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

Hierarchy of Controls

- Elimination: Physically remove the hazard
- Substitution: Replace the hazard
- Engineering Controls: Isolate people from the hazard
- Administrative Controls: Change the way people work
- PPE: Protect the worker with Personal Protective Equipment

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

• 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?