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• **Standard Number:** 1904.7

October 20, 2014

Darren J. Hunter
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Dear Mr. Hunter:

Thank you for your letter dated July 1, 2014 to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically, you ask if there is an exception to considering the issuance of a prescription medication as medical treatment beyond first aid in cases involving a deer tick bite where the employee shows no signs or symptoms of Lyme disease.

Scenario: In your letter, you state that an employee was bitten by a deer tick in the work environment. The employee does not contract Lyme disease or any other illness as a result of the bite, does not exhibit any signs of illness, and does not miss any time at work. In an abundance of caution, a physician prescribes antibiotics as a prophylactic measure. You also state that doctors in certain areas of the United States have a greater tendency to prescribe antibiotics to guard against Lyme disease associated with deer tick bites, whereas doctors in most areas of the country do not routinely prescribe antibiotics as a preventative measure.

OSHA Response: The issuance of prescription antibiotics is considered medical treatment beyond first aid for OSHA injury and illness recordkeeping purposes. The scenario described above is a work-related injury involving medical treatment and must be entered on the OSHA Form 300. The Agency believes that the use of prescription medications is not first aid because prescription medications are powerful substances that can only be prescribed by a licensed health care professional, and for the majority of medications in the majority of states, by a licensed physician. See, the preamble to the final rule revising OSHA's recordkeeping regulation, 66 Fed. Reg. 5986 (January 19, 2001). The preventive, precautionary or prophylactic nature of a medication is not controlling for determining OSHA recordability. See OSHA's March 10, 2005 letter of interpretation to Dave Boyer. Any use of Rx medicine in treating a work-related injury or illness is considered medical treatment regardless of purpose prescribed. There is no exception in OSHA's recordkeeping regulation for cases involving deer tick bites.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis

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