



MONTANA MUNICIPAL INTERLOCAL AUTHORITY

PO Box 6669

Helena, MT 59604-6669

## RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel and post in a conspicuous place.

**Date:** 8/28/2023

**RM Bulletin #02-24**

**To:** MMIA Member-Owners

**From:** MMIA Risk Management

**RE:** Injury Reporting and Recording Criteria

Public sector employers in the state of Montana are subject to occupational safety and health rules similar to private sector employers. However, whereas private sector is regulated and enforced by the federal Occupational Safety and Health Administration (OSHA), public sector is regulated and enforced by the Montana Department of Labor & Industry (Department).

### Reporting Requirements

In June of 2019 injury reporting and recording requirements were updated and put into effect for all public sector employers throughout the state of Montana. Under the newly adopted standards, all public sector employers must report any workplace fatality, inpatient hospitalization, amputation of any kind, or a loss of an eye as a result of a work-related incident or accident.

The Department incorporated by reference the federal occupational safety and health reporting requirements found in the Code of Federal Regulations (CFR) 1904. For complete details of the act, please review MCA Title 50 Chapter 71 Part 1 and ARM 24.30.102 through 24.30.107.

- 29 CFR 1904.4 through 1904.11
- 29 CFR 1904.29 through 1904.33
- 29 CFR 1904.35 and 1904.36
- 29 CFR 1904.39 through 1904.42

### Reporting Criteria (CFR 1904.39)

Workplace fatalities must be reported within eight (8) hours from the time that the work-related incident occurred. Any inpatient hospitalization greater than general first-aid, amputation, or loss of an eye as a result of a work-related incident must be reported within twenty-four (24) hours from the time the accident occurred. Staying in compliance with reporting requirements is the first step in getting your employees back to work in a timely manner. All injuries that include in patient hospitalization, amputation, loss of eye, or death must be **reported** to the Department via phone or online within the reporting criteria timeframe.



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### Definitions

#### ***How is "in-patient hospitalization" defined?***

According to CFR 1904.39 (b) (9), it is defined as a formal admission to the in-patient service of a hospital or clinic for care or treatment. Treatment greater than first-aid must be reported.

#### ***How is "amputation" defined?***

According to CFR 1904.39 (b) (11) it is defined as the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

#### ***Determination of "Work-Relatedness".***

**Work-relatedness** is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment unless an exception specifically applies. A case is presumed work-related if, and only if, an event or exposure in the work environment is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.

### Frequently asked questions

#### ***1. Do I have to report the fatality, inpatient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway?***

If the motor vehicle accident occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, inpatient hospitalization, amputation, or loss of an eye to OSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

#### ***2. Do I have to report the fatality, inpatient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system?***

No, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to the Department if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

#### ***3. Do I have to report a work-related fatality or in-patient hospitalization caused by a heart attack?***

Yes, the Department will decide whether to investigate the event, depending on the circumstances of the heart attack.



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#### ***4. What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?***

You must only report a fatality to the Department if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to the Department if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

#### ***5. What if I don't learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye right away?***

If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to the Department within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agent(s): Eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

#### ***6. Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing?***

No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to the Department each inpatient hospitalization that involves care or treatment.

#### ***7. What information do I need to give to OSHA for in-patient hospitalization, amputation, or loss of an eye?***

You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

- The establishment name
- The location of the work-related incident
- The time of the work-related incident
- The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye)
- The number of employees who suffered from the incident or accident
- The names of the employees who suffered from the incident or accident
- Your contact person and his or her phone number
- A brief description of the work-related incident.



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### Where and how do I report a workplace injury?

For the purposes of reporting fatalities, hospitalizations, amputations, and loss of an eye, the employer is to contact the Department by electronic submission online or by telephone.

- Electronic submission to the reporting application at the department's public web site at <http://erd.dli.mt.gov/safety-health>
- Call MT DLI Rapid Report 24-hour hotline: 1 (844) 669- 5461
- Helena Office number: 406-444-6543

### General Recording Criteria (CFR 1904.7)

Under the newly adopted standards, all public sector employers must record an injury or illness on their OSHA Form 300 Log of Work-Related Injuries and Illnesses if it results in one or more of the following:

- Death (8 hours to report)
- Days away from work (24 hours to report)
- One or more days of restricted work activity (24 hours to report)
- Loss of hearing (24 hours to report)
- Transfer to another job (24 hours to report)
- Medical treatment beyond first-aid (24 hours to report)
- Loss of consciousness (24 hours to report)
- Significant injury or illness diagnosed by a PLHCP (24 hours to report)
- Needle sticks (24 hours to report)
- Exposures to blood or other infectious materials (24 hours to report)

Recording an injury or illness on the OSHA Form 300 Log of Work-Related Injuries and Illnesses *is in addition* to the reporting requirements of CFR 1904.39.

### Questions on Injury or Illness Reporting or Recording?

Contact the MMIA risk management team at 800-635-3089 or [riskmgmt@mmia.net](mailto:riskmgmt@mmia.net).