

State of California
Department of Industrial Relations
Division of Occupational Safety and Health
Foster City District Office
1065 East Hillsdale Blvd, Suite 110
Foster City, CA 94404
Phone: (650) 573-3812 Fax: (650) 573-3817

Inspection #: 1472915
Inspection Dates: 04/17/2020 –
10/09/2020
Issuance Date: 10/14/2020
CSHO ID: W6628
Optional Report #: 017-20



Citation and Notification of Penalty

Company Name: Kaiser Permanente Psychiatric Health Facility-Santa Clara
Establishment DBA: and its successors
Inspection Site: 3840 Homestead Rd.
Santa Clara, CA 95051

Citation 1 Item 1 Type of Violation: **General**

T8 CCR Section 5199(g)(6). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(6) Fit testing.

(A) The employer shall perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Section 5144, Respiratory Protection, of these orders. The fit test shall be performed on the same size, make, model and style of respirator as the employee will use. When quantitative fit testing is performed, the employer shall not permit an employee to wear a filtering facepiece respirator or other half-facepiece respirator, unless a minimum fit factor of one hundred (100) is obtained. When fit testing single use respirators, a new respirator shall be used for each employee.

(B) The employer shall ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test:

- 1. At the time of initial fitting;**
- 2. When a different size, make, model or style of respirator is used; and**
- 3. At least annually thereafter.**

Prior to and during the course of the inspection, including but not limited to April 17, 2020, the employer failed to ensure that all employees with an occupational exposure risk to the SARs-CoV-2 virus were fit tested for their respective filtering facepieces (i.e. N95 respirators) as required by this section and in accordance with Section 5144.

Date By Which Violation Must be Abated:

December 03, 2020

Proposed Penalty:

\$600.00

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Citation 1 Item 2 Type of Violation: **General**

T8 CCR Section 5199(i)(2)(D). Aerosol Transmissible Disease.

(i) Training.

(2) Employers shall provide training as follows:

(D) When changes, such as introduction of new engineering or work practice controls, modification of tasks or procedures or institution of new tasks or procedures, affect the employee's occupational exposure or control measures. The additional training may be limited to addressing the new exposures or control measures.

Prior to and during the course of the inspection, including but not limited to April 17, 2020, the employer failed to ensure that the COVID-specific training addressed all the factors affecting the employees' occupational exposure, such as the employee-to-employee exposure hazard. [REF: 5199(i)].

Date By Which Violation Must be Abated: November 06, 2020
Proposed Penalty: \$600.00

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Company Name: Kaiser Permanente Psychiatric Health Facility-Santa Clara
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Inspection Site: 3840 Homestead Rd.
 Santa Clara, CA 95051

Citation 1 Item 3 Type of Violation: **Regulatory**

T8 CCR Section 5199(j)(2). Aerosol Transmissible Diseases.**(j) Recordkeeping.****(2) Training records.****(A) Training records shall include the following information:**

4. The names and job titles of all persons attending the training sessions.

(3) Records of implementation of ATD Plan and/or Biosafety Plan.

(G) Records of the respiratory protection program shall be established and maintained in accordance with Section 5144, Respiratory Protection, of these orders. Employers who provide fit-test screening, in accordance with the exception to subsection (g)(6)(B)3 shall retain the screening record for two years.

Prior to and during the course of the inspection, including but not limited to April 17, 2020, the employer failed to ensure that training records were maintained as required by this section in the following instances:

1. The names and job titles for all the nursing staff did not appear on the following training records:
 - a. COVID PPE Donning and Doffing Training Record
 - b. Droplet Precautions Training Record
 - c. OSHA Safety Training Record [8CCR section 5199 (j)(2)(A) 4.]

Date By Which Violation Must be Abated:

December 03, 2020

Proposed Penalty:

\$400.00

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Citation 1 Item 4 Type of Violation: **General**

T8 CCR Section 5199(h)(6)(C)2. Aerosol Transmissible Diseases.

(h) Medical Services.

(6) Exposure Incidents.

(C) Each employer who becomes aware that his or her employees may have been exposed to an RATD case or suspected case, or to an exposure incident involving an ATP-L shall do all of the following:

2. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 96 hours of becoming aware of the potential exposure, notify employees who had significant exposures of the date, time, and nature of the exposure.

Prior to and during the course of the inspection, including but not limited to March 8 through April 10, 2020, the employer failed to notify affected employees of the date and time of their potential exposure to confirmed COVID-19 cases during the course of their duties.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$600.00

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Company Name: Kaiser Permanente Psychiatric Health Facility-Santa Clara
Establishment DBA:

and its successors

Inspection Site: 3840 Homestead Rd.
Santa Clara, CA 95051

Citation 2 Item 1 Type of Violation: **Serious**

T8 CCR Section 5199(d)(1). Aerosol Transmissible Diseases.**(d) Aerosol Transmissible Diseases Exposure Control Plan.**

(1) The employer shall establish, implement, and maintain an effective, written ATD Exposure Control Plan (Plan) which is specific to the work place or operation(s), and which contains all of the elements in subsection (d)(2).

Reference: T8 CCR Section 5199(d)(2): The Plan shall contain all of the following elements:

(B) A list of all job classifications in which employees have occupational exposure.

(D) A list of all assignments or tasks requiring personal or respiratory protection.

(E) The methods of implementation of subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation. Specific control measures shall be listed for each operation or work area in which occupational exposure occurs. These measures shall include applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection. In establishments where the Plan pertains to laboratory operations, it also shall contain the methods of implementation for subsection (f), unless those operations are included in a Biosafety Plan.

(F) A description of the source control measures to be implemented in the facility, service or operation, and the method of informing people entering the work setting of the source control measures.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. These procedures shall include the methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation rooms or areas. These procedures shall also include the

methods the employer will use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(I) The procedures for employees and supervisors to follow in the event of an exposure incident, including how the employer will determine which employees had a significant exposure, in accordance with subsections (h)(6) through (h)(9).

(J) The procedures the employer will use to evaluate each exposure incident, to determine the cause, and to revise existing procedures to prevent future incidents.

(K) The procedures the employer will use to communicate with its employees and other employers regarding the suspected or confirmed infectious disease status of persons to whom employees are exposed in the course of their duties, in accordance with subsection (h).

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).

(O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).

Prior to and during the course of inspection, including but not limited to April 17, 2017, the employer failed to effectively establish and implement procedures in its aerosol transmissible disease exposure plan, for staff exposed to SARS-CoV-2 (the virus causing COVID-19) in the behavioral health unit, in the following instances:

1. The employer failed to include mental health workers in the list of job classifications in which employees have occupational exposure to aerosol transmissible diseases. [REF: 5199(d)(2)(B)]
2. The employer failed to establish and implement its procedures for selecting and providing personal protective equipment and respiratory protection to mental health workers. [REF: 5199(d)(2)(E)]
3. The employer failed to establish and implement source control measures for mental health workers in the behavioral health unit, such that there was limited access to respirators and masks. [REF: 5199(d)(2)(F)]
4. The employer's implementation of its procedures for identification, isolation, and referral or transfer of airborne infectious disease (AirlD) employee cases or suspected cases to All rooms, areas or facilities, in the behavioral health unit, were ineffective. Symptomatic and asymptomatic employees

were allowed to work in the behavioral health unit, exposing other employees to SARs-CoV-2. [REF: 5199 (d)(2)(G)]

5. The employer failed to establish and implement procedures for notifying employees of their exposure to suspect and confirmed COVID-19 cases during the course of their duties, in a timely manner. [REF: 5199 (d)(2) (K)]

6. The employer failed to ensure that mental health workers had an adequate supply and access to N95 respirators to minimize exposure to aerosol transmissible pathogens (ATPs) such as SARS-CoV-2.. [REF: 5199(d)(2)(B), (D), & (M)]

7. The employer failed to implement and maintain its recordkeeping procedures for employees working in the behavioral health unit with occupational exposure risk to the SARs-CoV-2 virus, such that employee training and fit test records were not complete. [REF: 5199 (d)(2)(O)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$9000.00

Barbara Kim
District Manager