

# COVID – 19 Practice Preparedness Tips

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# COVID-19 Preparedness Response Plan

- All Michigan employers need to have a COVID-19 Preparedness Response Plan in place and make it available to all employees.
- The Plan should identify all protective measures taken to ensure COVID-19 does not spread within the workplace.
- The Plan should be consistent with the recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration.
- Employers must continuously monitor all State Executive Orders, County Emergency Orders, and public health authority guidance (CDC, WHO, OSHA) to ensure compliance as recommendations have and will continue to change.

# Safety Concerns: MiOSHA / OSHA

- Occupational Safety and Health Act (OSHA) considerations:
  - Employers are required to provide a safe work environment for their employees pursuant to the General Duty Clause of OSHA
    - <https://www.osha.gov/personal-protective-equipment>
  - Employers may not retaliate against an employee for raising a safety concern
  - Employers must remain compliant with OSHA's recordkeeping requirements, specifically requiring employers to record COVID-19 cases if a worker has been infected as a result of performing their work-related duties. For more information, please visit [https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19#:~:text=Under%20OSHA's%20recordkeeping%20requirements%2C%20COVID,Prevention%20\(CDC\)%3B%5B2%5D.](https://www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19#:~:text=Under%20OSHA's%20recordkeeping%20requirements%2C%20COVID,Prevention%20(CDC)%3B%5B2%5D.)

# Pertinent Executive Orders

- Executive Order 2020-172

- Anyone who tests positive for COVID-19 or who displays one or more of the principal symptoms of COVID-19 must remain out of work until:
  - 24 hours have passed since the resolution of fever without the use of fever-reducing medications;
  - 10 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; and
  - other symptoms have improved.
- Any who has had close contact with an individual who tests positive for COVID-19 or with an individual who displays the principal symptoms of COVID-19 should remain out of work until:
  - 14 days have passed since the last close contact with the sick or symptomatic individual; or
  - The individual displaying COVID-19 symptoms receives a negative COVID-19 test.

\* Health care professionals and workers at a health care facility are exempt from this last section.

# Pertinent Executive Orders

- Executive Order 2020-175
  - Identifies all the safety precautions various employers must implement going forward, including:
    - Providing training to employees;
    - Conducting daily screenings;
    - Ensuring employees and patients are social distancing;
    - Identifying how the practice will respond if an employee or patient is COVID-19 positive.
- These Executive Orders change frequently, please continue to monitor [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705---,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html) for new Orders.

# FFCRA: Health Care Provider Definition

- The FFCRA states that the term “health care provider” has the meaning as it does in the FMLA, which is:
  - (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
  - (B) any other person determined by the Secretary to be capable of providing health care services.
- The revised Department of Labor Regulations have stated that in addition to the FMLA definition, “health care providers” will also include those who:
  - Are employed to provide diagnostic services, preventative services, or treatment services; or
  - Are employed to provide services that are integrated with and necessary to the provision of patient care and that, if not provided, would adversely impact patient care.