

OSHA Regulations and Chiropractic

IF YOU THINK THEY DON'T APPLY TO YOUR PRACTICE, THINK AGAIN.

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Let's face it, many people hold the misconception that most OSHA regulations do not apply to our chiropractic offices. Is this true? Picture the following: Your front-desk person is nice and patients like her. Unfortunately, she is often late for work, chats a great deal on her cell phone and forgets to send the billing at the end of the day. Today, she accidentally spills some of the chemicals inside the developing room. She normally does not go in there, but she hid there to talk privately on her cell phone. When you find her, she is cleaning the mess without gloves or eyewear, and only using a bucket and mop.

You decide that due to her cell phone habits, tardiness and [billing errors](#), it is best to let her go. You inform her of your decision immediately and pay her last check. You then return to clean up the mess yourself. While you are cleaning up, the bell at the front desk rings and a patient comes in. You stop what you are doing and proceed to take care of your patient.

When OSHA Comes Calling

Later that week, you have a visitor. He identifies himself as an OSHA inspector, hands you his credentials and requests to inspect your office. He informs you that there has been a complaint. You knew about OSHA, but you thought it did not apply to you? Think again. He shows you the complaint document, which reads as follows: "I was cleaning up some chemicals at my employer's office. My skin is now severely irritated ... my employer never told what to do in case of a spill; when this happened, he fired me on the spot."

The inspector asks that you take him to where the incident occurred; he requests to see your written Hazard Communication Program in addition to your MSDS [Material Safety Data Sheet] book. You nervously smile and believe he is actually speaking Chinese, then hand him your Policies and Procedures manual. For such a document with so little pages, it sure seems to have gathered a lot of dust.

He asks where you keep your OSHA poster displayed. You nervously tell him you just repainted the office and forgot to put your poster back up on the wall. The inspection goes on. Finally, after what seems like an eternity, the OSHA inspector leaves.

Later in the mail, you receive the results of the inspection. Penalties are imposed as follows:

- Poster violations: \$7,000
- Hazard communication violation, lack of training records (one employee): \$7,000
- MSDS violation: \$500
- Total amount in penalties: \$14,500*

**The amounts hereby listed are approximations and by no means exact; you may research more about*

this subject by visiting the federal OSHA Web site and the OSHA site of your specific state. In California, for example, failure to display posters could result in a fine of up to \$7,000.

What Went Wrong?

Do you identify yourself with any of the following statements? "OSHA only inspects large clinics and hospitals of medical doctors, I don't handle needles or work with any real biohazards." "OSHA does not get involved in visiting chiropractors with less than 10 employees." "If I don't have more than 10 employees, I don't have to comply with any of the OSHA standards."

Let's assess the veracity of these statements. OSHA's job is to protect employees and ensure that employers offer a safe place to work. In our example scenario above, Suzy Front Desk clearly did not think she was working in a safe environment. And because of her injuries, she made sure OSHA knew how she felt.

Why Do OSHA Inspections Occur?

- Imminent danger
- Catastrophes and fatal accidents
- Employee complaints
- Programmed high hazard

Now, that I have your attention, let me give you some important points to consider.

Four Key Strategies for Avoiding OSHA Citations and Penalties

1. *Training.* At least two staff members, the doctor and/or office manager should know what to do in case of an inspection. Be courteous and professional (not overly friendly) to the inspector. Yes, you may ask for a search warrant, but it may not be the best approach if you expect the inspector to look kindly upon your mistakes. However, you may ask the inspector to come back. This would give you some time to have your attorney present. (This is not always granted.)

Follow the inspector around during the entire inspection. Avoid giving them a tour of your office. Only provide the information they request. Have a camera handy to take pictures of any items they are photographing. Make copies of any documents the inspector requests and put them in a file with the pictures and other pertinent documentation for your internal follow-up.

2. *Hazard communication program.* Have this document in writing. The purpose of this standard is to provide information and training to employees about the hazards at work. Make sure to also have the following:
 - Training records to be kept for three years; these will allow you to prove your staff is properly trained in regards to any existent hazards in the workplace.
 - MSDS book. You must have a separate binder or document with a compendium of all Material Safety Data Sheets of substances and chemicals that exist in the workplace. An MSDS provides vital information in case of an emergency.
3. *Display required posters.* OSHA and labor law posters are required. California has an additional posting requirement regarding Proposition 65. Don't use any of the posters as a bulletin board. If you pin documents on top of them, you will get cited.
4. *Recording requirements.* Forms 300, 300A & 301 assist you in recording injuries at work. *Note:*

If you have fewer than 10 employees, you are exempt from the recording requirement. However, OSHA may still make a written request that you keep records due to a specific situation.

Other Requirements

Other requirements depend on the physical layout and administrative set-up of your office. Further information is available by visiting your state and federal OSHA Web sites. If you have any concerns, it would be useful to enquire about OSHA's consultations service or hire an independent consultant yourself. For further information about citations and penalties imposed on health care facilities including chiropractic offices, visit www.osha.gov/pls/imis/citedstandard.html (click on the Data and Statistics tab).

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