



MAY 23 2019

Sharon Dunn, PT, PhD
President
American Physical Therapy Association
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Dear Dr. Dunn:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding 29 CFR Part 1904 Recording and Reporting Occupational Injuries and Illnesses. Specifically, you ask whether other techniques of soft tissue massage that are similar to Active Release Techniques (ART) would be considered first aid for purposes of OSHA recordkeeping.

In your letter, you state there are a multitude of soft tissue massage techniques administered by health care professionals, including physical therapists that are similar to ART. You note that OSHA has already determined that ART is first aid for recordkeeping purposes. You request that OSHA provide written guidance stating that soft tissue management (massage) is first aid for recordkeeping purposes, regardless of whether such treatment is performed by individuals with ART certification.

Section 1904.7(b)(5) of OSHA's recordkeeping regulation requires employers to record work-related injuries and illnesses that result in medical treatment beyond first aid. Under Part 1904, medical treatment does not include "first aid" as defined in paragraph 1904.7(b)(5)(ii). The section specifically states that "using massages" is first aid. See, subparagraph (M). Section 1904.7(b)(5)(iii) goes on to state that the list of first aid treatments in section 1904.7(b)(5)(ii) is a comprehensive list of first aid treatments. Any treatment not included on the list is not considered first aid for OSHA recordkeeping purposes.

After conducting an analysis of available information, and based on the regulatory text in Part 1904, OSHA finds that soft tissue massage is first aid for recordkeeping purposes. We also note that OSHA's recordkeeping regulation does not include special rules for recording soft tissue injuries and illnesses. The determination as to whether to record soft tissue cases is the same as any other type of injury or illness. This means that work-related injuries and illnesses involving muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs would meet the general recording criteria if they involve medical treatment beyond first aid, days away from work, job transfer or restricted work.

Finally, section 1904.7(b)(5)(iv) of OSHA's recordkeeping regulation provides that the professional status of the person providing the treatment does not have any effect on what is considered first aid or medical treatment. That is, OSHA considers the treatments listed in section 1904.7(b)(5)(ii) of the regulation to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are still considered first aid for purposes of Part 1904.

Similarly, OSHA considers treatment beyond first aid to be medical treatment even when provided by someone other than a physician or other licensed health care professional. Accordingly, soft tissue massage is first aid whether or not such treatment is performed by individuals with ART certification.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules.

Sincerely,



Amanda L. Edens, Director
Directorate of Technical Support and Emergency Management