

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Oakland District Office
1515 Clay Street, Suite 1303
Oakland, CA 94612
Phone: (510) 622-2916 Fax: (510) 622-2908

Inspection #: 1484564
Inspection Dates: 07/22/2020 - 02/04/2021
Issuance Date: 02/05/2021
CSHO ID: U1591
Optional Report #: 005-21

**Citation and Notification of Penalty**

Company Name: Integrated Pain Management Medical Group, Inc.
Establishment DBA: IPM Medical Group, Inc.
and its successors
Inspection Site: 2410 Merced Street
San Leandro, CA 94577

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

California Code of Regulations, Title 8, §3203(a). Injury and Illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

(4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

(A) When the Program is first established;

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

Violation

Prior to and during the course of the inspection, including but not limited to, on June 12th, 2020 the employer failed to establish, implement, and maintain an effective Injury and Illness Prevention Program in the following ways:

INSTANCE 1: The employer did not identify, evaluate, and correct the work place hazards associated

with requiring employees to collect nasopharyngeal swab samples from other employees who had been exposed to a confirmed COVID-19 case, with implementing engineering controls, personal protective equipment, or an equally effective alternate means of protecting the employees from exposure to SARS-CoV-2, the virus causing COVID-19. [3203(a)(4)& (6)]

INSTANCE 2: The employer did not identify, evaluate, and correct the work place hazards associated with the spread of COVID-19 amongst employees in that the employer did not implement an effective employee COVID-19 screening procedure to prevent the spread of COVID-19 in the workplace. [3203(a)(4)& (6)]

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4725.00

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

California Code of Regulations, Title 8, §5144(c)(1). Respiratory Protection.

(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).

(1) In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:

(A) Procedures for selecting respirators for use in the workplace;

(B) Medical evaluations of employees required to use respirators;

(C) Fit testing procedures for tight-fitting respirators;

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;

(F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

(G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;

(H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

(I) Procedures for regularly evaluating the effectiveness of the program.

Violation

Prior to and during the course of the inspection, including but not limited to, on June 12th, 2020 the employer failed to establish and implement a respiratory protection program with worksite-specific procedures to protect employees required to collect nasopharyngeal swabs from employees who had been exposed to an employee who tested positive for COVID-19.

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

**Corrected During Inspection
\$4725.00**

Wendy Hogle-Lui
Compliance Officer / District Manager