

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
San Francisco District Office  
455 Golden Gate Avenue, Suite 9516  
San Francisco, CA 94102  
Phone: (415) 557-0100 Fax: (415) 557-0123

**Inspection #:** 1472716  
**Inspection Dates:** 04/11/2020 - 04/11/2020  
**Issuance Date:** 09/18/2020  
**CSHO ID:** W6628  
**Optional Report #:** 015



**Citation and Notification of Penalty**

**Company Name:** Sutter Bay Hospitals  
**Establishment DBA:** CPMC Davies Campus  
and its successors  
**Inspection Site:** 45 Castro Street  
San Francisco, CA 94114

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

**Title 8 CCR section 5199(d)(2)(K) Aerosol Transmissible Diseases.**

**(d) Aerosol Transmissible Diseases Exposure Control Plan.**

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

**(K) The procedures the employer will use to communicate with its employees and other employees 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).**

Prior to and during the course of the inspection including, but not limited to April 11, 2020, the employer failed to implement effective procedures in its Aerosol Transmissible Diseases Exposure Control Plan and COVID Source Control Measures in that the employer did not communicate to employees regarding the status of persons with suspected or confirmed COVID-19 infection to whom the employees would be exposed in the course of their duties.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$600.00</b>

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

**Title 8 CCR section 5199(e)(1)(B). Aerosol Transmissible Diseases.**

**(e) Engineering and Work Practice Controls, and Personal Protective Equipment.**

**(1) General. Employers shall use feasible engineering and work practice controls to minimize employee exposures to ATPs. Where engineering and work practice controls do not provide sufficient protection (e.g., when an employee enters an All room or area) the employer shall provide, and ensure that employees use, personal protective equipment, and shall provide respiratory protection in accordance with subsection (g) to control exposures to AirIPs.**

**(B) Each employer shall implement written source control procedures. For fixed health care and correctional facilities, and in field operations to the extent that it is reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings. The procedures shall include methods to inform individuals entering the facility, being transported by employees, or otherwise in close contact with employees, of the source control practices implemented by the employer.**

Prior to and during the course of the inspection including, but not limited to April 11, 2020, the employer failed to effectively implement its written source control procedures (universal masking policy) to minimize the potential for SARs Cov-2 transmission, the virus that causes COVID-19, in that:

1. Security guards were not required to wear masks at all times when working in the Emergency Department; and
2. Healthcare workers were not wearing masks as required by employers source control plan when working in the administrative office area and medical surgical unit.

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

**Corrected During Inspection**  
**\$9000.00**

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

**Title 8 CCR section 5199(g). Respiratory Protection.**

**(g) Respiratory Protection.**

**(4) The employer shall provide, and ensure that employees use, a respirator selected in accordance with subsection (g)(3) and Section 5144 when the employee:**

**(B) Is present during the performance of procedures or services for an AirID case or suspected case;**

**Reference: Title 8 CCR section 5199(g). Respiratory Protection.**

**(3) Respirator selection. (A) Where respirator use is required for protection against potentially infectious aerosols and is not required to meet the requirements of subsections (g)(3)(B) or (g)(3)(C), the employer shall provide a respirator that is at least as effective as an N95 filtering facepiece respirator, unless the employer's evaluation of respiratory hazards determines that a more protective respirator is necessary, in which case the more protective respirator shall be provided. (B) Effective September 1, 2010, the employer shall provide a powered air purifying respirator (PAPR) with a High Efficiency Particulate Air (HEPA) filter(s), or a respirator providing equivalent or greater protection, to employees who perform high hazard procedures on AirID cases or suspected cases and to employees who perform high hazard procedures on cadavers potentially infected with ATPs, unless the employer determines that this use would interfere with the successful performance of the required task or tasks. This determination shall be documented in accordance with the ATD Plan and shall be reviewed by the employer and employees at least annually in accordance with subsection (d)(3).**

**EXCEPTION 1 to subsection (g)(3)(B): Where a high hazard procedure is performed by placing the patient in a booth, hood or other ventilated enclosure that effectively contains and removes the aerosols resulting from the procedure, and the employee remains outside of the enclosure, the employee may use a respirator meeting the requirements of subsection (g)(3)(A).**

**EXCEPTION 2 to subsection (g)(3)(B): Paramedics and other emergency medical personnel in field operations may use a P100, R100 or N100 respirator in lieu of a PAPR, providing that the respirator is**

used in accordance with its NIOSH approval. If an employer selects N100 respirators for use under this subsection, the employer's respiratory protection program and employee training must address how an environment will be assessed for the presence of oil aerosols and how alternate respiratory protection will be made available to employees who must use respirators under conditions for which N materials are not suitable.

**(C) Respirators used in laboratory operations to protect against infectious aerosols shall be selected in accordance with the risk assessment and biosafety plan, in accordance with subsection (f). (D) Where respirators are necessary to protect the user from other hazards, including the uncontrolled release of microbiological spores, or exposure to chemical or radiologic agents, respirator selection shall also be made in accordance with Sections 5144, Respiratory Protection, and 5192, Hazardous Waste and Emergency Response Operations, of these orders, as applicable.**

Prior to and during the course of the inspection including, but not limited to on or about March 9 through March 13, the employer failed to provide, and ensure that employees used, appropriate respiratory protection in accordance with subsection (g)(3) and Section 5144 while the employees were present during the performance of procedures on a suspect AirID (COVID-19) patient in the operating room.

<b>Date By Which Violation Must be Abated:</b>	<b>Corrected During Inspection</b>
<b>Proposed Penalty:</b>	<b>\$5400.00</b>

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Denis McComb  
Compliance Officer / District Manager