

September 2, 2020

Patient Face Mask Exemption Guidelines

PURPOSE

Executive Order 2020-153 requires individuals to wear face masks in indoor public spaces and crowded outdoor spaces. EO 2020-153 exempts from wearing a mask those who are “medically unable” to do so. This document is intended to offer guidance during the COVID-19 pandemic to:

- Providers on how to evaluate the medical necessity for face mask exemptions when a note is requested by a patient.*
- Managers, Directors, or individuals designated who must review requests for patient* face mask exemption accommodations.
- Individuals responsible for screening patients* who are using the *MHC COVID-19 – Care for Medical Mask Exemption Patients* process workflows.

This document also provides important reminders about the Americans with Disabilities Act, EMTALA, and MHC policies that pertain to this topic. All MHC employees are expected to follow MHC policies and guidance provided by MHC.

BACKGROUND: ADA, EMTALA, MHC POLICIES, and EXECUTIVE ORDERS

ADA

Generally, the Americans with Disabilities Act requires a place of public accommodation (such as a hospital, restaurant, or store) to accept a patient* or visitor at their word that they have a medical condition requiring an accommodation. Oftentimes, the “accommodation” requested is an exception to a policy (e.g., allowing a service animal even if dogs are not otherwise permitted, or allowing a person to enter without a face mask during the COVID pandemic).

In addition to EO 2020-153, MHC is obligated to follow the Americans with Disabilities Act (ADA). Under the ADA, if a person has a disability which causes him/her to be unable to wear a face mask, then MHC must consider ways to accommodate the person. *Note: The accommodation process for MHC employees under the ADA is different. See MHC’s ADA policy (PolicyStat ID 6045859) for more details.*

EMTALA

MHC is also obligated under federal law, EMTALA, to provide emergency services to all individuals who come to the hospital seeking emergency medical treatment. If the patient is suffering from a medical emergency, treat the patient regardless of whether the patient is wearing a mask, but consider how to provide the service in a way that presents the least risk to others.

This guidance is for informational purposes only and is not legal advice.

** These are guidelines for patients/visitors. The accommodation process for employees under the ADA is different. See MHC’s ADA policy (PolicyStat ID 6045859) for more details.*

MHC Policies

- Except as described in these guidelines, all individuals who enter into an MHC facility must wear a face mask.
- If a patient is suffering from a medical emergency, the patient will receive appropriate treatment regardless of whether s/he is wearing a mask.
- The accommodation process for employees under the ADA is different. See MHC's ADA policy (PolicyStat ID 6045859) for more details.

PATIENT FACE MASK EXEMPTION GUIDELINES

FOR PROVIDERS

Patients may ask their treating provider for a doctor's note confirming that there is a medical condition that prevents the patient from wearing a mask, as this may be a requirement of the patient's work or school. A provider may consult PowerChart or other medical records when evaluating a patient for a face mask exemption. The following is a list of common conditions where a person may be medically unable to wear a mask that may be helpful to you in assessing patients:

General Recommendations for Medical Exemptions from the CDC, 2020:

- Young children under age 2
- Anyone who has trouble breathing (e.g., presents risk of serious adverse effect due to underlying condition such as an acute exacerbation of COPD or Asthma)**
- Anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance

The above list is not all-inclusive, and other medical conditions may also prevent a patient from wearing a mask.

Further Considerations:

- Mental health conditions: severe anxiety, PTSD or claustrophobia
- Autism (e.g., sensitive to touch and texture)
- Cognitive impairment
- Craniofacial deformity which prohibits mask fit
- Dermatologic condition: severe dermatitis related to mask wearing
- Deafness or hard of hearing if mask prevents lip reading
- Consider other medical situations described by the patient on a case-by-case basis

***According to the American Lung Association (2020), many individuals with underlying chronic lung disease should be able to wear a non-N95 facial covering without affecting their oxygen or carbon dioxide levels.*

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FOR MANAGERS, DIRECTORS, OR INDIVIDUALS DESIGNATED TO REVIEW EXEMPTION ACCOMMODATIONS

MHC employees should not request written proof of the reason an individual is medically unable to wear a face mask. Similarly, MHC employees should not consult PowerChart or other medical records that may be available to confirm an individual's medical condition for purposes of assessing a face mask exemption. However, MHC staff may speak with the individual to learn why he/she cannot wear a mask and potentially find a mutually-agreeable solution. The conversation should take place in a private area, out of earshot of others.

Questions that are permissible:

- *Are you suffering from a medical emergency?*
- *Please share why you are unable to wear a mask?*
- *Do you have a disability that prevents you from wearing a mask?*
- *Has another medical provider or department within Munson Healthcare granted you a face mask exemption?*

After asking the above questions, refer to General Recommendations for Medical Exemptions from the CDC, 2020 and Further Considerations above to determine if a face mask exemption should be accommodated and continue to follow the *MHC COVID-19 – Care for Medical Mask Exemption Patients* process workflows.

FOR INDIVIDUALS RESPONSIBLE FOR SCREENING PATIENTS

- Pre-screening Patients for Appointments – follow the *MHC COVID-19 – Care for Medical Mask Exemption Patients: Job Aid for Pre-Screener Phone Staff* workflow.
- Screening Patient for Scheduled Care – follow the *MHC COVID-19 – Care for Medical Mask Exemption Patients: Job Aid for Entry Screeners: Scheduled Patient Care* workflow.
- Screening of Unscheduled/Walk-In Patient Care: - *MHC COVID-19 – Care for Medical Mask Exemption Patients: Job Aid for Entry Screeners: Unscheduled/Walk-In Patient Care* workflow.

SOURCES

American Lung Association. (2020, July 16). *American College of Chest Physicians, American Lung Association, American Thoracic Society and COPD Foundation Statement on Importance of Patients with Chronic Lung Disease Wearing Facial Coverings* [Press Release]. Retrieved from <https://www.lung.org/media/press-releases/accp-ala-ats-copd-foundation-urge-masks-for-all>

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Des Roches Rosa, S. (2020, May 11). [Some autistic people can't tolerate cloth face coverings. Here's how we're managing with our son.](#) *The Washington Post*. Retrieved from:

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