

Eating and Drinking in the Emergency Department

Does OSHA Prevent Eating & Drinking in the ED?

NO.

The Occupational Safety and Health Administration (OSHA) sets standards for safe and healthful working conditions, and some hospitals mistakenly cite “OSHA regulations” as the reason why emergency physicians cannot eat or drink during clinical shifts.

OSHA does NOT have a general prohibition against the consumption of food and beverages at work stations, including those in the emergency department.

However, there are a few OSHA regulations about food and beverage contamination. For example, OSHA’s bloodborne pathogens standard prohibits the consumption of food and beverages in “work areas where there is a reasonable likelihood of occupational exposure.” It also prohibits food and beverages from being stored in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present. (See attached pertinent OSHA regulations.)

Additionally, there is no OSHA standard that specifically requires a hospital to identify a “contamination-free” location where eating or drinking is allowed. It is the individual hospital’s decision to allow staff to consume food and drinks in ED areas they determined are unlikely to allow contamination, such as a work station.

It is also important to note that OSHA standards set minimum safety and health requirements. Hospitals are allowed to adopt more stringent requirements, if they so choose to.

Does TJC Prevent Eating & Drinking in the ED?

NO.

The Joint Commission (TJC) has a responsibility to survey EDs to ensure compliance with the OSHA regulations related to contamination. TJC also helps to enforce each individual hospital’s own internal policy if it chooses to prohibit food and beverages in clinical areas.

In an effort to improve emergency physicians well-being, ACEP discussed the issue recently with the Joint Commission leaders, and as a result, TJC published an article clarifying its existing policies (March 2019 newsletter, *Perspectives*). Articles in *Perspectives* are considered official notification of any changes and updates to TJC-accredited and -certified organizations and are primarily intended for hospital staff responsible for accreditation-and/or certification-related activities and performance improvement, administration leaders, nurse leaders, and physician leaders.

Does CMS Prevent Eating & Drinking in the ED?

NO.

The Centers for Medicaid & Medicare Services (CMS) worksheets do not specifically refer to food or beverage policies but do emphasize good hand hygiene practices. Similar to the Joint Commission, CMS can, as part of their survey, confirm whether a hospital is enforcing its own internal policies, should it have any, with regard to food and beverages in the emergency department.

Should EPs be Allowed to Eat & Drink at ED Work Stations?

YES!

Emergency physicians work in shifts, some of which can last up to 12 hours. Not being able to have a drink or eat in the ED can significantly impact both the physical well-being of emergency physicians and their decision-making ability, and therefore risks impacting not just their own health, but that of their patients, too. Proximity to the emergency department is also important, as emergency physicians should remain close to their patients and not be out of touch in a remote area.

**What
You
Need
to
Know**



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What You Need to Know

OSHA Regulations

- **29 CFR 1910.1030(d)(2)(ix)**: Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.
- **29 CFR 1910.1030(d)(2)(x)**: Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.
- **29 CFR 1910.141(g)(2)**: Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.
- **29 CFR 1910.141(b)(1)(i)**: Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

Joint Commission Standards

- **Standard LD.04.01.01** The hospital complies with law and regulation
 - The hospital provides care, treatment, and services in accordance with licensure requirements, laws, and rules and regulations. (encompasses OSHA Bloodborne pathogen standard)
- **Standard EC.02.01.01** The hospital manages safety and security risks
 - The hospital implements its process to identify safety and security risks associated with the environment of care that could affect patients, staff, and other people coming to the hospital's facilities.
- **Standard IC.01.03.01** The hospital identifies risks for acquiring and transmitting infections
 - The hospital identifies risks for acquiring and transmitting infections based on the following:
 - Its geographic location, community, and population served
 - The care, treatment, and services it provides