

# *The Needlestick Safety and Prevention Act*

## Frequently Asked Questions

### **Who must comply?**

Facilities where employees may be exposed to blood or other potentially infectious materials, including:

- Surgery Centers
- Hospitals
- Physician Offices

### **What must I do to be in compliance?**

- Create a Bloodborne Pathogen Exposure Control Plan.
- Solicit non-managerial input in the selection of sharps safety devices.
- Document the consideration and implementation of sharps safety devices.
- Continually evaluate the effectiveness of engineering controls.
- Maintain a sharps injury log.
- Review the Compliance Directive to determine other necessary changes specific to your facility.

### **What are “safer medical devices”?**

“Safer medical devices” are devices engineered to prevent injuries to healthcare workers before, during and after use.

### **Under what circumstances may I choose not to employ a sharps-safe device?**

Only in the event the safety device comprises patient, staff or user safety or unduly interferes with the medical procedure; or if a device is not commercially available. Otherwise, where engineering controls are commercially available and feasible, they must be used.

### **I currently employ sharps devices that are provided in a procedural pack, of which I am contractually obligated to purchase. Does this justify not employing sharps-safe devices?**

No. Contractual obligations do not exempt a facility from complying with the standard if a sharps-safe device is feasible and commercially available.

### **If the surgeon simply prefers their existing scalpel to a sharps-safe scalpel, is that reason enough to justify not employing the sharps-safe device?**

No. As long as the sharps-safe device is feasible and commercially available it must be used, regardless of individual preferences.

### **How is OSHA enforcing the new law?**

OSHA enforcement is via on-site inspections and the issuance of citations and fines when facilities are determined to be out of compliance. Each citation can warrant a fine of up to \$7,000, and blatant violations can lead to fines as high as \$70,000.

### **Where can I find additional information?**

- [www.osha.gov](http://www.osha.gov)
- [www.cdc.gov/niosh](http://www.cdc.gov/niosh)
- [www.jcaho.org](http://www.jcaho.org)
- [www.diamatrix.com](http://www.diamatrix.com)

### **Did you know?**

- JCAHO accreditation requires full compliance to the law?
- State regulations may exceed but not be less stringent than federal requirements?

#### *Sources:*

*OSHA, Health Industry Distributor Association publication, “Needlestick Safety and Prevention Act: Overview and Enforcement Fact Sheet”*  
*OSHA, Directorate of Enforcement Programs, Standard Interpretations, “09/01/2004 Limiting factors for implementing the use of engineering controls, i.e., safety scalpels, under the Bloodborne Pathogens standard.”*  
*Doc 20050811*