

From: Doug Steele
Sent: Friday, March 20, 2020 7:45 PM
To: Schaitberger Harold; Kelly, Edward
Cc: #District VPs;
Subject: Re: COVID Exposure Notification Requirements

GP, GST, and DVPs:

As you know, a question has been raised as to whether the Ryan White Act presently requires medical facilities to notify IAFF members about possible exposures to COVID-19 after they have transported emergency victims exhibiting symptoms of the disease.

We believe that the Act should apply to COVID-19. The Act requires a medical facility to notify emergency response employees about potential exposures to certain infectious diseases that are listed by the CDC in its regulations. Although the CDC's current list does not specifically include COVID-19, COVID-19 is caused by a severe acute respiratory syndrome-related coronavirus ("SARS-CoV"), and the list does specifically reference SARS-CoV. Therefore, there is a reasonable basis for asserting that the Act is applicable to COVID-19.

If a member believes he or she may have been exposed to COVID-19, then they should insist that their department make a request to the relevant medical facility for a response. Such requests must be made through the employer's "designated officer," which is an official who has been designated by the state's public health officer as the point of contact for these inquiries.

Under the CDC's guidelines, an occupational exposure to an infectious disease which is routinely transmitted through aerosolized droplets, like COVID-19, may occur when an emergency response employee "comes within about 6 feet of a contagious individual who has an infectious disease ... and who creates large respiratory droplets through activities such as sneezing, coughing, and talking." For this reason, in stating the facts, the member should recount the victim's COVID-19 symptoms as well as his or her own close proximity to the victim during the emergency response.

I have attached a sample letter that affiliates may wish to use in making a request for notification of a possible exposure to COVID-19.

In addition, as the General President has mentioned, the IAFF has been working with NIOSH to update its list of infectious diseases so that it expressly references COVID-19. It is anticipated that the updated list will be published in the very near future. Once implemented, this fix should remove any possible doubt about the Act's applicability to COVID-19.

Sincerely,

Douglas L. Steele

McGILLIVARY, STEELE, ELKIN, LLP
IAFF General Counsel