



Reply to the attention of:

DEC 14 2015

William Principe
Constangy Brooks Smith & Prophete, LLP
230 Peachtree Street, NW
Suite 2400
Atlanta, Georgia 30303-1557

Dear Mr. Principe:

Thank you for your recent letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping requirements contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically, you requested clarification on whether an employee's continued participation in a daily stretching program constitutes medical treatment for recordkeeping purposes.

Scenario: An employer requires all of its employees to engage in stretching exercises at the beginning of each shift and hourly during the shift. An employee reports to his supervisor that he is feeling minor discomfort in his left shoulder associated with his work tasks. The supervisor advises the employee to continue participating in the stretching exercises that all employees participate in each day and to report back if he continues to be symptomatic. The employee never reports back to the supervisor about any continuing symptoms.

Question: Would the supervisor's advice to continue participation in the daily stretching exercises constitute medical treatment for OSHA recordkeeping purposes?

Response: OSHA discussed the issue of therapeutic exercise in the preamble to the final rule revising OSHA's injury and illness recordkeeping regulation. See, 66 FR 5992, January 19, 2001. OSHA stated that it considers therapeutic exercise as a form of physical therapy and intentionally did not include it on the list of first aid treatments in Section 1904.7(b)(5)(ii). Section 1904.7(b)(5)(ii)(M) states that physical therapy or chiropractic treatment are considered medical treatment for OSHA recordkeeping purposes and are not considered first aid. Section 1904.7(b)(5)(iii) goes on to state that the treatments included in Section 1904.7(b)(5)(ii) is a comprehensive list of first aid treatments. Any treatment not included on this list is not considered first aid for OSHA recordkeeping purposes.

Section 1904.7(b)(5)(i) defines medical treatment to mean "the management and care of a patient to combat disease or disorder." In this context, stretching exercises constitute medical treatment when they are recommended as a new course of action to address an employee's work-related condition or disorder.

In the scenario above, there is no change in the course of stretching exercises to specifically address the discomfort in the employee's shoulder. Therefore, the supervisor's advice to

continue with the already existing program of stretching does not constitute medical treatment beyond first aid for recordkeeping purposes. Provided the employee did not receive any other treatment, restricted work activity or job transfer, the case does not meet the recording criteria under 1904.7.

Please note this response to your letter only addresses the employer's obligation to record an injury or illness case on the OSHA Form 300. This letter does not address the appropriateness of the advice provided by the supervisor without consultation with a licensed health care professional.

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 responses to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Edens", with a stylized flourish at the end.

Amanda Edens, Director
Directorate of Technical Support and Emergency Management