



Healthcare Compliance Symposium 2019

OSHA Compliance in the Healthcare Setting

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Today's Agenda

- OSHA Background
- OSHA Compliance Plan
- OSHA Standards
- OSHA Recordkeeping, Reporting and Posting Requirements
- OSHA Violations and Penalties



Today's Agenda

- OSHA **HOT** Topics
 - OSHA Investigations
 - Workplace Violence
 - Drug Testing
 - Retaliation and Whistleblowing
 - Other

OSHA – Some Background

- Occupational Safety and Health Administration (OSHA)
 - National public health agency created in 1970
- Agency of U.S. Department of Labor (DOL)
- “No worker should have to choose between their life and their job.”

OSHA – Some Background

- OSHA's Mission:
- To assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.

OSHA – Some Background

- OSHA Coverage
 - Most private sector employers and workers
 - Not covered:
 - Self-employed
 - Immediate family members of farm employers
 - Workplace hazards regulated by another federal agency
 - Some public sector employers and workers
 - State OSHA-approved programs



OSHA – Rights and Responsibilities

- Responsibilities – Employers
 - General Duty Clause: An employer has an obligation to provide employees with a workplace free of recognized hazards likely to cause death or serious physical harm
 - This includes numerous other responsibilities
 - Compliance plan
 - Postings, training, recordkeeping, testing and sampling, hearing exams, personal protective equipment, no retaliation



OSHA – Rights and Responsibilities

- Employer Responsibilities (continued)
 - Identify and correct safety hazards and other sources of health problems
 - Make changes to improve working conditions
 - Minimize risks – hierarchy of controls
 - Develop and enforce mandatory job safety standards
 - Continuous safety assessment and improvement
 - Develop and provide training for employees



OSHA – Rights and Responsibilities

- Rights – Employees
 - Workers are entitled to working conditions that do not pose a risk of serious harm
 - This includes numerous other rights
 - Confidential complaint process
 - Receipt of information and training
 - Access to information and records
 - No retaliation for reporting injuries or illnesses
 - No retaliation for whistleblowing

OSHA Compliance Plan

- Healthcare employers must develop and implement OSHA compliance plans
 - Review and update at least once per year
 - Train employees on plan and any changes
 - Identify safety coordinator or OSHA compliance officer for the organization
 - Include policies and procedures regarding
 - OSHA Standards applicable to healthcare industry
 - Other general standards



OSHA Standards

- OSHA - authority to issue workplace health and safety regulations (Standards)
- Nine OSHA Standards most generally applicable to healthcare industry:
 - Hazard Communication Standard
 - Bloodborne Pathogens Standard
 - Ionizing Radiation Standard
 - Exit Route Standard
 - Electrical Safety Standard



OSHA Standards

- Nine Standards continued:
 - Emergency Action Plan Standard
 - Fire Safety Standard
 - Medical First Aid Standard
 - Personal Protective Equipment Standard
- Other generally applicable Standards:
 - General Housekeeping
 - Ergonomics
 - Workplace Violence Prevention



OSHA Compliance Plan

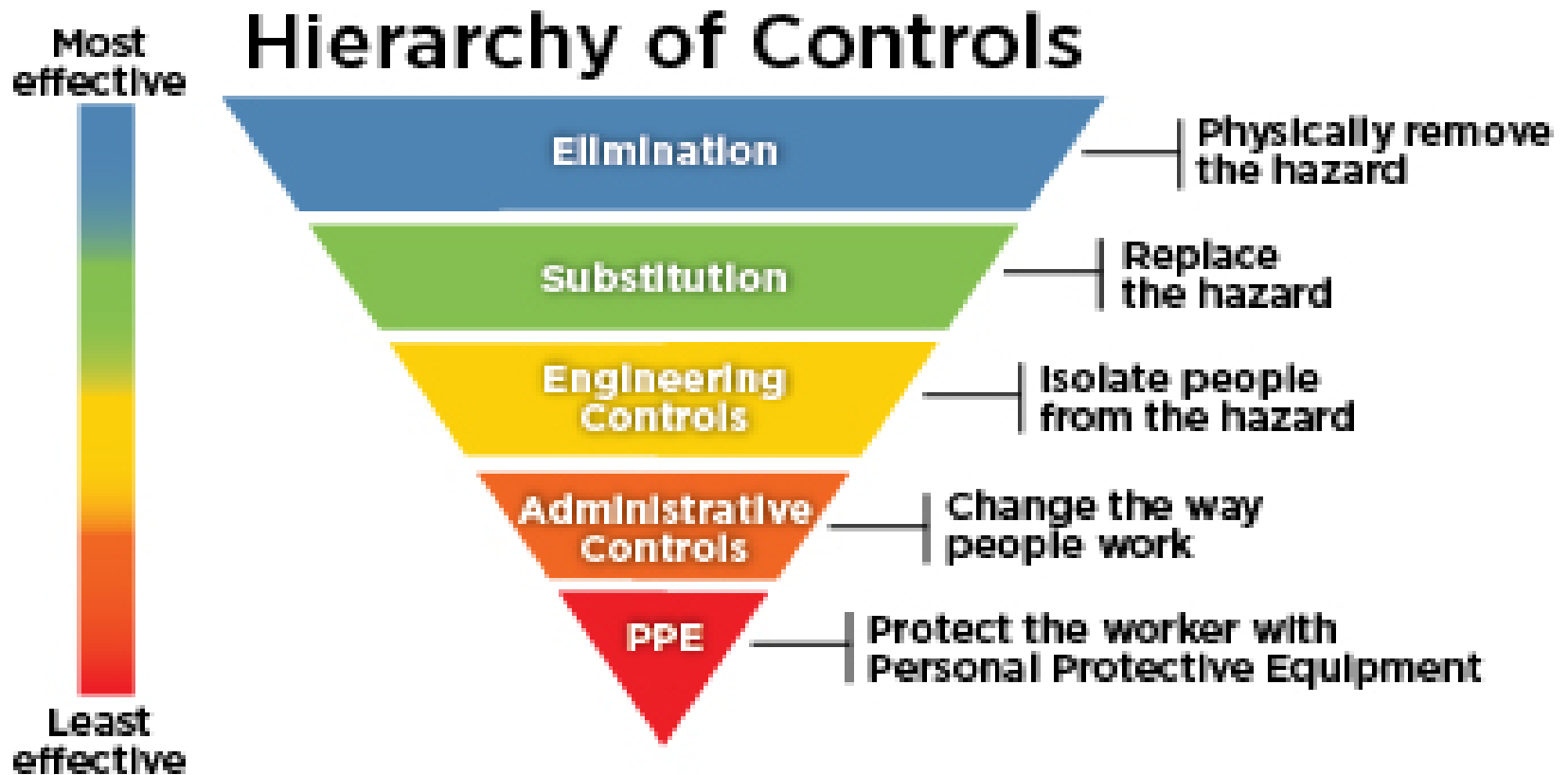
Nota Bene:

- YOUR OSHA compliance plan should NOT be a generic, off-the-shelf plan
- It must be tailored to the needs and operations of your individual organization or workplace

Hazard Prevention & Control

- To effectively control and prevent hazards, employers should:
 - Identify control options
 - Select controls
 - Develop and update a hazard control plan
 - Select controls to protect workers during nonroutine operations and emergencies
 - Implement selected controls in the workplace
 - Follow up to confirm that controls are effective

Hazard Prevention & Controls



Source: NIOSH



OSHA Standards: Hazard Communication

- Workers have a right to know and understand possible workplace hazards
- 6-Step Hazard Communication Program
 - Designate a staff member to lead the program
 - Implement written hazard communication policy
 - Ensure correct labeling for hazardous materials
 - Maintain Safety Data Sheets (SDS)
 - Inform and train employees
 - Continuously evaluate program



OSHA Standards: Bloodborne Pathogens

- BBP Standard is intended to protect employees from health hazards of exposure to bloodborne pathogens
- Employers subject to standard must:
 - Develop a written exposure control plan with numerous specific elements
 - Provide training to exposed employees
 - Comply with OSHA recordkeeping requirements



OSHA Standards: Ionizing Radiation

- The IRS applies to facilities with X-ray machines or radioactive substances
- Compliance elements include:
 - ID types of radiation used in the facility
 - Designate restricted areas to limit exposure
 - Require use of radiation monitors
 - Ensure that radiation areas and equipment are labelled and equipped with caution signs



OSHA Standards: Exit Routes

- All employers must establish emergency exit routes including specific components:
 - Must be permanent, unlocked, protected by a self-closing fire door
 - Must be separated from rest of facility by fire-resistant materials
 - Must be free of obstruction
 - Must be sufficient in number
 - Must lead directly outside or to an area with outside access



OSHA Standards: Electrical Safety

- Electrical hazards, such as wiring deficiencies, are among the most frequently cited hazards
- Employers must develop an electrical safety plan addressing installation, routine maintenance, upgrades, troubleshooting and repair, moving and reinstallation, removal and disposal of equipment and electrical safety inspection logs
- Flammable gases may require special wiring and installation



OSHA Standards: Emergency Action Plan

- Employers must develop a plan for fire and emergencies:
 - Designated methods for reporting fire and emergencies
 - Designated Safety Coordinator
 - Evacuation policies, procedures and escape route assignments



OSHA Standards: Fire Safety

- Written fire safety plans must conform to OSHA standard
- All employees must be trained on the plan, including, among other elements:
 - Identification of fire hazards
 - Fire emergency procedures
 - Use of fire extinguishers
 - Emergency fire exits
 - Alarm systems
 - Employee smoking policies



OSHA Standards: Medical and First Aid

- Employers must assess workplace hazards and proximity to medical care in developing policies and procedures
- Employers must:
 - Designate and train first aid personnel
 - Maintain supplies corresponding to workplace hazards in the event medical emergencies arise



OSHA Standards:

Personal Protective Equipment

- Employers are required to provide PPE to employees to minimize exposure to workplace hazards, including:
 - Identify and provide appropriate PPE
 - Train employees on use and care of PPE
 - Replace worn or damaged PPE
 - Periodically review effectiveness of PPE plan
 - Ensure employees are using PPE



Other Standards and Hazards

- Other generally applicable Standards:
 - General Housekeeping
 - Ergonomics
 - Workplace Violence Prevention
- Other Hazards
 - Slips, trips and falls
 - Influenza
 - Tuberculosis
 - Chemical hazards
 - Emergency response hazards



Recordkeeping, Reporting and Posting

- Recordkeeping – certain employers required to keep records of workplace injuries and illnesses
- Not required to keep injury and illness records (unless requested to do so by OSHA or the Bureau of Labor Statistics (BLS) if:
 - Fewer than 10 employees in prior calendar year
 - Certain low-hazard industries



OSHA Recordkeeping

- Certain types of health care facilities are exempt from OSHA's injury and illness recordkeeping requirements regardless of size:
 - Offices of physicians
 - Offices of dentists
 - Offices of other health care practitioners
 - Outpatient care centers
 - Medical and diagnostic laboratories



OSHA Recordkeeping

- Employee exposure and medical records must be available to OSHA and to employees or their designated representatives
- Employee exposure records must be maintained for 30 years
- Employee medical (and exposure) records must be maintained for the duration of the employee's employment plus 30 years
- State OSH program requirements may be more stringent

OSHA Reporting and Posting

- All employers, regardless of size or industry, must:
 - Report all work-related fatalities within 8 hours
 - Report all work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours
- All employers must post the OSHA Poster (or state plan equivalent) in a prominent location in the workplace

OSHA Violations and Penalties

- Failure to meet OSHA requirements may result in citations for violations
- Violations can carry penalties ranging from warnings to citations, fines and prison time
- Penalties are affected by the size of the business, prior violations and whether the company engaged in good faith and cooperated during an OSHA investigation

OSHA Violations and Penalties

- Six classes of violations and corresponding penalties:
 - *De Minimis* violations
 - Other-than-serious violations
 - Serious violations
 - Willful violations
 - Repeat violations
 - Failure-to-abate violations



OSHA Resources and Compliance Assistance

- OSHA website provides an extensive library of resources, from basic information to specialized assistance by industry
- Access the OSHA website at: <https://www.osha.gov> to obtain sample forms, plans, compliance assistance, training information and updates



OSHA *HOT* Topics

- OSHA Investigations
- Workplace Violence
- Drug Testing
- Retaliation and Whistleblowing
- Other

Safety and Health Programs

- Recent OSHA publication: Recommended Practices for Safety and Health Programs
https://www.osha.gov/shpguidelines/docs/OSHA_SHP_Recommended_Practices.pdf
- Core elements:
 - Management leadership
 - Worker participation
 - Hazard identification and assessment
 - Hazard prevention and control
 - Education and training
 - Program evaluation and improvement
 - Communication and coordination for host employers, contractors and staffing agencies

Questions?

