

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Van Nuys District Office
6150 Van Nuys Blvd, Suite 405
Van Nuys, CA 91401
Phone: (818) 901-5403 Fax: (818) 901-5578

Inspection #: 1485435
Inspection Dates: 07/20/2020 - 01/22/2021
Issuance Date: 01/22/2021
CSHO ID: B9670
Optional Report #: 001-21



Citation and Notification of Penalty

Company Name: HEALTHCARE SERVICES - ENCINO HOSPITAL, LLC
Establishment DBA: Encino Hospital Medical Center
and its successors
Inspection Site: 16237 Ventura Blvd.
Encino, CA 91436

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

California Code of Regulations, Title 8, Section 14300.29(b)(1) Forms.

(b) Implementation.
(1) What do I need to do to complete the Cal/OSHA Form 300.

You must enter information about your establishment at the top of the Cal/OSHA Form 300 by entering a one or two line description for each recordable injury or illness, and summarizing this information on the Cal/OSHA Form 300A at the end of the year.

Violation:

Prior to and during the course of the inspection, including but not limited to on , May 12 , 2020, the employer submitted their log 300 for calendar year 2018,2019, and 2020, but the employer's OSHA Form 300, Column F for calendar year 2018 and 2020 did not identify the objects that caused the work-related injuries.

Date By Which Violation Must be Abated: February 26, 2021
Proposed Penalty: \$375.00

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

California Code of Regulations, Title 8, §5199(J)(2)(A).

- (j) Recordkeeping.
- (2) Training records.
- (A) Training records shall include the following information:
 1. The date(s) of the training session(s);
 2. The contents or a summary of the training session(s);
 3. The names and qualifications of persons conducting the training or who are designated to respond to interactive questions; and
 4. The names and job titles of all persons attending the training sessions.

Violation:

Prior to and during the course of the inspection, including, but not limited to, on May 12 , 2020, the Employer did not maintain the records of employee training for COVID-19.

Date By Which Violation Must be Abated:	February 26, 2021
Proposed Penalty:	\$375.00

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

California Code of Regulations, Title 8, §5199(j)(3)(G) Recordkeeping

(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.

Violation:

Prior to and during the course of the inspection, including but not limited to, on May 12, 2020, the Employer failed to maintain the training records of the respiratory protection program and N95 respirators used by the employees.

Date By Which Violation Must be Abated:

February 26, 2021

Proposed Penalty:

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

California Code of regulation, Title 8 §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).

EXCEPTION to subsection (d)(1): Employers with laboratory operations in which employees do not have direct patient contact may establish, implement and maintain an effective, written Biosafety Plan meeting the requirements of subsection (f) in lieu of an Exposure Control Plan for those operations.

(2) The Plan shall contain all of the following elements:

(A) The name(s) or title(s) of the person(s) responsible for administering the Plan. This person shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation.

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

(C) A list of all high hazard procedures performed in the facility, service or operation, and the job classifications and operations in which employees are exposed to those procedures.

(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).

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

3) The ATD Plan shall be reviewed at least annually by the program administrator, and by employees regarding the effectiveness of the program in their respective work areas. Deficiencies found shall be corrected. The review(s) shall be documented in writing, in accordance with subsection (j)(3)(A).

(4) The Plan shall be made available to employees, employee representatives, the Chief and NIOSH for examination and copying, in accordance with subsection (j)(4).

Violation

Prior to and during the course of the inspection, including, but not limited to, May 12, 2020, the employer's written ATD Exposure Control Plan was ineffective, in that, the employer did not provide a list of all job classifications in which employees have occupational exposure. Ref. 5199(d)(2)(B).

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

**February 26, 2021
\$560.00**

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Inspection Site: 16237 Ventura Blvd.
Encino, CA 91436

Citation 1 Item 5 Type of Violation: **General**

California Code of Regulations, Title 8, §5199(g)(2) Respiratory Protection.

(2) Each employer who has any employee whose occupational exposure is based on entering any of the work settings or performing any of the tasks described in subsection (g)(4) shall establish, implement and maintain an effective written respiratory protection program that meets the requirements of Section 5144 of these orders, except as provided in subsections (g)(5) and (g)(6).

Violation:

Prior to and during the course of the inspection including, but not limited to, on May 12, 2020, the Employer's respiratory protection program was not in accordance with section 5144 of these orders specifically;

- 1. The written program did not require use of N95 respirators when employees are exposed to suspect/positive covid-19 patients.**
- 2. The written program did not require use of Powered Air Purifying Respirators (PAPR) when employees are performing aerosol generating procedures on suspect/positive covid-19 patients.[Ref. 5199 (g)(2)]**

Date By Which Violation Must be Abated:	February 26, 2021
Proposed Penalty:	\$750.00

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Citation 1 Item 6 Type of Violation: **General**

California Code of Regulations, Title 8, §5199(g)(6)(B)(3) Respirator selection.

(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.

Violation:

Prior to and during the course of the inspection, including but not limited to, on May 12, 2020, the employer did not ensure that each employee who was assigned to use a filtering facepiece or other tight-fitting respirator passed a fit test annually.

Date By Which Violation Must be Abated:	February 26, 2021
Proposed Penalty:	\$750.00

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

California Code of Regulation, Title 8 §5199(h)(6)(C).

(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:

1. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours following, as applicable, the employer's report to the local health officer or the receipt of notification from another employer or the local health officer, conduct an analysis of the exposure scenario to determine which employees had significant exposures. This analysis shall be conducted by an individual knowledgeable in the mechanisms of exposure to ATPs or ATPs-L, and shall record the names and any other employee identifier used in the workplace of persons who were included in the analysis. The analysis shall also record the basis for any determination that an employee need not be included in post-exposure follow-up because the employee did not have a significant exposure or because a PLHCP determined that the employee is immune to the infection in accordance with applicable public health guidelines. The exposure analysis shall be made available to the local health officer upon request. The name of the person making the determination, and the identity of any PLHCP or local health officer consulted in making the determination shall be recorded.
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.
3. As soon as feasible, provide post-exposure medical evaluation to all employees who had a significant exposure. The evaluation shall be conducted by a PLHCP knowledgeable about the specific disease, including appropriate vaccination, prophylaxis and treatment. For M. tuberculosis, and for other pathogens where recommended by applicable public health guidelines, this shall include testing of the isolate from the source individual or material for drug susceptibility, unless the PLHCP determines that it is not feasible.

4. Obtain from the PLHCP a recommendation regarding precautionary removal in accordance with subsection (h)(8), and a written opinion in accordance with subsection (h)(9).
5. Determine, to the extent that the information is available in the employer's records, whether employees of any other employers may have been exposed to the case or material. The employer shall notify these other employers within a time frame that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours of becoming aware of the exposure incident of the nature, date, and time of the exposure, and shall provide the contact information for the diagnosing PLHCP. The notifying employer shall not provide the identity of the source patient to other employers.

Violation:

Prior to and during the course of the inspection, including, but not limited to, May 12 , 2020, the Employer failed to comply with t8CCR 5199(h)(6)(C) in the following instances:

Instance 1:

The Employer failed to conduct the analysis required under t8CCR 5199(h)(6)(C)1 for employees in the Acute care rehab that the employer has become aware may have been exposed to a confirmed or suspect case of COVID-19 in order to determine which employees had significant exposures.

Instance 2:

The Employer failed to notify employees within a reasonable timeframe, but in no case later than 96 hours, who had significant exposures to a reportable aerosol transmissible diseases, such as a confirmed case of COVID-19. Ref.5199(h)(6) (C)2.

Date By Which Violation Must be Abated:

February 03, 2021

Proposed Penalty:

\$13500.00

Zulfiqar Merchant
Compliance Officer / District Manager