

What is the coronavirus?

Coronaviruses are a large family of viruses. Some coronaviruses cause cold-like illnesses in people. Others cause illness in certain types of animals, such as cattle, camels and bats. In rare occasions, animal coronaviruses can spread to people.

The current novel coronavirus (COVID-19) is a new strain that was not previously found in humans. It likely originated in an animal and spread to humans in Wuhan, China. COVID-19 is not that same as the coronaviruses that commonly circulate among humans and cause mild illness, like the common cold.

What are the symptoms of coronavirus?

The symptoms of coronavirus are similar to influenza viruses or the flu, which at this time, is significantly more common than coronavirus. Common signs of COVID-19 infection include respiratory symptoms of fever, cough, and shortness of breath. In severe cases, people may develop pneumonia or respiratory complications. The virus appears to more severely affect people with weakened immune systems, such as children, the elderly and those with chronic diseases such as diabetes, cancer and chronic lung disease.

How is the coronavirus transmitted or spread?

The first infections were linked to a live animal market, but the virus is now spreading from person-to-person. Currently, it's unclear how easily this virus is spreading between people.

According to the CDC, spread from person-to-person is most likely among close contacts (about 6 feet). Person-to-person spread is thought to occur mainly via respiratory droplets produced when an infected person coughs or sneezes, similar to how influenza and other respiratory pathogens spread. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It's currently unclear if a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

At this time, the U.S. Centers for Disease Control and Prevention (CDC) emphasizes that, while COVID-19 poses a potentially serious public health threat, the risk to individuals is dependent on exposure. Healthcare personnel caring for patients with this virus and others in close contact with those patients have increased risk of contracting the virus.

For most people in the United States, including most types of workers, the risk of infection with COVID-19 is currently low at this time but continue to reevaluate that stance as information becomes available.

What can I do to protect myself?

There is currently no vaccine to prevent coronavirus disease 2019 (COVID-19). The best way to prevent illness is to avoid being exposed to this virus. However, as a reminder, CDC always recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.

- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing. If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.
- Clean and disinfect frequently touched objects and surfaces at work and at home. Use a regular household cleaning spray (chemical disinfectant) or wipe.

Will a facemask or respirator protect me from getting the coronavirus?

The CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19. Wearing a face mask will NOT provide any protection or prevent you from catching a respiratory illness.

Facemasks should be used by people who show symptoms of COVID-19 to help prevent the spread of the disease to others. The use of facemasks is also crucial for health workers and people who are taking care of someone in close settings such as at home or in a health care facility.

Can my employer refuse my request to wear a medical mask or a respirator?

Yes. However, it is important that employees are adequately educated and are provided an opportunity to discuss their questions and concerns.

Based on Occupational Safety and Health Administration's (OSHA) respiratory protection standard, 29 C.F.R. 1910.134, a respirator must be provided to employees only "when such equipment is necessary to protect the health of such employees." In almost all situations in the hospitality industry, however, there is no recognized health or safety hazard – even when employees work near other people and thus there is no need for a mask or respirator.

In addition, the World Health Organization (WHO) recommends masks in the following, limited circumstances, based on the following link: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/when-and-how-to-use-masks>

The WHO has also said that wearing masks may create a false sense of security among the general public. The medical community appears to agree that the best defense against the coronavirus and influenza is simply washing your hands.

Can an employee refuse to work without a mask?

No. Because absent a legally recognized disability, unique physical condition, or an occupation where employees work directly with those impacted by a condition such as the coronavirus or flu, employers are generally not required to allow workers to wear masks at work. Again however, it is important that employees are adequately educated and are provided an opportunity to discuss their questions and concerns.

Based on OSHA standards, an employee's right to refuse to do a task is protected only when all of the following conditions are met:

- Where possible, the employee has asked the employer to eliminate the danger, and the employer failed to do so; and
- The employee refused to work in "good faith." This means that the employee must genuinely believe that an imminent danger exists; and
- A reasonable person would agree that there is a real danger of death or serious injury; and
- There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.

Because the WHO has stated that face masks are only necessary when treating someone who is infected with the coronavirus or influenza, masks are likely not necessary to protect the health of employees in the hospitality industry. As a result, most employers do not have to provide, or allow employees to wear, a surgical mask or respirator to protect against the spread of the coronavirus or influenza.

What if I begin to experience flu-like symptoms?

- Seek medical care right away and call ahead. Make sure to discuss recent travel or exposure risk with your medical professional.
- Stay home and avoid other people. Please stay home if you are sick and only leave your house to visit the doctor to avoid spreading an infection.
- Cover your mouth when you cough or sneeze with a tissue or your sleeve, not your hands.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing. If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.

How does Health Insurance Portability & Accountability Act (HIPAA) impact issues related to coronavirus?

It is strongly recommended that you consult with a qualified legal counsel regarding your obligations under HIPAA.

However, the HIPAA Privacy Rule is designed to regulate the use and disclosure of personal health information in the context of health insurance coverage and healthcare provision. HIPAA applies only to 'covered entities' and 'business associates'. <https://www.hhs.gov/hipaa/for-professionals/faq/190/who-must-comply-with-hipaa-privacy-standards/index.html>

- Generally, covered entities include health plans, health care clearinghouses, and certain health care providers.

- Business associates are those that perform specific services for covered entities that provide access to personal health information ('PHI').

HIPAA also applies only to Protected Health Information ('PHI').

- Protected Health information refers to information that relates to an individual's medical condition, the provision of medical care for that individual, or the payment for that individual's medical care.
- The term is broad enough to pick up health coverage option (e.g. HMO or indemnity) or category (e.g., single/family), enrollment, and premium payment information, as well as information relating to health condition and treatment.

When a covered entity creates or receives 'health information' that identifies a specific individual, it is considered to be PHI. To the extent a hospitality company is not a covered entity, it is typically not subject to HIPAA's privacy rule. An employer may unintentionally fall under HIPAA if it sponsors a group health plan from which it receives PHI. That is why there is an important exception from the definition of PHI for individually identifiable health information in employment records held by a covered entity in its role as employer.

This information includes records needed for the employer to carry out its obligations under the Family and Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), and similar laws, as well as files or records related to occupational injury, disability insurance eligibility, sick-leave requests, drug screenings, workplace medical surveillance, and fitness-for-duty tests of employees.

In an outbreak of an infectious disease such as coronavirus, HIPAA-covered employers will have the same freedom as HIPAA-excluded employers to share employee information with anyone as necessary to prevent or lessen a serious and imminent threat to the health and safety of a person or the public—consistent with applicable law. As a result, an employer may disclose an employee's health information to anyone in a position to prevent or lessen the serious and imminent threat, including family, friends, co-workers, caregivers, and law enforcement, without an employee's permission.

HIPAA expressly defers to the professional judgment of health professionals to determine the nature and severity of any threat to health and safety.

As a result, it appears that most hospitality employers will not fall under HIPAA, but there may be other state or federal rules that apply. As a result, please be certain to consult a legal professional.

What is the best source for the most current information, tools and training resources regarding the coronavirus?

It is recommended that employers and employees regularly consult the following links from the CDC, WHO and OSHA for the most current information available.

<https://www.cdc.gov/media/dpk/diseases-and-conditions/coronavirus/coronavirus-2020.html>

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

<https://openwho.org/courses/introduction-to-ncov>

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/videos>

<https://www.osha.gov/SLTC/covid-19/>