



**INDIANA**  
DEPARTMENT OF LABOR

ERIC J. HOLCOMB, GOVERNOR  
*Joe B. Hoage, Commissioner*  
402 West Washington Street, Room W195  
Indianapolis, Indiana 46204-2751  
Phone: (317) 232-2655  
Fax: (317) 233-3790

October 14, 2020

Amanda Scheeser, Deputy General Counsel  
Greenwood Healthcare Center  
4700 Ashwood Dr  
Blue Ash, OH 45241

RE: Inspection Number 318121993

Dear Amanda Scheeser:

The recent inspection of your workplace was not initiated as a result of a fatality or a catastrophe and revealed no instances of repeated, knowing, or failure-to-abate violations. In addition, there were not more than five (5) high-gravity serious violations or penalties issued greater than \$7,500.00 for this inspection. Lastly, we do not have any record of your owing unpaid penalties due to IOSHA.

Based on the above factors your firm is eligible to take advantage of an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and IOSHA can enter into an Informal Settlement Agreement without going through the informal conference process in the IOSHA office.

**However, if you decide to enter into the Expedited Informal Settlement Agreement, you should be aware that you relinquish your right to contest the citations and penalties.**

The Expedited Informal Settlement Agreement can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations, including abatement dates, validity of violations, classification of violations, then the Expedited Informal Settlement Agreement cannot be used. Under those circumstances, you may request an informal conference with me and/or exercise your contest rights as explained in the IOSHA Closing Conference Guide which details employer rights and responsibilities following an IOSHA inspection.

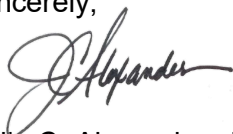
You should carefully read the enclosed Expedited Informal Settlement Agreement to determine whether the terms of the agreement are acceptable to you. Key elements of the agreement: for IOSHA to agree to a 35 percent reduction in the total penalty amount proposed; for the employer to correct the violations by the abatement date(s) set forth in the citation(s); for the employer to provide evidence of corrective actions taken and to provide written certification that all items have been abated at the time of final abatement. Please note that failure to comply with any of the terms of this agreement will cause the penalty to revert to the initial proposed penalty.

The signed agreement and full amount of the reduced penalty (65 percent of the total of initial

proposed penalties) must be delivered to the Indiana Department of Labor office prior to the expiration of the 15-working day contest period. To make payment with a debit/credit card, visit <http://www.payingov.com/dol/>. Write money orders/checks payable to **IDOL IOSHA, and mail to ATTN: IOSHA EISA, 402 West Washington Street Room W195, Indianapolis, Indiana, 46204.**

If you have any questions regarding the Expedited Informal Settlement Agreement, please contact this office at (317) 232-2655.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie C. Alexander". The signature is fluid and cursive, with a long horizontal stroke at the end.

Julie C. Alexander, J.D.  
Director of General Industry  
Indiana OSHA

## ***EISA Description***

**Indiana Department of Labor  
Occupational Safety and Health Administration  
402 W. Washington Street, Room W195  
Indianapolis, IN 46204**

### **WHAT IS EISA?**

It is a way to cut IOSHA penalties significantly.

### **WHY IS THIS OFFER BEING MADE TO THE EMPLOYER?**

Because the recent inspection of your workplace uncovered no repeated, knowing, or failure to abate violations of IOSHA standards and you are willing to correct the violations that were found no later than the dates shown on the citations. In addition, this was not an accident and/or fatality/catastrophe inspection, nor currently are you delinquent with penalty payments.

### **WHAT DO I HAVE TO DO?**

You have to agree to correct all the violations by the dates shown on the citations and provide evidence of the corrections. Additionally, you must prepare a written certification that all of the violations have been corrected. A copy of the certification must be posted for employees to see, and a copy must be sent to the IOSHA office. For your convenience, two copies of a Certification Form have been provided with this mailing.

### **STEP-BY-STEP, HOW WOULD I PROCEED?**

1. Read and understand the EISA.
2. If the terms are agreeable, sign the EISA and return it to this office with a check for the reduced penalty amount. The agreement must be signed by you and postmarked no later than the end of the 15-working-day contest period. IOSHA will then sign the EISA and send it back to you.
3. Correct the violations. (Corrections must be made by the dates on the citations)
4. Send evidence of the corrections made e.g., photographs, purchase orders, etc.

### **WHAT IF I RUN INTO PROBLEMS AND CANNOT CORRECT ALL OF THE VIOLATIONS BY THE DATES INDICATED ON THE CITATION?**

Contact this office as soon as you determine that you will not be able to correct the violations by the dates on the citation. If you can show a good reason for the delay, a new abatement date can be set.

**Expedited Informal Settlement Agreement**

Indiana Department of Labor  
Occupational Safety and Health Administration  
402 W. Washington Street, Room W195  
Indianapolis, IN 46204

In the Matter of: Greenwood Healthcare Center; Inspection Number: 318121993

**EXPEDITED INFORMAL SETTLEMENT AGREEMENT**

The undersigned EMPLOYER and the undersigned Indiana Occupational Safety and Health Administration (IOSHA), in settlement of the above referenced Safety Order(s) and Notification(s) of Penalty which were issued on October 14, 2020, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced safety order(s).
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to IOSHA that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three (3) working days in the same location where the safety orders were posted as described in paragraph 6 of this AGREEMENT.
4. IOSHA agrees that the total penalty is amended to **\$4,550.00**. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initial proposed penalty.
5. In consideration of the foregoing amendment(s) and/or modification(s) to the safety order(s), the EMPLOYER hereby waives its right to contest said safety order(s). It is understood and agreed by the Indiana Occupational Safety and Health Administration and the EMPLOYER that the citation(s) as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Safety Orders (Safety Orders are required by law to be posted in a prominent place at or near the location of the violation(s)). **Safety Orders must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and federal holidays), whichever is longer.**
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Greenwood Healthcare Center

Joe B. Hoage  
COMMISSIONER OF LABOR

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest of the abatement dates of the Safety Order (s) referred to in paragraph 1 of this Settlement Agreement must be mailed to the following address within 15 working days (excluding weekends and state holidays) of the receipt by the EMPLOYER of the original citations:

Indiana Department of Labor  
Occupational Safety and Health Administration  
402 W. Washington Street, Room W195  
Indianapolis, IN 46204

***Certificate of Correction***

INDIANA DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

**CERTIFICATE OF CORRECTION**

The undersigned certifies that on (date) \_\_\_\_\_, all of the violations cited

On IOSHA Inspection# \_\_\_\_\_ issued on (date) \_\_\_\_\_, were  
corrected and that a copy of this Certificate of Correction was posted on  
(date) \_\_\_\_\_ in a manner and place for review by affected employees.

\_\_\_\_\_  
Employer's Signature

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-3790



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## Safety Order and Notification of Penalty

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**To:**  
Greenwood Healthcare Center  
and its successors  
4700 Ashwood Dr  
Blue Ash, OH 45241

**Inspection Number:** 318121993  
**CSHO ID:** N5021  
**Optional Report No.:** 20/12  
**Inspection Date(s):** 4/24/2020 - 10/7/2020  
**Issuance Date:** 10/14/2020

**Inspection Site:**  
377 Westridge Blvd  
Greenwood, IN 46142

*The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

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An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

**Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.**

**Right to Contest -** You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent board appointed by the governor with authority to conduct legal proceedings leading up to and including administrative hearings, or assign an Administrative Law Judge (ALJ) to conduct the same, and to issue decisions concerning disputed safety orders and notifications of penalties. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

**Posting** - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

**Penalties** - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

**Abatement** - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty and proof of abatement must be sent to the email address: [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov) unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

**PMAs** - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall be sent to the email address: [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov) shall include the following



information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required sending the Petition to [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov). A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

**Notification of Corrective Action** - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction and sent to the email address [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov). A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted via email at [AbatementGI@dol.in.gov](mailto:AbatementGI@dol.in.gov), detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

**Followup Inspections** - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the

discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

## **Indiana Department of Labor**

### **NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE**

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 10/14/2020. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on \_\_\_\_\_ at \_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318121993  
**Inspection Date(s):** 4/24/2020 - 10/7/2020  
**Issuance Date:** 10/14/2020  
**CSHO ID:** N5021  
**Optional Report No.:** 20/12

### **Safety Order and Notification of Penalty**

**Company Name:** Greenwood Healthcare Center  
**Inspection Site:** 377 Westridge Blvd, Greenwood, IN 46142

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#### **Safety Order 01 Item 001**

Type of Violation: **Serious**

29 CFR 1910.134(c)(1): A written respiratory protection program that included the provisions in 29 CFR 1910.134(c)(1)(i) - (ix) with worksite specific procedures was not established and implemented for required respirator use:

Facility – An effective respiratory protection program was not developed and implemented in a workplace where N95 respirators were required in that the program did not effectively include required information such as, but not limited to, medical evaluations for employees required to wear respirators.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$3,500.00**

**Indiana Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 318121993  
**Inspection Date(s):** 4/24/2020 - 10/7/2020  
**Issuance Date:** 10/14/2020  
**CSHO ID:** N5021  
**Optional Report No.:** 20/12

**Safety Order and Notification of Penalty**

**Company Name:** Greenwood Healthcare Center  
**Inspection Site:** 377 Westridge Blvd, Greenwood, IN 46142

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**Safety Order 01 Item 002**                      Type of Violation: **Serious**

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employees ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

Facility – A medical evaluation was not conducted with employees such as, but not limited to, licensed practical nurses, who were required to wear N95 respirators.

**Date By Which Violation Must Be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$3,500.00**



Julie C. Alexander, JD  
Director of General Industry

# Indiana Department of Labor

Indiana Occupational Safety and Health Administration  
402 West Washington St - Room W195  
Indianapolis, IN 46204  
Phone: (317)232-2691 FAX: (317)233-3790



## INVOICE/DEBT COLLECTION NOTICE

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**Company Name:** Greenwood Healthcare Center  
and its successors  
**Inspection Site:** 377 Westridge Blvd, Greenwood, IN 46142  
**Issuance Date:** 10/14/2020

### Summary of Penalties for Inspection Number: 318121993

**Safety Order 1, Serious** = \$7,000.00  
**TOTAL PENALTIES** = \$7,000.00

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Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance. You may also make a payment online at <https://payingov.com/dol/>. Your account number is your inspection number.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).

Julie C. Alexander, J.D.  
Director of General Industry

10/14/2020

Date