

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
- www.cdc.gov/niosh
- www.jcaho.org
- 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