

MEDICAL MONITORING UNDER THE OSHA SILICA STANDARD FOR THE CONSTRUCTION INDUSTRY *GUIDE FOR EMPLOYERS*

This guide is intended to help employers 1) understand the medical monitoring requirements (paragraph (h)) in the OSHA silica standard for the construction industry (§1926.1153 Respirable Crystalline Silica), and 2) set up the program for their employees.

Which employees are covered by the medical surveillance requirement?

You must provide medical surveillance for employees who are required to wear a respirator for 30 days or more a year because they are performing work covered by the standard. According to [OSHA's Small Entity Compliance Guide for the Respirable Crystalline Silica Standard for Construction](#) (p.48), “[i]f the employee is required to wear a respirator at any time during a day, that counts as one day of respirator use.” For example, if the standard requires an employee to wear a respirator while jackhammering concrete indoors for 2 hours, that time would be counted as 1 day towards the 30 days.

Note: Respirator use **does not** count towards the 30 days when your employee:

- is **not required** to wear a respirator for the work performed under the silica standard, but you choose to have the employee wear a respirator.
- wears a respirator while performing work covered by the standard for other employers.
- wears a respirator to protect from hazards other than silica.

When and how often should employees have a medical examination?

Each worker who is required to wear a respirator under the standard must be offered a medical exam:

- within the first 30 days of being assigned work covered by the standard; and
- every three years after the initial exam if the worker is still required to wear a respirator for 30 days or more per year under the standard.

Note: If your employee can show that he or she has already had the required medical examination within the last three years, you do not have to offer another medical exam. The employee can show they've had this exam by providing a copy of the **written medical opinion** that was sent by the physician or other licensed health care professional to their prior employer when they had the exam. You must make sure that your employees receive a copy of the written medical opinion that is sent to you following their exam. Encourage your employees to keep a copy of the written medical opinion so that they can share it with future employers.

How do you set up a medical monitoring program?

The three key steps to follow to set up a medical monitoring program include:

STEP 1 – FIND A HEALTH PROFESSIONAL TO WORK WITH

The first step in setting up a medical monitoring program is to find a health professional (referred to in the standard as a “Physician or Other Licensed Health Care Professional” or “PLHCP”) who can work with your company to set up the program.

The health professional can be a doctor, nurse practitioner, or physician’s assistant who is licensed to practice in your state. This person is allowed to perform, or supervise others performing, the medical exams and tests that are required by the standard.

What is the role of the health care professional?

The health professional performs or oversees all the exams, reviews the results of the tests, talks with the employee about the results, and prepares a detailed **written medical report** for the employee and a less detailed **written medical opinion** for the employer (both are required by the standard). The health professional also maintains the medical records.

Can any health professional oversee the silica medical monitoring program?

The health professional must be licensed to practice in your state, and ideally should be trained in the field of occupational medicine or have experience with medical monitoring programs. Some physicians and nurse practitioners have finished a special training program and are certified in occupational health or occupational medicine. This specialized training can help with setting up a medical monitoring program, and proper diagnosis and treatment.

How do I find a health professional?

There is no complete list of all the health professionals who are trained in the occupational health field or have experience in overseeing medical monitoring exams. However, there are steps you can take to find one near you with the knowledge and experience to help you set up your medical monitoring program.

The national organization of occupational medicine physicians has a list of their members <http://www.acoem.org/doctorfindersearch.aspx>. In addition, US News has profiles of more than 700,000 doctors -- nearly all those in the country -- who have an M.D. or D.O. degree and are currently in practice. This includes a searchable list of occupational medicine specialists (<http://health.usnews.com/doctors/location-index/occupational-medicine-specialists>). **Note:** neither of these lists of doctors are ranked, rated or evaluated for quality and experience, and they include physicians who may not be available to provide services, such as those who work for the government or private corporations.

You can also identify local hospitals or clinics that you trust and see whether they offer occupational health or occupational medicine services. You may already have a relationship with a local hospital or clinic for other purposes, or you may want to select one for this program only. Although there are a number of measures of

hospital or clinic quality, these won't typically assess the quality of occupational health services, but they may be of value. Both the federal government Medicare program and the non-profit LeapFrog Group list hospitals that participate voluntarily in a quality rating program by geographic location (see:

<http://www.leapfroggroup.org/compare-hospitals> and <https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/HospitalQualityInits/HospitalCompare.html>)

Once you identify a hospital or clinic that offers these services, you can usually find the medical director and other personnel listed online. You can also find information about board certification in occupational medicine and in other clinical specialties, such as internal medicine or family medicine.

Alternatively, you can contact the non-profit organization, Association of Occupational and Environmental Clinics (AOEC), to help you find a health care professional. Contact them at 888-347-2632 or aoec@aoec.org.

STEP 2 – INTERVIEW THE HEALTH PROFESSIONAL TO ENSURE THEY ARE ABLE TO MEET YOUR NEEDS

Before you arrange for a health care professional for your medical surveillance program, you should interview them to make sure they have the right experience, knowledge, and resources. When you have this interview, you should provide the health professional with a copy of **Appendix B Medical Surveillance Guidelines** from the silica standard (<https://www.osha.gov/silica/AppendixBtosect1926.1153.pdf>). Appendix B was developed to *“to aid physicians and other licensed health care professionals (PLHCPs) regarding compliance with the medical surveillance provisions of the respirable crystalline silica standard.”*

The key questions to ask during the interview include:

- ask** 1. **Have you worked with employers to perform medical exams for workers exposed to silica or other toxic exposures?**
 - Some medical practices have a lot of experience with injuries and emergencies. However, they may not be familiar with OSHA rules or the medical exams that are required.
- ask** 2. **Can you perform all the tests that are required by the silica standard?**
 - The requirements of the exam include:
 - **Initial (or baseline) medical and occupational history.** At a minimum, the health professional must take a complete medical and job history. The health professional should ask about exposure to silica and other chemicals/dusts, breathing problems, tuberculosis (TB) and tobacco use, and may ask about heart conditions. The history must be repeated every 3 years or sooner if recommended by the health professional.
 - **Testing for tuberculosis (TB) infection.** This test must be done with the initial examination. The TB test may be repeated with the follow-up examinations based on the advice of the health professional.
 - **Chest x-ray.** Almost all x-rays are done in digital format. They can be sent to radiologists and specialists who are called B readers. B readers are experts who read the chest x-ray for dust diseases of the lung. The x-ray is a single view only (front/back). All chest x-rays must be read by a B reader who is approved by the National Institute for Occupational Safety and Health (NIOSH). The chest x-ray must be done at the initial exam, and at least every 3 years.

- **Spirometry.** This is a breathing test to measure how much air is in the lungs and how fast the air is blown out. The test is usually done in the doctor's office and must be given by a technician with a current certificate from a NIOSH-approved course. The test must be done at the initial exam and at least every 3 years.

ask 3. Do you understand the reporting requirements and the need to provide different reports to the employee and the employer?

- The health professional must give a detailed **written medical report** to the **employee** within 30 days of the exam. This report must explain the medical exam results and whether the employee would be likely to have more health problems if they are exposed to silica dust. The report must also explain any recommended limits on their use of a respirator and exposure to respirable crystalline silica, and indicate if a referral to a specialist is recommended. It is important for employees to give a copy of the written medical report to their own doctors and keep a copy for their own health records.
- The health professional must also give a less detailed **written medical opinion** to the **employer** within 30 days of the exam. The only information provided in this medical opinion is the date of the exam, a statement that the exam met the requirements of the standard, and any limits on the employee's use of a respirator.
- The health professional cannot provide the employer with any other medical information, including whether the employee can continue to work around silica dust and/or needs to be referred to another medical specialist, without the employee's permission.
- If the B reader rates the chest x-ray as 1/0 or greater or if the spirometry is abnormal, the health professional must give the **employee** the option to be sent to a specialist in occupational medicine or pulmonary disease. If the employee agrees to see a specialist, the employer must be notified and the employer must pay for the specialist evaluation. The appointment with the specialist must be made available within 30 days after the employer receives the written medical opinion from the health professional.

ask 4. Do you have the ability to keep the test records for the duration of employment plus 30 years, as required by the standard?

- The health professional must be able to keep all records of the exam and testing for the duration of employment plus 30 years (as required by the OSHA standard 29 CFR 1910.1020), and to make the records available to the employee on request.
- If the employee works for the employer for less than one year, the health professional is not required to keep the medical records if a copy is given to the employee.

STEP 3 – FINALIZE THE CONTRACT AND BEGIN TO MAKE APPOINTMENTS FOR YOUR EMPLOYEES

You will most likely need to agree in writing to the terms and costs of the medical monitoring services. This agreement may vary depending on the health care provider, and is often arranged with the occupational health practice business manager or administrator.

This agreement should specify:

- the cost of the program;
- methods and timing of the payment;
- how much in advance the medical examinations need to be scheduled;
- cancellation policies;
- office hours; and
- who to contact with questions.

In addition, if you do not already have a process for medical clearance for your employees to use respirators, you may want to ask whether the health professional can offer that service, and whether they can conduct respirator fit testing.

Once you have identified an employee who needs an examination, you should give the name of this employee to the health professional's office. We recommend that you contact the health professional's office to make an appointment for your employee, or to ask the health professional's office to contact your employee to schedule the appointment. You must pay your employee for the time spent traveling and undergoing the medical examination. This is commonly done during business hours, but sometimes the health professional's office may have evening or weekend appointment times.



OTHER RESOURCES:

OSHA's website (<https://www.osha.gov/dsg/topics/silicacrystalline/construction.html>), which includes a *Small Entity Compliance Guide for the Respirable Crystalline Silica Standard for Construction*, available at: <https://www.osha.gov/Publications/OSHA3902.pdf>

Work Safely with Silica website (www.silica-safe.org), which includes information on the health risks, methods of control, and a free online planning tool that can be used to develop the written exposure control plan required by the standard.

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