



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, CIH
ACTING DIRECTOR

SHELLY EDGERTON
DIRECTOR

August 16, 2016

Ms. Sheila Finch, Regional Director
DMC – Sinai Grace Hospital
6071 West Outer Drive
Lourdes Building – Seventh Floor
Detroit, MI 48235

Dear Ms. Finch:

RE: Inspection #1142941

On April 28, 2016, the Michigan Occupational Safety and Health Administration (MIOSHA), General Industry Safety and Health Division began an occupational health inspection at your worksite located at:

DMC – Detroit Receiving Hospital
4201 St Antoine
Detroit, MI 48201

This inspection has resulted a citation. Please review the citations for information regarding penalties, abatement requirements, deadlines, settlement agreement instructions, and appeal information.

Enclosed you may find additional information such as recommendations, data sheets, and supplemental information on occupational safety and health. This inspection may have resulted in citations not directly related to the complaint or referral items.

MIOSHA standards as well as additional consultation, education, and training materials are located online at www.michigan.gov/miosha.

Please direct all correspondence to our office in Detroit, located at 3026 W Grand Blvd., Suite 9-450, Detroit, MI 48202. If you should have any questions concerning this matter, please contact me at 313.456.3101 or 313.456.4054. Your personal support and interest in the safety and health of your employees is appreciated.



Citation and Notification of Penalty

To:

DMC Detroit Receiving Hospital
and its successors
3990 John R
Detroit, MI 48201

Inspection Number: 1142941
Inspection Date(s): 04/28/2016 - 07/28/2016
Issuance Date: 08/16/2016

Inspection Site:

4201 St Antoine
Detroit, MI 48201

Reporting ID: 0552652
CSHO ID: W2301
Optional Report Number:

SUMMARY: An inspection at the site noted above has revealed conditions we believe do not comply with the provisions of the Michigan Occupational Safety and Health Act, Act 154, of the P.A. of 1974, as amended (MIOSH Act). The nature of such alleged violation(s) is described on the citation(s) with reference to the applicable standards, rules, regulations, orders and provisions of the Act. Following is a list of items the employer must consider carefully, to resolve the issues alleged in the citation(s). Following this numbered summary is a more detailed explanation of the requirements.

1. The violation(s) alleged in the citation(s) must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated". If the line is marked "Immediately Upon Receipt," the violation must be corrected on or before the date that the citation is received by the employer. If the violation was corrected during the inspection, the line will be marked "Abated." or "Corrected during inspection." Correcting a violation does not eliminate the requirement to pay the penalty nor does payment of the penalty negate having to correct the violation.
2. A copy of the citation(s) must be posted at or near the location of the violation(s) for a minimum of 3 days or until the item(s) have been corrected, whichever is later.
3. Documentation of abatement must be provided to the issuing division. Failure to provide such documentation may result in a follow-up inspection.
4. The employer may enter into a Penalty Reduction Agreement (PRA) that can result in a 50% reduction in any assessed penalties. The employer should apply for a PRA online at www.michigan.gov/mioshapra within 5 workdays upon receiving a citation(s) if interested. An employer without access to a computer may contact the issuing division to request a PRA.
5. The employer may file a first appeal for modification or dismissal of a citation item and/or any proposed penalty or request an extension of time for abatement. **The appeal must be in writing and be postmarked within 15 workdays of receipt (workday is defined below).** The first appeal can also result in a penalty reduction of up to 50%. If an appeal is untimely, the citation(s) become a Final Order of the Board of Health and Safety Compliance and Appeals (Board) and is no longer subject to review by the issuing division. An employee or employee representative may appeal abatement dates.
6. Except under a PRA monetary penalties must be paid within 15 workdays of a citation becoming a Final Order of the Board.
7. The employer may file a request for an extension of time to abate a citation(s) that has become a Final Order of the Board. Such a request must be in writing and received or post marked no later than 1 working day following the abatement date.
8. It is unlawful to discriminate against an employee for exercising any of their rights under MIOSHA.

Note: As defined in statutes, "workday" or "working day" means any day other than a Saturday, Sunday, or state legal holiday. The state legal holidays are:

January 1, New Year's Day
The third Monday in January, Martin Luther King, Jr. Day
February 12, Lincoln's birthday
The third Monday of February, Washington's birthday
The last Monday of May, Memorial or Decoration Day
July 4, Independence Day
The first Monday in September, Labor Day
The second Monday in October, Columbus Day
November 11, Veterans' Day
The fourth Thursday of November, Thanksgiving Day
December 25, Christmas Day

Please note whenever January 1; February 12; July 4; November 11; or December 25 fall on a Sunday, the next Monday following is deemed a public holiday (non-working day) for appeal purposes. However, there is no compensating day when one of the five dated holidays falls on a Saturday. Also, when computing the 15 working days, you do not count the date on which it is received; you start with the next working day. Additionally, the count is based on when the citation was received at the employer's location, not when it got to any particular person or office at the employer's location.

I-CITATIONS: The nature of the alleged violation(s) is described on the enclosed citation(s). These conditions must be corrected on or before the date(s) shown in the line marked "Date By Which Violation Must Be Abated." The issuing division may be contacted by telephone at the number indicated on the front of the citation for the purpose of discussing any issues related to the inspection or citation(s).

A copy of the citation(s) must be posted at or near the location of the violation for a minimum of 3 days or until the items have been corrected, whichever is later. The MIOSH Act provides for civil penalties of up to \$7,000 for each violation for failure to comply with posting requirements.

When compliance is achieved, a copy of the citation must be signed and returned to the issuing division along with documentation of abatement.

Documentation of abatement for citation items originally classified as "serious," "repeat," "fail-to-abate," "willful," or "instance-by-instance," require documentation as deemed appropriate by the issuing division. Examples of documentation for these violation classifications are:

- (a) A detailed description of how the violation was abated.
- (b) Work orders or an invoice indicating the corrective work that has been done.
- (c) Photographs of the abated conditions.
- (d) Other forms of conclusive evidence that your employees are no longer exposed to the hazard.

For citation items classified as "other," submitting to the issuing division a signed copy of the citation item indicating the item has been abated is acceptable documentation of abatement. Submitting a document in writing, certifying abatement of the particular citation item is also acceptable for citation items classified as "other."

If the employer does not provide adequate documentation of abatement, a re-inspection may be conducted. Failure to correct an alleged violation within the abatement period may result in new or additional proposed penalties.

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty. Payment of the penalty does not eliminate the requirement of correcting the violation.

II-PENALTY REDUCTION: In addition to the appeal rights afforded by the MIOSH Act, the Michigan Occupational Safety and Health Administration has implemented a program for negotiating an expedited settlement of penalties with the employers known as a Penalty Reduction Agreement (PRA). This is a program designed to reach abatement of the hazard at the earliest possible opportunity and reduce the need for formal appeals. The penalty reduction (PRA) can result in a penalty reduction of 50% provided the issuing division and the employer agree to a number of specified conditions. These conditions include an agreement by the employer to accept all of the citations issued and to:

- (a) Not appeal further.
- (b) Abate all items within the abatement period.
- (c) Provide proof of abatement.
- (d) Pay all agreed upon penalties as required (within 15 working days of approval of the PRA.)
- (e) Abide by any other mutually agreed upon actions.

Inspections involving a fatality, the Severe Violator Enforcement Program (SVEP), or willful citations are not eligible for the program. Construction citations must be confirmed as corrected by the issuing division before a penalty reduction agreement can be approved.

If you are interested in pursuing a PRA, you should apply online at www.michigan.gov/mioshapra **within 5 workdays upon receipt of the citation(s)**, but no later than the 15th workday beyond receipt of the citation(s). If you do not have access to a computer, you should contact the issuing division within the same timeframe to request a PRA. If the employer wishes to accept the conditions stated above and the process can be completed within 15 workdays from receipt, then no appeal need be filed.

III-CITATION APPEAL: An employer may file a first appeal to the issuing division in writing for modification or dismissal of a citation item and/or any proposed penalty or an extension of time for abatement. The first appeal can also result in a penalty reduction of up to 50% providing the issuing division and the employer agree to the conditions (a) through (e) as stated in Section II, PENALTY REDUCTION (above).

An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). The envelope containing an appeal must be postmarked no later than the 15th workday following receipt of the citation.

If a citation is not appealed within 15 workdays of receipt, then the citation becomes a Final Order of the Board of Health and Safety Compliance and Appeals (Board). Final Order citations are not subject to review by the issuing division unless the Bureau of Hearings establishes good cause for the late appeal.

An appeal must specify the item(s) appealed and that portion of the item (e.g., violation, abatement date, penalty) which is being appealed and include a certification that the appeal has been posted or given to affected employees or their representatives. If the issuing division meets with the employer to discuss an appeal, the issuing division will notify the employee representative and allow attendance at the meeting.

The issuing division will notify an employer of its decision within 15 workdays of the receipt of the employer's written appeal. The decision must be posted at the location of the subject citation.

If an employer, employee or employee representative is not satisfied with this decision then they may file a second appeal. The appeal must be in writing and the envelope containing the second appeal must be postmarked within 15 workdays of the receipt of the issuing division's decision on the first appeal. If the issuing division's decision is not appealed then the citation becomes a Final Order of the Board.

IV-PAYMENT OF MONETARY PENALTIES: Unless subject to a PRA, payment must be made within 15 workdays of the date a proposed penalty of a citation becomes a Final Order of the Board. This would be the 30th workday after receipt of each citation item that is not appealed. For payment of a penalty, make a check or money order payable to the "State of Michigan" and remit to the issuing division at the address shown on the citation. Please record the inspection number, citation and item number on the check, money order or transmittal letter.

V-EXTENSION OF TIME TO ABATE: An employer may file a petition for modification of abatement date(s) (PMA) on an item of a citation, which has become a Final Order of the Board. The PMA must be submitted to the issuing division in writing by personal delivery or postmarked no later than one day following the abatement date, and a copy posted near the place the citation was posted. An employer must have made a good faith effort to correct the violation by the abatement date, and has or will not be successful because of factors beyond the employer's reasonable control. A PMA must include:

- (a) Steps taken to achieve compliance.
- (b) The specific additional abatement time necessary.
- (c) The reasons the additional time is needed.
- (d) Available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

(e) A certification that a copy of the PMA has been posted for employees at the location of the subject citation.

The posted copy must remain posted for a minimum of 10 workdays.

If the issuing division or affected employees file an objection to the PMA within 10 workdays of the employer's filing date, the Board will schedule a hearing and advise the employer of the date, time, and place of the hearing.

VI-EMPLOYEE DISCRIMINATION: Section 65 of the MIOSH Act, prohibits discrimination by an employer against an employee for filing a complaint or exercising any rights under the MIOSH Act, as amended. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, they may file a complaint with the MIOSHA Employee Discrimination Section within 30 days after the violation occurs.

VII-STATE CONSULTATION EDUCATION AND TRAINING SERVICES: The MIOSHA Consultation Education and Training (CET) Division offers a wide range of services to help businesses with their health and safety practices. CET services include: helping employers create a Safety and Health Management System, seminars and workshops, onsite consultations, hazard surveys, an equipment loan program and information material. The majority of CET services are provided free of charge to Michigan employers and employees. For information on these services, contact the CET Division at (517) 284-7720 or visit their web site at www.mi.gov/miosha.

**Michigan Department of Licensing
and Regulatory Affairs**
530 West Allegan Street
P.O. Box 30644
Lansing, MI 48909
Phone: (517) 284-7750 Fax: (517) 284-7755

Inspection Number: 1142941
Inspection Date(s): 04/28/2016 - 07/28/2016
Issuance Date: 08/16/2016
Optional Reporting Number:

Citation and Notification of Penalty

Company Name: DMC Detroit Receiving Hospital
Inspection Site: 4201 St Antoine, Detroit, MI 48201

Citation 1 Item 1

Type of Violation: **Serious**

408.1011(a): MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT, ACT 154, P.A. 1974
Furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

(Health care and security employees were exposed to violent behavior by patients and visitors that resulted in verbal threats, bites, and assaults to staff while working at Detroit Receiving Hospital. Such exposures may lead to the development of serious physical injuries. During calendar years 2012-2015, 116 injuries related to combative patients/visitors were recorded on the MIOSHA Form 300 Log of Work-Related Injuries and Illnesses. Recordable cases related to workplace violence as a percentage of total cases for the corresponding year increased from approximately 10 percent in 2012 to 16 percent in 2015.)

ABATEMENT RECOMMENDATION:

Among other methods, feasible and acceptable means to abate the hazard of workplace violence include:

- (1) Enhance the written Workplace Violence Prevention Program for the entire hospital to include the following elements (most of the workplace violence incidents involved combative patients and visitors versus violence between employees. The workplace violence program should primarily focus on that aspect):
 - (a) Assessing Violence Hazards. The program should describe methods for determining the extent of the problem, documenting incidents and evaluating the program.
 - (b) Preventing and Controlling Violence Hazards. The program should use the information gathered from the hazard assessment to implement different methods of minimizing or eliminating the risks for workplace violence.
 - (c) Reacting to Violence (Post-Incident Response). This includes assessing the causes of the problem, making appropriate changes in the workplace and providing the psychological support needed by the victims of the violence.
 - (d) Document training related to workplace violence prevention that is provided, the target audience, and the frequency of training.
 - (e) Specific procedures employees are to take for an incident of workplace violence, as well as the proper procedures to report those incidents.

(2) Communication/Employee Participation:

- (a) Health care and security staff participation in the following:

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Inspection Site: 4201 St Antoine, Detroit, MI 48201

- (i) The development, implementation, evaluation, and modification of the workplace violence prevention program-including complaint and suggestion programs designed to improve safety and security.
 - (ii) To provide input on additions to or redesigns of facilities to improve worker safety when working around high-risk patients and visitors.
 - (iii) Reinstate the Safety & Security Management Sub Committee and/or the Workplace Conflict Committee. Involve front-line employees from high-incidence departments (i.e. Crisis Center, 3Q and ED) and security officers to share experiences/issues and provide feedback on current practices.
- (b) Inform employees of post-incident counseling and security resources (hotline, EAP, walk-outs, and restraining orders).
 - (c) Benchmark workplace violence prevention programs with similar size/demographic hospitals.
 - (d) Immediately after an incident, a critical incident debriefing should occur with all affected staff. Victims of the assault, as well as their co-workers, need the opportunity to discuss their concerns and feelings about the event, and suggest how to prevent such incidents from happening again.
 - (e) Implement a workplace survey. Employee questionnaires or surveys are effective ways for employers to identify potential hazards that may lead to violent incidents, identify the types of problems workers face in their daily activities, and assess the effects of changes in work processes.
 - (f) Conduct a job safety analysis for tasks that put employees at risk and implement corrective actions.
 - (g) Use actual employee incident scenarios for training purposes.
- (3) Patient Analysis:
- (a) Determine the behavioral history of new and transferred patients for any past violent or assaultive behaviors, especially for targeted staff members.
 - (i) Identify any event triggers for patients, such as certain dates or visitors.
 - (ii) Identify the type of violence including severity, pattern and intended purpose.
 - (iii) Information gained should be used to formulate individualized plans for early identification and prevention of future violence.
 - (iv) Establish a system—such as chart tags, log books or verbal census reports—to identify patients with a history of violence and identify triggers and the best responses and means of de-escalation.
 - (v) Ensure workers know and follow procedures for updates to patients' behavior.
 - (b) Prepare contingency plans to treat patients who are “acting out” or making verbal or physical attacks or threats.

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Company Name: DMC Detroit Receiving Hospital
Inspection Site: 4201 St Antoine, Detroit, MI 48201

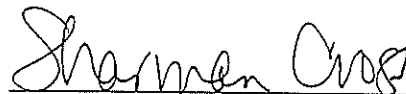
- (c) Provide a "restricted visitors" list for patients with a history of violence/ gang activity; make copies available to security, nurses, and sign-in personnel.
- (4) Staff Safety:
- (a) Implement:
- (i) A 'buddy system' for off-shift staff/security in high risk departments or for treating/interacting with repeat violent patients.
 - (ii) A process to rotate staff members who may be targeted by repeat violent patients or who were involved in an altercation and have come back to work before the involved patient is discharged.
 - (iv) Personal alarm devices for security and/or staff in high-incidence departments.
 - (v) At least two-person staffing at high-risk security posts.
- (b) Vary employee check in/check out times and plan different travel routes if there is suspected patient stalking.
- (c) Increase mobile trained security staff who can respond if multiple incidents occur and/or increase walk-around presence.
- (d) Provide self-defense training for staff on deflecting a blow, getting out of a hold, (i.e. 2-day CPI training or MOAB) and increase practice opportunities for efficacy.
- (e) Additional training for employees and security working with mental health patients to improve body language interpretation and empathy for mental health conditions.
- (f) Utilize additional contract security guards for the 'Find It First' initiative and other property related security and reserve DMC Police Authority Security Officers to respond to calls and man entrances.
- (g) Remove or affix tools, furniture, or possessions that could be used inappropriately by patients.
- (h) Close gaps in triage areas to eliminate security circumvention.

Date By Which Violation Must be Abated:

September 19, 2016

Proposed Penalty:

\$5,000.00



Authorized Signature

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and Regulatory Affairs
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Issuance Date(s): 08/16/2016
Optional Reporting Number:
CSHO ID: W2301

PROPOSED PENALTY INVOICE

Company Name: DMC Detroit Receiving Hospital
Inspection Site: 4201 St Antoine
Detroit, MI 48201

Summary of Penalties for Inspection Number: 1142941

Citation 1 Item 1, Serious \$5,000.00

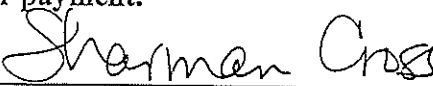
TOTAL PROPOSED PENALTIES: **\$5,000.00**

Correcting a violation prior to the expiration of the abatement date does not eliminate the requirement to pay the penalty.
Payment of the penalty does not eliminate the requirement of correcting the violation.

The state does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Payment must be made within 15 working days of the date a proposed penalty of a citation item becomes a final order of the board. This would be the thirtieth (30th) working day after receipt of each citation item which is not appealed. For the payment of any penalty, make a check or money order payable to the "State of Michigan" and remit to the Department of Licensing and Regulatory Affairs at the address shown on the citation. PLEASE RECORD THE APPLICABLE INSPECTION NUMBER, ON THE CHECK, MONEY ORDER OR YOUR TRANSMITTAL LETTER.

Enclose this invoice page (or a copy thereof) with your payment.



Authorized Signature