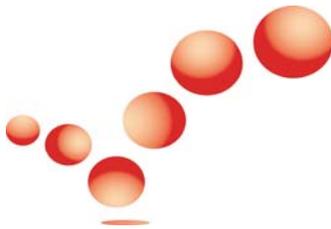


## OSHA's Letter of Interpretation

# Am I Required to Record a Case When a Prescription is Issued but the Employee Does Not Fill That Prescription?



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## Understanding OSHA Regulations & Interpretations

### Featured Letter of Interpretation: Prescriptions Not Filled

This month we discuss a very common question regarding prescription medicines as issued by a health care professional. As you know, prescription med's trigger an OSHA recordable, but let's look deeper.

Suppose your employee received a prescription from the doctor but felt well enough that they elected to not fill the prescription. Are you still required to make an entry in the OSHA Form 300? After all, the employee did not ever take the medicine. . .

Well I suppose we could make a good argument both for and against recording this event. In fact some of our arguments might be very convincing; however what we want to know is "What does OSHA say?" To answer that question, let review the Letter of Interpretation from OSHA dated October 29, 2001.

Note the following points:

- **When a licensed health care professional issues a prescription, a recordable event is automatically triggered.**
- **The patients acceptance or refusal of the treatment does not alter the fact that, in the health care professionals judgment, the case warranted a script for the issuance of prescription medicine**
- **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).**

The following letter of interpretation was taken from the OSHA website at [www.osha.gov](http://www.osha.gov). No text has been added or deleted; however we have bolded and highlighted certain text sections in red for clarification purposes.

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Mr. Danny Dean Harris

**[Note: For the sake of space, the first two paragraphs from OSHA were deleted from this text]**

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 non-prescription medicine at non-prescription 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 its 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 judgment, 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 was prescribed.

I hope that you find this information useful. Thanks 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

<END OF LETTER>