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# Implementing Effective Mask Policies in Your Practice



# Virginia Mask Law Applicable to Physicians

## Executive Order 63

- Requires patients to wear masks “when entering, exiting, traveling through, and spending time inside” any “indoor place shared by groups of people who are in close proximity to each other.”
- This includes physicians’ offices.

## Important Exceptions

- Masks may be temporarily removed when necessary to receive medical services
- “Persons with health conditions that prohibit wearing a face covering” are not required to wear a mask.
  - Any person declining to wear a mask under this exception is not required to (1) produce or carry medical documentation verifying the condition, or (2) identify the precise underlying condition.
  - Patients may rely on this exception to justify refusal to wear a mask.

# Develop a Mask Policy

The best way to avoid mask-related problems with patients is to develop a mask policy complying with Executive Order 63.

- **Set Expectations**

- Explain that masks covering both mouth *and* nose are required for service.
- Include this policy in the materials you send to patients prior to appointments and mention it in any reminders.
- Post the policy conspicuously around your office.

- **Enforce Consistently**

- Ensure employees follow the policy to set an example and avoid any perception of discrimination.
- If a patient arrives without a mask:
  - Have masks available and offer one—presume the patient forgot his or her mask.
  - Firmly remind patients who still refuse to wear a mask of the policy previously sent to them and offer to reschedule the appointment for a date when they are willing to wear a mask.
- Do not make an exception permitting entry without a mask.

# Patients Claiming Mask-Prohibitive Health Conditions

Some patients may claim a health condition that prohibits mask wearing or argue that requiring masks violates the ADA. Responding to this situation requires delicacy.

## Your Obligations

- Generally, private practitioners are free to decline service to any potential patient unless the patient is experiencing a medical emergency.
- Absent an emergency, you are under no obligation to treat a patient who refuses to wear a mask, even if they claim to have a mask-prohibitive health condition.

## Identifying Legitimate Mask-Prohibitive Health Conditions

- Use your appointment reminder phone call to detect patients likely to resist wearing a mask.
- If a patient indicates unwillingness to comply with the mask policy due to a health condition during the reminder call, have a dialogue with the patient to determine whether his or her concern is legitimate and to reach a potential accommodation, such as an after-hours visit.



# Implementing Procedures for Uncooperative Patients

What should be done if an on-premises patient refuses to wear a mask and becomes confrontational?

1. Train staff on how to respond to the situation.
2. Designate a particular individual (e.g., physician or practice manager) to be called in the event of an unruly patient.
  - An established chain of command can do much to reassure staff uncomfortable with handling a difficult patient.
3. Remind the patient of the practice's right to refuse service to those without masks.
4. If refusal persists, advise the patient that they should leave the office. It may be necessary to notify the authorities to prevent further escalation of the situation.
  - **Note:** The patient's identify is protected under HIPAA. Avoid sharing a depiction or description of the incident on social media or similar channels.

# Mask Guidelines for Patients

To encourage compliance with your mask policy, consider sharing the CDC's mask guidelines in your patient communications.

## Why Masks Work

- Masks block respiratory droplets that spread COVID-19 from traveling into the air (and onto other people) when the wearer sneezes, coughs, or even talks.
- Everyone should wear masks because COVID-19 can be spread by people who have no symptoms and are unaware of their infection.
- The CDC does not currently recommend face shields or masks with exhalation vents because they may not sufficiently stop respiratory droplets.

Source: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

## Mask-Selection Tips:

- ✓ 2 or more layers of cloth
- ✓ Completely covers nose *and* mouth
- ✓ Snugly fits both sides of the face

## Avoid Masks That:

- ✗ Are made of difficult fabric to breathe through
- ✗ Have exhalation valves (these let virus particles escape)
- ✗ Are intended for healthcare workers, like surgical masks or N95 respirators

Source: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>



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