

U.S. Department of Labor

Occupational Safety and Health Administration
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610
Phone: 813-626-1177 Fax: 813-626-7015



Citation and Notification of Penalty

To:
UHS of Delaware, Inc. and Premier Behavioral Health
Solutions of Florida, Inc., dba Suncoast Behavioral
Health Center
4480 51st St W
Bradenton, FL 34210

Inspection Number: 1276136
Inspection Date(s): 11/08/2017
Issuance Date: 04/24/2018

Inspection Site:
4480 51st St W
Bradenton, FL 34210

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 04/24/2018. The conference will be held by telephone or at the OSHA office located at 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1276136

Company Name: UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc., dba Suncoast Behavioral Health Center
Inspection Site: 4480 51st St W, Bradenton, FL 34210
Issuance Date: 04/24/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 5807 Breckenridge Pkwy, Suite A, Tampa, FL 33610**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc.,
dba Suncoast Behavioral Health Center

Inspection Site: 4480 51st St W, Bradenton, FL 34210

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

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 in that employees were exposed to acts of workplace violence caused by patients:

a) On or about November 2, 2017, and on dates before, employees, including registered nurses, therapists, mental health technicians (MHTs), and intake specialists, working at the UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc. (dba Suncoast Behavioral Health Center) located at 4480 51st St. West, Bradenton, Florida, were exposed to acts of workplace violence including, but not limited to: physical assaults in the form of punches, kicks, bites, scratches, pulling, and the use of objects as weapons by patients throughout the facility.

UHS of Westwood Pembroke, Inc. (dba Lowell Treatment Center) was previously cited for a violation of Section (5)(a)(1) of the OSH Act, which was contained in OSHA inspection number 1009746, citation number 1, item number 1, and was affirmed as a final order on May 27, 2016, with respect to a workplace located at 391 Varnum Avenue, Lowell, MA 01584.

Among other methods, feasible and acceptable means of abatement includes:

1. Evaluate the configuration of the nurses workstations including, but not limited to, the unlockable half door to access the workstation, the depth of the desk to ensure patients cannot reach or jump over the desk and ensure items on the workstations are secured, such as, but not limited to, hole puncher, stapler, phone, cords, pens, computer and computer peripherals, and other items so they cannot be used as weapons.

IMPACT: Creating a physical barrier between violent patients and staff will reduce the likelihood of injuries from attacks. Securing items will reduce the likelihood of staff being injured by these items.



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Company Name: UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc.,
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2. Develop and implement a disruptive behavior response team to respond to incidents of disruptive behavior to provide coverage for emergencies throughout the shifts to ensure set staffing ratios are maintained. Provide clear written procedures for how employees should respond to clients making threats, showing aggression, and assaults.

IMPACT: Having specified staff respond to emergencies promptly without being concerned about leaving patients unattended will allow staff being attacked to receive assistance more quickly.

3. Evaluate intake procedures and ensure information about incoming client's potential for violence, and possible triggers for client violence is transmitted down to all care providers on all shifts. Ensure an appropriate notification system is in place to aid in the prevention of workplace violence.

IMPACT: Collecting and distributing information on patients' violent behaviors will allow staff to be prepared for responding appropriately if a violent incident occurs.

4. When determining the necessary number of staff on a shift, include in all the calculations the patients who are expected to arrive for admission during that shift. An intake team of clinicians and MHTs should be used to assess and expedite the integration of new patients, and be independent of floor staff.

IMPACT: Making accurate calculations will ensure staff will be able to promptly respond to any violent incident.

5. Ensure that security cameras are continuously monitored by trained security or in-house monitoring staff for all units. Consider providing security staff to all units on all shifts to respond to aggressive behavior and/or to monitor surveillance cameras which are present.

IMPACT: Having cameras monitored in real-time will allow staff to promptly respond to any violent incident.



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6. Communication - Provide personal panic alarms for every employee who may work in patient care areas, including, but not limited to: Therapists, Intake Specialists, Nurses and MHTs, so that they may rapidly and reliably summon assistance. Provide training on this equipment and perform operation checks to ensure they remain in proper working condition.

IMPACT: Prompt, accurate communication during a violent attack will allow appropriate and timely responses.

7. Discourage employees from wearing necklaces or lanyards to prevent possible strangulation in confrontational situations. Encourage staff to secure loose hair so that it is not accessible to patients, to minimize the risk of neck strains and hair pull injuries. Discourage employees from carrying keys, pens or other items that could be used as weapons.

IMPACT: Reducing staff items (including jewelry and hair) that violent patients can grab onto can reduce the likelihood of injury to employees.

8. Ensure that all staff members that may come into contact with patients in the course of their work are regularly trained in methods to protect themselves in situations where patients become violent.

IMPACT: Providing staff with methods to protect themselves when a patient is attacking them will help ensure employees are not seriously injured.

9. Conduct effective investigations and root cause analysis of workplace violence incidents. Investigations should include prompt and thorough debriefings of staff members involved in each incident. Such debriefings should include solicitation of employee recommendations to improve safety programs and policies. Employee accident reports should consistently document input from the affected employee and the relevant supervisor. Root cause analyses of incidents should incorporate feedback and recommendations from affected employees.

IMPACT: Effective investigations will identify ways to improve procedures for responding to incidents of violence.

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



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Company Name: UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc.,
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10. Establish a comprehensive program of medical and psychological counseling, and debriefing for employees experiencing or witnessing assaults and other violent incidents.

IMPACT: Providing treatment for staff who have experienced a violent incident will assist them to recover and be better prepared emotionally to deal with future incidents.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

06/06/2018
\$71137.00

A handwritten signature in black ink that reads "Leslie L. Grove III".

Leslie L. Grove III
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
5807 Breckenridge Pkwy
Suite A
Tampa, FL 33610
Phone: 813-626-1177 Fax: 813-626-7015



INVOICE / DEBT COLLECTION NOTICE

Company Name: UHS of Delaware, Inc. and Premier Behavioral Health Solutions of Florida, Inc.,
dba Suncoast Behavioral Health Center
Inspection Site: 4480 51st St W, Bradenton, FL 34210
Issuance Date: 04/24/2018

Summary of Penalties for Inspection Number	1276136
Citation 1, Repeat	\$71137.00
TOTAL PROPOSED PENALTIES	\$71137.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

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

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

Leslie L. Grove III

Leslie L. Grove III

Area Director

4/24/2018

Date