



## U.S. Department of Labor

### Occupational Safety & Health Administration

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#### Standard Interpretations

### 10/29/2001 - Recording of cases in which a health care professional issues a prescription, whether that prescription is filled or not.

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• **Standard Number:** 1904.7(b)(5)(ii)(A)

Mr. Danny Dean Harris  
Loss Control Manager  
Maverick Tube Corp.  
Post Office Box 248  
Armored, Arkansas 72310

Dear Mr. Harris:

This is in response to your letter dated October 29, 2001. Thank you for your comments pertaining to the Occupational Safety and Health Administration's (OSHA) injury and illness recordkeeping requirements contained in 29 CFR Part 1904. Due to the October closing of the Brentwood postal facility in Washington, D.C., and the subsequent sanitizing treatment of the mail that was handled by that facility, your correspondence was significantly delayed in reaching us. Please accept my apology for the delay in our response.

OSHA revised its injury and illness recordkeeping requirements under the following rulemaking procedures. On February 2, 1996, the agency published a notice of proposed rulemaking (NPRM) requesting public comment on the proposed revision to the recordkeeping requirements. OSHA received over 450 sets of comments and held six days of public hearings in response to the NPRM. OSHA analyzed all comments received and developed its final rule based upon that analysis. On January 19, 2001, OSHA published its final rule. Your comments are similar to many comments submitted to OSHA as part of the rulemaking process. The following is an excerpt from the final rule which explains OSHA's position regarding the points you raise.

The final rule, 29 CFR Part 1904 Occupational Injury and Illness Recording and Reporting Requirements, Section 1904.7(b)(5)(ii)(A) defines first aid as: Using a nonprescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes). OSHA has not included prescription medications, whether given once or over a longer period of time, in the list of first aid treatments. 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 physician or licensed health care professional. The availability of these substances is carefully controlled and limited because they must be prescribed and administered by a highly trained and knowledgeable professional. OSHA maintains its longstanding policy of requiring the recording of cases in which a health care professional issues a prescription, whether that prescription is filled or not. Medical treatment includes treatment that is used as well as those that should have been used. The patient's acceptance or refusal of the treatment does not alter the fact that, in the health care professional's judgement, the case

warranted a script for the issuance of prescription medicine. For these reasons, the new recordkeeping rule continues OSHA's longstanding policy of considering the use of prescription medication as medical treatment, regardless of the reason it is prescribed.

I hope that you find this information useful. Thank you for your interest in occupational safety and health and OSHA. If you have any further questions, please contact the Division of Recordkeeping Requirements, at 202-693-1702

Sincerely,

John L. Henshaw

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