

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Fremont District Office  
39141 Civic Center Drive, Suite 310  
Fremont, CA 94538  
Phone: (510) 794-2521 Fax: (510) 794-3889

**Inspection #:** 1474041  
**Inspection Dates:** 05/04/2020 - 09/18/2020  
**Issuance Date:** 09/18/2020  
**CSHO ID:** U1591  
**Optional Report #:** 024-20



**Citation and Notification of Penalty**

**Company Name:** Santa Clara Valley Medical Center  
**Establishment DBA:** and its successors  
**Inspection Site:** 751 S. Bascom Ave.  
San Jose, CA 95128

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

**California Code of Regulations, 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).**

...

**(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.**

Violation:

Prior to and during the course of the inspection, including but not limited to, on May 4th, 2020 the employer failed to establish, implement, and maintain an effective, written ATD Exposure Control Plan, which contains all of the elements in subsection (d)(2) of Title 8 CCR §5199.

INSTANCE 1 [T8 CCR §5199(d)(2)(E)]: The employer did not establish the methods of implementation of subsection (e), (g), (h), (i) and (j) as they apply to the facility, service or work operation. Effective and specific control measures were not listed for each operation or work area in which occupational exposure occurs, including but not limited to:

- A. Specific control measures were not established for employees changing air filters and performing other HVAC maintenance;
- B. The employer's written specific control measures concerning COVID-19 required droplet precautions for influenza like illnesses instead of airborne infection isolation; and
- C. The employer's written specific control measures concerning COVID-19 initially only required source controls, such as surgical masks, to be by employees used in patient care areas and not in the entire facility.

INSTANCE 2 [T8 CCR §5199(d)(2)(I)]: The employer did not establish effective 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), specifically in the following:

- A. The procedure does not include specific timeframe for reporting exposure incidents from subsection (h)(6).
- B. The procedure does not require a PLHCP to review exposure incidents and recommendation regarding precautionary removal in accordance with subsection (h)(6) through (h)(8).
- C. The program does not specify that PLHCP opinions be written, and be provided to employees within 15 days in accordance with subsection (h)(9).

INSTANCE 3 [Title 8 CCR §5199(d)(2)(J)]: The employer did not establish procedures the employer will use to determine the cause of each exposure incident, and failed to revise existing procedures to prevent future incidents.

INSTANCE 4 [Title 8 CCR §5199(d)(2)(L)]: The employer did not establish procedures to inform other employers of exposure incidents where the employees of other employers may be exposed.

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

**October 07, 2020**

**Proposed Penalty:**

**\$1125.00**

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San Jose, CA 95128

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

**California Code of Regulations, Title 8, §5199(g)(6)(B). Aerosol Transmissible Diseases.**

**(g) Respiratory Protection.**

**(6) Fit testing.**

**(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 4th, 2020 the employer failed to ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test at least annually after the initial fitting.

<b>Date By Which Violation Must be Abated:</b>	<b>October 07, 2020</b>
<b>Proposed Penalty:</b>	<b>\$935.00</b>

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Kelly Tatum  
Compliance Officer / District Manager