Restarting Healthcare Related Business Operations

COVID-19

May 2020

To assist your organization in reopening and returning staffs, patrons and patients to healthcare related operations that were fully or partially closed during stay-at-home orders, we offer a list of important considerations for safety. These points are general in nature.

Each operation will need to follow any Federal, State, Regulatory & Licensure expectations whichever is primary in your jurisdictions. See the list of resources at the end of this document.

Healthcare reopening: Administration

We offer these administrative points as an outline of key considerations for a safe reopening of any partially or fully closed operations during stay-at-home state orders.

Communication

If your business was impacted by the pandemic (e.g. confirmed transmission in your facility), proactive communication will be crucial to ensure that your customers and local community know that you are "open for business." Provide clear and concise information describing any process or procedures your company has implemented to protect your employees, customers and community moving forward. It is expected that both customers and employees returning to their "normal" activities may experience a psychological hesitation of feeling safe. Communications of the pro-active actions taken to reopen facilities and keeping individuals free from known exposures will be invaluable in successfully moving forward.

- ☐ Consult with your Lockton Account Team on any insurance coverage concerns/questions and timelines. Please know that insurance carriers have the sole authority of evaluating and communicating coverage on any presented claims.
- ☐ Consult with your assigned Loss Control and Claims Consultants with specific questions for reopening safely and or claims issues.
- ☐ Business insurance considerations
  - ☐ As workers, customers and visitors re-enter facilities, sound risk management techniques should be utilized for the pro-active safety of individuals and the protection of the organization. Entities should follow proper investigation and documentation techniques, for injuries and damages which may occur. All potential losses should be reported by organizations to their applicable insurance policies/carriers/TPA's in a timely manner with details.

Regulatory documentation

- ☐ Regulatory agency documentation: (Joint Commission or CMS). Review and write/rewrite and all TJC and CMS required emergency/pandemic response policies during the entire crisis. Example: During the crisis your standard life safety drills will be delayed because the crisis poses increased risk of conducting the drill. These regulatory agencies inspect for your plan, if your plan includes adaptation/leeway for emergencies, it should be accepted by the regulatory body. It's only when we state we will have a tornado drill twice a year and then you don't that you may get in trouble. Write the policy to allow for the necessary leeway/adaptations.

SEE LOCKTON'S RESOURCES ON:

- Coronavirus Continuity Guide:
  - https://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/Coronavirus_Continuity_GUIDE.pdf
- Workers' Compensation COVID-19 Summary by State: (as of 4/28/2020)
  - http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/Coronavirus-State_Report.pdf

Planning for tomorrow's claims today

One of the challenges of defending civil lawsuits is establishing what a reasonable person would do. When the conditions are new and unusual, such as with a Novel coronavirus with no vaccine, and where no protocols exist, it is more difficult to establish what is reasonable, prudent and safe.

Additionally, defense attorneys cannot put jurors in a time capsule and launch them back into history to understand what the sentiment and logic of the moment was and what made sense at the time. For example, how does one explain to modern day jurors that there was a time when safety manuals were found in libraries, before there was an internet?

Lawsuits occur many years after pivotal incidents occur. Memories fade, staff members move on to different employers and witnesses are lost. Recreating the facts of the moment becomes more difficult over time. To provide good defenses but it will be important to be able to document what facts were available, what experts, teams or committees recommended and how much effort was put in to making the best decision available at the moment.

☐ Consider documenting and retaining a policy statement that includes:

- ☐ What other policies should be considered.

- ☐ What the issue is.

- ☐ What possible options are considered with positives and negatives.

- ☐ What sources/opinions were consulted (the more the better), especially from your Bioethics Committee or a bioethicist.

- ☐ What experts existed and what their recommendations were.

- ☐ What the final determine was and why.

☐ History tracker needed: It is critical the organization decide on who your team/individual responsible for monitoring websites/media for updates and/or changes to policies, procedures and meeting minutes and who will make ongoing changes. Who is the final decision maker on implementing changes/documenting and communicating the changes and how to recall the details years into the future.

☐ Save the documents you are using now to demonstrate why you are making the current decisions as the rules/ guidelines have been changing frequently during the pandemic. Websites/agencies change their positions and they may delete or change documents/website links, etc. Save the resources with date stamps.

Opening day

As organizations begin to create policies to re-start their business operations and the return of their worker force, we recommend the following aspects be considered: Refer to page one guides as needed/required.

- ☐ Consider the use of greeters and management presence to direct patrons upon a reopening
    - ☐ Plan the message you want to convey.
    - ☐ Have directional signage and rules per any State or Federal Emergency reopening laws.
- ☐ Create working committees or subcommittees to be ready and in place by day one
    - ☐ Notify utilities and pertinent government entities.
    - ☐ Ensure that all regulatory authorities, such as those dealing with environmental permitting, are notified.
    - ☐ Inspect and restart HVAC systems and make sure potable water supplies are safe.
    - ☐ Design restart procedures, including computer systems, in accordance with manufacturer's specifications.
    - ☐ Assess raw materials and inventory on hand, restart supply chain and alert critical vendors. Keep an eye out for any raw material spoilage or shelf-life considerations.
    - ☐ Identify necessary and "missed" preventative maintenance, equipment testing, and lubrication cycles.
    - ☐ Repatriate any critical records, drawing, etc., taken off site.
    - ☐ Test and prepare emergency generators and similar back-up systems.
    - ☐ Reassess and implement security needs (refer to Section 3 below).
    - ☐ Establish and spearhead communication protocols to employees, vendors and the media.

COVID-19 safety supplies

Organizations should consider having available preventive supplies for their employees and visitors and patients. Place them in obvious and in easy to use locations. Place instruction signs in primary languages of the community. Routinely monitor these supplies and sanitize these containers.

- ☐ Hand sanitizer (CDC recommends at least 60% alcohol-based).
- ☐ Sanitizing wipes (CDC recommends at least 70% alcohol-based).
- ☐ Disinfectants and disposable towels for workers to clean their work surfaces and equipment.
- ☐ Proper face masks. The CDC and OSHA recommends that Personal Protective Equipment (PPEs) be selected based upon the hazards of each individual workers or state /Federal guidelines.
- ☐ Disposable (latex and non-latex) gloves.

- Temperature scanning devices.
  - www.feversnap.com
  - Guide for non-touch temperature devices
- Barrier devices (i.e. clear plastic screens) to separate workstations in office areas, check-in areas, and other gathering places that may have been closed, etc.
- Recommended cleaning chemicals: The EPA has established a list of products approved for use against the virus that causes COVID-19. https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2
- Selecting a cleaning service: At a minimum, any selected cleaning services should be certified in compliance with the Cleaning Industry Management Standard (CIMS). CIMS-certified services offer the assurance that they have management systems and operations in place to deliver consistently high-quality services. Contractors that are credentialed in decontamination may also provide more assurance they are qualified to perform the required cleaning and decontamination services.

Please see Lockton's dedicated document at: http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/Decontamination_and_sanitation_BP.pdf

Re-start operations checklist

In order to further prepare for the resumption of operations and the re-entry of your workforce, the following checklist can help you plan from outside to inside the organization and plan for your unique needs.

Property, people, assets: Review, plan, act, repeat

EXTERIOR

☐ Gates, fences, gate houses, etc.

☐ Parking lots, roadways, sidewalks, traffic/pedestrian signage and striping.

☐ Lighting: Roadways, lots, sidewalks, security, etc.

☐ Landscaping, irrigation and drainage.

☐ Stored vehicles and parked equipment.

BUILDING ENVELOPE

☐ Roof ballast, cover, scuppers and skylights.

☐ Rooftop equipment, vents, stacks, antennas, etc.

☐ Downspouts and drains.

☐ Windows, loading docks, doors and other entrances and openings.

☐ Signage and siding.

☐ Sumps operating properly.

INTERIOR

☐ Plumbing, process water and other potential sources of water leaks.

☐ Confirm fire sprinkler system is sound with no evidence of leaks.

☐ Primary electrical service.

☐ HVAC.

☐ Sumps.

☐ Life safety features such as means of egress, signage, alarms and emergency lighting.

☐ Server rooms and data centers.

☐ Shop and other areas where hazardous chemicals are stored.

☐ Kitchens, employee break rooms, facilities. Ensure fire and ventilation systems are in working order.

☐ For elevators and stairs, signage should remind individuals to follow needed social distancing criteria.

☐ Mark the floors to guide individuals in the physical separation parameters.

☐ Minimize group meetings or large gatherings.

☐ Consult with any state or federal emergency reopening orders to determine if increased ventilation, room disinfection equipment requirements will be necessary

SECURITY

☐ If provided at the facility during the shut-down, review daily reports or electronic records to identify any critical items such as safety issues, property damage, etc., that must be dealt with prior to restart.

☐ If provided by internal staff, re-establish protocols.

☐ Confirm access control systems operating properly.

☐ Are alarms operational and verify if new passwords/codes need to be established.

☐ Confirm any target items (cash, precious metals) left on site are secure.

☐ Confirm camera and monitoring systems working.

FIRE PROTECTION

☐ Confirm operation of smoke detectors and other fire detection hardware and resume routine system inspection, maintenance and testing procedures.

☐ Confirm placement and operational readiness of fire extinguishers.

☐ Sprinkler systems:

    ☐ Confirm water supply integrity.

    ☐ Inspect all valves to ensure all are open, locked and operating properly.

    ☐ Confirm water flow and valve tamper alarms are working.

    ☐ Inspect and test fire pump and related equipment.

    ☐ Resume routine system inspection, maintenance and testing procedures.

FLEET/EQUIPMENT OPERATIONS

☐ Vehicle yard secure.

☐ All stored vehicles and equipment in good condition.

☐ Fueling area:

    ☐ Safety and no smoking signage in place

    ☐ Fire extinguisher provided.

    ☐ In good physical condition.

☐ Vehicle/equipment preventative maintenance or DOT inspections overdue.

LOCATIONS UNDER CONSTRUCTION

☐ Determine and abide by any current government mandates and/or applicable infectious disease protection protocols for your jurisdiction (i.e. required PPE, questions, training).

☐ Consider and manage any supply chain difficulties, which could lead to further project delays.

☐ Ensure there is an adequate supply of employee PPE such as gloves, dust masks, filtering facepieces (N95 respirators), face shields, etc.

☐ Assemble a small team to walk the site and document all conditions via video or photo. Consider having subcontractor representatives accompany the group to offer input and evaluate their scope of work.

☐ Follow safety protocols for restarting utilities (i.e. arc flash protection for switchgear, natural gas supplies, etc.).

☐ Ensure portable restrooms and break areas are cleaned, disinfected and properly spaced before reopening the site.

☐ Assess and perform any necessary machine inspections and/or recertifications (cranes, hoists, conveyors, HVAC, mechanical, etc.) per applicable regulations and manufacturer recommendations.

☐ Contact GC or owner to discuss possible alterations to scope, schedule or protocols that differ from when the project initially shutdown.

☐ Determine if previously utilized medical services, such as clinics, remain available.

☐ Determine if local emergency services remain available.

☐ Inspect and ensure site and public traffic control protocols and devices remain effective.

☐ Ensure general public protective systems remain effective, including but not limited to fencing, barricades, lighting, signage and sidewalks/walkways.

☐ Solicit feedback from and encourage communication between all site employees to ensure any post shutdown changes are clearly identified and understood.

EMPLOYEE SAFETY CONSIDERATIONS

☐ Conduct OSHA safety training on any required PPE, including a fit-test on N95 masks that they will need to wear.

☐ Conduct refresher training for critical OSHA safety processes such as confined space entry or fall protection.

☐ Mandated annual safety training which is now overdue.

☐ Missed routine safety training.

☐ Expired medical clearances.

☐ Overdue safety inspections.

CLAIMS CONSIDERATIONS

☐ Consider challenges with returning furloughed or new employees to work.

    ☐ Review and restart random drug testing and other screening protocols.

    ☐ Review and restart fit for duty and physical capabilities testing exams.

☐ Restart transitional modified duty programs for employees previously off work or working modified duty due to Workers' Compensation pre-closure claims

☐ Rebuild job banks.

☐ Reestablish wellness programs.

☐ Work with Worker's Compensation carriers and employment attorneys to assure statutory compliance.

☐ Confirm procedures in place to thoroughly investigate all reported accidents, including first aid cases and near misses.

☐ Coordination of continued leave for COVID-19 sick leave or Workers' Compensation with FMLA and ADA guidelines.

☐ Establish a plan to deal with a potential increase in claim filing due to layoffs.

EMPLOYEES

☐ Specific guidelines may also need to be established for employees with pre-existing or high-risk medical conditions. This may include, but not limited to, the continued offering of voluntary remote work options for these workers.

☐ https://www.lockton.com/coronavirus-mental-health-and-remote-workforce.

☐ For those who do return, many may not have conducted their assigned duties in 60+ days, plan any refresher training needed.

☐ Business travel policies should be updated to promote and identify essential situations. Updated guidelines during business related travel should also be reviewed and modified, if needed. See the World Health Organization's guidelines on workplace and business related travel: https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf

VISITORS/PATIENTS

☐ Organizations can consider limiting their visitors to "critical business" only. The use of alternative mediums of conducting in-person meetings such as the leveraging of video conferencing, should be considered.

☐ Have a policy outlined for patrons/patients for temperature screening.

☐ Conduct COVID-19 symptom and exposure screening.

Resources: Healthcare COVID-19 guidelines:

FEDERAL & STATE GUIDELINES

- White House Opening America Guide & National Governor's Association
    - https://www.whitehouse.gov/openingamerica/#criteria
    - https://www.nga.org/

ACUTE CARE

- CDC Guidance for U.S. Healthcare Facilities about Coronavirus (COVID-19)
    - https://www.cdc.gov/coronavirus/2019-ncov/hcp/us-healthcare-facilities.html
- CMS Guidance: Centers for Medicare & Medicaid Services (CMS) Recommendations Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare
    - https://www.cms.gov/files/document/covid-flexibility-reopen-essential-non-covid-services.pdf
- ECRI
    - https://www.ecri.org/coronavirus-covid-19-outbreak-preparedness-center/
- The Joint Commission
    - https://www.jointcommission.org/covid-19/

ASSISTED LIVING / MEMORY CARE

- American Health Care Association (AHCA): COVID-19 resources
    - https://www.ahcancal.org/facility_operations/disaster_planning/Pages/Coronavirus.aspx

BEHAVIORAL HEALTH

- American Mental Health Counselors Association
    - https://www.amhca.org/publications/practiceguidelines/coronavirus

DENTAL & ORTHODONTIC PRACTICES

- American Association of Orthodontics (AAO): When to Reopen
    - https://www1.aaoinfo.org/covid-19/
- American Dental Association (ADA): Interim Return to Work Toolkit
    - https://success.ada.org/en/practice-management/patients/infectious-diseases-2019-novel-coronavirus
- Smile Perfected: Reopen Dental Office Post COVID-19
    - https://www.smileperfected.com/reopen-dental-office-post-covid-19/

EMS

- National Association of State EMS Officials
  - https://nasemso.org/resources/covid-19/
- National Association of Emergency Medical Technicians
  - http://www.naemt.org/initiatives/covid-19

HOMECARE & HOSPICE

- National Association for Homecare & Hospice
  - https://www.nahc.org/resources-services/coronavirus-resources/

PHYSICAL THERAPY

- American Physical Therapy Association
  - http://www.apta.org/Coronavirus/

SKILLED NURSING

- CMS Guidance: Centers for Medicare & Medicaid Services (CMS) Recommendations Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare
  - https://www.cms.gov/files/document/covid-flexibility-reopen-essential-non-covid-services.pdf

SOCIAL WORK

- National Association of Social Workers
  - https://www.socialworkers.org/Practice/Infectious-Diseases/Coronavirus

OSHA

- OSHA 3990-03 2020 Guidance on Preparing Workplaces for COVID-19 & COVID-19 webpage
  - https://www.osha.gov/Publications/OSHA3990.pdf
  - https://www.osha.gov/SLTC/covid-19/standards.html

WORLD HEALTH ORGANIZATION (WHO)

  - https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf

LOCKTON - CORONAVIRUS INSURANCE COVERAGE AND CLAIM GUIDANCE

  - http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/Coronavirus_Insurance_Coverage_and_Claims_Guidance.pdf

LOCKTON - PROPERTY BUSINESS INTERRUPTION AND CIVIL AUTHORITY COVID-19 CLAIM AND COVERAGE GUIDANCE

- https://www.lockton.com/insights/post/will-my-property-insurance-policy-cover-coronavirus-covid-19-losses

LOCKTON - COVID-19 AND EMPLOYMENT PRACTICES RELATED CLAIMS

- http://s3-us-west-2.amazonaws.com/lockton-corporate-website/Compliance-Alerts/Employment_Practices-Related_Claims.pdf

LOCKTON – EMPLOYER LIABILITY COVERAGE AND STRATEGY GUIDE

- https://lockton.global/2W6zAQf

LOCKTON – MANAGING WORKER'S COMPENSATION FOR REMOTE WORKERS

- https://www.lockton.com/insights/post/managing-workers-compensation-exposures-from-remote-workers