

Risk Conversations — A Senior Living Podcast:

Episode 4

SCOTT BERTULIS: And the other guidance that I give my clients is documentation is also critical during an inspection. So, it's just document, document, document everything-- conversations, what questions were asked, how were they answered.

[INTENSE MUSIC]

SPEAKER 1: Welcome to Risk Conversations, a senior living podcast. Your host, Tara Clayton, is a consultant with Willis Tower Watson Senior Living Center of Excellence. She gained many insights from her prior experience as a litigator and in-house counsel. While no longer providing legal advice, she now offers clients strategic and useful risk management advice. Tara talks to industry partners about the challenges they face and the solutions they seek as part of our mission of helping seniors thrive.

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Hello, everyone, and welcome back to Risk Conversations, a senior living podcast where we discuss a variety of risk issues and solutions facing the senior living industry. I'm your host Tara Clayton. And in today's episode, we're going to dig into the recent flurry of activity out of an important federal agency program that all senior living providers should be aware of-- specifically, the Occupational Safety and Health Administration, also known as OSHA. To help lead us in this discussion, I'd like to introduce today's industry expert, my colleague Scott Bertulis, the vice president and senior risk control consultant at Willis Towers Watson. Scott, welcome to the show.

SCOTT BERTULIS: Glad to be here. Thank you for inviting me, Tara.

TARA CLAYTON: Yeah, Scott, I'm really excited to talk with you today. And just to give the audience a little bit of background, you're a certified safety professional, as well as certified as an OSHA outreach instructor for general industry standards. And I bring that up because it's going to be very relevant to the discussion we're having today. But if you could, can you give us just a little bit of background about how you use your experience and your certification and knowledge here at Willis Towers Watson?

SCOTT BERTULIS: Specifically, I work with our clients to help develop compliance policies and procedures, training programs, and anything related to OSHA compliance that I can and where there is a need. And so typically, when I start a relationship with a new client, it's evaluating where they are with regard to OSHA compliance, and then determining what's needed through either written policy, training, and whatnot.

TARA CLAYTON: Awesome. And Scott, obviously, we work pretty close together, and I've seen a lot of the great things that you've done with clients. And what I wanted to talk with you about today-- focusing on those services that you're doing with clients really around the OSHA space specifically. I've talked in some other episodes already about the impact COVID-19 has had in a whole host of different areas affecting the senior living industry. And I think OSHA is absolutely one of those issues, especially right now. And so I wanted to-- first before we get into some of the changes we're seeing out of OSHA in response to COVID, can you talk to me and to the listeners about what exactly is OSHA, and why is that agency important for senior living operators to know?

SCOTT BERTULIS: Sure. Well, very simply, OSHA is the Occupational Safety and Health Administration. And they have a mission. Their overarching mission is to ensure a safe and healthful work environment for all men and women in the US.

And to that extent they have enforcement. So, they have written standards to abide by. There're different sets of standards based on the particular industry. There's general industry, construction, maritime. Senior living is bound by the general industry standards that we'll talk about today specifically.

And in addition to setting those standards and enforcing those standards, they also provide training, outreach, education, and different types of assistance. I'm an outreach trainer. So, I'm

part of that program, that outreach that OSHA has. I'm an authorized outreach instructor, and I have been for, oh, over 25 years now. I can't believe it's that long.

But yeah, I've been teaching OSHA 10- and 30-hour classes for that length of time-- for 25 years now. So, I enjoy it. It is something that I like to do with my clients. And just providing education and information is really important.

TARA CLAYTON: Well, it sounds from that experience, too, Scott, that you really have a good understanding of the things that OSHA is looking at, especially when they come out to do those inspections, those areas of concern. And from that, maybe start turning into the response from COVID. During 2020, I heard a lot of conversations around OSHA's role and responsibility during COVID-19, and arguably, some criticisms related to OSHA and their interactions. And so I saw where there was some activity that was coming out of OSHA in response to that late 2020, and I wanted to maybe start there, Scott, and walk us through what was OSHA doing late of 2020 that providers need to know.

SCOTT BERTULIS: Throughout the pandemic-- just to go back through the beginning of the pandemic in March, all the way through 2020. Initially, OSHA really didn't have much of a response to the pandemic. And most of the criticism that OSHA was getting was the fact that they weren't very responsive in generating, let's say, a new standard or something to address the pandemic. CDC is where most of my senior living providers and where we looked for guidance to address the pandemic and infection control, which is really their expertise.

OSHA really doesn't have expertise in infection control. They don't regulate infection control for the most part, outside of standards like bloodborne pathogens, which really don't apply to the pandemic, in the sense that the exposure is really aerosol transmission versus bloodborne transmission. So that's where a lot of the criticism came with OSHA. They really didn't have any standards to specifically address what was happening and the exposures. So, most of the guidance was coming from CDC, CMS for infection control, and the other regulating agencies out there.

Towards the end of 2020, OSHA did put into place some guidelines. In September, they issued some guidance with regard to respiratory protection. They provide a really detailed and really excellent document on respiratory protection-- the differences between cloth face coverings and surgical masks, and the KN95 and N95 respirators and how those all play into the standards and respiratory protection and so on.

So that was an excellent document that they put out. And it was just a guidance document. It wasn't enforcement. It was really, hey, this is for senior living communities, for nursing homes, assisted living, and so on-- CCRCs This is the guidance we're providing you on respiratory protection to protect yourself. So that was good.

And then later in the year, in December, they issued a new Site-Specific Targeting program. Site-Specific Targeting program, I'm calling it SST 19, because it's based on the 2019 years data. The previous program was the SST 16 program, which you can imagine hasn't been in effect for several years now.

So that Site-Specific Targeting program targets for inspection various establishments in certain high hazard industries. And so, under this new program that they put in place December 14th of 2020, they are targeting various industries-- again, high-hazard industries, which include senior living. But in no means is senior living targeted under that program. And it really wasn't focused on the COVID-19 pandemic. It's just one of their general Site-Specific Targeting programs that they have that's been updated for the current year.

TARA CLAYTON: OK, you said-- so for the 12/14/2020 site specific targeting program, it's not specifically targeting senior living. But how does someone become a target under the program such that it's likely an inspection would come from them?

SCOTT BERTULIS: Sure. So, everybody is pretty much under the same parameter. Now, under the Site-Specific Targeting program, OSHA sets different what they call DART rates. A DART rate is a rate of injury and illness that is computed taking into account the number of cases that each establishment has that involve days away, restrictions, or transferred cases.

So, when you have those types of cases, those go into the formula to determine what your rate is-- your DART rate. And that's how they target for inspection. They'll say we're going to set a line in the sand for manufacturing.

There're two different rates they're going to come up with under this program-- manufacturing and non-manufacturing. So, they're going to say, OK, manufacturing we're going to set the rate at-- I'm just going to give an example, throw a number out there. We're going to set the rate at 14.0 DART rate. And anybody that has a higher rate than 14.0, they're going to be on the list for targeted inspection.

And then for non-manufacturing, we're going to set another rate. Typically, it's going to be lower than manufacturing. So maybe let's just say, again, example-- throwing in just a number out there, 12.0. And I'm using that number, because in previous site-specific targeting programs they did use 12. And they ratcheted it down a little bit stricter, and really looking at more facilities. And I think they actually got down to 7.0 under previous programs. So, my initial thought on this is that if you're in double digits, you could be susceptible. And that's the advice I give my clients. Like if you have an establishment with a double-digit rate, you're safe to assume that you might be under this Site-Specific Targeting program. And you might be targeted for inspection.

TARA CLAYTON: So how does a facility-- a senior living operator, how would they know if that they have a double-digit DART rate. Where's that data coming from?

SCOTT BERTULIS: The data comes from the OSHA log information. So, you have your OSHA forms that you maintain. And every year, in January, you have to summarize the last full year's data, the injury and illness data through what's called the summary report-- the 300A summary report. And that totals out all the different columns for the different types of injury, the different types of cases you have in your log, the number of lost days, the number of cases you have, and so on.

And then from there, OSHA will take when you-- you have to report to OSHA in March. The deadline is March 2 of every year now for those in high-hazard industries. They have to report their information to OSHA through what is called the Injury Tracking Application.

On OSHA's website, they've created this injury tracking application, in which that you input all of that data into the ITA. Then OSHA can figure out what your DART rate is. The formula for DART rate is the number of cases, the number of DART cases, you have-- so the number of cases involving days away, restrictions, or transferred, multiplied by 200,000.

Now, where does that number come from? 200,000 is representative of 100 employees working 40 hours a week 50 weeks a year. You multiply that all together, and it comes out to 200,000.

So they're trying to get a rate per 100 full-time equivalent employees. That's what this formula is about. So, the number of DART cases times 200,000 divided by the total hours worked at that particular establishment. And in this case with senior living, in that particular community.

TARA CLAYTON: Scott, you're citing out a lot of math and formula numbers, which always makes my brain hurt a little bit and I start tuning out. That's the attorney background in me. But it sounds like it's very important. So, what do you recommend for senior living operators and employers? What do you recommend that they be doing now to understand that DART rate?

SCOTT BERTULIS: I advise all of my clients-- and many of my clients have multiple communities. They have multiple locations they have to worry about. And so, what I advise them to do is to compile, let's say, through an Excel spreadsheet DART rates for all of their communities for the years in particular in which OSHA's looking at.

Like right now, they're looking at 2019. That's the primary year they're looking at under this Site-Specific Targeting program. So if my client were to create a list of the communities and their corresponding DART rates for 2019, they can adequately prepare those communities that are expected to be inspected under this program, because if their DART rates are, let's say, very high, they're in those double digits like I talked about, they can understand that, hey, those locations are likely to be inspected in 2021 under this program. And we need to prepare those locations for these inspections.

TARA CLAYTON: OK, and I was going to ask this question later, but let me ask it now. So, as it relates to the Site-Specific Targeting program, you said that by working now to understand the DART rate, you can really help identify those most likely to be inspected to prepare them. What recommendations do you have? Like, what does that mean? What type of recommendations would you have for that next step to actually start preparing for these inspections?

SCOTT BERTULIS: Sure. Well, it's important that the management team at each of the communities understand what happens during an inspection. So, to explain the process, what happens?

Typically, an inspector comes out. They announce that they're there to do an inspection. You need to verify that they are an inspector. Typically, there's a business card or a badge or something that shows that they're actually an OSHA inspector. So, verification is important.

The next thing is, they're going to have an opening conference. And that opening conference is there for the inspector to let you know why they're there. There are many reasons that an OSHA inspection occurs. They could be coming out in response to an employee complaint. They could be coming out in response to a fatality or a serious injury that was reported. Or it could be one of these programs-- the National Emphasis Program that we're going to talk about shortly, the Site-Specific Targeting program that we've been talking about. So, when we know the scope of their program, then we know what to hold that inspector accountable for, and to make sure that they don't vary from that scope of the inspection. That's really important.

And the other guidance I give my clients is documentation is oh-so critical during an inspection. So I just document, document, document everything-- conversations, what questions were asked, how were they answered, photographs. If an inspector takes a photograph, you take a photograph of that same picture, because we want to understand every piece of information that inspector has collected.

So, if we feel that we didn't violate a standard, we understand the proof that they have-- the conversations they've had with employees, the conversations they've had with management. And we understand all the cards they're playing with. So, we can build a defense to say, no, we didn't violate the standard, and here's why. Show them training documentation. Show them purchases for PPE and things like that.

And by the way, just another important thing to mention is that inspectors do have the right to talk to employees privately. And they do. They'll ask to say, I need to have a sidebar with this employee. And my recommendation there is just to take down the name of that employee, and then ask them if they can share the information, the questions that were asked by the inspector-- ask them if they'll kindly share that information.

They have every right not to. But it's not illegal for you to ask the question, hey, can you share with me that information? What did the inspector ask? Because a lot of those questions that they're asking are the OSHA inspector trying to establish proof that you violated a standard.

So, they're asking, did you receive training in this, do you understand what this policy is, and so on. And a lot of times, those employees are very nervous, and they don't remember training. They don't remember the policies and procedures. And that's where a lot of these citations come into play from these employee interviews. So, it's important to understand what those

conversations were, what questions were asked, and what kind of information the inspector gathered from those interviews.

TARA CLAYTON: That's a good point, and it makes me think of another question before we move on to the other program that could lead to other inspections. But to the extent that you are able to glean insight into some of the questions that are being asked of those staff members, those associates, during OSHA interviews, do you have the opportunity? And I guess would you encourage that affected community to, if you learn of, hey, these questions were asked to start gathering additional documents that you think are responsive that haven't already been provided to OSHA, but you know would be responsive to that information to provide to OSHA, say, before they exit during the inspection process? Or is that something you just note all that in your file? You've got it ready to go if and when you have to defend against a citation?

SCOTT BERTULIS: No, that's an excellent question, and that's a really good point. You always want to address any possible citations that you don't feel you're in violation of during that inspection process before the closing conference.

TARA CLAYTON: OK.

SCOTT BERTULIS: If you again provide evidence, let's say the employee said-- I ask him did you did you have hazard communication training and who remembers what hazard communication means, let alone what was contained in the training, the employee may be nervous and say, I don't remember, I don't understand, and so on. And if you knew that question, you could say, OK, we'll pull up that training record that employee completed. They went on to our LMS system, and they completed the training, and here's the record.

And before the inspector leaves, you're providing that information to him or her. And a lot of times the inspection doesn't end in one day. These inspections, a lot of times, carry over into multiple days, multiple weeks even, depending upon on how complicated and how much information-- if it's a wall-to-wall inspection, it's typically going to be more than one day. If it's a complaint-driven inspection, it could very well be one day.

But you have the opportunity between the opening conference and the closing conference to, again, put forth that information. And even at the closing conference a lot of times, that's where you're going to be putting forth that information to say here's training records, here's this, here's

that. The OSHA inspector at the closing conference will provide a list of possible violations that they saw during their time during the inspection, whether it's the walkthrough inspection or the interviews, and so on and so forth, looking at policies, procedures. That is your opportunity to counter those alleged violations that the inspector is explaining to you.

TARA CLAYTON: Is there a time period that the community has to disprove those proposed violations? Because I'm used to a survey perspective on the regulatory side. And usually, you have the exit conference. Sometimes, it may go up to a supervisor's desk for review, depending on the jurisdiction.

So that's why I'm curious during this closing conference is that it's presented of these are the citations that we think may be cited. How long do you have to disprove that to that OSHA investigator? Before they leave the building, or is it a couple of days before the final citations come in? How does that work?

SCOTT BERTULIS: You have an opportunity. And you can explain to them-- let's say, if you don't have those records policy, procedure, OSHA logs, training records, whatever it is. If you don't have them at your fingertips, and you can't get them together at the time of the inspection before the closing conference, you would simply want to explain that to the OSHA inspector and say it's going to take us a little while to get that information.

But we can get that to you. Typically, the turnaround from the closing conference to when you might actually receive the citation in the mail is usually about a month. There's about a month turnaround time that the inspector puts all the information together.

Typically, the area director then reviews that information. And then together, they establish where the possible violations are. And they write up those violations and issue the citations. So, there is some time between that closing conference and when they actually issue the citations.

You want to get that information in, disproving any possible violations before they issue the citations. It's a lot easier to get that citation, or the possible citation or violation, removed before they write it.

[LAUGHS]

Once they write it, then it's very difficult to get that citation dropped or reduced or removed.

TARA CLAYTON: So, it sounds like senior living providers, under this Site-Specific Targeting program-- understanding the DART rate, I think the information you laid out, and understanding that right now so you can be better prepared. Scott, in the beginning, we were talking about how OSHA was looked at during the beginning, and I guess honestly through most of 2020, during the COVID pandemic. And we talked about this response to the Site-Specific Targeting program directly out of OSHA.

But then, the new administration came in. And I think it's important-- to me, it sets the tone of one of the focuses that will be with the new administration, that on the second day of office, President Biden issued an executive order specifically directed to OSHA.

And I'd like to talk with you a little bit about that, Scott, of what was that executive order. And we'll get to what came from it out of OSHA's response. But what was it directing to OSHA and the importance of that?

SCOTT BERTULIS: Well, Tara, the executive order basically gave direction to OSHA to say they should put something together in response to the COVID pandemic-- specifically to the COVID pandemic, and in a number of ways, whether that is to create a temporary emergency standard, like some of the state programs have already put together-- the state OSHA programs, or some type of National Emphasis Program, like they did incorporate on March 14, I believe the date was. March 12-- March 12 was the date of the National Emphasis Program. As of today, there is no temporary emergency standard. There was no standard developed, which most of us were anticipating, frankly, that there would be a temporary emergency standard issued based on this executive order. In lieu of that, they implemented this National Emphasis Program, which did become effective on March 12.

TARA CLAYTON: What does this National Emphasis Program - Why is this important for senior living providers?

SCOTT BERTULIS: Sure. The National Emphasis Program is much more significant than the Site-Specific Targeting program. The way I explain it to most of my clients is the Site-Specific Targeting program, senior living is a drop in the bucket in the overall scope of that program. There're many industries that are involved.

They're not targeted. It's based on your DART rate. Under this National Emphasis Program, there are two lists of industries. There is health care, and then there's non-health care.

Under the scope of the health care industries, there are 11 different industries cited or written into this National Emphasis Program. Out of the 11 industries, 4 of them are senior living-- assisted living, skilled care or nursing homes, CCRCs, and home health. So, 4 of the 11. So now instead of a drop in the bucket, what I explain to the clients is, you're more like a cup of water in that bucket.

[LAUGHS]

So, it's much more significant, and there's much more likelihood of being inspected under this National Emphasis Program for COVID-19 than you would be under the site-specific targeting program. It's just the numbers are much more significant, in terms of the possibility of being inspected.

TARA CLAYTON: Does the stated purpose of this NEP-- and that's what I'm going to abbreviate the National Emphasis Program and refer to it as NEP. Does it explain why these industries are now such a big focus for this specific program?

SCOTT BERTULIS: Yeah, so the program specifically targets establishments that have that potential for exposure, or increased potential for exposure, to COVID-19. And so, they really are homing in on those industries where they have seen the highest infection rates. And that's why they're focusing in on senior living, because of everything that's happened. And we've looked at most of the fatalities that occurred, and a lot of them happen to residents. But they're also happening to staff with fatalities and hospitalizations.

And a lot of the bad press that came out of COVID-19 was related to the senior living industry. And so, there was pressure to really address that.

TARA CLAYTON: You walked us through, with the Site-Specific Targeting program, how a provider can look to their internal data, determine that DART rate, to see if they're likely to be a facility or community that would fall under inspection. What's that process with this National Emphasis Program?

SCOTT BERTULIS: OK, so under the National Emphasis program, the local area OSHA offices have a choice. They have a choice to either take the list of the NAICS code of the different industries, and just pick at random a number of establishments under those NAICS codes to do inspections on. And they also have the discretion to filter those locations by determining their injury rate for 2020.

Now, the only way that OSHA can figure out those injury rates is actually from the data collection initiative, the Electronic Reporting Initiative, which again, I'd mentioned electronic reporting requirements, March 2, you have to submit your data every year. So, the information that you just submitted on the 2020 year they're looking at.

So, the Office of Statistical Analysis, through the federal government, is providing this data. They're taking the data that was provided under this injury tracking application, processing it, and then providing it to the local area offices. They're going to use that information and say, OK, we're going to target those in these different NAICS codes, these different industry codes, based on their high illness rate.

So that's one of the things I also don't like about the program. They're given some discretion, and so it's not going to be-- this program is not going to be applied uniformly. There are going to be offices that are going to be doing it random. Some offices are going to be choosing to target the high illness rates, which I'd rather see it be consistently applied. So, they do have that discretion. They can use a hybrid of both-- general random locations and/or targeted under the illness rates.

So, going back to that DART rate that I talked about earlier, the illness rate is really the same formula to determine what your illness rate is for a particular community. So, they're looking at the 2020 year. And so, the illness rate is the number of illnesses that you reported on your 300A times 200,000 divided by your total hours worked.

That's where they're coming up with this illness rate. Same formula, except there are different criteria. Just the illnesses, not the cases that involve days away, restricted, or transferred, like I explained earlier. It's just the cases that were illnesses. Obviously, COVID-related is the focus here.

TARA CLAYTON: With this NEP, is there a rate, when you calculate this illness rate number, that you're looking to be above or below? Or at this point, it's we don't have any insight into what OSHA is going to be deeming to be a high targeted illness rate.

SCOTT BERTULIS: Yeah, there's no criteria. There's nothing that we know of. Nothing established in terms of what is considered an elevated or high illness rate. I think that's all going to be dependent upon the OSHA's area of offices.

So, like, let's just say-- I know our area here in Chicago, is Region 5. So, under Region 5, which is mostly Chicago area and the suburbs and Illinois area there, they have so many inspections they have to complete. And they're going to evaluate and they're going to say, OK, we'll analyze those in these particular industries.

Look at the numbers. And we're going to just lay them out from the highest number to the lowest number. And maybe they take the top fourth or 25% of those with the highest illness rates. So my general advice is, if you have a community that had a high number of COVID illnesses in 2020 that you reported on your OSHA log, and, thus, electronically provided that information through the injury tracking application, electronic reporting, then you should be prepared for inspection as well under this National Emphasis Program-- especially if that rate is very high.

TARA CLAYTON: Scott, I know you walked us through recommendations on how providers can be preparing for the Site-Specific Targeting inspection. Is there a difference, or a different way, that employers and providers need to be looking at how to prepare for this National Emphasis Program?

SCOTT BERTULIS: Well, yes, certainly, because the focus is on COVID-19 and the response to COVID-19. Policies and procedures, training, personal protective, and all these things that we were doing in response to the pandemic, we need to document. That's really important, because all of the questioning that's going to come out of this inspection is going to be related to how you responded. What I am recommending to my clients is that they put together a comprehensive list of all of the things, all the risk control activities, that have been completed over the period of the pandemic.

So early on in March, let's say, when clients put together a respiratory protection program and trained employees, and did medical evaluations and fit testing, and really actively sought personal protective equipment with N95 respirators. If they couldn't get the N95 respirators, they're getting KN95 respirators from China. Like gloves and gowns and face shields, and all of these efforts that were centered around protecting employees from the exposure to COVID-19,

that should all be documented. Engineering controls-- all this different information that came out from the CDC.

And it came in piecemeal. It didn't come all at once. In March, there was some guidance. And then April, there was some guidance, and they changed it-- face coverings, not face coverings. And then, I don't know, it was May that it was solid. We need to have everybody in face coverings, surgical masks, cloth masks, whatever.

And if you're exposed to COVID-19, it's N95 respirators. And that was a solid guidance that came from the CDC and that all senior living providers were following. So all of those efforts along those guidelines from the CDC, from CMS, and other authorities having jurisdiction here in terms of regulation, all of those guidelines you're following, all of the efforts you made, all the training you put in place, that should all be documented.

I recommend just an inventory list for each community to say, these are the things that we did in response. So, when we had to isolate residents, we created isolation units. And we put in separation of those isolation units using an outside contractor that put out Visqueen walls. And if you went to that extent to do that, that's really important. You document that and explain that to the inspector-- all the lengths that you took to provide protection to your employees. That's really important.

TARA CLAYTON: One other question I had for you, Scott, was, is there anything a provider needs to know from a state level? Is there a separate type of state inspection that could happen? Is there a different thing that could happen on the state level? I just want to make sure that there's nothing outside of OSHA that they need to be thinking of, too.

SCOTT BERTULIS: Well, actually, it does pertain to OSHA. So, we have the federal OSHA program, and a majority of states are under the federal guidelines and the federal OSHA program. But then some states may have chosen to establish their own state program with approval from the federal government. So, the federal government has to approve any state program.

And there are currently, I believe, 21 states, including Puerto Rico, in terms of the scope of those state programs. As long as they meet or exceed the standards, they can develop their own initiatives and so on. So, in terms of the COVID-19 pandemic, most notably, we have Virginia,

Michigan, Oregon, and California that have established temporary emergency standards or permanent standards to address COVID-19.

So, based on where your communities reside and whatever state they happen to be in, it's important to pay attention to those state programs. Because what we're talking about here, for this National Emphasis Program, is a federal program. And under this program, the states have a choice. They have a choice to either implement the National Emphasis Program the way it is, or tell federal OSHA, hey, we put programs in place, and we don't need this. So, we're not going to do it.

So, they do have that choice. It's important to understand the states that your communities operate in, and whether or not they are going to pursue and use this National Emphasis Program. They have 60 days in which to make that decision, and either incorporate the National Emphasis program, or decide that the policies and procedures, the regulations, the guidelines they put in place are enough, and they don't have to do that. So, there is that choice.

And California is probably the best example I can give of a state program that pretty much does their own thing. So, it's a bit tricky to navigate those waters in California because there's a lot of regulation-- much more regulation from an OSHA standpoint with Cal/OSHA than there is from federal OSHA. If you're unclear, reach out to your experts in the field, whether that's your insurance representatives, consultants, that you deal with, and so on, to fully understand those individual regulations, the state regulations, and the implications they have on your business.

TARA CLAYTON: Great. Thanks, Scott. Scott, I like to close each of our episodes highlighting just how impactful senior living is on all of us who are lucky enough to have the opportunity to work with and learn from the caregivers and residents that we serve. So, I'd like to ask you, can you share just an event or happening that you've experienced that's really touched you in the senior living industry?

SCOTT BERTULIS: Well, I would have to say that my individual experiences-- the accumulation of individual experiences in visiting my clients and going out to the senior living communities. So, a lot of times-- and unfortunately, I haven't been able to do that this year. Since March of last year, I haven't stepped into one of my client's senior living communities. And I really enjoy doing that. And so, one of the things that I enjoy most is just the interaction with residents, the interaction with employees, let's say if I'm doing a particular training.

And, one of the things I really focus on is resident handling-- safe resident handling, so transfers, transfer assistance, and so on, and trying to teach caregivers. And I do awareness level training along those lines. And a lot of times, I'll see the light pop up above a caregiver's head that they get it and they understand it.

And by understanding that that's going to keep them safe, that's going to prevent them from getting a strain and sprain, that's what I get most gratification from in the work that I do is when I know that I'm going to make a difference. When I know that the training and the information, I'm providing is actually going to result in possibly somebody not getting injured-- and especially these strains and sprain injuries, which can be very debilitating, that gives me the most joy. And has given me the most joy over the years is working with staff and interacting with residents-- that you hear a lot of interesting things from residents. And it's great.

[LAUGHS]

So, very fun.

TARA CLAYTON: They do have the best stories. Well, Scott, I mean, personally I've seen a lot of the work that you've done and the impact that it's had, really protecting our associates to make sure that they're still comfortable, and they're safe, and they're able to provide the quality care that we know that they're wanting to provide to the residents. So, thank you for everything that you do. But especially, thank you for this very insightful and timely conversation related to OSHA. So, thanks, Scott, for joining me on the podcast today.

SCOTT BERTULIS: Thank you very much for inviting me. I really enjoyed it.

TARA CLAYTON: Clearly, there's going to be a lot of activity in this area for the next several months. So for our listeners, you can find more detailed action steps and recommendations from Scott on the topic of preparing for and effectively managing an OSHA inspection in the March 30, 2021, webinar entitled "OSHA's New National Emphasis Program for COVID-19 and What It Means for Senior Living in 2021." This webinar, as well as other resources in thought leadership, can be found at our Resources page at www.willistowerswatson.com/seniorliving. Hopefully, you found today's episode to be as informative as I did. Don't forget, you can find us on your favorite podcast platforms, including Apple, Spotify, and Stitcher. And be sure to hit

Subscribe so you don't miss any of our future episodes. Thank you all again for joining the discussion today, and I hope you'll join us again for our next Risk Conversation.

[MUSIC PLAYING]

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