



# Making A Difference...

THE newsletter for occupational health professionals who are making a difference in the workplace lives of our nation's healthcare employees.

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Mary Bliss, RN, COHN  
Executive President

## Message from Executive President

**Dear AOHP Friends and Colleagues,**

There's always something new happening in the dynamic practice of occupational health in healthcare! Late this spring, when many folks were preparing for the lazy days of summer, we were anticipating the release of new tuberculosis (TB) guidance!

On May 17, the Centers for Disease Control and Prevention (CDC), in conjunction with the National Tuberculosis Controllers Association (NTCA), released revised recommendations for TB screening, testing, and treatment of U.S. healthcare personnel. A heartfelt thank you to association leaders Bobbi Jo Hurst and MaryAnn Gruden for representing AOHP on the work group that developed this guidance.

Because these updated recommendations will initiate major practice changes for most of us, AOHP continues to be on the front lines in identifying and delivering the pertinent information occupational health professionals need to support our work.

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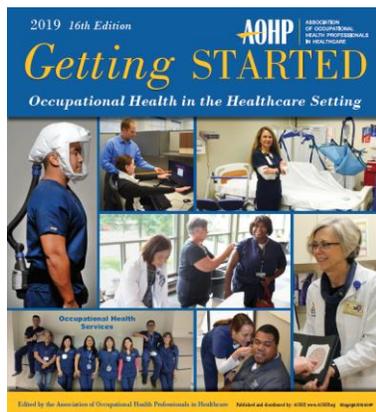
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health professionals need to support our work.

- Learn firsthand about the TB guidance changes at the AOHP National Conference, scheduled for September 4-7 at the Hyatt Regency Inner Harbor in Baltimore, MD. Register today to hear our September 5 keynote speakers Dr. Lynn Sosa and Dr. Wendy Thanassi review the CDC's new TB recommendations, compared to those from 2005 and 2010. They will comment on background data that led collaborators to these changes and will also discuss the content of the collaborative Companion Document, which is intended to help with implementation questions anticipated by practitioners in the field. We'll host a number of other experts during the Q&A session that follows.
- Read about the revised TB recommendations, which are analyzed and explained in detail in Chapter 7 of the new *Getting Started Manual*. The 16th edition of our flagship publication features a major revision with new and expanded subject matter in a wide variety of areas, developed by a core team of editors working with contributing content experts. The 2019 *Getting Started Manual* will make its debut this September at the AOHP National Conference.

The role and responsibilities of occupational health professionals continue to expand, and AOHP is proud to provide the resources you need to be successful in your practice. I hope to see you this fall in Baltimore!

Your Executive President  
Mary Bliss, RN, COHN



**Coming soon...**

**Get Ready for the New *Getting Started Manual*!**

The 16th edition of *Getting Started* features a major revision with new and expanded subject matter developed by a core team of editors working with contributing content experts who provided in-depth expertise to develop new subject matter. This comprehensive resource is the result of a major revision with expanded content detailing the many areas of responsibility for today's OHP. Watch out for the announcement.

## Hospital Settles Claim of Religious Discrimination Based on Applicant's Refusal of Flu Vaccine

By Stephen Burt, BS, MFA

Memorial Healthcare, which operates a hospital in Owosso, MI, will pay \$74,418 and furnish other relief to settle a religious discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC alleged that Memorial Healthcare violated federal law by refusing to hire a medical transcriptionist because of her religious beliefs against receiving flu shots and refusing to accommodate those beliefs.

The plaintiff in the case claimed she applied to work at Memorial Healthcare as a medical transcriptionist and was offered the position. However, the hospital revoked its employment offer after she informed the hospital that her religious beliefs required her to forego receiving an influenza shot or spray, which was a requirement of employment at Memorial Healthcare. According to the EEOC's suit, Memorial Healthcare refused to accommodate the sincerely held religious requirement of the transcriptionist even when she offered to wear a mask during flu season. This was an acceptable alternative under hospital policy for those with medical problems with the flu shot, but Memorial Healthcare refused to extend it to her. Memorial Healthcare then rescinded her offer of employment.

NOTE: It is ironic because, after orientation, the transcriptionist would have eventually worked from home.

According to the EEOC, the hospital will pay the transcriptionist \$34,418 back pay, \$20,000 compensatory damages, and \$20,000 punitive damages. In addition, Memorial Healthcare confirmed that it now permits those with religious objections to wear masks in lieu of having a flu shot. The hospital also agreed to train managerial staff on its religious accommodation policy.

Title VII requires that employers accommodate employees' religious beliefs. It requires an employer, once on notice, to reasonably accommodate an employee whose sincerely held religious belief, practice, or observance conflicts with a work requirement, unless providing the accommodation would create an undue hardship.

### Things to Think About

**First**, the legal requirement to accommodate an employee's sincerely held religious belief applies regardless of whether the employer thinks the belief is "illogical, unacceptable, or incorrect." As one court noted, *one man's religion will always be another man's heresy* (*United States v. Meyers*, 906 F. Supp. 1494, 1499 [D. Wyo. 1995]). An employer's inquiry must be limited to whether the employee's belief is sincerely held. The law did not permit Memorial Healthcare to consider whether the transcriptionist's religious belief prohibiting flu vaccination was logical or medically advisable.

**Second**, the obligation of religious accommodation applies to prospective employees just as it applies to workers already employed. An employer may not permit an applicant's need for a religious accommodation to affect its hiring decision, unless the employer can demonstrate undue hardship.

**Finally** (this is a very important consideration), an employer violates an employee's religious rights if a more favorable accommodation is provided to other employees for non-religious purposes. For example, an employer may not treat an employee's requests for leave for religious observance differently than it treats employee requests for leave for non-religious purposes. Such an arrangement would display a discrimination against religious practices that is the antithesis of reasonableness. In the case of Memorial Healthcare, the lawsuit alleged it treated the employee's request for religious accommodation to wear a mask rather than receive a flu vaccine differently than the same request made by employees for medical, rather than religious, reasons.

It is very wise for healthcare employers, as they continue to grapple with responding to employees' religious objections to vaccination programs, to seek legal counsel to ensure they are responding in a manner that is consistent with applicable local, state, and federal laws prohibiting religious discrimination. To do otherwise can be very expensive and lead to poor employee and public relations.

## **OHN REVIEW COURSE -Register now - Limited Seats Available**

**Are you planning to take the OHN Certification Exam?**

**This is the course for you.**

AOHP offers an OHN review course just prior to the 2019 National Conference from Sep 2 to Sep 4. Taught by Annette B. Haag, MA, RN, COHN-S/CM, FAAOHN, this course offers invaluable information for OHNs seeking certification. This intensive three-day course presents state-of-the-art information in the field of occupational and environmental health and safety. The registration fee includes one set of Occupational Health & Safety Principles and Nursing Certification Review Manuals, and participants will learn valuable test-taking techniques and strategies for examination preparation through interactive lectures and practice tests.

[Learn more...](#)





**Have your registered yet?**  
**Early Bird Registration Dues August 2, 2019**  
**AOHP 2019 National Conference**  
**Hyatt Regency Inner Harbor**  
**Baltimore, MD**

**[REGISTER NOW](#)**

**[Agenda](#) [Conference Brochure](#) [Conference Hotel](#)**

Join us to **celebrate 100<sup>th</sup> anniversary of respirator approvals granted by the federal government** and learn about the **new TB guideline and the companion documents** from our keynote speakers at our 2019 National Conference.

Hot topics on USP 800, Hazardous Drug Management, Current State of Use of Marijuana, Signs and Symptoms of Drug Abuse, Legal Issues Surrounding Mandatory Flu Vaccines, How to Build a Successful Employee Health and Safety Program in Healthcare, Respiratory Protection Preparedness During a Public Health Emergency will be presented at the conference.

Don't forget the OHN Overview Course for you to prepare for the OHN Exam and much more...

For more information, visit [our website](#).

**[REGISTER TODAY!](#)**

**Please share the conference information with your fellow employee/occupational health professionals.**

***B more. Learn More***

## I am AOHP's biggest Fan!

AOHP offers many amazing benefits, but nothing tops Conference attendance (which is why I go every year). Traveling from Alaska is quite an investment but experiencing the event firsthand - both the education and the networking - is invaluable. I'm grateful that AOHP affords these opportunities to all occupational health professionals, including Licensed Practical Nurses like me. I hope to become more of an active recruiter for the association because I would have been lost without AOHP and the Pacific Northwest Chapter when I took my first position as an Employee Health Nurse.

Carol A. Gindt, LPN  
Employee Health Nurse  
Maniilaq Health Center  
Kotzebue, Alaska

### ***Are you one of AOHP's biggest fans?***

Then we want to hear from you! Send a brief email to Headquarters at [info@aohp.org](mailto:info@aohp.org) describing how AOHP has helped to advance your practice. Or, consider sharing the personal story of how your nursing background evolved into a rewarding career in occupational health, including examples of the support you received from AOHP.

## Getting Started Workshop Features Content from NEW Getting Started Manual

The AOHP 2019 National Conference is less than two months away, and now is the time to register for *Getting Started in Occupational/Employee Health!* This eight-hour pre-conference workshop, scheduled for Wednesday, September 4 and presented by a knowledgeable and experienced team, will provide valuable resources and encourage interactive discussion. Course content includes an overview of the essential information occupational health professionals need to build a foundation for the provision of occupational health services for healthcare personnel. This 16th edition of our flagship publication features a major revision with new and expanded subject matter in a wide variety of areas, developed by a core team of editors working with contributing content experts. All participants will receive the 2019 edition of the Getting Started Manual in flash drive format. [Learn more.](#) [Register here.](#)

## OSHA Publishes Web Page on Measles Prevention

OSHA has a new [web page on measles](#). This highly-contagious, potentially serious illness includes more than 1,000 confirmed cases in 28 states in 2019, according to the Centers for Disease Control and Prevention (CDC). Workers in childcare and healthcare, laboratories, and environmental services, and those who travel abroad, have the greatest risk of exposure and infection. The webpage provides information about preventing and reducing workers' measles exposure, along with information on vaccination and treatment.

Information provided by Stephen Burt, BS, MFA

## 2018-2019 ROC Result

**Caboodle Winners** - They recruited three to five new members (Active level) and will receive a free AOHP 2020 Membership.

- Reid Hadley
- Lori McBride

**Feather in My Cap Winners-** – Below members recruited one or two new members and will receive their choice of a Free Webinar or a 2019 Conference Syllabus CD.

Sally Ball	Lorraine Henly	Niki Red
Wendy Bezko-Colligan	Cynthia Hinchberger	Paula Reed
Michele Bolach	Cherie Holodnick	Loretta Rihbany
Cindy Brumley/Yvonne Noel	Diane Hutson	Melanie Rivet
Cynthia Buckman	Mary Jones	Audrey Sadler
Roger Burnett	Matthew Keifer	Vicki Schiessl
Gail Casey	Elizabeth Kessel	Donna Sebastian
Ian Chapin	Lisa Kincaid	Laura Siebert
Michelle Chester	Elizabeth Knighton	LaQuinta Sisco
Corrie Courtney	Rexena Krivensky	Stephen Snyder
Tim Crump	Terry Long	Elia Stanko
Marlene Davis	Connie Lovelace	Betty Stevens
Susan Davis	Angeli Mancuso	Hiroko Takahashi
Andrea Dayot	Angela Massey-Jenkins	Ruby Takahashi
Elizabeth Denham	Jennifer McMahan	Tami Treinen
Tara Dockery	Pam Miller	Kimberly Veres
Tammi Eldridge	Jana Nady	Nancy Verhaar
Brooke Gibson	Tiffany Nguyen	Lora Vitali
Carol Gindt	Julie Nicholas	Linda Weaver
Bryan Goodin	Karen Ninnasi	Linda Welch
Cecelia Granahan	Clint Parram	Debbie Wilson
Annette Haag	Phyllis Pass	Liz Wurdinger
Lauren Harris	Sharon Petersen	Vicki Zehring
Sayed Hasan	Lori Phipps	Jill Zembera

**Pie in the Sky Chapter Award** - Pacific Northwest Chapter recruited the most new members in this period.

### You Can Be Next ROC Star! **AOHP Recruit Our Colleagues (ROC)**

The 2019 – 2020 Recruit Our Colleagues (ROC) Campaign runs from July 1, 2019 through June 30, 2020. ROC is a great way for members to help AOHP grow while earning rewards that can be used toward education and membership. The ROC campaign offers five levels of individual awards, as well as an award for the chapter recruiting the most new members. For full details of the awards and campaign rules, please visit [our website](#). You can download this [ROC Flyer](#) to share with your colleagues.

## Chapter News

### **Pacific Northwest Chapter**

The Pacific Northwest Chapter held a symposium titled *Caring for Healthcare Workers* on Friday, June 21, 2019, at Oregon Health and Science University. Professionals in Occupational/Employee Health, Infection Prevention and Control, Environmental Health and Safety, Student Health, Public Health, and Risk Management were in attendance, representing over 60 healthcare organizations from all over the region. This event provided education on topics such as TB Screening in Healthcare Settings, Total Worker Health, Safe Patient Handling and Mobility, Blood and Body Fluid Exposure Management, and Drug Diversion in the Workplace. Attendees enjoyed a full day of learning, networking, vendor exhibits, a few drinks during social hour, and a warm, sunny day in Portland, Oregon.

Reported by Chapter President, Andrea Dayot, RN, BSN

### **Maryland Chapter**

The Maryland Chapter will be holding a meeting on Thursday, September 5, 2019, in Baltimore at the Annual Conference. Location and time TBD. The meeting will provide an opportunity for chapter members to thank Hiroko Takahashi, who is retiring as Treasurer of the Maryland Chapter after five years of service.

The position of Treasurer is now open for nominations. Please submit your nomination, effective immediately, to Hiroko Takahashi ([hiroko.takahashi@comcast.net](mailto:hiroko.takahashi@comcast.net)) and Tabe Mase [masetabe@yahoo.com](mailto:masetabe@yahoo.com).

Reported by Chapter President, Tabe Mase, FNP-C, CHC, COHN-S

### **Region 2**

Region 2 has several open leadership positions in the Wisconsin and Houston-Area (TX, NM, etc.) chapters. Please contact me if you are interested in serving, and I will connect you with the appropriate Chapter President.

Reported by Region 2 Director, Cory Worden, Ph.D. Candidate, M.S., CSP, CSHM, CHSP, REM, CESCO

[the.wordens01@gmail.com](mailto:the.wordens01@gmail.com)

## Obesity, the Seventh Circuit Court of Appeals, and the Americans with Disabilities Act

**By Stephen Burt, BS, MFA**

On June 12, 2019, the Seventh Circuit Court of Appeals held that *obesity is not an Americans with Disabilities Act (ADA) impairment unless there is evidence of an underlying physiological cause*. *Richardson v. Chicago Transit Authority* was the appeal of a dismissal of the case after the lower court found that obesity is not an impairment under the ADA where there is no underlying physiological cause. This is the first time the Seventh Circuit (the federal appeals court with jurisdiction over Illinois, Indiana, and Wisconsin) has ruled on the issue. The court agreed with prior decisions in the Second, Sixth, and Eighth Circuits, and upheld the dismissal. The Seventh Circuit also held that the Chicago Transit Authority did not perceive the plaintiff, a 596-pound bus driver, to be disabled when it terminated him due to safety issues.

The driver was sent for a safety assessment after returning from a lengthy medical leave. He was required to undergo the assessment because he weighed over 400 pounds, and the drivers' seats were designed to hold only 400 pounds. During the assessment, he was unable to do hand-over-hand steering, he cross-pedaled (i.e. kept his foot on both the brake and accelerator at the same time), and his leg pressed against the lever that opens the rear door. All of these safety issues were due only to his physical size.

Richardson argued that under the ADA, Equal Employment Opportunity Commission (EEOC) regulations, and EEOC interpretive guidance, severe obesity like his should automatically qualify as an ADA impairment, without having to show any underlying physiological cause. The Seventh Circuit found his interpretation of the ADA and its regulations to be too broad.

In the context of obesity (and potentially other conditions), this ruling is very beneficial for all employers. If an employer considers the underlying cause of an employee's obesity, it seems more likely that the employer would believe that an employee's obesity is caused by a poor diet and a lack of exercise rather than some unknown underlying physiological cause (such as a thyroid issue or some other uncommon disease). The Court's holding can essentially be interpreted like the old medical adage "When you hear hoofbeats, think of horses, not zebras." Severely obese employees will now have the burden to show that employers thought of zebras and not horses when (and if) considering the cause of an employee's obesity.

This decision *does not prevent* obese employees from receiving protection under the ADA. Aside from the situations in which the obesity is caused by an underlying physiological condition, if the employee has an ADA-recognized impairment that is caused by the obesity, such as high blood pressure, diabetes, or joint pain, those conditions *may* qualify for protection, without regard for the cause. This ruling only provides that the condition of obesity, in and of itself, will not automatically constitute an ADA impairment.

Occupational health professionals should be intricately involved in establishing a process within the healthcare facility to properly evaluate all requests for ADA accommodations. This includes determining whether a condition constitutes a disability (which will frequently involve reviewing medical information), and then engaging in an interactive process to determine whether there are any reasonable accommodations that would allow the employee to perform the essential functions of his or her job. In so doing, the employer's process should shield those who make day-to-day employment decisions about the employee from receiving the detailed information. Instead, the interactive process should occur only between those who serve in an occupational health role to insulate the supervisors making employment decisions from improperly considering information about an employee's disability or medical (or mental health) status.

## Partnership Opportunity to Develop New PAPRs for Healthcare Workers

The NIOSH National Personal Protective Technology Laboratory (NPPTL) has announced an opportunity for inventors, researchers, and/or respirator manufacturers to participate, through a collaborative agreement, in the project "New Generation Powered Air-Purifying Respirators" to develop new designs of PAPRs for healthcare workers. Detailed information, including how to participate, is available in the July 1, 2019 [Federal Register](#).

## Follow AOHP on Social Media

AOHP is dedicated to promoting the health, safety and well-being of healthcare workers. To be recognized as an established authority in the industry, we are increasing our online presence by expanding and enhancing the AOHP professional social networking community. We need your help! Please follow us [@AOHP\\_Org](#) on Twitter, join our new [LinkedIn](#) group and like us on [Facebook](#). Connect with, follow and learn from your fellow employee/occupational health professionals online. Join the AOHP family!

Join our new [LinkedIn](#) group



Like us on Facebook



Follow AOHP on Twitter

