

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**NOTICE OF FURTHER PROPOSED MODIFICATIONS TO****CALIFORNIA CODE OF REGULATIONS****TITLE 8: New Section 3342 of the General Industry
Safety Orders****Workplace Violence Prevention in Health Care**

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board) gives notice of the opportunity to submit written comments on the above-named standard in which further modifications are being considered as a result of public comments and/or Board staff consideration.

On December 17, 2015, the Standards Board held a Public Hearing to consider revisions to Title 8, new Section 3342 of the General Industry Safety Orders. The Standards Board received oral and written comments on the proposed revisions. As a result of these comments and Board consideration, the proposal was modified, and comments on the modifications were solicited during a public comment period that commenced on August 2, 2016, and concluded on August 17, 2016. As a result of those comments and Board consideration, the proposal is being further modified as follows:

Subsection (a) Scope and Application.

A modification is proposed for subsection (a)(1) to delete categories (B), "*Outpatient medical offices and clinics,*" and (E), "*Field operations such as mobile clinics and dispensing operations, medical outreach services, and other off-site operations,*" from the proposed regulation. The categories are overly broad and include many workplaces where there is insufficient evidence of workplace violence comparable to other workplaces included in the regulation. The categories would have included workplaces that the Standards Board does not intend to include in the regulation, such as small physician offices, first aid providers at community events and street fairs, movie and television production set medics, amusement park first-aid stations, and worksite medical clinics for employees. The previous modification deleted the category "*ancillary health care operations,*" but this deletion was insufficient because many of the same operations that the Standards Board does not intend the regulation to cover also fall within the definition of "*outpatient medical offices and clinics*" or "*field operations.*"

A modification is proposed for subsection (a)(1) to add category (E), "*Outpatient medical services to the incarcerated in correctional and detention settings,*" to the regulation. The addition is necessary since the category "*outpatient medical offices and clinics,*" which included "*outpatient medical services to the incarcerated in correctional and detention settings*" in its definition in subsection (b), was deleted from the scope and application of the regulation. The Standards Board intends to retain correctional and detention settings in the regulation due to the higher risk of workplace violence at these locations.

A modification is proposed to renumber the items in subsection (a)(1) and renumber references to those items in subsections (a)(2) and (a)(4). The renumbering is necessary due to the proposed additions and deletions to subsection (a)(1) described above.

A modification is proposed to exclude facilities operated by the California Department of Corrections and Rehabilitation (CDCR) from the proposed regulation. These facilities shall still comply with Section 3203. CDCR will collaborate with the Division of Occupational Safety and Health (DOSH) to ensure that its existing workplace violence prevention program is as effective as the requirements in the proposed regulation.

Subsection (b) Definitions.

A modification is proposed to delete the definition of “*Field operation*,” since this category is proposed to be removed from the scope of the regulation for the reasons stated above.

A modification is proposed to delete the definition of “*Outpatient medical offices and clinics*,” since this category is proposed to be removed from the scope of the regulation for the reasons stated above.

Subsection (c) Workplace Violence Prevention Plan.

A modification is proposed to delete subsection (c)(9)(B). This subsection is specific to “*field operations*,” which is proposed to be removed from the scope of the regulation for the reasons explained above.

A modification is proposed to renumber portions of subsection (c)(9). The renumbering is necessary due to the proposed deletion of subsection (c)(9)(B).

Subsection (e) Review of the Workplace Violence Prevention Plan

A modification is proposed to add employee representative participation in the review of the workplace violence prevention plan. Employee representative involvement in the review is already required in subsection (c)(2) and is proposed to be added to subsection (e) for consistency.

Subsection (f) Training

A modification is proposed in subsections (f)(1)(C) and (f)(2) to require that employers respond to employee questions regarding training within one business day instead of within 24 hours. The change was made in response to comments that training may be taken at odd hours and weekends, and employers may not have the ability to respond to questions until the next business day.

Subsection (g) Reporting Requirements for General Acute Care Hospitals, Acute Psychiatric Hospitals, and Special Hospitals

A modification is proposed in subsection (g)(1)(A) to clarify that the term “*injury*” means an injury meeting the criteria found in Title 8 section 14300.7(b)(1). Prior to this modification, the proposal did not contain any criteria for determining what constitutes an “*injury*” for purposes of reporting under subsection (g).

A modification is proposed in subsection (g)(2) to change “*resulted in injury*” to “*results in injury*” to make the verb tenses consistent in this subsection.

A modification is proposed in subsection (g)(2) to delete redundant language regarding the 24-hour limit to report certain incidents.

A modification is proposed in subsection (g)(2)(A) to clarify which injuries must be reported within 24 hours.

A modification is proposed in (g)(2)(B) in response to comments that calling 911 is not an appropriate threshold for determining if an event is an urgent or emergent threat. The commenters noted that 911 may be called in response to minor events and at other times 911 is not called when there is a serious event if police are onsite at the facility. The language concerning 911 is proposed to be replaced by defining an urgent or emergent threat as one that exposes hospital personnel to “*a realistic possibility of death or serious physical harm.*”

A modification is proposed in subsection (g)(4)(F) to add the term “*or other measures*” to the list of protective measures to be reported by hospitals.

A copy of the full text of the standards as originally proposed, with the modifications clearly indicated, is attached for your information.

Any written comments on these modifications or documents relied upon must be received by 5:00 p.m. on September 12, 2016, at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833 or e-mailed to oshsb@dir.ca.gov. This proposal will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board’s rulemaking files on the proposed action are open to public inspection Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board’s office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

Inquiries concerning the proposed changes may be directed to the Executive Officer, Marley Hart, at (916) 274-5721.

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Marley Hart, Executive Officer

Date: August 26, 2016