



Occupational Safety and Health Administration

ATTN: Request for Information (RFI): Prevention of Workplace Violence in Healthcare and Social Assistance

200 Constitution Ave., NW,  
Washington, DC 20210

April 6, 2017

RE: Department of Labor; Occupational Safety and Health Administration; Request for Information (RFI): Prevention of Workplace Violence in Healthcare and Social Assistance.

29 CFR Part 1910

RIN: 1218-AD08

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To Whom It May Concern:

The Ohio Provider Resource Association (OPRA) would like to thank OSHA for the opportunity to comment on the RFI for Prevention of Workplace Violence in Healthcare and Social Assistance. OPRA is a trade association that offers advocacy, training, and other resources to our member agencies. Members are mainly private agencies that provide a wide range of services to individuals with intellectual and developmental disabilities. Our members offer Medicaid Home and Community-Based Services (HCBS) as well as services in intermediate care facilities for individuals with intellectual and developmental disabilities (ICF-IID). These facilities range from single-family homes with one or two staff caring for four or fewer individuals to larger settings with multiple staff caring for 50 or more individuals. To gather input for this RFI, OPRA met with the OPRA Human Resources committee and spoke with individual providers on their agency's method to reduce workplace violence. The responses below represent a combination of their input and insight from OPRA on what members reported to us throughout the year. The response reflects what developmental disabilities providers experience in Ohio.

The Ohio Department of Developmental Disabilities (DODD), a state cabinet level agency, administers the developmental disabilities service sector in Ohio. DODD is responsible for payment authorization, administering rules for the field, and certifying providers to provide services. Rules for the field include procedures for reporting major unusual incidents (MUI), which can include workplace violence between direct support professionals and the individuals they support. Ohio utilizes a county-based administration system where each county has a County Board of Developmental Disabilities responsible for recommending service plans, helping individuals select providers, compliance with state rules, funding a large portion of the system through local levy dollars, and conducting investigations on MUIs.

Workers at the highest risk of workplace violence in the developmental disabilities field are the direct support professionals (DSP), house and site managers/program directors. In the day-to-day operation of our members' businesses, these are the positions who have the most direct interaction with individuals. DSPs have a long list of responsibilities- they must complete all tasks a personal care attendant or home health worker must complete but can also be expected to help the individuals they serve find and keep jobs, become involved members of their community, teach independent living skills, and administering with medications and assist with medical treatments. Home and site managers have all of the similar job duties plus supervising DSPs, coordinating programs, and attending service plan meetings. Before providing direct care to an individual, each DSP participates in an agency orientation where they receive training on a wide variety of topics including the agency's violence prevention policies and tips for prevention, state rules on mandated reporting, and how to complete unusual incident and major unusual incident reports.

Additional training is provided during agency in-service trainings or during individual specific training. During these trainings DSPs and managers learn about the individuals they are supporting, including information in the county-developed Individual Service Plan (ISP) or behavior plan. Both the ISP and behavior plan include best practices and effective ways to prevent potential threats of violence. If the plan is followed and staff are properly trained, the threat of workplace violence should be low.

When given information about an individual who is a perspective new consumer, agencies review the information and decide if they have the ability to support the individual. Agencies use this as hazard prevention-they do not take individuals who have needs can not be met within the agency. This helps to screen out potential hazards for work place violence.

When there is workplace violence between individuals and staff, agencies are required to keep logs and submit them to their county board. If an incident meets state definitions, the incident is filed as a MUI and reported by the end of the next business day to the county board. After an MUI is filed, the county board sends an investigative agent (IA) to investigate the incident to review documentation and interview all relevant witnesses. After the investigation concludes, the county board can request the agency to submit a plan of correction to prevent future MUIs of a similar nature. Findings are reported to the agency, county board, and to the state. Agencies can also conduct their own internal review of all incidents and accidents. All records and reports must be maintained by the agency. These records can be used by agencies and the state to track for trends and patterns in the workplace and can be used to help develop additional prevention plans.

OPRA believes providers of developmental disabilities services in Ohio already have sufficient regulation in place to prevent workplace violence. If OSHA is committed to reducing workplace violence, OPRA suggests that OSHA continue to have in-depth conversations with each of the human services sectors that provide direct care to individuals before moving forward with new regulations. There are many factors in the developmental disabilities fields that may contribute to workplace violence.

- Many of the individuals our members support have past trauma that has either gone untreated or has been misdiagnosed as part of their disability. Finding a psychiatrist who will accept our individual's Medicaid is difficult and compounded by the fact that many psychiatrists are not familiar with treating individuals with intellectual and developmental disabilities.
- In Ohio the DSP position has 51% turnover rate, making it difficult to provide stable environment to the individuals our members support. A constant churn of new and unfamiliar staff can be distressing for many of the individuals our members support.
- Some Individual Service Plans or behavior plans do not provide a complete picture of the individual. The service provider is not able to get an accurate picture of the supports the individuals need, possibly putting staff that do not have the proper training or experience to support the individual at risk for workplace violence.

The above list of contributing factors to workplace violence are outside the scope of what an OSHA regulation may be able to fix, which is why OPRA hopes OSHA will take the time to fully understand the nuances of each human services sector. OPRA cautions OSHA from creating a blanket regulation for all people who provide direct care. OPRA believes a distinction should be made between direct care workers who know their client/patient on a detailed level like most do in the IDD field and direct care workers who do not know their client/patient at a detailed level. These differences need to be taken into consideration when drafting any new regulation. The system is also 100% Medicaid funded, and OPRA holds the strong position that no additional regulations should be added unless there is additional funding tied to it to help with implementation and continued adherence.

OPRA and our members maintains support of OSHA's mission of reducing workplace violence, and want to offer our additional assistance in exploring the topics discussed. OPRA hope that this collaboration leads to improved services and supports to individuals with intellectual and developmental disabilities, increased safety for both the individuals our members support and the DSPs who support them, ultimately leading to a better life for all those involved.

For additional questions or further contact, please contact Mr. Mark Davis, OPRA President, at [MDavis@opra.org](mailto:MDavis@opra.org)