



Frequently Asked Questions about EMS Workplaces and COVID-19 Restrictions/Precautions

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The information below is based on the official sources linked in each answer. The Virginia Office of EMS is providing this information as a consolidated source for EMS provider reference. However, neither Central Shenandoah EMS Council (CSEMS) nor the Virginia Office of EMS (OEMS) are originators of the content. Readers are encouraged to visit the included links below to review the full context and most up-to-date information.

Q: Do we still need to wear masks on EMS calls, even if vaccinated?

A: Yes. With Executive Order 79 that took effect on 5/28/2021, the Virginia Governor Ralph Northam lifted **universal** restrictions for social distancing, mask usage and gathering capacity, but indicated that unvaccinated people should still wear masks in accordance with Centers for Disease Control and Prevention (CDC) guidelines. However, no changes have been made for healthcare settings -- CDC maintains its guidelines that all persons in healthcare settings continue to wear masks, regardless of vaccination status. VDH has guidance regarding Executive Order 79, which outlines the masking exceptions with the new order.

<https://www.vdh.virginia.gov/coronavirus/cloth-face-covers/>

Q: Is EMS considered a healthcare setting?

A: Yes. The CDC defines healthcare settings as: “places where healthcare is delivered and includes, but is not limited to, acute care facilities, long-term acute care facilities, inpatient rehabilitation facilities, nursing homes and assisted living facilities, home healthcare, **vehicles where healthcare is delivered** (e.g., mobile clinics), and outpatient facilities, such as dialysis centers, physician offices, and others.”

Additionally, CDC's Interim U.S. Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel with Potential Exposure to SARS-CoV-2 at

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html> defines Healthcare Personnel (HCP): "HCP refers to all paid and unpaid persons serving in healthcare settings who have the potential for direct or indirect exposure to patients or infectious materials, including body substances (e.g., blood, tissue, and specific body fluids); contaminated medical supplies, devices, and equipment; contaminated environmental surfaces; or contaminated air. **HCP include, but are not limited to, emergency medical service personnel, nurses, nursing assistants, home healthcare personnel, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, contractual staff not employed by the healthcare facility, and persons not directly involved in patient care, but who could be exposed to infectious agents that can be transmitted in the healthcare setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).** For this guidance, HCP does not include clinical laboratory personnel."

Q: Do we have to wear masks in the station if we are fully vaccinated?

A: No. According to the CDC healthcare infection prevention and control guidelines at

https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control-after-vaccination.html#anchor_1619116573222: "In general, fully vaccinated HCP should continue to wear source control while at work. However, fully vaccinated **HCP could dine and socialize together** in break rooms and **conduct in-person meetings** without source control or physical distancing. **If unvaccinated HCP are present, everyone should wear** source control and unvaccinated HCP should physically distance from others."

Q: Can my employer still require me to wear a face covering?

A: Yes. Although Executive Order 79 lifted universal mask mandates on 5/28/2021, this simply reverts the mask policy to the [Department of Labor and Industry's Permanent Standard](#), which states that employees who are not **fully vaccinated** must continue to wear face coverings or practice social distancing ([See DOLI standard FAQ, Section 40, Question 50](#)).

Q: Can my employer have different standards for vaccinated and unvaccinated persons in the workplace?

A: Yes, but this is not considered discriminatory. This is a workplace safety standard mandated by the Virginia Department of Labor and Industry (DOLI). Jay Withrow, Director of the Division of Legal Support for DOLI indicated in an email on 5/26/2021 that "DOLI is not aware of any federal or state anti-discrimination

laws that are violated by its FAQs.” An employer could require all employees to wear masks, but **must** require it for those who are unvaccinated.

Q: Does my employer have the right to ask about my vaccine status?

A: Yes; DOLI’s Permanent Standard section 10, question 20 addresses this question. The Department is not aware of any Virginia law, standard or regulation that prohibits employers from asking employees if they have received the COVID-19 vaccine and are fully vaccinated, and if so, requiring employees to show proof of full vaccination.

HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) applies to “covered entities” and “business associates,” and in most cases does not apply to employers. Accordingly, the patient privacy protections contained in HIPAA do not apply to employers who ask employees if they have received the COVID-19 vaccine and are fully vaccinated or require employees to show proof of full vaccination. For further information on HIPAA see:

<https://www.hhs.gov/hipaa/for-individuals/employers-health-information-workplace/index.html>

EEOC

The Equal Employment Opportunity Commission (EEOC) indicates that employers may require employees to show proof of full vaccination, but notes certain issues associated with such a mandate:

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

Q: Isn’t it a HIPAA violation for my employer to require proof of vaccine status?

A: No. DOLI’s FAQs cover this in section 40, question 30, “Per the U.S. Department of Health and Human Services’ (HHS) guidance on employers and health information in the workplace, HIPAA’s privacy rule does not protect employment records, even if the information in those records is health-related. In most cases, the Privacy Rule does not apply to the actions of an employer.”

Q: Can my employer require me to be vaccinated?

A: Maybe. DOLI section 10, question 22 addresses this question as follows: The CDC notes the following with regard to employer vaccine mandates: Whether an employer may require or mandate COVID-19 vaccination is a matter of state or other applicable law. If an employer requires employees to provide proof that they have received a COVID-19 vaccination from a pharmacy or their own healthcare provider, the employer cannot mandate that the employee provide any medical information as part of the proof.

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/essential-worker/workplace-vaccination-program>. The Department of Labor and Industry states that it is not aware of any Virginia law, standard or regulation that prohibits employers from implementing a COVID-19 vaccine mandate. Private employers should seek legal counsel for additional details.

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