



July 11, 2013

Mr. Ray H. Darling, Jr.
Executive Secretary
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th Street, N.W., Room 980
Washington, DC 20036-3419

Re: Secretary of Labor v. Integra Health Management, Inc.
OSHRC Docket No. _____; Region IV
Inspection No. 781282 *13-1124*
SOL Case No. 13-00965

Dear Mr. Darling:

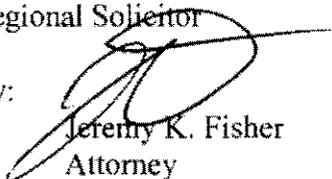
Enclosed are the originals and one copy each of a Complaint and a Notice of Answer Requirement.

Please file the originals and return to us the conformed copies. **In our opinion, this case is not appropriate for simplified proceedings as it involves a fatality.**

You will note from the Certificate of Service that copies of these documents have been served on the representative for Respondent.

Very truly yours,

Stanley E. Keen
Regional Solicitor

By: 
Jeremy K. Fisher
Attorney

Enclosures

cc: Kevin C. McCormick, Esq.
Whiteford, Taylor & Preston LLP
Seven Saint Paul Street
Baltimore, MD 21202-1636

IMPORTANT NOTICE

You are hereby notified that you must plead or otherwise answer this Complaint, either denying or admitting each allegation, within 20 days of your receipt of the Complaint attached hereto. Failure to do so may result in dismissal of your notice of contest. See Rule 34, Rules of Procedure, Occupational Safety and Health Review Commission.

Prior to the assignment of a case to Judge, the answer and all subsequent pleadings should be filed with the Executive Secretary, Occupational Safety and Health Review Commission, One Lafayette Centre, 1120 20th Street, N.W., Room 980, Washington, DC 20036-3419. Subsequent to the assignment of the case to a Judge, and before the issuance of a decision, all pleadings should be filed with the Judge at the address given in the notice informing of such assignment. See Rule 8(a), Rules of Procedure, Occupational Safety and Health Review Commission.

The Complainant, Secretary of Labor, may be served by addressing Mr. Stanley E. Keen, Regional Solicitor, U. S. Department of Labor, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Room 7T10, Atlanta, GA 30303, Attention: Jeremy K. Fisher, Attorney.

If the Respondent is to be represented in this proceeding by an attorney or other representative, the attached Designation of Representative/Notice of Appearance form should be completed and sent to the Regional Solicitor at the aforementioned address.



Re: Secretary of Labor v. Integra Health Management, Inc.
OSHRC Docket No. _____; Region IV
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DESIGNATION OF REPRESENTATIVE

I hereby certify that _____, whose appearance is noted below, is authorized to act as my representative in the above-captioned matter, to discuss all facts and information related thereto; to negotiate settlement; and to accept service of pleadings and other legal process on my behalf.

Name (Print): _____ Date: _____

Title: _____
Signature

Employer/Organization: _____

Nature of Organization: _____

Address: _____

Telephone: () - Ext. _____

NOTICE OF APPEARANCE

The undersigned hereby enters appearance as representative of _____ in the above-captioned matter.

Name (Print): _____ Date: _____

Title: _____
Signature

Employer/Organization: _____

Nature of Organization: _____

Address: _____

Telephone: () - Ext. _____

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR,)	OSHRC DOCKET NO.
)	
Complainant,)	REGION IV
)	
v.)	Inspection No.
)	781282
INTEGRA HEALTH MANAGEMENT, INC.,)	
)	
)	
Respondent.)	<u>COMPLAINT</u>

This action is brought to affirm the Citations and Notifications of Penalty issued under the Occupational Safety and Health Act of 1970, 29 U.S.C. § 651, et seq., hereinafter the Act, for violations of § 5(a) of the Act and the Safety and Health Regulations promulgated thereunder.

I

Jurisdiction of this action is conferred upon the Commission by § 10(c) of the Act.

II

Respondent, Integra Health Management, Inc., is an employer engaged in a business affecting commerce within the meaning of § 3(5) of the Act.

III

The principal place of business of Respondent is at 10055 Red Run Boulevard, Suite 105, Owings Mill, Maryland 21117, where it was engaged in miscellaneous ambulatory health care services as of the date of the alleged violations.

IV

The violations occurred on or about December 10, 2012, at 37020 Coleman Avenue, Apt. #1, Dade City, Florida 33525 (hereinafter "workplace").

V

As a result of an inspection at said workplace by an authorized representative of the Complainant, Respondent was issued two Citations and Notifications of Penalty pursuant to § 9(a) of the Act.

VI

The Citations and Notifications of Penalty, copies of which are attached hereto and made a part hereof as Exhibit A (consisting of three pages) and Exhibit B (consisting of 1 page) identifies and describes the specific violations alleged, the corresponding abatement dates, fixed, and the penalties proposed.

VII

On or about June 25, 2013, by a document dated June 25, 2013, the Complainant received notification, pursuant to § 10(c) of the Act, of Respondent's intention to contest the aforesaid Citations and Notifications of Penalty.

VIII

The penalties proposed, as set forth in Exhibits A and B are appropriate within the meaning of § 17(j) of the Act. The abatement dates fixed were and are reasonable.

WHEREFORE, cause having been shown, Complainant prays for an Order affirming the Citations and Notifications of Penalty, as aforesaid.

ADDRESS:

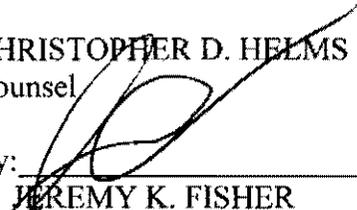
Office of the Solicitor
U. S. Department of Labor
61 Forsyth Street, S.W.
Room 7T10
Atlanta, GA 30303

Telephone:
(404) 302-5476
(404) 302-5438 (FAX)

M. PATRICIA SMITH
Solicitor of Labor

STANLEY E. KEEN
Regional Solicitor

CHRISTOPHER D. HELMS
Counsel

By: 

JEREMY K. FISHER
Attorney

Office of the Solicitor,
U. S. Department of Labor,
Attorneys for Complainant.

SOL Case No. 13-00965



Citation and Notification of Penalty

Company Name: Integra Health Management, Inc.
Inspection Site: 37020 Coleman Ave. Apt. #1, Dade City, FL 33525

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1): The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to the hazard of being physically assaulted by members with a history of violent behavior:

a) On or about December 10, 2012, an employee providing healthcare management services was fatally stabbed by a member with a violent criminal history. Employees acting as service coordinators regularly interacted on their own directly with members with a history of violent behavior.

Among other methods, feasible means to abate this hazard include:

1. Create a stand-alone written Workplace Violence Prevention Program for all the service programs which include the following elements:
 - A Workplace Violence Policy Statement including responsibilities of all staff and a policy that workplace violence will not be tolerated and every incident will be investigated;
 - Implement a real-time log-in/log-out system;
 - Hazard/Threat/Security assessment including records review, employee survey, and evaluation of the worksite for safe means of egress and potential restrictions;
 - Training and education of all staff with a focus on the specifics of the Integra Program;
 - Incident reporting and investigation;
 - A system for reporting safety concerns internally;
 - Periodic review of the program;
 - Ensuring employee involvement and input from direct care staff in all aspects of its Workplace Violence Prevention Program;
 - Soliciting employee input from direct care staff from all parts of Integra's operation; and
 - Having a Safety Committee that includes direct care staff as full committee members.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Integra Health Management, Inc.
Inspection Site: 37020 Coleman Ave. Apt. #1, Dade City, FL 33525

2. Determine the behavioral history of new/transferred member; establish a system – such as chart tags, log books, and/or verbal census reports – to identify members with assaultive behavior problems (including threats of violence) and to communicate such pertinent information to all potentially exposed employees; train all staff to understand the flagging system; and have a system for holding members accountable for violent behavior through consequences or interventions.
3. Put procedures in place that would communicate any incident of workplace violence to all staff who could potentially be exposed to the member(s) involved in the violent incident in a timely manner, so that employees who might not have access to members' charts would be aware of a member's previous acts of violence or aggression.
4. Ensure that training is sufficient to make all employees aware of the company workplace violence policy, and how that written policy can be accessed. Training shall also include, but not be limited to:
 - Instructing all employees to state clearly to members and employees that violence is not permitted or tolerated;
 - Training all employees on effective methods for responding during a workplace violence incident;
 - Training all employees on recognizing aggressive behavior exhibited by members or others, and on techniques for timely de-escalating the behavior;
 - Instructing all employees about risk factors that cause or contribute to assaultive behaviors (including threats of violence);
 - Training all employees to report all incidents of workplace violence, including assaults and threats of assaults, and instructed that such reporting is mandatory; and
 - Training shall be conducted at orientation before employees are exposed to members, and annually as refresher training.
5. Implement and maintain a buddy system as appropriate based upon a complete hazard assessment which includes procedures for all staff to request and obtain double coverage when necessary, including but not limited to situations where an employee communicates that he or she feels unsafe being alone with a particular member.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 781282
Inspection Date(s): 12/13/2012 - 03/11/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Integra Health Management, Inc.
Inspection Site: 37020 Coleman Ave. Apt. #1, Dade City, FL 33525

6. Provide all staff with a reliable way to rapidly summon assistance when needed, such as an electronic alarm and/or walkie-talkies, including when an employee is with a member in the community and/or transporting a member in a vehicle.
7. Establish a liaison with law enforcement representatives.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	06/14/2013
Proposed Penalty:	\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 781282
Inspection Date(s): 12/13/2012 - 03/11/2013
Issuance Date: 06/06/2013



Citation and Notification of Penalty

Company Name: Integra Health Management, Inc.
Inspection Site: 37020 Coleman Ave. Apt. #1, Dade City, FL 33525

Citation 2 Item 1 Type of Violation: **Other-than-Serious**

29 CFR 1904.39(a):

The employer did not orally report the death of an employee or the in-patient hospitalization of three or more employees because of a work-related incident:

a. 37020 Coleman Avenue Apartment 1 Dade City, Florida - the employer failed to report a work-related fatality to OSHA. Violation observed on or about 12/13/12.

Date By Which Violation Must be Abated:
Proposed Penalty:

06/10/2013
\$3500.00

A handwritten signature in cursive script that reads "Leslie L. Grove III".

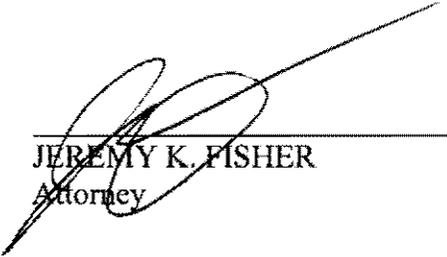
Leslie L. Grove III
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

CERTIFICATE OF SERVICE

I certify that the foregoing Complaint and Notice of Answer Requirement were served this 11th day of July, 2013, by mailing true copies thereof, by certified mail to:

Kevin C. McCormick, Esq.
Whiteford, Taylor & Preston LLP
Seven Saint Paul Street
Baltimore, MD 21202-1636



JEREMY K. FISHER
Attorney

SOL Case No. 13-00965