

Sexual Assault of Home Healthcare Worker Results in OSHA Citation

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OSHA has previously emphasized issues of workplace violence in the healthcare industry related to patient and client interactions. Employers of home health companies and other similar service providers should be aware that OSHA may cite employers who do not adequately protect employees from sexual assault. On July 5, 2016, OSHA issued Epic Health Services a \$98,000 fine for an alleged willful violation related to employee exposure to workplace violence, including physical and sexual assault

The citation followed an investigation opened on February 1, 2016 after an employee of Epic Health Services was allegedly sexually assaulted by a home care client. There had been previous warnings of sexual assaults by another employee. According to OSHA regional administrator Richard Mendelson, "Epic Health Services failed to protect its employees from life-threatening hazards of workplace violence and failed to provide an effective workplace violence prevention program."

OSHA primarily took issue with two types of conduct by Epic Health: (1) employees were exposed to physical assault; and (2) there was no system in place for reporting threats and incidents of violence. OSHA recommended several means of abatement to Epic Health, including: (1) a written, comprehensive workplace violence prevention program; (2) a workplace violence hazard assessment; (3) workplace violence control such as an option to refuse to provide services in a hazardous situation; (4) a workplace violence training program; (5) procedures to follow in the event of a violent incident, including reporting and investigating; and (6) a system for employees to report all instances of workplace violence, regardless of severity. OSHA has previously provided guidance on workplace violence in the healthcare industry.¹

Epic Health Services denies these allegations. The company has 15 business days to comply, request a conference with the area director, or contest the findings.

¹ Haynes Boone issued a previous [alert](#) regarding OSHA's guidance regarding workplace violence in the healthcare industry and suggested best practices.