

THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR

Voluntary Respirator Use

When an employer does not mandate the use of a respirator or require one due to an Occupational Safety and Health Administration (OSHA) standard, they may still allow employees to use their own, provided they do not introduce additional hazards. Referred to as “voluntary use” under the Respiratory Protection Standard, the employer must provide employees with a copy of 29 CFR 1910.134 Appendix D (a copy is provided on page 2 of this document), which outlines important information for using respirators when not required by the OSHA standard.

Workers cannot be asked to replace their more protective masks (e.g., a well-fitting N95) with less protective options (e.g., a procedure mask) unless the mask is visibly soiled or damaged. However, personal protective equipment from home may not be sufficient for all job-related hazards. Masks can be worn for an entire shift; however, if the mask is used during patient care where a National Institute for Occupational Safety and Health (NIOSH) approved respirator is required, it should be replaced after each patient encounter.

In some circumstances, healthcare facilities may consider implementing the use of NIOSH-approved respirators with N95 filters or higher and eye protection during certain patient encounters:

- Aerosol-generating procedures
- Surgical procedures that might pose a high risk for transmission
- Positively identified respiratory illness

ARE EMPLOYERS REQUIRED TO PAY FOR RESPIRATORS WORN VOLUNTARILY?

No, employers are not required to pay for filtering facepiece respirators used voluntarily. However, the employer must provide voluntary users with appropriate facilities and time to clean, disinfect, maintain, and store respirators. Guidance can be found at:

<https://www.osha.gov/Publications/3384small-entity-for-respiratory-protection-standard-rev.pdf>.

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IS AN EMPLOYER REQUIRED TO FIT TEST VOLUNTARY USE EMPLOYEES?

No, voluntary respirator use in non-hazardous work environments does not require the respirator wearer to be fit tested. The employer must implement a written respiratory protection program to ensure that employees voluntarily using respirators are medically fit to do so and that the respirator is cleaned, stored, and maintained so that its use does not present any health hazards. See 29 CFR 1910.134(c)(2)(ii).

DOES AN EMPLOYER HAVE AN OBLIGATION TO ENSURE VOLUNTARILY USED RESPIRATORS ARE WORN FOLLOWING THE MANUFACTURER'S INSTRUCTIONS?

No, OSHA does not require employers to ensure that workers who voluntarily use filtering facepiece respirators in nonhazardous environments wear them according to manufacturer's instructions.

HOW DO I KNOW IF MY MASK FITS CORRECTLY?

A fit test ensures that the respirator provides the intended level of protection by minimizing the risk of contaminants leaking into the facepiece. Urgent care centers, doctor's offices, and occupational medicine clinics may offer this service in your local area.

There are two types of fit tests:

- Qualitative fit testing is a pass/fail assessment that relies on the user's sensory response. A testing substance will trigger a specific taste, smell, or involuntary cough.
- Quantitative fit testing uses instruments to provide a numerical measurement of effectiveness.

HOW OFTEN SHOULD FIT TESTING BE DONE?

According to OSHA, fit testing must be conducted annually or whenever changes affect the respirator's fit/seal, such as a physical change, including facial scarring, dental alterations, cosmetic surgery, or changes in body weight.

ONCE FIT TESTED, CAN I USE ANY BRAND/MAKE/MODEL RESPIRATOR?

No, a successful fit test only qualifies you to use the specific brand, make, model, and size of the respirator worn during the test. Respirator sizing is not standardized across brands or models, so switching to another type may compromise the fit.

CAN I HAVE FACIAL HAIR?

The OSHA respirator standard prohibits using tight-fitting respirators with facial hair because it interferes with the seal. Studies show that facial hair under the sealing surface can cause up to 1,000 times more leakage than a clean-shaven face. While it's a common misconception that human hair can act as a filter, hair is far too large to capture tiny hazardous particles, gases, or vapors.

DO POWERED AIR PURIFYING RESPIRATORS (PAPRS) REQUIRE FIT TESTING?

Loose-fitting PAPRs, where the hood or helmet is designed to seal around the wearer's neck or shoulders, do not require fit testing.

Resources available online: <https://totalmedicalcompliance.com/voluntary-respirator-use/>

Hurricane Relief Resources

Infection Control, OSHA, and HIPAA Resources for Hurricane Relief

In the wake of a hurricane, maintaining compliance with infection control, OSHA, and HIPAA standards is critical for ensuring the safety of patients, staff, and healthcare facilities. Below, you'll find essential resources to help healthcare organizations navigate these regulations during disaster recovery, ensuring both compliance and the health of all involved.

Links available online: <https://totalmedicalcompliance.com/hurricane-relief-resources/>

Reopening After A Hurricane: Steps for Healthcare Facilities to Ensure Safety and Compliance

Following the aftermath of Hurricane Helene, and any other disaster, one of the many challenges that medical and dental facilities will face is reopening. This article's purpose is to provide some guidance for all facilities to open safely and to ensure a sanitary environment for both employees and patients.

There are several concerns that will need to be addressed when reopening following a prolonged shutdown. One of the top concerns is water safety—ensuring the water is safe for drinking, running equipment, and hand hygiene. Mold buildup, sanitary sewer systems operating correctly, surfaces being free of microorganisms, equipment being cleaned/disinfected/sterilized properly, and supplies being free of damage are just a few other issues to look out for. These concerns are just the “tip of the iceberg”, each facility will face different obstacles and challenges.

Dental and medical facilities will need to ensure several items are working in a safe and sanitary manner prior to bringing patients back. The following are a few infection control items that are to be assessed and ensure they are operating correctly for a facility to reopen. This list is not all inclusive, there may be other challenges as well.

- Determine if water is deemed safe to use and there is a sufficient supply of water. Water is needed for hand hygiene (sanitizers can be used in some cases), for dental equipment (such as compressors, instrument washers/ultrasonics, etc. to run properly), and for dental unit waterlines. Distilled water is needed for autoclaves and in some self-contained dental unit waterlines. Medical facilities need water for equipment such as ultrasonics, instrument/washers and autoclaves. OSHA would expect hand-washing facilities for employees.

EPA has a checklist on restoring water quality and can be found on this website:

[https://www.epa.gov/sites/default/files/2020-](https://www.epa.gov/sites/default/files/2020-05/documents/final_checklist_for_maintaining_building_water_quality_5-6-2020.pdf)

[05/documents/final_checklist_for_maintaining_building_water_quality_5-6-2020.pdf](https://www.epa.gov/sites/default/files/2020-05/documents/final_checklist_for_maintaining_building_water_quality_5-6-2020.pdf)

- The facility must be assessed for mold. Mold is a common problem after hurricanes due to high humidity and moisture levels. Mold can begin to grow within 24-48 hours of water exposure. Mold can be a serious health issue for people with allergies and respiratory illness.

- Sanitary sewer systems should be in working order. This is necessary to dispose of suctioned materials and toilets will need to be available for employee use. OSHA would expect adequate restrooms for employees. See OSHA standard: <https://www.osha.gov/laws-regs/regulations/standardnumber/1915/1915.88#:~:text=The%20employer%20shall%20provide%20portable,a%20short%20duration%20of%20time.>
- Environmental surfaces need to be cleaned and disinfected before patient care is delivered. Clean and disinfect surfaces with an EPA registered hospital level disinfectant.
- Supplies and equipment need to be inspected for any water damage. Expired supplies should be discarded and any that are damaged should be discarded according to manufacturer's instructions for use. Sterilized instruments that have become compromised should be cleaned, repackaged and sterilized again.
- Maintenance should be performed on any equipment before using in the delivery of patient care, this includes autoclaves, suction lines, ultrasounds, radiology equipment, etc. Perform spore testing on autoclaves prior to use.
- For dental facilities only: Dental Unit Waterlines should be shocked then tested before use. If the testing reveals failing water quality, shock and test again. If testing continues to fail, troubleshoot and contact manufacturer as needed.

OSHA would expect a safe, sanitary workplace for employees. Employee safety should be at the frontline of concerns. Below are some items to consider when re-opening. Again, this list is not all inclusive, there will be other issues that will arise and may be present.

- The building should be safe to enter: structural changes, electrical lines down, traffic changes, and road construction need to be assessed.
- Hazardous materials, chemicals, and fumes need not be present.
- Other hazards need to be considered- flooding, sewage, fallen electrical lines, compressed gas cylinders that may have moved or been tipped over during the disaster.
- Is PPE (personal protective equipment) readily available and appropriate for any existing job hazards? Do you have adequate respiratory protection if needed?
- Fire hazards may be present- is the fire alarm system working? Exits need to be clear of debris, furniture, etc.
- Are there any slips, trip, or fall hazards now present?

HIPAA can also be a challenge during this time. There are many concerns in accessing and protecting health information during a disaster. Some things to consider:

- Ensure any damaged physical records or equipment are stored and protected:
 1. Make sure all physical records have been accounted for.
 2. If records have been damaged, create a plan for recovery or destruction in compliance with HIPAA standards.
- Ensure electronic Protected Health Information (PHI) is protected from unauthorized access.
- Implement temporary access restrictions if needed for employees working remotely.
- Verify firewalls, antivirus software, and any other security measures in place are up to date on all devices.
- Reiterate to staff their responsibility to report potential breaches or security incidents for proper and swift response.
- If using Telehealth services during recovery, ensure the platform is compliant for PHI protection during virtual visits.

For releasing information during a public health emergency this link contains a decision tool on when PHI can be disclosed:

<https://www.hhs.gov/sites/default/files/ocr/privacy/hipaa/understanding/special/emergency/emergencyprepdisclose.pdf>

Once the decision has been made to return to work, the work begins in assessing the building and contents. Remember- Safety First for all! Keep in mind that persons involved in the clean up need to be protected from infectious diseases, chemical exposures, radiation, electrical shock, and potential fire hazards.

There are resources available for you to use. The resources used for this article were the CDC, OSHA, EPA, and The Association for Dental Safety.

TMC is here to help and guide. Your TMC Consultant and our Client Services support is here for you. Our thoughts are with all of those impacted by this disaster. Reach out to us with your questions and concerns.

It's Your Call – October 2024

OSHA: Can I have facial hair when using a respirator?

No, the OSHA respirator standard prohibits using tight-fitting respirators with facial hair because it interferes with the seal. Studies show that facial hair under the sealing surface can cause up to 1,000 times more leakage than a clean-shaven face. While it's a common misconception that human hair can act as a filter, hair is far too large to capture tiny hazardous particles, gases, or vapors.

HIPAA: What concerns should healthcare organizations have to ensure HIPAA compliance when reopening after a hurricane?

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Instructions

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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Need to contact us? Scan the QR code for all the ways to get in touch!