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Standard Number: 1904.7(b)(5)(ii); 1904.7(b)(5)(ii)(M); 1904.7(b)(5)(iii)

May 20, 2011

Mr. Paul Bragenzer
1415 Rothbury Dr.
Grand Rapids, MI 49505

Dear Mr. Bragenzer:

Thank you for your February 2011 letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses.

Your letter asks OSHA to clarify whether an exercise regime directed by a Certified Athletic Trainer (ATC) would constitute "first aid" or "medical treatment" for OSHA injury and illness recordkeeping purposes.

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).

Please be aware that if a treatment is administered as a purely precautionary measure to an employee who does not exhibit any signs or symptoms of an injury or illness, the case is not recordable. For a case to be recordable, an injury or illness must exist.

Your letter also requested specific guidance on several questions concerning the administration of exercise. For purposes of this response, we presume that all of the questions relate to the administration of exercise as a treatment for work-related injuries.

- 1. Would the providing of an employee with a written home exercise program (including sets/reps and resistance) constitute first aid or medical treatment? This constitutes medical treatment.
2. If the ATC utilizes stretching to relieve their symptoms, does this service constitute medical treatment or first aid? This constitutes medical treatment.
3. Is the number of times seen for care significant in determining recordability? No. The number of times seen for care is not a factor when determining OSHA recordability.
4. Is the duration or intensity of the care significant in determining recordability? No. The duration or intensity of the care does not determine recordability.
5. Are the numbers of follow-ups significant in the recordability of the care? No. The number of follow-up visits to receive care does not determine the outcome for an OSHA recordable.
6. Is there a general guideline that an ATC can use to know if they are crossing the line from first aid to medical treatment?

In general, first aid can be distinguished from medical treatment per Section 1904.7(b)(5)(ii) and 1904.7(b)(5)(iii). As noted above, Section 1904.7(b)(5)(ii) states that the list of first aid treatments included in Section 1904.7(b)(5)(iii) is comprehensive. Any treatments not included on the list would not be considered "first aid" for OSHA recordkeeping purposes.

Thank you for your interest in occupational safety and health. 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,

Keith Goddard, Director
Directorate of Evaluation and Analysis

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