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April 22, 2022

Douglas L. Parker  
Assistant Secretary of Labor for Occupational Safety and Health  
U.S. Department of Labor-OSHA  
1099 Winterson Road, Suite 140  
Linthicum, MD 21090

Re: Occupational Exposure to COVID–19 in Healthcare Settings (Docket No. OSHA–2020–0004)

Dear Mr. Parker:

AMGA would like to thank the Occupational Safety and Health Administration (OSHA) for the opportunity to submit comments as it develops a final standard for healthcare facilities as part of an effort to prevent or mitigate workplace exposure to the COVID-19 virus. Founded in 1950, AMGA represents more than 450 multispecialty medical groups and integrated delivery systems, representing approximately 177,000 physicians who care for one in three Americans. Our member medical groups work diligently to provide innovative, high-quality, cost-effective, patient-centered medical care.

In general, the OSHA Healthcare Emergency Temporary Standard (ETS) required healthcare organizations to develop a COVID-19 plan for their workplace that included health screening and management, masking, distancing, and support for vaccination. However, OSHA withdrew aspects of the Healthcare ETS in December 2021 after determining its attempts to establish a permanent standard would exceed the six-month time period allowed under the Occupational Safety and Health Act. Now, OSHA has identified areas of the June 2021 Healthcare ETS that may be amended and finalized as part of a revised final rule.

AMGA's members continue to be on the frontlines of treating patients with COVID-19 infections. It is important that OSHA's final standard not only protect patients and caregivers, but also provides clear guidance and standards that AMGA members can operationalize with minimum disruption to and burden on their care delivery operations.

AMGA is pleased to offer the following recommendations.

**Key Recommendations:**

**Align OSHA Standards with the CDC:** AMGA recommends that OSHA align its ETS to the extent possible with the Centers for Disease Control and Prevention's (CDC's) recommendations.

**Do Not Expand Scope of the Final Standard:** AMGA recommends against expanding the Healthcare ETS to include ambulatory care settings, such as physician offices, as doing so would disrupt care delivery and may hinder access to care.

AMGA thanks OSHA for its consideration of our recommendations.

## **Detailed Comments on OSHA’s Occupational Exposure to COVID–19 in Healthcare Settings**

### **Align Standards to Avoid Confusion**

As both healthcare providers and employers, AMGA members understand the importance of providing and maintaining a safe working environment so that our care teams can focus delivering high-quality care to their patients. In response to the COVID-19 pandemic, AMGA members altered their care delivery patterns—for example, by pivoting to telehealth—and ensured their providers and other staff had access to appropriate personal protective equipment (PPE).

AMGA also appreciates that what constitutes the appropriate public health response to an infectious disease, such as COVID, may change as the situation develops. As OSHA noted, “Evolving CDC recommendations have resulted in inconsistencies between those recommendations and some of the Healthcare ETS provisions.” AMGA understands that OSHA did not intend to create a regulatory landscape for providers that at times conflicts with the CDC’s recommendations. However, a critical aspect of public health is simple and consistent messaging. Should OSHA adopt standards that differ from the CDC recommendations, it will create confusion in the provider community and result in frustration for both employers and employees. To that end, AMGA recommends that OSHA align its standards with CDC guidelines. Should CDC amend or revise its recommends, OSHA can help communicate the change in the recommendations to the provider community.

### **Removal of Scope Exemptions**

The Healthcare ETS largely applied to facilities where patients received healthcare services or healthcare support services. However, the Healthcare ETS did not apply to ambulatory care settings where patients and other visitors were screened prior to entry for confirmed or suspected COVID-19 infection. OSHA is considering whether the final standard should be expanded to included ambulatory care settings, such as physician offices. AMGA recommends that OSHA not expand the Healthcare ETS to include such facilities.

Under the interim final rule, OSHA excluded non-hospital ambulatory care settings from the ETS if all non-employees are screened for COVID-19 before entry and those with suspected or confirmed cases of COVID-19 are denied entry. This is an unworkable standard for physician offices, as it creates a situation that forces AMGA members to choose between seeing and treating patients who present with common symptoms or refusing to provide in-person care to those patients. To qualify for the exemption, physician practices in ambulatory care settings effectively would need to refuse to see patients with any of the following symptoms: fever, chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea. AMGA is concerned this would interrupt care and harm patient access.

Objection to this standard, however, does not mean that AMGA members have not taken steps to protect their patients and staff and to curb the spread of COVID-19. Since the beginning of the pandemic, AMGA members have shifted care as appropriate to telehealth, revised their scheduling, and procured PPE. AMGA appreciates the intent behind OSHA's standard. However, given the vast experience that AMGA members have in infection control, OSHA should not expand the scope of its Healthcare ETS to include ambulatory care settings.

AMGA hopes that these comments are helpful and greatly appreciates the opportunity to help guide the agency on this complex and increasingly important issue. We look forward to continuing our valuable partnership with OSHA. Should you have questions, please contact Darryl M. Drevna, AMGA's senior director of regulatory affairs, at 703.838.0033 ext. 339 or at [ddrevna@amga.org](mailto:ddrevna@amga.org).

Sincerely,

A handwritten signature in cursive script that reads "Jerry Penso".

Jerry Penso, M.D., M.B.A.  
President and Chief Executive Officer  
AMGA