



10 Legal & Ethical Ways to Avoid OSHA Recordables

Medical providers can make a huge impact on your work comp premiums and experience modification rate by paying careful attention to the subtle nuances between recordable and non-recordable injuries. OSHA provides clear guidance on “recordability” which can help providers render appropriate medical care while remaining mindful of how their treatment affects your OSHA log.

At a minimum, be sure your company clinic adheres to these 10 principles.

1) Don't over treat.

First Aid is not recordable. Don't over treat when less treatment will provide proper care.

Examples:

Over the counter medication instead of prescriptions
Butterfly bandage instead of dermal adhesive / suture
Support device instead of immobilization



2) Train care givers.

Medical staff should receive training on the treatments that constitute an OSHA recordable. A comparison chart can be provided to visually depict the differences in treatment practice that lead to a recordable or non-recordable event.

See “Sources” at the end of this article for a side-by-side comparison chart that can help you determine recordability.

3) Get a second opinion.

An authoritative physician (such as your contracted occupational medicine provider) can override another opinion regarding lost work days. Lost time = recordable, so if your employees are ever taken off work by an ER, urgent care clinic, or personal physician, they should be seen by an occupational medicine provider for a second opinion.

Example: If your employee was removed from work by a personal doctor, your authoritative occupational medicine physician may send the injured employee back to work but advise a slower working pace. This is not recordable.

NOTE: If a personal doctor writes a prescription, the case is recordable. An authoritative provider cannot override prescriptions, even if they are never filled or taken.

4) Report off-the-job injuries.

If employees feel safe reporting off the job injuries, you can compile evidence that will help you avoid potential aggravation of these conditions.

Example: An employee injures his back during a softball tournament. If this personal injury is unreported, the employee may work at full duty and may aggravate the injury. At that point, the injury will likely become recordable. If the employee had reported the injury, you could have modified his duty to allow healing time, thus avoiding the potential aggravation.

5) Report job injuries immediately.

Late reporting can cause recordables that could be avoided; once employees receive medical treatment, the cases are OSHA recordable.

For example, an employee hurts his back at work but chooses to keep working without reporting it. That night at home, his back feels worse, so the employee visits a local urgent care clinic. The doctor there prescribes pain medication, which makes the case OSHA recordable (even if the employee chooses not to fill the prescription).

If the employee had been instructed to report the injury immediately while at work, the company's occupational medicine provider may have offered conservative, medically appropriate treatment that may not have been recordable.

6) Give healing a chance.

If an employee is injured and is sent home or placed on light duty for the remainder of the shift, the case is not recordable - as long as the employee can return to routine duties the next calendar day and no recordable medical treatment is rendered.

Use the day of the injury to allow the employee to recover; send the employee home for rest or provide light duty for the remainder of the shift. This time may be enough to allow the employee to return to normal duties, avoiding a potential OSHA recordable.

7) Document the doctor's opinion.

Recordability is based on the doctor's opinion, not the employee's actions. If a medical provider states that an employee can work, but the employee chooses to stay home anyway, the case is not recordable.

8) Keep job descriptions updated.

Restricted duty occurs when an employee cannot perform all routine duties at least once per week. Current job descriptions will describe all routine duties and assist with quick decisions about what is (and is not) restricted duty.

For example, an injury that restricts an employee from climbing a ladder is not a restricted duty case if the employee only climbs a ladder once per month.

9) Educate employees.

Voluntary recreation on the premises is not work-related; horseplay on the premises is work-related. Ensure that your employees know what is acceptable in this area and what is not.

Recreational activities are employer-sanctioned, such as using a walking trail or basketball hoop on company property. Injuries that occur during these activities are not OSHA recordable.

Horseplay activities are employer-prohibited, such as throwing sharp objects or sabotaging a workstation. Injuries that occur as a result of horseplay may be recordable.

10) Don't drive reporting underground.

Avoid incentives that are based on whether or not a work-related injury occurs. This type of incentive plan can drive minor injuries and illnesses underground - employees may not want to report them for fear of losing a reward. If these minor injuries and illnesses are not reported early, they can get worse and become OSHA recordable. Incentive or recognition programs should be based on positive activities.

The Bottom Line

The best way to prevent OSHA recordables is to implement safety and health management systems that include management leadership and commitment, employee participation and acceptance, and hazard recognition and control so that injuries don't occur. Time is better spent going the distance in implementing and improving proper safety and health management systems rather than trying to avoid OSHA recordables based on the recordkeeping rules.

But, when injuries do occur, knowing the facts about OSHA's recordkeeping regulations can be very beneficial in reducing your recordable rate.

OSHA Recordability Comparison Chart - Medical Treatment vs. First Aid:

<http://www.iowahealth.org/filesimages/Services/Occupational%20Health/Newsletter/OSHARecordablesChartNov2011.pdf>

Article Source:

Industrial Safety & Hygiene News (ISHN) Magazine

<http://www.ishn.com/articles/managing-osharecordables>