

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034



## Citation and Notification of Penalty

**To:**  
KidsPeace Corporation and KidsPeace Children's  
Hospital Inc.  
and its successors  
5300 KidsPeace Drive  
Orefield, PA 18069

**Inspection Number:** 1306509  
**Inspection Date(s):** 04/04/2018 - 09/18/2018  
**Issuance Date:** 10/03/2018

**Inspection Site:**  
5300 KidsPeace Drive  
Orefield, PA 18069

*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 by calling 267-429-7542. 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](http://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](http://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 10/03/2018. The conference will be held by telephone or at the OSHA office located at 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034 on \_\_\_\_\_ at

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

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1306509**

Company Name: KidsPeace Corporation and KidsPeace Children's Hospital Inc.  
Inspection Site: 5300 KidsPeace Drive, Orefield, PA 18069  
Issuance Date: 10/03/2018

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, 3477 Corporate Parkway, Suite 120, Center Valley, PA 18034**

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:** KidsPeace Corporation and KidsPeace Children's Hospital Inc.  
**Inspection Site:** 5300 KidsPeace Drive, Orefield, PA 18069

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#### 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 was free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees are exposed to the hazard of workplace violence:

a) Facility Wide: On or about April 4, 2018, employees providing inpatient care to clients were exposed to the hazard of workplace violence including but not limited to physical assaults such as biting, kicking, punching, and scratching that resulted in serious physical injuries such as but not limited to lacerations, contusions, sprains, strains, headaches, and concussions.

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

Develop and implement a comprehensive workplace violence prevention program which should include:

a. Develop a written workplace violence prevention program that is specific to the conditions and hazards at KidsPeace. The written program should include the following:

i. Designation of the person or team within the facility that is responsible for the locations workplace violence prevention program.

ii. Clear written description on how to report intimidation and verbal abuse as well as guidelines on when to call police.

iii. Clear written statement about employees seeking prompt medical attention.

iv. Clear written statement that employees will not experience retaliation for seeking medical attention during a shift, reporting incidents of threats or violence, or for calling police.

v. Information of how and where employees can seek emotional support and mental health care including after hours.

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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b. Development of workplace violence controls, including implementation of engineering and administrative controls and methods used to prevent potential workplace violence incidents.

i. Develop a committee of at least 50% front line employees to evaluate and determine the appropriate number of staff needed in each unit based on acuity to ensure a safe workplace for employees. Ensure staffing levels are adequate to provide assistance during behavioral emergencies and other calls for assistance as well as for clients on protocols or special precautions. Ensure the staffing levels are met daily and on each shift. Ensure that all staff on each shift is informed of whom is it designated to respond to calls for additional staff.

ii. Provide all employees with a reliable and readily available means of communication that are effective throughout the facility. Evaluate all means of communication available such as portable panic alarms/buttons. Evaluate the effectiveness of multiple channels with the current radios in use. Develop a policy to maintain the effectiveness of the communication devices. Inform all employees of this policy. Enforce the policy as necessary.

iii. Perform a workplace hazard assessment of the units to ensure nurse's stations are secure. Evaluate the height of the nurse's station desk as well as the depth to prevent patients from jumping over the desk. Ensure that the nurse's station doors cannot be unlocked by clients. Remind staff how to appropriately access the nurse's station as to ensure that clients are not shown the deficiencies of the nurse's stations. Ensure all items on the nurse's station desk and in other areas are secured or removed so that they cannot be used as weapons.

iv. Evaluate the Protective Sleeves Use and Care standard operating protocol to ensure all staff knows how to access and maintain the protective sleeves. Ensure a sufficient number of pairs of protective sleeves are available so that all staff has access to them when needed.

v. Evaluate the need and effectiveness of a response team where employees who are highly proficient in de-escalation and Safe Crisis Management techniques respond to calls for additional staff. Ensure the staffing is adequate so that these team members can respond to calls for additional staff. Provide additional training to refine de-escalation and Safe Crisis Management techniques as necessary.

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vi. Ensure employees are trained in safety protocols when transporting clients and the safety protocols are used.

vii. Ensure employees utilize a buddy system while providing service to patients with a history of violence.

viii. Encourage employees to promptly report all incidents regardless of severity or injury occurrence.

ix. Work with local law enforcement to garner their support for staff that call for assistance and decide to press charges against assaultive clients.

c. Develop a recordkeeping system designed to report any violent incident regardless of severity. The reports must be in writing and maintained for review after each incident and at least annually to analyze incident trends. Ensure that employees are informed of when and how to report incidents of workplace violence.

i. Investigate all workplace violence incidents as soon as possible to identify root cause and to identify and implement control measures to prevent or minimize the impact of future incidents. Employees involved in the incidents should be included in the investigation. Ensure the findings of an investigation are communicated back to the staff involved in the incident.

ii. Ensure that management at the facility has access to all systems where employees report violent incidents and injuries.

iii. Ensure that debriefing meetings are occurring after all crisis interventions and that staff is involved to determine root cause, what actions worked correctly and any necessary improvements. Ensure the outcome of the debriefing is communicated back to the staff involved in the incident.

iv. Track and trend all workplace violence incidents to identify common risk factors or opportunities for prevention. Risk factors tracked could include location of incident, type of injury, and cause of injury, restraints used personal protective equipment use, clients involved and staffing levels.

d. Ensure employees are trained on the employer's workplace violence prevention program, the

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employer's policies and requirements for recording and documenting a patients aggressive or assaultive behavior, how and when to complete an Employee Accident Report employee accident investigations, and debriefing procedures.

e. Develop a safety committee for the facility. Involve frontline employees including psychiatrists, social workers, nurses, and mental health technicians. Review all workplace violence incidents and trends during the meetings to ensure effective and timely follow-up. The committee activity and findings should be communicated to all direct care staff. Develop a system for employees to report safety concerns and suggestions anonymously. Develop a system to provide communication and feedback to employees about their safety concerns and suggestions.

f. Annual review of the workplace violence prevention program and updated as necessary. The effectiveness of the program should be evaluated by tracking objective measures of the hazards such as rates of injuries, threats and near misses, as well as the implementation and impact of hazard control measures. Solicit and include employee input in the review.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:	12/10/2018
Proposed Penalty:	\$12934.00

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:** KidsPeace Corporation and KidsPeace Children's Hospital Inc.  
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Citation 2 Item 1 Type of Violation: **Other-than-Serious**

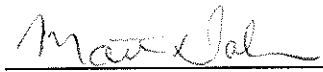
29 CFR 1904.29(a): The employer did not use an OSHA 300, 301 and 300A Form or equivalent.

a) Facility wide: On or about April 4, 2018, the employer did not enter correctly the location where the injury occurred for injuries on the 2018 OSHA 300 log.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photograph or video evidence of abatement or other written records.

Date By Which Violation Must be Abated:  
Proposed Penalty:

10/24/2018  
\$1571.00

  
**Jean G. Kulp**  
Area Director

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3477 Corporate Parkway  
Suite 120  
Center Valley, PA 18034



## INVOICE / DEBT COLLECTION NOTICE

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**Company Name:** KidsPeace Corporation and KidsPeace Children's Hospital Inc.  
**Inspection Site:** 5300 KidsPeace Drive, Orefield, PA 18069  
**Issuance Date:** 10/03/2018

<b>Summary of Penalties for Inspection Number</b>	<b>1306509</b>
<b>Citation 1, Serious</b>	<b>\$12934.00</b>
<b>Citation 2, Other-than-Serious</b>	<b>\$1571.00</b>
<b>TOTAL PROPOSED PENALTIES</b>	<b>\$14505.00</b>

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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](http://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.

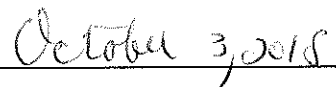
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts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

  
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for **Jean G. Kulp**  
Area Director

  
\_\_\_\_\_  
Date