

Workplace Violent Incident Reporting System for Hospitals

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About reporting requirements

1. What is a “reportable incident”?

A reportable workplace violent incident is the use of physical force against an employee by a patient or a person accompanying a patient that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury; and/or the use of a firearm or other dangerous weapon, regardless of who used the dangerous weapon or whether the employee sustains an injury. Note: The reporting obligation is narrower than the definition of workplace violence in subsection (b), which also includes the threat or use of physical force by anyone against an employee.

An incident is one or more acts of physical force, or assault with a firearm or other dangerous weapon, committed by the same aggressor at the same time and place. “Same time and place” means that the time interval between the acts of physical force, or use of firearm or other dangerous weapon, and the distance between locations where they occurred, were insignificant. Normally, the acts must have occurred during an unbroken time duration and at the same or adjoining locations.

However, where there are repeated instances of the use of physical force by a patient against an employee or employees over the course of a day, and the aggressive behavior is a symptom of the patient’s disease, the employer may submit one incident report per patient per calendar day, provided that the report includes information on all the types of assault that occurred, all employees injured, all injuries sustained as a result of the repeated behavior(s), and “repeated instances” is selected in the drop down menu when reporting *Time of incident*.

2. The regulation requires that hospitals report the use of physical force against an employee by a patient or a person accompanying a patient, in subsection (g)(1)(A). If this is the case, why does question 1 on the online report, “who was the aggressor,” include other categories of individuals?

While subsection (g)(1)(A) requires hospitals to report use of physical force against an employee by a patient or a person accompanying a patient, subsection (g)(1)(B) requires

that hospitals report incidents involving the use of a firearm or other dangerous weapon, regardless of who the “aggressor” was. Therefore, the categories that extend beyond a patient or person accompanying a patient are limited to those situations involving a firearm or other dangerous weapon.

3. How is “injury” defined for reporting purposes?

Any injury that results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or significant injury or illness diagnosed by a physician or other licensed health care professional (CCR Title 8 Section 14300.7(b)(1)(A-F). Please note that you must report both incidents resulting in an injury as defined above AND incidents in which there was *a high likelihood of injury, regardless of whether the employee sustains an injury.*

4. How soon after the incident occurs must I report it?

Any fatality or injury that requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation, or if an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement, or incidents in which hospital personnel are exposed to a realistic possibility of death or serious physical harm or in which a firearm or other dangerous weapon is used must be reported within 24 hours of when the employer knew or should have known of the incident. All other incidents must be reported within 72 hours.

5. If there are repeated instances of aggressive behavior by a patient as a symptom of illness, do I have to submit a separate report for each instance?

Please see the answer to question 1 above.

6. For which employees does the hospital have to make a workplace violent incident report?

Hospitals must report any incident involving the following employees:

1. A person who is on the hospital’s payroll, is covered by the hospital’s workers’ compensation insurance, and is supervised by the hospital. (traditional employment relationship)
2. A person for whose services the hospital contracted through a temporary agency or other primary employer and who is supervised by the hospital. (dual-employer situations, case law)
3. A person employed by an entity other than the hospital who is exposed to a workplace violence hazard in which the hospital, a) created the hazard; b) is

responsible, by contract or through actual practice, for safety and health conditions at the worksite and the hospital has the authority to ensure that the hazardous condition is corrected; or c) is responsible for correcting a hazard, regardless of whether the hospital's own employees are exposed to the hazard. (Labor Code Section 6400)

7. Does submitting the workplace violent incident report fulfill requirements of Title 8, CCR, Section 342?

No, this does not relieve the employer of the requirements of Section 342 to report a serious illness, injury, or death to the nearest Cal/OSHA District office.

8. If staff from another licensed hospital are providing care at my facility and an incident occurs involving them, do I have to include them in my incident report? Does their employer also have to submit an incident report?

You must make a report and include all individuals covered by #6 above. Please note that hospitals are only required to report incidents that *occur at their hospital facility*; therefore, the other licensed hospital does not need to submit an incident report too. However, the other licensed hospital must still fulfill the requirements of Title 8, CCR, Section 342 as appropriate.

9. If an incident occurs that involves staff from two different licensed hospitals that occupy the same facility ("hospital within a hospital"), must both entities submit an incident report?

Yes. The requirement to report incidents of workplace violence applies to all "licensed" general acute care and acute psychiatric hospitals. If the incident took place at one facility, but involved employees of two licensed hospitals occupying that facility, each hospital has an independent requirement to submit an incident report. Please reference the other employer when completing question 9 on the incident report.

10. Do hospitals have to report incidents that occur at their facility that involve *only* employees of other employers? What if no employees of the hospital were involved?

Hospitals must report any incident involving an employee covered by #6 above regardless of whether the hospital's own employees were involved in the incident.

11. Do hospitals have to report incidents that occur outside the "four walls" of the facility? What does "outside premises" mean?

“Workplace violence” is defined in the standard as “any act of violence or threat of violence that occurs *at the work site.*” The worksite covers all areas inside and outside the four walls of the hospital that are part of the hospital grounds or property.

12. Do I have to report incidents that occur in a facility licensed as a distinct part of a general acute care hospital or an acute psychiatric hospital?

The standard defines a general acute care hospital (GACH), or an acute psychiatric hospital (APH), as a hospital licensed by the California Department of Public Health as such and *all the services within the hospital’s license.* Therefore, violent incidents must be reported if they occur in a distinct part unit or facility that has the same license number as a GACH or an APH.

13. Question 3, *Where did the incident occur?*, does not have a check box for distinct part units or facilities. If the incident occurs in a distinct part unit or facility, which box should I check?

You should select the option that best fits the situation.

14. Do I have to report incidents that occur at an outpatient clinic?

The standard defines a general acute care hospital (GACH), or an acute psychiatric hospital (APH), as a hospital licensed by the California Department of Public Health as such and *all the services within the hospital’s license.* Therefore, outpatient clinics on a GACH or an APH license must report incidents of workplace violence to Cal/OSHA.

About completing the online report form

15. How should I complete question 1 on the online report, who was the aggressor, if the incident involves multiple aggressors? The question only allows me to check one box.

If an incident involves more than one aggressor, the hospital should check the box for the individual that initiated the physical assault or the use of a dangerous weapon. For example, if a family member strikes an employee and then the patient joins in, the hospital should check the box for “Family of patient.” In situations where it is difficult to determine who initiated the assault, hospitals should make their best guess based on the available information.

16. Do I check multiple boxes in response to the question about where the incident occurred if the use of physical force or dangerous weapon starts in one location and moves to another?

Please check the location where the use of physical force or dangerous weapon began.

17. Checking “other” does not allow me to provide additional detail. Why?

Wherever possible Cal/OSHA has restricted the information collected to pre-defined choices in order to prevent users from inadvertently reporting confidential or personal information, or information that could identify an individual patient or employee if linked with other available information.

18. What qualifies as an “assault” with a weapon or object?

An assault is an overt or direct act that threatens physical harm to a person, whether or not actual harm is done. Assault includes instances when an individual’s actions pose a danger to other people, regardless of whether they intended a particular harm to a particular individual.

19. What qualifies as a “weapon”?

A weapon is any object that is used in a manner that can cause serious bodily injury or harm.

20. At the time of reporting, I may not have all the information required on the incident report. What should I do? Do I have to revise the report if additional information becomes available?

We understand that in some instances complete information may not be available within the 24-hour or 72-hour reporting windows. Hospitals are still required to report the incident within the required timeframe and include all the information that is available at the time. The form allows hospitals to indicate when certain information is not available within the reporting window. Hospitals are not required to revise a report to include information that became available after the initial report was submitted. However, Cal/OSHA may ask the hospital for this information at a later date (Title 8, CCR, Section 3342 (g)(5)). The hospital has 24 hours to provide the requested information to Cal/OSHA.

About the reporting system

21. Only the individual who submitted a report can view or correct that report. If that individual no longer works at my hospital, how do we access the reports he/she submitted to view and correct, if necessary?

The hospital WPV representative should email DOSHWPV@dir.ca.gov to notify us to whom we should transfer the permission to review and correct the reports. This person must already be a registered user. Please allow 3 – 5 days for your request to be processed.

22. I am the hospital administrator/H&S officer/etc. I need to be able to review all the reports for my facility. Since I cannot access the system and look at all my reports, how can I see the reports for my facility?

We appreciate the desire of hospital representatives, administrators, and health and safety personnel to be able to view all the reports submitted for a particular facility. Unfortunately, given our limited resources the system cannot accommodate that function.

As an alternative, we will provide each facility a monthly report of all the incidents submitted for that facility. We will send the report to the hospital representative's email address provided to Cal/OSHA by the hospital.

23. How can I change my user profile?

If you are already a registered user and need to change your name, email address, phone number, or the facilities that you are authorized to report for, please contact DOSHWPV@dir.ca.gov. **DO NOT re-register with the new information.** Please allow 3 – 5 days to process your request, as we will need to verify the change(s) with the authorized hospital representative.

24. Does the system meet IT requirements?

Yes, the *Cal/OSHA Hospital Workplace Violent Incident Reporting System* meets State of California Technology Agency and Information Security Standards.

25. My facility name is different from the name that appears on the license. How does Cal/OSHA handle that?

Cal/OSHA can only use the facility name on the license. We are not able to accommodate alternate names. Please make note of the facility name on your license, as this is how it will appear in our system. If you have questions about what facility a particular name represents, contact DOSHWPV@dir.ca.gov for assistance.

General questions

26. Will Cal/OSHA be identifying and notifying hospitals of duplicate reports?

Cal/OSHA will not routinely review report submissions to identify potential duplicates. **Hospitals are responsible for the completeness and accuracy of the reports they submit.** However, if Cal/OSHA identifies a potential duplicate report in our system while we are completing data analysis, we will notify the hospital and ask that they review the reports and take appropriate action.

27. Can I revise an already submitted report at any time or is there a time limit on revising reports?

You may revise a report at any time.

28. How will Cal/OSHA use the information collected by the *Cal/OSHA Hospital Workplace Violent Incident Reporting System*? Will Cal/OSHA share the information with others? Will reports trigger an inspection? Will Cal/OSHA use the information collected in the incident reports for enforcement purposes?

The objective of the *Cal/OSHA Hospital Workplace Violent Incident Reporting System* is to collect from hospitals information that allows Cal/OSHA to fulfill its responsibilities under SB 1299. As required by law, each January Cal/OSHA will post a report of the total number of incidents reported and the names of the hospital facilities that made a report(s), as well as inspection data and recommendations on the prevention of workplace violence in health care.

Cal/OSHA may also post simple summary statistics, i.e., data aggregated across facilities for data elements of interest; for example, the percentage of incidents in which an employee was injured. Cal/OSHA will not identify individual facilities in posted summary data.

As with all information collected by state agencies, Cal/OSHA must release information at the request of members of the public (including unions, workers, health and safety experts, academic researchers) pursuant to the Public Records Act (PRA) and the Information Practices Act (IPA). Please see the Department's Privacy Policy: http://www.dir.ca.gov/od_pub/privacy.html

Cal/OSHA will continue to use the existing processes (reporting of serious injuries per Title 8, CCR, Section 342; complaints) for identifying, investigating, and following up serious incidents of workplace violence in hospitals.