

MLMIC Dental Resource Dashboard

MLMIC Insurance Company (MLMIC) understands the concerns of reopening your practice during this uncertain time. To address the common questions and concerns in reopening your dental practice, **MLMIC** has partnered with the law firm of **Fager Amsler Keller & Schoppmann, LLP (FAKS)** to put together this resource. Check back frequently as it will be updated regularly with useful information.

Safety information, guidelines, and resources:

- New York State Department of Health Novel Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/>
- Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- Occupational Safety and Health Administration COVID-19 Website
<https://www.osha.gov/SLTC/covid-19/>
- Occupational Safety and Health Administration Recommendations for Dental Workers and Employees <https://www.osha.gov/SLTC/covid-19/dentistry.html>
- American Dental Association: Return to Work – Interim Guidance Toolkit
https://success.ada.org/~media/CPS/Files/Open%20Files/ADA_Return_to_Work_Toolkit.pdf

Legislative Guidance:

- COVID-10 Legislative Dashboard: <https://www.fakslaw.com/wp-content/uploads/2020/05/COVID-19-Legislative-Dashboard-May-192020.pdf>

NYSDOH INTERIM GUIDANCE FOR DENTISTRY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY:

- <file:///I:/COVID-19/Dental/NYSDOH%20Interim%20Guidelines%20for%20Reopening%20Dental%20Offices%20during%20COVID.pdf>

CDC Guidelines for Infection Control in Dental Healthcare Settings:

<https://www.cdc.gov/mmwr/PDF/rr/rr5217.pdf>

CDC guidance “Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)” (staff meetings):

- <https://www.cdc.gov/coronavirus/2019-ncov/hcp/dental-settings.html>

OSHA Guidance for Dentistry Workers and Employers:

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

Protective Equipment:

- Responsible Parties can turn visitors away if visitors are not wearing face coverings or refuse to wear provided face coverings, per Executive Order 202.34:
<https://www.governor.ny.gov/news/no-20234-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>
- Responsible Parties must ensure that DHCP wear appropriate PPE when providing care to patients in accordance with appropriate OSHA standards, including surgical masks, eye protection, gloves, and protective clothing when performing any dental procedures that do not generate aerosols.

For aerosol generating procedures, providers should wear a properly fit-tested, NIOSH-certified, disposable N95 or <https://www.osha.gov/SLTC/covid-19/dentistry.html>

- CDC Guidance on Using Personal Protective Equipment (PPE):
<https://www.cdc.gov/coronavirus/2019-ncov/hcp/using-ppe.html>

Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19:

- https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_general_building.pdf
- <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

Coronavirus Protect Yourself Poster for Offices:

- https://coronavirus.health.ny.gov/system/files/documents/2020/04/13067_coronavirus_protectyourself_poster_042020.pdf

Wearing a Mask for Medical or Dental Visits During Pandemic: An article by FAKS attorney Donnaline Richman, Esq: https://www.fakslaw.com/wp-content/uploads/2020/06/DearDonnie_Edition1.pdf

Patient Waivers of Liability for COVID-19 Exposure: In general, patient waivers of liability are unenforceable in New York State.

However, a **consent or acknowledgment** that alerts a patient of the risk of possible exposure to COVID-19 while visiting the dental office for treatment is both legally valid and, coupled with a discussion of the risk, aids in protecting providers from such claims. Consents are available FAKS at no cost at **1-855-FAKS-LAW**.

Employee Waivers of Liability for COVID-19 Exposure: In some industries employers are requiring employees to sign waivers for liability before returning to work. Since this is an employment issue, MLMIC takes no position and it should be addressed between the employer and employee.