VIOLENCE: AN OSHA PERSPECTIVE
FROM THE OFFICE OF OCCUPATIONAL MEDICINE AND NURSING

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Background

• No explicit federal regulations address workplace violence
• OSHA uses the General Duty Clause [5(a)(1)] to enforce violence cases
• External interests
  – Senators sent a letter
  – In 2016 OSHA was petitioned for a standard by a coalition of labor unions
  – GAO has been examining our performance
• Several states have local regulations that address workplace violence
  – In 1994, California became the first state to pass a workplace violence law when it enacted the Workplace Violence Safety Act
  – In 2005, Illinois enacted the Health Care Workplace Violence Prevention Act
States with Enhanced Penalties for Violence against Health Care Workers

Source: Emergency Nurses Association (https://ena.org/government/State/Pages/default.aspx)
OUTLINE

• Recent data
  – BLS
  – SIR

• Materials
  – Guidelines
  – CMS / OSHA iniative

• Recent OSHA activities
  – Enforcement
  – Evaluation of education programs
  – Assessment of 5(a)(1) versus Hazard Alert Letter
INTENTIONAL INJURY BY ANOTHER PERSON

Rate per 10,000 workers

ASSAULT RATES IN HEALTH CARE SECTORS 2011 - 2014

Cases per 10,000 workers

- Offices of physicians
- Home health care
- General Hospitals
- Other Hospitals
- Residential Mental Health
- Other residential Care Facilities
- Outpatient care centers
- Other ambulatory services
- Psychiatric Hospitals
- Nursing Care
- Community Elderly Facilities
- All Industry

Frequency of Healthcare Violence by Facility Type

Severe Injury Reports through 4/2016
Workplace violence resulting in amputation

Hospitalized: Frequency 20, Percent 100
Yes: Frequency 1, Percent 5
VIOLENCE PERPETRATORS IN VARIOUS INDUSTRIES

- Healthcare
- Trade
- All others

Type 1
Type 2
Type 3
Frequency of workplace violence by industry

- Mining
- Utilities
- Construction
- Manufacturing
- Transportation and Warehousing
- Trade
- Finance and Insurance
- Administrative and Support and... (Type 1, Type 2, Type 3)
- Healthcare
- Arts, Entertainment, and... (Type 1, Type 2, Type 3)
- Accommodation and Food Services
- Other Services (except Public...)
- Public Administration

Type 1
Type 2
Type 3
Workplace violence percentage by industry
Mechanism of workplace violence (n=25)

- Kick, punch: 13
- Bite: 7
- Strangulation: 1
- Knives: 1
- Other object (hot liquid, ...): 3

Severe Injury Reports through 4/2016
Category of healthcare violence (n=25)

- Type I (criminal intent): 8%
- Type II (patient): 92%

Severe Injury Reports through 4/2016
Intent (%) for healthcare violence

Severe Injury Reports through 4/2016
Inter-rater agreement for forensics intent

Severe Injury Reports through 4/2016
• CONTENTS
  1. Management Commitment and Worker Participation . . . . . . . 6
  2. Worksite Analysis and Hazard Identification . . . . . . . . . . . . . . . 8
  3. Hazard Prevention and Control . . . . . . . . . . . . . . . . . . . . . . . 12
  4. Safety and Health Training . . . . . . . . . . . . . . . . . . . . . . . . . . 24
  5. Recordkeeping and Program Evaluation . . . . . . . . . . . . . . . . . . 27

• CHECKLISTS
  – Area
  – Program
IMPLEMENTATION TOOLS

• Roadmap for violence prevention (OSHA/CMS)
  – Examples for implementation

• List of OSHA tools and publications on violence prevention
  https://www.osha.gov/dcsp/alliances/healthcare.html
OSHA INTERNAL ACTIVITIES

• Enforcement
• Program evaluations
• Investigation of 5(a)(1) v HAL
DISTRIBUTION OF INDUSTRIES BY FISCAL YEAR OF EVENTS


health  other  retail  security  transportation

0 10 20 30 40 50 60 70 80 90
OUTCOME OF INSPECTION BY FISCAL YEAR

No citation  5(a)(1)  HAL  Active

Frequency of enforcement visits by healthcare facility type

- Vocational Rehabilitation
- Other community housing
- Other individual family services
- Assisted living
- Continuing care facilities
- Residential Substance abuse
- Skilled nursing care
- Psychiatric Hospitals
- General Hospitals

Field visit initiated
No field visit initiated
Graphic Comparison of 12 Reviewed Programs to Review Criteria

- Facility policies: 25% Yes - significant evidence, 17% Yes - limited evidence, 58% No evidence
- Facility-specific risk factors: 17% Yes - significant evidence, 8% Yes - limited evidence, 75% No evidence
- Early recognition: 92% Yes - significant evidence, 0% Yes - limited evidence
- Teach de-escalation: 100% Yes - significant evidence, 0% No evidence
- Evasion/extrication: 92% Yes - significant evidence, 0% Yes - limited evidence
- Restraints and holds: 92% Yes - significant evidence, 0% Yes - limited evidence
- Predatory violence: 25% Yes - significant evidence, 0% No evidence, 75% Yes - limited evidence
- Team approach: 92% Yes - significant evidence, 0% Yes - limited evidence
- Reporting violence: 8% Yes - significant evidence, 8% Yes - limited evidence, 83% No evidence
- Multicultural info: 25% Yes - significant evidence, 0% Yes - limited evidence, 75% No evidence
- Worker Follow-up: 17% Yes - significant evidence, 25% Yes - limited evidence, 58.30% No evidence
- Program evaluation: 25% Yes - significant evidence, 33% Yes - limited evidence, 41.70% No evidence
1. Literature review on WPV and prevention programs
2. Identified 5 recent 5(a)(1) and 3 HALS on WPV
4. Interviewed CSHOs who investigated the WPV cases
5. Collaborated with national violence prevention experts on modification of program evaluation checklists
6. Compared existing laws and programs for essential elements: modified checklists
7. New questions
## Rate of Gaps Identified in Employers’ WPV Programs

<table>
<thead>
<tr>
<th>WPV Prevention Program Checklist Elements</th>
<th>Five Total 5(a)(1) Citations Reviewed</th>
<th>Three Total HALs Reviewed</th>
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</thead>
<tbody>
<tr>
<td>1. Written WPV program</td>
<td>60%</td>
<td>67%</td>
</tr>
<tr>
<td>2. Management commitment/employee participation</td>
<td>80%</td>
<td>67%</td>
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<tr>
<td>3. Threat assessment and management</td>
<td>80%</td>
<td>67%</td>
</tr>
<tr>
<td>4. Hazard prevention and control</td>
<td>100%</td>
<td>33%</td>
</tr>
<tr>
<td>5. Training program</td>
<td>100%</td>
<td>67%</td>
</tr>
<tr>
<td>6. Data systems</td>
<td>100%</td>
<td>67%</td>
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