

Florida Health Care Association 2013 Annual Conference

The Westin Diplomat Resort & Spa

Session #55 – Record Keeping for Work-Related Injury and Illness

Thursday, August 8 – 10:00 to 11:30 a.m.

Regency 2

Upon completion of this presentation, the learner will be able to:

- recognize the difference between what should be reported to OSHA versus what should be recorded on OSHA logs;
- identify what should be reported to their workers' compensation carrier versus what is recorded on OSHA logs; and
- define a work related injury and have a working knowledge of what should be reported to OSHA.

Seminar Description:

In an effort to ensure all healthcare organizations meet employee health, environmental and safety standards, OSHA is aggressively looking at record-keeping practices. The complexity of OSHA's rules and regulations make it imperative you understand all actions and documentation necessary for compliance in order to ensure your organization is protected from costly penalties, fines and even legal action. This session will provide you detailed information, quick tips and fundamental best practices in order for you to address your organization's needs in meeting OSHA's record-keeping requirements.

You will be introduced to the latest record-keeping practices, specifically how to log employee incidents properly and maintain records in accordance with OSHA's current standards. To help you better understand the OSHA inspection process, an update on the most frequently cited record-keeping violations will be provided. Even if you are familiar with OSHA, this session will deliver innovative ideas and new information to keep you on top of the ever changing situation. Regardless of your level of expertise with OSHA, this session is a must-attend!

Presenter Bio(s):

Kymerlee Dougherty Tysk founded Hummingbird Risk Advisors with over 28 years of experience in risk management, focusing on long term care. As National Director of Elder Services at Aon, she was recognized as the industry's "Power Broker" for long term care. As Chief Risk Officer for Mariner, she created an enterprise risk management program across all disciplines. She is a member of AHCA, AAHSA and ASHRM.

Teri Gass is an insurance industry specialist with more than 25 years of experience, and currently serves as Hummingbird Risk Advisors' Chief Operating Officer. In this capacity, she serves as a senior advisory partner to the CEO. She is responsible for directing client services and managing staff relationships with clients and prospects. Prior to joining HBRA, Teri was a director at Aon Global Risk Consulting.

FHCA
August, 2013

**OSHA
Compliance &
Recordkeeping for
Work Related Injury & Illness**

Kymerlee Tysk and Teri Gass
Hummingbird Risk Advisors

Overview

OSHA compliance

- Training employees
- How does that affect the Senior Housing/Care Industry?
- What can I do about it?

AND

Recordkeeping for work related injury & illness

- OSHA (NOT Workers' Compensation)

Occupational Safety and Health Administration

- OSHA
- Created by Congress - signed by President Nixon in 1970
- Regulations govern ALL employers with more than 10 employees over a calendar year
- Enforcement



National Emphasis Program (NEP)

- April 2012 - NEP for Nursing and Residential Care Facilities
 - Protect worker from hazards common in the industry
- Focus on
 - Exposure to:
 - Blood and other potentially infectious material
 - Communicable diseases
 - Ergonomics
 - Workplace violence
 - Slips, trips and falls



Topic Overview

OSHA compliance consists of recordkeeping related to:

- Training
- AND
- Employee injury & illness

A Little Workplace Humor...



A Little Workplace Humor - Continued



TRAINING DOCUMENTATION
NATIONAL EMPHASIS PROGRAM

OSHA - Training Documentation Requirements

Industry Specific Requirements

- Personal Protective Equipment training*
- Lockout/Tagout*
- HazComm (hazard communication)*
- Fire protection
- Slips, trips, & falls
- Ergonomics
- Bloodborne pathogens
- Workplace violence
- Medical record access

How to Document Training?

Compliance

- Documentation **MUST** show:
 - Date of training
 - Proof of attendance (sign-in sheet)
 - Who performed training
 - Curriculum (all available material)
 - 5 years, plus current



Lock Out Tag Out

Requirement

- All employees upon hire and annually
- Required training topics
 - Devices which require Lockout/Tagout procedures
 - Machine start up – release stored energy
 - Type and magnitude of hazardous energy sources
 - Methods and means necessary for Lockout/Tagout



Personal Protective Equipment (PPE)

Requirement

- All employees upon hire and annually
- Required training topics
 - What is PPE
 - When is PPE required
 - What type of PPE is available
 - Where is PPE located
 - How to properly use PPE
 - What are the limitations of PPE
- AND
 - How to care for, maintain and dispose of PPE



HazComm (Hazard Communication)

Requirement

- All employees upon hire, and as needed
- Documentation **MUST** show:
 - Location of written program and MSDS* sheets
 - Safe work practices developed
 - PPE provided
 - Hazards of the chemicals in the work area
 - Measures to protect employees from these hazards

*Material Safety Data Sheet

Fire Protection

Requirement

- All employees upon hire and annually
- Documentation **MUST** show
 - Specific roles and responsibilities (Squad member / leader)
 - Job-specific potential hazards: oxygen, utilities, etc.
 - Back-up communication system to be used
 - How supplies and equipment are obtained



Slips, Trips & Falls

Requirement

- All employees upon hire and annually
- Document the processes in place to prevent potential exposures to slip & trip hazards in the workplace, including:
 - Floor maintenance procedures
 - Good housekeeping
 - Safe walking practices
 - Wearing proper footwear
 - Learn to fall "properly"

Ergonomics

Requirement

- All employees upon hire and annually
- Documentation MUST show
 - Principles of body mechanics
 - Employee and resident safety
 - Resident, facility and equipment assessments
 - Equipment selection, inspection and maintenance
 - Employee accountability



Bloodborne Pathogens

Requirement

- All employees upon hire, change in protocols, and annually
- Documentation MUST show
 - Basis for selection of PPE
 - Information provided regarding the Hepatitis B vaccine
 - Actions to take and who to contact in an emergency involving blood or OPIM*
 - Procedure to follow if an exposure occurs
 - Post-exposure evaluation and follow-up
 - An explanation of the required labels and/or color coding

*Other Potentially Infectious Materials

Bloodborne Pathogens – cont'd.

- Documentation must show that employees are aware of and have access to:
 - Copy of the actual regulatory standard
 - General explanation of the epidemiology and symptoms of bloodborne diseases as well as modes of transmission
 - A copy of the employer's exposure control plan
 - Methods for recognizing tasks and activities that may involve exposure to blood and OPIM*

*Other Potentially Infectious Materials

Bloodborne Pathogens



Workplace Violence

Requirement

- All employees upon hire and annually
- Documentation and training
 - Prevention policy - formalized
 - Ways of diffusing situations
 - The "buddy system"
- Early recognition of warning signs
- Security devices
- Incident reporting
- Caution in critical areas (e.g. elevators, stairwells, parking lots) .
- Action plan

Medical Records Access

Requirement

- All employees upon hire and annually
- Employees have access to relevant exposure and medical records
- Employees must be informed of the existence, location and availability of records covered by this standard
- Assists in management of one's health and detection, treatment and prevention of occupational disease

**OSHA ILLNESS AND
INJURY
DOCUMENTATION
ALL INDUSTRIES**

Topic Overview

**The difference between
OSHA REPORTABLE,
OSHA RECORDABLE &
WORKERS'
COMPENSATION**

A Little Workplace Humor...



A Little Workplace Humor - Continued



OSHA Reportable

There are certain events that OSHA requires an employer IMMEDIATELY call them and report:

- An employee fatality
- Hospitalization of 3 or more employees

OSHA Recordable Events

Any work-related injury or illness that is a "new case" that involves:

- Loss of consciousness
- Restricted work activity or job transfer
 - Not counting the day of injury
- Days away from work
 - Not counting the day of injury
- Medical treatment beyond first aid
- Fatality
- Diagnosed occupational illness
- Needle stick or sharps injury
 - Contaminated with another's blood or OPIM

OSHA Work vs. Non-work Environment

- **Work** –
 - Any location where one or more employee is working or is present as a condition of their employment
- **Non-work** -
 - The employee's place of employment when not working
 - An employee's home (employee chooses to work from home) not usual work arrangement
 - A company outing/event that is not mandatory

Definition – OSHA Environment

Company Parking Lot



- Considered part of the employer's premises
- Employees engaged in work-related activities in parking lots are covered

Definition – OSHA Environment

Employee attendance at a company sponsored event

- Is **not** considered part of employer's work environment
- The presumption of work relationships for these activities does not apply, unless employer requires their participation



Definition – OSHA Environment

Employee use of company resources

- Are not considered part of “work environment”
- The presumption of work relationships for use of such resources does not apply, unless employee is required to use it



Definition – OSHA Environment

Business Travel

- Only activities necessary for business trip
- Hotel - a “home away from home”
 - Check in - “quitting time”
- Detour, for personal reasons - not work related



Definition – OSHA Environment

Telecommuting

- Job is to work from home daily, this is your work environment – recordable based on circumstances
 - Same as at place of employment
- Choose to work from home one day – not recordable



Rules Defining “Work Related” Events

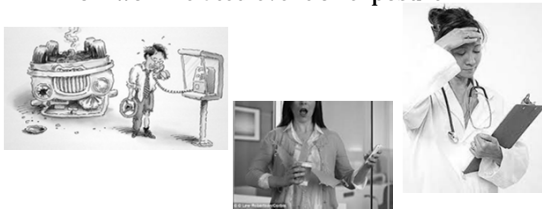
- An injury or illness resulting from events or exposures occurring in the workplace, unless an exception* specifically applies – IS work related



*Illegal activities

Not Work Related – Not Recordable

- Injury outside assigned work hours
- Injury when on break performing non-work related activity
- Symptoms surface at work, solely due to non-work related event or exposure



Not Work Related – Not Recordable

Company Event/outing

- Unless employer requires attendance at the event



Not Work Related – Not Recordable

Company owned resources

- Unless employer requires the use of the owned resource



Scenarios

- An employee trips on a pothole and sprains his ankle in the company parking lot on the way into work...
- A nurse is documenting in an online chart at the nurses station and coughs and pulls her back...
- A CNA is visiting her mother-in-law on her day off. The mother-in-law is a resident of the facility where the CNA works. She slips and falls in the hallway and breaks her arm....

Definition – New injury/event

What is New Injury or Event?

- No previously recorded injury or illness of the same type and part of body for an employee,
- OR...
- There is documentation of a previously recorded injury or illness of the same type/body part. The employee fully recovered, and a completely "new" workplace event caused the injury to reappear

New Event Scenario– Is this a new event?

An employee sprained her wrist at work and received treatment and a brace, prescription medication, and “light duty” work restrictions; Six weeks later, the employee was back on his normal job, but continued to take prescription medication for some swelling and pain for an additional week; Today (2 years after the injury) employee complains of pain in same wrist after moving boxes.

New Event Scenarios – Is this a new event?

An employee sprained his ankle, received treatment and returned to work without restrictions. His full release was pending an appointment yet to be scheduled. The employee was advised to continue with prescription medication for 30 days, if needed. Two weeks later the employee complained of swelling and soreness in the same ankle.



Medical Treatment vs. First Aid

Medical Treatment – what is recordable?

- The treatment management to care for a person to combat disease or disorder



Medical Treatment vs. First Aid

What does OSHA consider "FIRST AID"?

- One-time treatment (+follow-up observation) of minor scratches, cuts, burns, splinters, etc. which do not require substantive medical care
- It is NOT recordable



Medical Treatment vs. First Aid

FIRST AID



#ADAM

Injury Case Versus Illness Case

INJURY

- Normally associated with traumatic event
- Physical bodily harm



ILLNESS

- Sickness



Needlestick or Sharps Injury- Recordable?

- Record all which might have bloodborne pathogen exposure
- Use the privacy provision*, if requested by employee
- If splashed with blood but not cut, record as illness case



• *slide 56 detail

Medical Treatment vs. First Aid Scenarios

- A housekeeper cut her hand on broken glass. She was seen in ER. A bandage was applied and she was instructed to return if the cut becomes swollen, red or painful, or continues to bleed. She was told to take Tylenol if she's uncomfortable.
- A nurse trips over a wheelchair footrest. He falls and injures his hand. He was seen in the ER. The x-ray showed a wrist fracture. He was placed in a soft cast, and a follow up was scheduled with an orthopedist.



OSHA Forms

What are the OSHA required forms –

HOW DO WE USE THEM AND WHERE TO WE FIND THEM?



Required OSHA Forms

OSHA 300:

- Log of Occupational Injuries and Illnesses

OSHA 300A:

- Annual Summary of Occupational Injuries and Illnesses

OSHA 301:

- Employer's Report of Occupational Injury or Illness



OSHA Form Review – OSHA 300

Log of Occupational Injuries and Illnesses

- Recordable entries must be made within 7 calendar days
- Changes to entries must be made within 7 calendar days of knowledge of such a change
- Retain for 5 years
- Updated to include newly discovered recordable injuries/illnesses and changes in classification of injury/illness

OSHA Form Review – 300A

Annual Summary of Occupational Injuries and Illnesses

- Total of columns G – M from the OSHA 300 form
 - Information is transferred to this form at the end of the calendar year
- Must be retained for 5 years
 - DOES NOT need to be updated
- Must be signed by local senior management

OSHA Form Review – 301

Employer's Report of Occupational Injury or Illness

This form is to be utilized by companies that do not have their own "internal" employee injury report form.

An internal form can be used INSTEAD of the 301 -you must follow the same requirements:

- Must be completed within 7 calendar days
- Must be retained for current year, plus 5 years
- Today you should have records for 2013, 2012, 2011, 2010, 2009, & 2008

Posting Requirements – 300A

WHAT?

- OSHA Form 300A for prior year

WHY?

- Employee right to information

WHERE?

- Places where employee notices are customarily posted

WHEN?

- From February 1 to April 30 of each year – information from prior year

Counting Lost Days -

- Count calendar days and cap at 180
- Do not include day of injury
- Stop counting if a physician releases an employee to work but employee fails to show up/does not return
- Stop counting if an employee resigns or is terminated
- Special circumstances –injury before vacation or weekend

Counting Restricted/Transitional Duty Days

- Do not record if restriction is only for day of injury
- Recommended restrictions are only recorded if employee is kept from performing one or more routine job duties
- A partial shift because of an injury is counted as a day of restriction
- Stop counting if employee's job has been permanently modified or changed
- Count calendar days and cap at 180

Privacy Concerns

What is a Privacy Concern Case:

- ANY Illness or Injury in which an employee independently or voluntarily requests that his/her name not be entered on the OSHA 300 log
- Any injury/illness to an "intimate body part" or to the reproductive system
- Injury/illness resulting from a sexual assault
- Mental illness
- HIV Infection, hepatitis, or tuberculosis
- Needle stick injury or cut from a sharp object involving OPIM

CONGRATULATIONS!

You now have a wealth of OSHA recordkeeping knowledge



Questions??

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and
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