators** used shall be **NIOSH-certified** and **tight-fitting**. A respirator reduces the wearer's exposure to respiratory intake of particles including small particle aerosols and large droplets. Other forms of PPE, such as a surgical mask, are intended for the protection against large droplets, splashes, or sprays of bodily or other hazardous fluids and protects the patient from the wearer's respiratory emissions.

Are there circumstances where an employee may provide their own PPE?

Per the PPE Standard Parts [33](#) and [433](#), an employee may provide their own hand, eye, face, foot or body PPE when the employer permits employees to do so, or, when the employer is required to provide the PPE but is unable to due to supply shortage.

Per the Respiratory Protection Standard [Part 451](#), an employee may provide their own respirator under two possible circumstances:

Circumstance No. 1: when **all** the following apply:

- a) Respirator use is not required by the employer for that employee or the employee's job tasks.
- b) The employer agrees to permit voluntary use.
- c) The employer has determined the employee is medically able to use the respirator (not required for filtering facepiece/N95).
- d) The employer has determined the respirator being used by the employee would not in itself create a hazard.
- e) The employer has determined the respirator is cleaned, stored, and maintained so it does not present a health hazard to the wearer (not required for filtering facepiece/N95).

Circumstance No. 2: when **all** the following apply:

- a) The employer requires the employee to use a respirator for their work tasks.
- b) The employer does not have a respirator to provide to the employee due to supply shortage.
- c) The employee has their own respirator of the same, or higher, protection type or grade.
- d) The employer has determined the respirator being used is of an equivalent or higher protection level as the respirator that is required by the employer.
- e) The employee passes a fit test for the respirator to be used.
- f) The employer has determined and ensured that the employee-provided respirator will be cleaned, stored, and maintained in the same manner required for a mandatory use respirator under the employer's respiratory protection plan.
- g) The employer's respiratory protection plan is updated for the use of the employee-provided respirator if it is a different type or grade than already in the plan.

If an employer is required to provide PPE, but due to supply constraints cannot, what can employees do?

Employees can submit a request to use their own PPE and submit their own PPE for evaluation by the employer as to whether the employee-provided PPE would offer equivalent or greater protection, not create a hazard, as well as establish that the employee is medically fit and able to wear a respirator, if necessary.

Under what circumstances may an employer deny an employee from using their own PPE?

When **any** of the following apply:

- a. Use of a respirator has not been mandated for the employee's job tasks and the employer has not authorized voluntary use of employee-provided respirators.
- b. Use of a respirator has not been mandated for the employee's job tasks, and the employer has determined use of the employee-provided respirators for the employee's job tasks would create a hazard.
- c. The employer has required respirator use, provided a respirator, and has not authorized use of an employee-provided respirator in lieu of the employer-provided respirator
- d. The employer requires respirator use, provided a respirator, and has authorized use of an employee-provided respirator in lieu of the employer-provided respirator BUT the specific employee respirator would not provide equivalent or greater protection than the respirator provided by the employer.
- e. When the employee has not been deemed medically able or fit tested to wear a respirator.
- f. When the employee-provided respirator has not been cleaned, stored, or maintained in an appropriate manner and thus use of it would create a hazard to the wearer.

If a respirator is required but is not provided, what type of protection must be provided to reach the equivalent protective qualities of a respirator?

If there is a shortage of respiratory protection MIOSHA will hold the employer to following the [OSHA](#) and [CDC](#) guidance about alternate use of respiratory protection.

Can a hospital limit PPE to only those staff working directly with confirmed positive COVID-19 cases, or must they treat other admitted patients exhibiting symptoms as the same level of risk for purposes of PPE until such times as the patient is confirmed negative?

As it relates to COVID-19, hazardous exposures to breathing in COVID-19, triggering respiratory protection and other additional PPE, arises when staff are working directly with confirmed COVID-19 patients **and** patients suspected of having COVID-19 due to the patients exhibiting COVID-19 symptoms.

Is there a clear standard that protects hospital workers from potential infection of COVID-19 or similar pandemic influenza?

There is no standard directed solely for hazards unique to hospital workers, nor is there a standard directed solely toward exposures to respiratory infectious diseases such as COVID-19. However, these classes of workers and exposures are addressed in existing MIOSHA standards such as Personal Protective Equipment, Sanitation and Respiratory Protection.

Do the requirements of EO 2020-114, with the categorization of risk categories, require hospital & healthcare facilities to provide respirators to those they have identified as high or very high-risk employees?

Yes, EO 2020-114 refers to developing a preparedness and response plan consistent with recommendations in OSHA's [Guidance on Preparing Workplaces for COVID-19](#). In that guidance document there is information on classifying worker exposure to Sars-CoV-2.

May an employee refuse to work with suspected or confirmed COVID-19 patients until they are provided respiratory protection?

If respiratory protection is required and has not been supplied to an employee whose job tasks require contact with confirmed or suspected COVID-19 patients the employee should take steps to notify their employer of the requirement to provide respiratory protective equipment, the lack of provided respiratory protective equipment, and afford the employer an opportunity to correct the problem (i.e., provide the required respiratory protection, or adjust the employee's assignment thereby removing the exposure to the hazard). If the employer fails to correct the problem, the employee should contact MIOSHA and attempt to obtain intervention. If, despite taking these measures, the employer continues to insist the employee performs the tasks that require contact with confirmed or suspected COVID-19 patients despite the lack of required respiratory protective equipment, then the employee may lawfully refuse to perform those tasks. The employee may not lawfully refuse to perform other tasks which do not involve contact with the confirmed or suspected COVID-19 patients or those tasks which do not require use of respiratory protection.

Has this information been communicated to the hospital community?

MIOSHA's [COVID-19 Interim Enforcement Plan](#) references the applicability of the above standards. This Plan has been published to [MIOSHA's website](#) and referenced in responses to several media and healthcare industry inquiries.

How can I get more information about PPE?

MIOSHA's Consultation Education and Training (CET) Division offers statewide safety and health assistance to employers and employees. To learn more about free services available from the CET Division, call the Lansing office at 517-284-7720 or 800-866-4674, or visit our website at www.michigan.gov/miosha.