

COVID-19 Guidance in Consideration of OSHA Obligations When PPE is Critically Low or Unavailable

As a result of the COVID-19 outbreak, many facilities are facing shortages of personal protective equipment (“PPE”) and some have run out, including N95 respirators, fit test kits for N95 respirators, surgical masks, gloves, and gowns. These shortages are persistent and have resulted in certain types of PPE being unavailable to facilities. Facilities should take the following steps to try to continue to protect employees from COVID-19, in consideration of Occupational Safety and Health Administration (“OSHA”) obligations. This guidance is applicable to all long term care providers including assisted living, skilled nursing facilities, and providers serving residents with ID/DD.

- Assess the work environment to determine *specifically* which job activities involve exposure to COVID-19, particularly highest risk exposure, which CDC defines as direct care for those with active respiratory treatments (e.g. nebulizer, suctioning, trach or ventilator care).
- Based upon that assessment, determine *specifically* what type of PPE is necessary to protect employees performing those job activities from COVID-19 using CDC conservation methods.
- Make a good faith effort to acquire that PPE from commercial vendors or other employers in the community and contacting the local or state health department.
- Document all efforts to obtain the PPE and continue to periodically attempt to replenish the supply. Document those additional efforts.
- If PPE is unavailable, take the following steps:
 - Determine if additional engineering, administrative, or work practice controls can be implemented to eliminate or reduce exposures to COVID-19 including:
 1. isolating areas of the facility for COVID-19 residents;
 2. performing additional cleaning and disinfecting of the facility;
 3. increasing the frequency of hand sanitizing; and
 4. exclude healthcare personnel at higher risk of severe illness from COVID-19 from contact with known or suspected COVID-19 residents.
 - After implementing available engineering, administrative, or work practice controls to eliminate or reduce exposures to COVID-19, consider use of other forms of PPE that may not be as effective as N95 respirators, surgical masks, gloves, and gowns, but could provide some protection. This could include:
 1. N95s that have not been fit-tested due to shortage of fit test supplies, expired or reused N95 respirators
 2. non-NIOSH certified respirators approved by another jurisdiction or country;
 3. cloth face masks for residents and employees; and
 4. gloves and gowns from home, provided they are appropriately cleaned after each shift.