

U.S. Department of Labor

Occupational Safety and Health Administration
Marlton Area Office
Marlton Executive Park- Bldg. 2, Suite 120
701 Route 73 South
Marlton, NJ 08053
Phone: (856) 596-5200 Fax: (856) 596-5201
OSHA Website Address: <http://www.osha.gov>



INFORMAL SETTLEMENT AGREEMENT

In the matter of: Virtua Hospital - Memorial
OSHA No.(s): 1148262

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on November 14, 2016, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below. The Employer agrees to submit written proof of abatement within one week of the final abatement date. The Citations and Notifications of Penalties are deemed amended to include the full terms of this Agreement, including all abatement measures, all agreements as to actions to be taken by Respondent, and all implementation dates, that are described in this Agreement.
2. The Employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.
3. The Employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation(s). This Settlement Agreement must remain posted until the violation(s) cited have been corrected, or for 3 working days (excluding weekends and Federal Holiday), whichever is longer.
4. The Employer agrees to pay the amended penalty of \$12,471.00 to be paid in full by December 20, 2016.
5. The Employer and OSHA agree that the following citations and penalties are being amended as shown below:

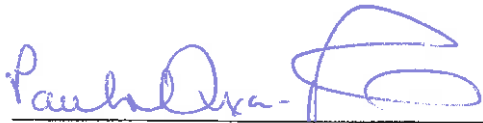
Citation 1 Item 1,	Penalty amended to \$12,471.00.	Abatement due 12/2/2017.
Citation 2 Item 1,	Penalty amended to \$0.00.	Abatement due 2/28/2017.
Citation 2 Item 2,	Penalty amended to \$0.00.	Abatement due 2/28/2017.
Citation 2 Item 3,	Penalty amended to \$0.00.	Abatement due 2/28/2017.
6. The Employer shall within three months retain the services of a certified ergonomist to assist with developing the below-referenced comprehensive safe patient handling and mobility program.

7. The Employer will institute a comprehensive safe patient handling and mobility program within 12 months. Within 6 months, the Employer will draft a written program and patient handling policies, which will be implemented within 12 months. The program will include: a safe patient handling committee, patient assessment, patient handling and mobility algorithms, patient handling equipment for dependent and partially dependent patients, a plan for achieving prompt access to equipment, work place assessment, a plan for training managers and caregivers and a demonstration of proficiency in techniques and practices, staff responsibilities, a program that encourages early reporting and follow-up to promote healing and to prevent re-injury, and an annual evaluation of the program with revisions based on data analysis.
8. The Employer will send updates during calendar year 2017 to the Marlton Area Office on the progress of the safe patient handling and mobility program (such updates will be sent on or about February 1, 2017, April 1, 2017, July 1, 2017 and October 1, 2017).
9. OSHA will conduct at least two "monitoring inspections" at Memorial Hospital within calendar year 2017, to verify compliance with this ISA. The scope of the OSHA monitoring inspections shall be limited to the verification of compliance with this ISA, unless other non-compliant conditions are observed in plain view of OSHA during the verification visit. If OSHA determines that the Employer is not or may not be in compliance with any portion of this ISA, OSHA shall promptly notify the Employer in writing of its findings. The Employer shall have 30 days from receipt of OSHA's notification to provide a written response to OSHA. With 30 days of receipt of the Employer's written response, the parties will enter into good faith discussions to attempt to resolve the issue(s). If the parties are unable to resolve the issue within 30 days of entering into such discussions, the parties may, by agreement, extend such timeframe, or OSHA shall determine the appropriate course of action. Nothing herein shall limit OSHA's authority to enter and inspect in response to a complaint or referral.
10. The Employer will provide monthly safe patient handling committee meeting minutes to the Marlton Area Office for the first six months of 2017. The minutes are to include committee member names, action items, and the progress and resolution of the previous month's actions items.
11. The Employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 5 of this agreement. The Employer hereby withdraws its letter of notice of right to contest, dated 12/7/16.
12. None of the allegations in the above citation(s) and penalties, any of the terms of this Informal Settlement Agreement ("ISA"), or any statements or actions taken by the Employer in response to the above citation(s) and penalties and this ISA

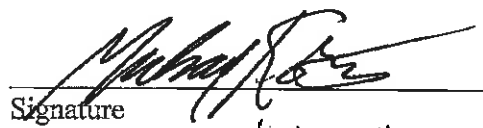
shall be deemed an admission by the Employer of any of the allegations contained within the citation(s), or of any other alleged wrongdoing. The agreements, statements and actions reflected in this ISA are made for the purpose of settling this matter amicably, and they shall not be used for any purpose or in any legal proceedings, except for proceedings in matters arising under the Occupational Safety and Health Act.

Further, this proposed ISA is not to be taken as an admission on the part of the Employer that any of the conditions alleged in the above citation(s) and penalties were the cause or a cause, proximate or otherwise, of any accident or injury that may or may not have occurred, or which may or may not have resulted in any damages.

Please note; all checks should be made out to "DOL-OSHA" and have the inspection number on the check. All Payments should be sent to, our address here.



For Occupational Safety and Health Administration Date
Paula Dixon-Roderick 12/7/16



Signature Date
For the Employer Virtua Memorial Hospital 12/7/16

Michael Kotzen Executive Vice President
Print Name Title

Notice to Employees

The law gives you or your representative the opportunity to object to any abatement date for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 4 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at Marlton Executive Park -- Bldg 2 -- Suite 120, 701 Route 73 South, Marlton, NJ 08053, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement, You or your representative also have the right to object to any of the abatement dates set for violations, which were not amended, provided that the objection is mailed to the office shown above within the 15-working-day period established by the original citation.