

OSHA Moves to Enforce Workplace Violence Incidents in Healthcare

August 5, 2015

The Occupational Safety and Health Administration's efforts to address workplace violence in the healthcare industry have received a boost from a recent administrative law judge's decision affirming OSHA citations following an employee's death at work and, in another case, from an OSHA settlement calling upon a healthcare provider to implement an employee workplace violence prevention program nationwide.

On June 22, an Occupational Safety and Health Review Commission judge upheld against a healthcare service company two citations and penalties totaling \$10,500. OSHA had cited the company following the December 2012 stabbing death of an employee working as a social services coordinator in Florida by an individual who had a long criminal history of violent behavior and suffered from severe mental illness. OSHA charged the firm, which specializes in community-based nonclinical support for individuals with health care and related social service needs, with a violation of the general duty clause of the Occupational Safety and Health Act (OSH Act) for failing to provide a workplace free of recognized hazards and under a standard for not reporting the death of an employee in a timely fashion.

Nine days later, the agency announced it had reached a corporate-wide settlement with a provider of medical, dental, and mental-health services at correctional facilities nationwide to implement changes to reduce workplace violence hazards. The agreement came after the safety agency cited the company in August 2014 for failing to develop and implement an effective workplace violence prevention program at a New York prison and for a reporting violation. OSHA proposed a \$72,000 penalty. The agency acted after the number of alleged workplace violence incidents at the prison jumped nearly five-fold between 2011 and 2013 and following six such incidents in a three-month span in 2014.

The agreement calls for the provider to develop a workplace violence prevention program at hundreds of facilities across the country. According to OSHA, each location, in consultation with employees and unions, will develop a workplace violence prevention policy, an incident reporting system, enhanced recordkeeping procedures, a workplace violence hazard assessment and prevention program and employee training.

The company also will appoint a senior official to oversee compliance with the settlement agreement and the OSH Act. Further, it will allow OSHA to conduct inspections to monitor compliance and seek greater coordination with local departments of correction or similar agencies that work with company facilities. The firm agreed to pay a \$38,000 penalty and drop its legal challenge to the citations.

"This corporate-wide settlement is significant It has the potential to improve how workplace violence issues are addressed by employers throughout the industry," Jeffrey Rogoff, OSHA's regional solicitor in New York said in a press release.

OSHA announced on June 25 it would expand its enforcement in hospitals and nursing homes to focus on workplace violence and on potential safety and health risks posed by musculoskeletal disorders, blood-borne pathogens, tuberculosis and slips, trips and falls. OSHA seems "creative at going in and looking at the healthcare industry," commented Aaron Trippler, director of government affairs for the American Industrial Hygiene Association, as reported by *IWP News*. Regarding workplace violence specifically, Trippler said its profile as a safety and health concern is on the rise.

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