



Benefits Association, Inc.

## ***OSHA Fines Nursing Homes for COVID-19 Violation***

July 24, 2020

On July 21, 2020, The Occupational Safety and Health Administration (OSHA) issued a news release regarding fines assessed on three Ohio nursing homes for violating respiratory protections standards. All three nursing homes were owned by the same company.

OSHA inspectors found that the nursing homes were allowing workers to wear the same N95 masks for up to seven days in a row. They also discovered that the nursing homes did not conduct initial fit testing for the masks. Each location was in violation of two respiratory standards. First, they failed to develop a written respiratory program and second, the employees did not undergo a medical evaluation for their ability to use a respirator in the workplace.

Since healthcare workers are on the front lines and are more likely to come in contact with the virus that causes COVID-19, they must follow OSHA's full guidance on respiratory protection programs. Providing masks and not following the full guidance is not sufficient, however their attempt at good faith compliance probably saved them from heavier fines and penalties. The inspection was triggered by the hospitalization of seven employees who contracted COVID-19. Under OSHA reporting rules, work related hospitalizations must be reported within 24 hours. As we have previously discussed, OSHA requires that employers investigate COVID-19 cases to determine if they are work-related. Cases in a medical facility will very likely meet the work-relatedness test. The employees would also likely qualify for [workers' compensation benefits](#).

Medical facilities face unique exposures, but all businesses are obligated to [keep employees safe](#), we are likely to see further COVID-19 related fines in the future as businesses of all types work to remain open while keeping employees safe.

[Click here to read the full OSHA release.](#)

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