

THE ADVISOR

MONTHLY COMPLIANCE COMMUNICATOR

WHO SHOULD BE YOUR OSHA AND HIPAA OFFICER?

Let's be honest here; most Compliance Officers are chosen because they are the ones on the staff with the most time, and that's usually the newest people. While this idea seems logical it can cause a lot of problems in the long run. There are drawbacks in choosing a new employee not in a leadership position to be a compliance officer.

1. They may not be familiar with your set-up or your policies and procedures.
2. They may lack training, knowledge and experience. It takes years for compliance officers to really absorb the laws and understand their duties.
3. They do not have the authority to change or enforce rules.
4. They are usually the highest turnover-risk population and may have not yet developed the loyalty to your business that would motivate them to keep an eye on the risks to your employees, your patients, and your practice's bottom line.

The kind of person who makes the best compliance officer is a steady employee who has some authority and the respect of the owners and the other employees. A good compliance officer thinks well in a crisis, can multi-task, and delegate when needed.

Who makes the best OSHA Safety Officer?

An OSHA Safety Officer is best chosen from your clinical staff. If you have a clinical supervisor he or she would be your best option. This position already has respect and authority. They are familiar with the operations of your practice. If you don't have a clinical supervisor, choose a senior employee on the clinical side with the respect of your staff. A nurse or hygienist can make a superior OSHA Officer.

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WHO SHOULD BE YOUR OSHA AND HIPAA OFFICER?

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Who makes the best HIPAA Privacy Officer?

If you have an Office Manager or Administrator they would be the right person for this job. If you don't have these positions then choose someone who has skills in absorbing complex ideas, a good overview of your front desk, billing system and records management. Experience with Business Associate contracts is a must. It also should be someone who has tact and can interact well with your computer IT professionals.

Who makes the best HIPAA Security Officer?

If you have an on-site IT professional(s) you should assign them as the HIPAA Security Officer. This officer will have to work closely with your Privacy Officer. If you use a Business Associate for your computer needs, then your Privacy Officer will have to take on both roles. And finally, consider assigning a back-up for each officer. They should go through the training at the same time as the primary. (TMC does not charge extra to train two officers at the same time.)

PERSONAL PROTECTIVE EQUIPMENT (PPE): NICE TO HAVE OR REQUIRED?

Take a minute to walk through your practice and observe the use of personal protective equipment (PPE). Is the appropriate PPE being utilized if the worker has the potential of being exposed to blood, bloody fluids or body fluids? PPE is not only nice to have in place to protect workers, it is also required by certain laws and must be provided by the employer. In healthcare environments employees may be at risk of exposure to infectious body fluids and hazardous chemicals which could create health issues. Appropriate use of PPE is one method to reduce risks and create a safer work environment.

Exposure to blood and other potentially infectious materials (OPIM) may occur through contact with a contaminated needle or sharp instrument, a splash to the eyes, nose, or mouth, or a splash to skin that is not intact. The Bloodborne Pathogen Standard specifically addresses this and outlines certain protections which must be provided which includes PPE.

1910.1030(d)(2) - Excerpts - **Personal Protective Equipment (PPE)**

When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices.

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PERSONAL PROTECTIVE EQUIPMENT (PPE): NICE TO HAVE OR REQUIRED?

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Not only do employers have to provide the equipment, they must also train at-risk employees upon initial assignment and annually thereafter, on how and when to use it, how to remove and dispose of it, and how to understand product labels and Safety Data Sheets. Proper hand hygiene should be performed after PPE is removed.

These PPE items are typically used in healthcare.

- **Gloves** – Always used when there is the potential of exposure to workers' hands, gloves must be provided in different sizes and of the appropriate quality for the task being performed. Patient care gloves are single use and must be disposed of when removed.

Remember to keep non-latex gloves available for workers and/or patients with latex sensitivity.

- **Masks and Goggles or Face Shields** – These protect the mucous membranes of the eyes, nose, and the mouth when there is the potential of splash or splatter occurring during a procedure. If a splash of blood or OPIM occurs, it is an exposure scenario which must be addressed.
- **Utility Gloves** – These heavy-duty gloves are used when cleaning or handling contaminated instruments. They may also provide protection from sharps injuries. Choose a product which is puncture and chemical resistant, available in different sizes, and, if possible, covers the forearm for added protection.

TMC consultants are often asked if an employee can refuse to wear PPE. The OSHA Bloodborne Pathogen Enforcement document addresses this concern:

1910.1030(d)(3)(ii) - Excerpts

The **employer shall ensure that the employee uses appropriate personal protective equipment** unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker.

The following statement provides more clarity:

An employee's decision not to use PPE is to be made on a case-by case basis and must have been prompted by legitimate and truly extenuating circumstances. This does not relieve the employer of the responsibility to ensure that PPE is readily accessible at all times. The employer must investigate and document why PPE was not used in these scenarios.

In conclusion, PPE can reduce the likelihood an employee is exposed to hazardous substances. Ensure that sufficient quantities of single use PPE is available at all times, and that reusable PPE is laundered by the employer. Employees must never take contaminated items home.

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COMPRESSED GASES: SAFE STORAGE AND HANDLING

Who would have ever thought that those little, red fire extinguishers, mounted on walls in picture framed boxes, could be deadly? A fire extinguisher is a pressurized vessel that, like any compressed gas, can turn into an exploding bomb due to unsafe storage or handling.

No matter how large or small the cylinder, compressed gases can be toxic, flammable and missile-like if misused or if the cylinder becomes damaged. Even what seems to be an empty tank can be dangerous.

Common compressed gases found in medical and/or dental facilities are oxygen, nitrous oxide, carbon dioxide, nitrogen and other gas mixtures. Employees should be trained on safe storage and handling of the compressed gases in their facilities and how to recognize and eliminate hazards. They must also be kept in a secure area to prevent tampering by unauthorized individuals.

Here are some points to remember:

Inspection

- Employers are responsible for making sure the compressed gas cylinders and regulators under their control are in a safe working condition through a visual inspection. Look for rust, dents, cracks or leaks on the tanks, and grease, oil, or dirt on the regulators.
- The contents of all compressed gas cylinders should be clearly identified with a durable label indicating a hazardous gas that is a flammable, toxic or corrosive. If the label is missing, then do not accept delivery of the compressed gas cylinder.
- All gas lines leading from a compressed gas supply should be clearly labeled to identify the gas and the area it serves.
- Make sure compressed gas tanks are secured and stored in a safe location.

Storage

- Store containers in a cool, dry, well-ventilated, fire-resistant location that is in accordance with federal, state and local regulations. Post proper signage for all compressed gas cylinders.
- Keep them secured at all times, whether full or empty, to prevent tipping, falling or rolling. They can be secured with straps or chains to a wall bracket or other fixed surface, or kept in a cylinder stand.
- Do not store cylinders near electrical circuits.
- If compressed gas cylinders are stored outside in a closet or enclosure, be sure they are protected from the damp ground or floor to prevent bottom corrosion.
- Full and empty compressed gas cylinders of all gases should be stored separately and identified by signs to prevent confusion.
- Do not permit oil or grease to come in contact with compressed gas cylinders or their valves.
- When a compressed gas cylinder is not being used, or is empty, close the valve and secure the valve protector cap.
- It is recommended that storage areas are identified with proper signage to indicate the hazard and safety instructions.

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COMPRESSED GASES: SAFE STORAGE AND HANDLING

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Handling

- Consult the appropriate SDS for detailed and specific information on handling the chemical contained in the gas cylinder.
- Do not transport compressed gas cylinders without a protector cap. Remove the regulator and always use a cylinder cart to move them. Do not slide, drag or roll cylinders on the floor.
- Wear appropriate PPE when handling compressed gas cylinders.
- Do not lift a gas cylinder by the valve or protector cap.
- Attach the regulator securely before opening the valve wide.
- Always use a cylinder wrench or another tightly fitting wrench to tighten the regulator nut and hose connections.
- Open cylinder valves slowly and stand to the side.

Training

Employees responsible for inspection, storage and handling of compressed gas cylinders must meet OSHA's Federal and State Hazard Communication training requirements. TMC covers this training and information in our full-service program. If you are not a full-service client, you can find more information at the following links:

<https://www.osha.gov/dsg/hazcom/2012standard.html>

More information on safety guidelines and a compressed gas cylinder safety inspection check list can be downloaded from here: <http://www.wsmr.army.mil/PDF/compressedgassafety.PDF>

HUMAN RESOURCE COMPLIANCE MODULES NOW AVAILABLE

Thank you to everyone who has requested human resources (HR) compliance courses. We've created five modules to complement our OSHA and HIPAA compliance modules and they are available now. These human resources compliance courses are easily added to our xpressLMS service.

xpressLMS is one of our online training services that allows you to track employee completion of courses, by individual, and secure management reports thus protecting employee privacy. If a user needs to stop mid-course, they can start back right where they left off, which is a big time-saver.

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- Implicit Bias
- Diversity Training
- Sexual Harassment Training
- Workplace Violence Training
- Conflict Resolution

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OSHA Situation:

The heat is on. What do you need to know about space heaters in your facility?



HIPAA Situation:

Do I need a Business Associate Agreement for the cleaning service?

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FOR THE ANSWERS

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INSTRUCTIONS

Print and post newsletter in office for staff review. Each member should sign this form when completed. Keep on file as proof of training on these topics.

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