

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Citation and Notification of Penalty

To:
Anderson Foot and Ankle Clinic
and its successors
1210 Homelife Plaza
Rolla, MO 65401

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017
Reply to the Attention: Strategic Team Leader

Inspection Site:
1210 Homelife Plaza
Rolla, MO 65401

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/08/2017. The conference will be held by telephone or at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at

_____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1249801

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401
Issuance Date: 11/08/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(iv): The Exposure Control Plan was not reviewed and updated at least annually:

The employer did not update the exposure control plan which was developed to protect employees with occupational exposure to bloodborne pathogens. There was no documentation that the plan was reviewed and updated.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$3622.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1910.1030(c)(1)(v): The employer, who is required to establish an Exposure Control Plan, did not solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation and selection of effective engineering and work practice controls and did not document the solicitation in the Exposure Control plan:

The employer did not solicit input from non-managerial employees responsible for direct patient care, who were potentially exposed to injuries from contaminated sharps, in the identification, evaluation and selection of effective engineering and work practice controls and did not document the solicitation in the Exposure Control plan.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$3622.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1910.1030(d)(2)(vii): Contaminated needles and other contaminated sharps were bent, recapped, or removed except as noted in paragraphs (d)(2)(vii)(A) and (d)(2)(vii)(B) below in that contaminated needles and other contaminated sharps were bent, recapped, removed, sheared, broken; and/or the employer did not demonstrate that no alternative was feasible or that such action was required by a specific medical or dental procedure:

Where safer needle and scalpel devices were feasible, employer physicians recapped needles, and physicians and assistants removed scalpel blades during medical procedures.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$3622.00



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1910.1030(f)(1)(i): The employer did not make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure:

Where employees, including both medical assistants and employee physicians (past and present), had occupational exposure, during procedures such as, but not limited to, office surgical intervention, ulceration treatment, post-operation wound care, debridement of ulcers, wound vacuum treatment procedures, avulsion treatments where blood existed, callous shaving where blood was drawn, clean-up after patient treatment, and handling of blood contaminated waste, those employees were not offered the hepatitis B vaccination series. (Note: There were no records available to show if all employees with potential exposure had the three series of shots for hepatitis B.)
Abatement documentation is required for this violation.

IN THE ALTERNATIVE:

29 CFR 1910.1030(f)(2)(iv): The employer did not assure that employees who declined to accept hepatitis B vaccination signed the statement in appendix A (declination form):

No declination forms could be produced at the time of the inspection.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:
Proposed Penalty:

12/28/2017
\$3622.00



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 5 a Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ii)(A): The employer did not ensure that training was provided to employees with occupational exposure at the time of initial assignment to tasks where occupational exposure might take place:

The employer did not provide training to employees at the time of their initial assignment where there was potential exposure to blood and other potentially infectious materials; there was no training provided according to the requirements of the standard. (Note: there was no training documentation at the time of the inspection.)

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$3622.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
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Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 5 b Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(ii)(B): The employer did not ensure that the training was provided to employees with occupational exposure at least annually:

The employer did not provide annual training, including those elements as required by the OSHA standard, to employees who had occupational exposure to blood or other potentially infectious material. (Note: there was no training documentation at the time of the inspection.)

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 5 c Type of Violation: **Serious**

29 CFR 1910.1030(g)(2)(vii): The employer's training program did not contain the minimum elements required by 29 CFR 1910.1030(g)(2)(vii)(A) through (g)(2)(vii)(N):

The employer did not provide training to employees where there was potential exposure to blood and other potentially infectious materials; training was not provided according to the requirements of the standard, including on the OSHA standard, epidemiology and symptoms, the employer's exposure control plan, on risks associated with changing scalpel blades and the prohibition of hand to hand passing, information on the hepatitis B vaccination and information on other bloodborne pathogens such as hepatitis C, how exposure incidents were to be handled, including on post exposure evaluation and follow-up, opportunity for input on use of safer engineered sharps, handling blood contaminated waste, and an opportunity for interactive questions and answers. (Note: there was no training documentation at the time of the inspection.)

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 6 a Type of Violation: **Serious**

29 CFR 1910.1200(g)(8): The employer did not maintain in the workplace copies of the required safety data sheets for each hazardous chemical:

Material safety data sheets had not been replaced with safety data sheets.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$2173.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 6 b Type of Violation: **Serious**

29 CFR 1910.1200(e)(1)(i): The employer did not compile a list of the hazardous chemicals known to be present using a product identifier that was referenced on the appropriate safety data sheet.

There was no list of chemicals/chemical products used at the clinic. (Note: the employer's written chemical hazard communication program correctly stated that a list of chemicals is required and stated that a list was present in the program although it was blank.)

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 7 a Type of Violation: **Serious**

29 CFR 1910.1200(h)(2)(i): The employer did not provide information to the employees on the requirements of the Hazard Communication Standard 29 CFR 1910.1200:

Chemical hazard communication training, as outlined in the OSHA standard, was not provided to employees who used chemicals, including phenol, ethyl chloride, hydrogen peroxide, photographic fixer and developer, and disinfectants such as Madacide.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$2173.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 7 b Type of Violation: **Serious**

29 CFR 1910.1200(h)(2)(iii): The employer did not provide information to the employees as to the location and availability of the written hazard communication program, and safety data sheets required by 29 CFR 1910.1200:

Chemical hazard communication training, as outlined in the OSHA standard, was not provided to employees who used chemicals, including phenol, ethyl chloride, hydrogen peroxide, photographic fixer and developer, and disinfectants such as Madacide.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 7 c Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(ii): Employee training did not include the physical and health hazards of the chemicals in the work area:

Chemical hazard communication training, as outlined in the OSHA standard, was not provided to employees who used chemicals, including phenol, ethyl chloride, hydrogen peroxide, photographic fixer and developer, and disinfectants such as Madacide.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 7 d Type of Violation: **Serious**

29 CFR 1910.1200(h)(3)(iv): The details of the hazard communication program developed by the employer, did not include an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employee could obtain and use the appropriate hazard information:

Chemical hazard communication training, as outlined in the OSHA standard, was not provided to employees who used chemicals, including phenol, ethyl chloride, hydrogen peroxide, photographic fixer and developer, and disinfectants such as Madacide.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/28/2017

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 1 Item 7 e Type of Violation: **Serious**

29 CFR 1910.1200(j)(1): The employer did not train employees regarding the new label elements and safety data sheets format by December 1, 2013:

Chemical hazard communication training on the changes for labeling and the replacement of material safety data sheet with the new safety data sheet, including training on the new format, was not provided to employees who used chemicals, including phenol, ethyl chloride, hydrogen peroxide, photographic fixer and developer, and disinfectants such as Madacide.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

12/28/2017

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 2 Item 1 Type of Violation: **Willful**

29 CFR 1910.1030(d)(4)(iii)(B)(1)(iii): Regulated waste was placed in containers which were not labeled or color-coded in accordance with 29 CFR 1910.1030(g)(1)(i):

On the opening day of inspection, 7-19-17, the employer directed employees to remove blood contaminated waste from regular trash containers in examination rooms, and place in regulated waste containers.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$43456.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 3 Item 1 Type of Violation: **Willful**

29 CFR 1910.1030(c)(1)(ii)(A): The employer's Exposure Control Plan did not include the exposure determination required by 29 CFR 1910.1030(c)(2):

The employer did not conduct an exposure determination before the beginning of the inspection on 7-19-17 and there was no documentation. A document was provided to OSHA on 8-3-17, "JOB CLASSIFICATONS AT OUR FACILITY," and the employer stated it was completed before the inspection.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$9054.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1249801
Inspection Date(s): 07/19/2017 - 11/06/2017
Issuance Date: 11/08/2017



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 3 Item 2 Type of Violation: **Willful**

29 CFR 1910.1030(c)(1)(iv)(B): The review and update of the exposure control plan did not document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure:

The employer did not document a safer medical devices evaluation before the beginning of the inspection on 7-19-17. A document was provided on 8-3-17, "Safer Sharps Evaluation," that was dated as being completed on 6/16/2017.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	12/28/2017
Proposed Penalty:	\$9054.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



Citation and Notification of Penalty

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401

Citation 3 Item 3 Type of Violation: **Willful**

29 CFR 1910.1030(h)(2)(i): The employer's records for annual bloodborne pathogen training did not include all of the elements required by (h)(2)(i)(A)-(D) of 29 CFR 1910.1030:

The employer did not document OSHA required training, including all the elements stated in the OSHA standard, before the beginning of the inspection on 7-19-17. A document was provided to OSHA on 8-3-17, "OSHA Training," dated 9/1/16, and "OSHA/Safety," also dated 9/1/16, which listed some of the OSHA required training elements. The training record was dated as being completed on 9/1/16.

Abatement documentation is required for this violation.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated: 12/28/2017
Proposed Penalty: \$9054.00

A handwritten signature in blue ink that reads "William McDonald". The signature is written in a cursive style and is positioned above a horizontal line.

for **William McDonald, CSP**
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



INVOICE / DEBT COLLECTION NOTICE

Company Name: Anderson Foot and Ankle Clinic
Inspection Site: 1210 Homelife Plaza, Rolla, MO 65401
Issuance Date: 11/08/2017

Summary of Penalties for Inspection Number	1249801
Citation 1, Serious	\$22456.00
Citation 2, Willful	\$43456.00
Citation 3, Willful	\$27162.00
TOTAL PROPOSED PENALTIES	\$93074.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your

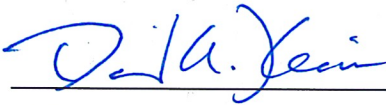
original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

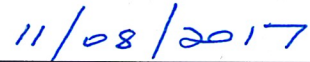
Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



William McDonald, CSP

Area Director



Date