

U.S. Department of Labor
Occupational Safety and Health Administration
7935 East Prentice Avenue, Suite 209
Greenwood Village, CO 80111



Citation and Notification of Penalty

To:
UHS of Denver, Inc., dba Highlands Behavioral Health
System
and its successors
8565 Poplar Way
Littleton, CO 80130

Inspection Number: 1350349
Inspection Date(s): 10/02/2018 - 10/02/2018
Issuance Date: 04/01/2019

Inspection Site:
8565 Poplar Way
Littleton, CO 80130

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 303-843-4500. 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 04/01/2019. The conference will be held by telephone or at the OSHA office located at 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1350349

Company Name: UHS of Denver, Inc., dba Highlands Behavioral Health System
Inspection Site: 8565 Poplar Way, Littleton, CO 80130
Issuance Date: 04/01/2019

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, 7935 East Prentice Avenue, Suite 209, Greenwood Village, CO 80111**

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 Denver, Inc., dba Highlands Behavioral Health System
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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 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 physical threats and assaults by patients:

a) On or about October 2, 2018, and at times prior, the employer, UHS of Denver, Inc. dba Highlands Behavioral Health System (HBHS), failed to keep the workplace free of hazards. Employees in direct contact with patients (including BHAs, RNs, Intake Clinicians and other direct care providers) have suffered serious workplace violence (WPV) related injuries such as concussions, broken skin, bruising, scratches, sprains and strains, and injuries to the head and torso while performing their job duties, including but not limited to providing care to patients and placing patients in therapeutic holds. The majority of affected employees are BHAs, who are responsible for direct patient care. Two-thirds of the documented incidents occurred during the evening and weekend shifts.

Among other methods, feasible and acceptable means to abate the WPV hazards at HBHS include implementation of a comprehensive and effective WPV prevention program (which includes engineering and administrative controls, as well as training to materially reduce WPV hazards. These controls include:

Engineering Controls

1. Re-configure the nurses stations in the units, to include design features that prevent patients from jumping over, reaching into or over or otherwise entering into the workstations. Ensure items in the workstations, such as but not limited to hole punchers, staplers, telephones, cords, pens, computers, computer peripherals, and other items are not accessible by the patients, so they cannot be used as weapons.
2. Provide all staff members with a reliable and readily available communication device, such as a walkie-talkie or panic alarm button, in order to rapidly and reliably summon assistance to minimize or eliminate employee injury from WPV. In addition, provide training and procedures on use and limitations of the equipment.

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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Administrative Controls

3. Ensure that trained security or in-house monitoring staff continuously monitor security cameras for all units.
4. Develop, integrate, and implement WPV policies and programs into one written comprehensive WPV Prevention Program (WVPP). This WVPP must include: (1) A worksite-specific hazard analysis that analyzes the worksite for risks, including but not limited to, potential weapons, potential for victims to be cut off from communication, delays in activating emergency alert systems, potential for physical entrapment of victim. The assessment should also include a records review and employee surveys to further assess potential risks; (2) The WVPP must address patient-on-employee violence and describe hazard prevention and control measures, providing clear written procedures for how employees should respond to patients making threats, showing aggression, and assaults; (3) The WVPP must also provide for the participation of direct care staff such as BHAs and RNs, e.g., through the committees that discuss WPV incidents; (4) Provide copies of the WVPP and make it readily available to all staff; (5) Annually review the WVPP and update as necessary. Solicit employee feedback during the review process; and (6) Provide bi-annual training on the WVPP to all staff.
5. Designate specific staff with specialized training in security and/or hire trained security officers to monitor patients for potential aggression on all shifts and to assist in preventing and responding to violent events occurring in the units. Staff must have the physical capability to effectively respond to aggressive patients. The staff designated to monitor and respond to patient aggression should not be given other assignments such as patient rounds, which would prevent the designated person from immediately responding to an alarm or other notification of a violent incident. Conduct periodic drills for psychiatric crisis/patient aggression (currently known as Code Green) to allow all designated staff to practice and evaluate their skills in real-life settings.
6. Establish a system to communicate to all affected staff members any incidents of WPV and/or escalating behavior to ensure that the on-coming staff members are notified and aware of a patients previous acts of violence or aggression. Information sharing should occur during shift change as well as with other staff (such as food service employees) who may come in contact with aggressive patients. Assure that affected staff have dedicated time to review all intake information on a patient before working with them.

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Training

7. Ensure all staff members who may come into contact with patients in the course of their work are trained in all elements of a comprehensive WVPP, including opportunities for them to be involved in evaluating and improving the program. Training should specifically include: (1) When and how to call for assistance, including how to use emergency communication systems such as walkie-talkies, the overhead pager, and/or panic buttons; (2) Uniform and effective methods for responding to a Code Green or other type of WPV incident; (3) Hands-on exercises for de-escalation and restraints that include practice drills, and assault scenario drills to improve staff skills and confidence in responding to Codes, emphasizing the importance of team restraint. Include training tactics that teach self-extrication and escape. Assess the frequency needed for this training based on employees abilities; (4) How to contribute to a post-incident debriefing and/or root cause analysis; and (5) Properly wearing/storing badges/communication devices so they cannot be taken by patients. The hands-on exercises, practice drills and assault scenario drills should occur at least bi-annually. A staff member is not considered available to assist with incidents of WPV if they are not able to complete the training and/or they are not comfortable implementing the appropriate actions while working with aggressive patients.

Post Incident:

8. Conduct an investigation and debriefing after each act of WPV, including near misses, with the attacked and/or injured employee and other involved employees, including root cause or similar analysis, lessons learned, and corrective actions to prevent reoccurrence. Maintain accurate records of patient assault on staff. Provide the attacked and/or injured employee and other involved employees with an opportunity to provide feedback about specific measures that could prevent such future incidents. Review and evaluate each WPV related incident, both on a case-by-case basis and to monitor for trends in areas with high rates of incidents such as the acute units.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

05/16/2019

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Company Name: UHS of Denver, Inc., dba Highlands Behavioral Health System
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Proposed Penalty:

\$11934.00

A handwritten signature in dark ink, appearing to read "D. Nelson", is written over a horizontal line.

David Nelson
Area Director

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U.S. Department of Labor
Occupational Safety and Health Administration
7935 East Prentice Avenue, Suite 209
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INVOICE / DEBT COLLECTION NOTICE

Company Name: UHS of Denver, Inc., dba Highlands Behavioral Health System
Inspection Site: 8565 Poplar Way, Littleton, CO 80130
Issuance Date: 04/01/2019

Summary of Penalties for Inspection Number	1350349
Citation 1, Serious	\$11934.00
TOTAL PROPOSED PENALTIES	\$11934.00

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.



David Nelson
Area Director

4/1/19

Date