

Facial Covering 8/1/2023

POLICY

The Agency for Health Care Administration (AHCA) and Florida Department of Health (DOH) have published emergency rules to establish the standards for the appropriate use of facial coverings for infection control in health care settings, including nursing centers. The content of the rules is the same, with the AHCA rules applying to health care providers and the DOH rules applying to health care practitioners. The AHCA rules, 59AER23-1 and 59AER23-2, became effective on June 30, 2023.

Our Center has adopted facial covering policies in compliance with the standards by August 1, 2023.

Summary:

This emergency rule establishes facial covering requirements for health care practitioners and health care providers.

59AER23-1 Definitions:

- (1) "Common area" refers to areas in a health care setting where patients are not treated, diagnosed, or examined.
- (2) "Employee" refers to any person under employment or contract of a health care setting, including health care practitioners, administrative staff, maintenance staff, aides, contractors, students, and volunteers.
- (3) "Health care setting" refers to any place where health care practitioners and/or health care providers practice their profession or provide services.
- (4) "Patient" refers to a person receiving services from a health care practitioner or health care provider.
- (5) "Sterile areas" refers to locations where surgery is conducted or where procedures that require aseptic techniques are performed.
- (6) "Sterile procedure" refers to aseptic procedures with the goal of minimizing the risk of microbial contamination to reduce the rate of invasive or surgical site infection.
- (7) "Visitor" refers to any person in a health care setting who is not an employee or patient of the health care setting.

59AER23-2 Standards for the Appropriate Use of Facial Coverings for Infection Control

1. Center practitioners and health care providers may choose to require a resident to wear a facial covering only when the resident is in a common area of the health care setting and is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission.
2. Center practitioners and health care providers may choose to require a visitor to wear a facial covering only when the visitor is:
 - (a) Exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission,

- (b) In sterile areas of the health care setting or an area where sterile procedures are being performed,
- (c) In an in-resident or clinical room with a resident who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission, or
- (d) Visiting a resident whose treating health care practitioner has diagnosed the resident with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from employees without signs or symptoms of infection to a resident and whose treating practitioner has determined that the use of facial coverings is necessary for the resident's safety.

3. Opt-Out Requirements are as follows:

- (a) Pursuant to 59AER23-2(1), and in accordance to the Florida Patient Bill of Rights and Responsibilities, section 381.026, F.S.
4. A patient of Center who opts-out of wearing a facial covering in a common area and who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can spread through droplet or airborne transmission may require TBP based on symptoms. The patient will be encouraged to stay and/or maintain a safe distance when in a common area.

Pursuant to 59AER23-2(2), Center will **not allow a visitor** to enter the facility under the following circumstances:

- (a) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission,
- (b) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and the visitor is in a sterile area of Center or an area where sterile procedures are being per-formed,
- (c) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and in an in-patient or clinical room with a patient who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission, or
- (d) A visitor who opts-out of wearing a facial covering when there is no alternative method of infection control or infectious disease prevention available, and is visiting a patient whose treating health care practitioner has diagnosed the patient with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from visitors/employees without signs or symptoms of infection to a patient and whose treating practitioner has determined that the use of facial coverings are necessary for the patient

Health care practitioners and health care providers must allow an employee to opt out of facial covering requirements unless an employee is:

- (a) Conducting sterile procedures,
- (b) Working in a sterile area,
- (c) Working with a resident whose treating health care practitioner has diagnosed the resident with or confirmed a condition affecting the immune system in a manner which is known to increase risk of transmission of an infection from employees without signs or symptoms of infection to a resident and whose treating practitioner has determined that the use of facial coverings is necessary for the resident's safety,
- (d) With a resident on droplet or airborne isolation, or
- (e) Engaging in non-clinical potentially hazardous activities that require facial coverings to prevent physical injury or harm in accordance with industry standards.

There are a variety of actions or job modifications Center will implement to potentially reduce the risk of transmission of an infection including, but are not limited to:

- Reassigning staff who is exhibiting signs or symptoms of or has a diagnosed infectious disease that can be spread through droplet or airborne transmission. to non-patient care areas, to duties that can be performed remotely (i.e., telework), or to duties which limit exposure to those most at risk.
- Requiring staff to follow additional CDC-recommended precautions, such as adhering to universal source control and physical distancing measures.