



EDUCATION AND LABOR CABINET

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KENTUCKY OCCUPATIONAL SAFETY and HEALTH (OSH) PROGRAM INSTRUCTION 05-2025
June 27, 2025

STANDARD

29 Code of Federal Regulations (CFR) 1910.151, Medical services and first aid, adopted by 803 Kentucky Administrative Regulation (KAR) 2:130

SUBJECT

First Aid

PURPOSE

This INSTRUCTION addresses near proximity to an infirmary, clinic, or hospital.

SCOPE

This INSTRUCTION applies to all general industry employers subject to Kentucky Revised Statute (KRS) 338 jurisdiction.

INSTRUCTION

The Division of OSH Compliance utilizes this INSTRUCTION.

BACKGROUND

Pursuant to House Bill 398 of the 2025 Regular Session and subsequent amendment to KRS 338.062, effective June 27, 2025, the state specific requirements established in 803 KAR 2:310, Medical services and first aid, were repealed.

POLICY

29 CFR 1910.151(b), Medical services and first aid, adopted by 803 KAR 2:310, requires employers have a person or persons adequately trained to render first aid at a workplace that is not in near proximity to an infirmary, clinic, or hospital. The standard does not define near proximity.

In a workplace where no adequately trained employee(s) is onsite to render first aid, and a serious accident such as those involving falls, suffocation, electrocution, or amputation are possible, emergency medical treatment must be available within three (3) to four (4) minutes of the injury. Emergency medical treatment can also be provided by evacuating an injured employee to an offsite facility where that can be done safely. A longer response time up to fifteen (15) minutes may be reasonable in a workplace such as an office where the possibility of a serious work-related injury is remote.



Emergency medical treatment services, such as a fire department paramedic or emergency medical technician, is equivalent to the 29 CFR 1910.151 “infirmary, clinic, or hospital” language.

A CSHO must consider a number of factors when an employer relies on an outside emergency medical treatment service or evacuates an injured employee to an offsite facility. Factors to consider include, but are not limited to:

Has the employer taken appropriate steps prior to an injury or illness to ascertain that emergency medical service treatment is available when an injury or illness occurs?

Has the employer made arrangements with the emergency medical treatment service provider to provide emergency medical treatment?

What steps does the employer take if the emergency medical treatment service is not available?

How does the employer know when the emergency medical treatment service is not available?

Is there an impediment(s) such as, but not limited to, a railroad crossing, drawbridge, etc. that may delay emergency medical treatment service response?

Does the time of day or night impact emergency medical treatment service response?


ADDITIONAL RESOURCES

The Division of OSH Education and Training, also known as KYSAFE, offers cost-free resources and training to employers and employees. Information is posted at www.kysafe.ky.gov.

EFFECTIVE DATE

This INSTRUCTION is effective immediately and remains in effect until canceled or superseded.


Kimberlee C. Perry, Commissioner
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