



## Fatalities and Multiple Hospitalizations

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-1494

Within eight hours after the death of any employee from a work-related incident, you must orally report the fatality by contacting Tennessee OSHA at 800-249-8510 or after hours by calling the National OSHA at 800-321-6742. . If the area office is closed, employers **may not** leave a message on the answering machine, nor fax the area office, nor send an e-mail, but **must call** the toll-free number for the U.S. Department of Labor OSHA office or the reporting application located on OSHA's public website at [www.osha.gov](http://www.osha.gov) [1]. 29 C.F.R. § 1904.39(b)(1). Only fatalities occurring within 30 days of the work-related incident must be reported in the above manner.

Within 24 hours of an in-patient hospitalization, amputation, or loss of an eye of as the result of a work-related incident, you must report these events to Tennessee OSHA by completing the online report on the TOSHA website or alternatively, you may call Tennessee OSHA at 1-800-249-9510 or after hours employers also may use the OSHA toll-free central telephone number, 1-800-321-6742 (1-800-321-OSHA). 29 C.F.R. § 1904.39(a). If the hospitalization does not occur within 24 hours of the work-related incident you do not have to report in the above manner. Also, if the hospitalization is for diagnostic testing or observation only, it is exempt from these reporting requirements.

In reporting a fatality or multiple hospitalizations, you must provide the following information: 29 C.F.R. § 1904.39(b)(2)

- Establishment name;
- Location of the incident;
- Time of the incident;
- Type of reportable event (i.e. fatality, in-patient hospitalization, amputation, or loss of an eye);
- Number of fatalities or affected employees;
- Name(s) of employee(s);
- A contact person for you and his/her phone number; and
- A brief description of the incident.

If you do not learn about a fatality right away, you must make the report within eight hours of the time the incident is reported. In the event of in-patient hospitalization, amputation or loss of an eye, you have 24 hours from the time the incident is reported.

As with other rules, there are exceptions. Employers do not have to report all incidents involving fatalities and hospitalizations resulting from a motor vehicle accident, if the motor vehicle accident occurs on a public street or highway and does not occur in a construction work zone. The injuries, however, must be recorded on the OSHA injury and illness record, if you are required to keep such a record (death, loss of days, restricted duties, transfer, etc.). 29 C.F.R. § 1904.39(b)(3). The same rules apply to incidents involving commercial airplane, train, subway or bus accidents. 29 C.F.R. § 1904.39(b)(4). These exceptions must still be recorded on your OSHA injury and illness records.

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### Links:

[1] <http://www.osha.gov>

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

**Source URL (retrieved on 07/09/2020 - 3:42am):** <http://www.mtas.tennessee.edu/reference/fatalities-and-multiple-hospitalizations>



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