

Q&A: OSHA Guidance for Dental Workplaces

OSHA recently issued Guidance for Dentistry Workers and Employers: that information details recommendations relating to hazard assessments, including the use of respiratory protection PPE like N95 masks, during aerosol-generating procedures. The agency also has recommendations regarding performing emergent vs. routine procedures.

How does OSHA's May 1, 2020, release of [Guidance for Dentistry Workers and Employers](#) impact my practice? Does this new information supersede previous regulations? Are there additional possible enforcement consequences?

This new Guidance from OSHA does not establish any new requirements and is offered as guidance only.

Guidance documents create no new legal obligations and do not change or establish compliance responsibilities; that information is detailed in OSHA standards. Standards documents, also known as regulations, are regulatory requirements that the agency has established and published to serve as criteria for measuring whether employers are complying with the applicable laws. Employers in all industries, including health care, are compelled to comply with those applicable OSHA standards that are appropriate to that industry.

What do I need to do to comply with the hazard assessment recommendations in the Guidance? It recommends that employers assess the hazards that their workers may face; evaluate any risks; and select, implement and ensure that employees use the controls their employer has implemented to minimize any risks. How does that translate to changes I need to implement in my practice?

OSHA has had a long standing requirement that employers assess occupational hazards to which their workers may be exposed. The agency's [Standards](#) for Personal Protective Equipment (PPE) have always required employers to conduct hazard assessments on the topics of [General Requirements](#) and [Respiratory Protection](#). Some of the factors dentists should consider when conducting a hazard assessment under the new Guidance include:

- *the incidence and prevalence of COVID-19 in their area*
- *COVID-19 testing in the area*
- *PPE*
- *the aerosol production that will occur during any procedures*
- *available aerosol reduction or mitigation methods, such as use of a rubber dam, availability of high speed evacuation, alternative treatment measures that might be employed*

The ADA has developed the COVID-19 Hazard Assessment which provides guidance, including a checklist, on implementing COVID-19 hazard assessments in dental settings. This resource requires ADA member login in order to access.

Do OSHA regulations require the use of N95 masks during aerosol generating procedures?

The OSHA [Respiratory Protection Standard](#) requires that respirators, such as N95 masks, be used any time there is a respiratory hazard and effective engineering controls are not feasible or while they are being instituted.

If the hazard assessment conducted by an employer dentist determines that workers will be exposed to airborne contaminants, including aerosols containing SARS-CoV-2, that cannot be mitigated by the systems or controls put in place to protect them, the employer should consider implementing and following the respiratory protection standard.

According to the Guidance, aerosol-generating procedures performed on patients who are well are considered high risk procedures and the Guidance recommends, but does not require, that dentistry workers wear N95 masks when performing those procedures.

The Guidance does require the use of N95 masks any time dentistry workers treat patients who are known to have tested positive for COVID-19 or who are suspected of having COVID-19. Pre-screening patients for symptoms of COVID-19, by phone and/or upon arrival for treatment, increases the likelihood those with COVID-19 symptoms will not be seen and treated. Of course, it's important to keep in mind some people with COVID-19 remain asymptomatic.

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Are there other requirements when using an N95 mask?

If the hazard assessment determines that the use of an N95 by a dentist or team member is preferred, but not required, it's recommended but not required that the person wearing the mask have completed an initial fit test or the subsequent annual fit test.

Dentists and team members are required to comply with all aspects of OSHA's respiratory protection program including the initial and annual fit test, when the hazard assessment determines that the use of an N95 is required. A seal check must be performed every time an N95 mask is used. OSHA has released the following guidance: [Understanding Compliance with OSHA'S Respiratory Protection Standard During the Coronavirus Disease 2019 \(COVID-19\) Pandemic August 28, 2020.](#)

Will dentists in states that allow treatment of non-emergent patients be at risk of violating OSHA standards?

While there's no definitive answer to that question, statements from both OSHA and the Centers for Disease Control and Prevention (CDC) indicate the appropriateness of deferring to state and local assessments of risk evaluation that have resulted in those locations allowing dental health care workers to return to practice.

According to OSHA's guidance from May 2020:

- *“Employers should remain alert of changing outbreak conditions, including as they relate to community spread of the virus and testing availability, and implement infection prevention measures accordingly. As states or regions satisfy the [gating criteria](#) to progress through the phases of the guidelines for [Opening up America Again](#), employers will likely be able to adapt this guidance to better suit evolving risk levels and necessary control measures in their workplaces.”*

While the CDC does not have regulatory authority over dental practice operations, the agency's [Dental Settings](#) information, which was published in an April 27 non-binding recommendation, advises that dental health care providers (DHCP) should regularly consult their state dental boards or other regulating agencies for requirements specific to their jurisdictions, as information is changing rapidly.

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