

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Diego District Office
7575 Metropolitan Drive, Suite 207
San Diego, CA 92108
Phone: (619) 767-2280 Fax: (619) 767-2299

Inspection #: 1476167
Inspection Dates: 05/22/2020 – 12/03/2020
Issuance Date: 12/03/2020
CSHO ID: F1671
Optional Report #: F1671-029-20



Citation and Notification of Penalty

Company Name: Kaiser Foundation Hospitals
Establishment DBA: Kaiser Permanente Zion Medical Center
and its successors
Inspection Site: 4647 Zion Ave
San Diego, CA 92120

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

CALIFORNIA CODE OF REGULATIONS, TITLE 8, 5199. Aerosol Transmissible Diseases. (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.

Prior to and during the course of the investigation, including but not limited to May 22, 2020, the employer's training records for COVID-19 training provided to employees failed to include the contents or a summary of the training session and the names and qualifications of the person(s) conducting the training or designated to respond to interactive training questions.

Date By Which Violation Must be Abated:	January 07, 2021
Proposed Penalty:	\$425.00

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Inspection Site: 4647 Zion Ave
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Citation 1 Item 2 Type of Violation: **General****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 3203. 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[...]

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (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.

Prior to and during the course of the investigation, the employer failed to establish, implement and maintain an effective Injury and Illness Prevention Program (Program) in that;

- 1. The Program did not identify, with adequate specificity, the person or persons with the authority and responsibility for implementing the program.**
- 2. The Program did not establish written provisions for inspections to be made whenever new**

substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard or whenever the employer is made aware of a new or previously unrecognized hazard.

3. The Program did not establish methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures when an imminent hazard exists.

Date By Which Violation Must be Abated:

January 07, 2021

Proposed Penalty:

\$315.00

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Inspection Site: 4647 Zion Ave
San Diego, CA 92120

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

CALIFORNIA CODE OF REGULATIONS, TITLE 8, 5199(e)(5)(D). Aerosol Transmissible Diseases. Engineering and Work Practice Controls and Personal Protective Equipment.

(D) Specific requirements for All rooms and areas.

5. Ventilation systems for All rooms or areas shall be constructed, installed, inspected, operated, tested, and maintained in accordance with Section 5143, General Requirements of Mechanical Ventilation Systems, of these orders. Inspections, testing and maintenance shall be documented in writing, in accordance with subsection (j)(3)(F).

Ref: 5143(a)(5) The ventilation rate of every mechanical ventilation system used to prevent harmful exposure shall be tested after initial installation, alterations, or maintenance, and at least annually, by means of a pitot traverse of the exhaust duct or equivalent measurements. Records of these tests shall be retained for at least five years.

Prior to and during the course of the inspection, including but not limited to May 22, 2020, the employer failed to annually test the ventilation systems for the following airborne infection isolation rooms: 3128, 1334 and their associated restrooms.

Date By Which Violation Must be Abated: January 07, 2021
Proposed Penalty: \$475.00

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Inspection Site: 4647 Zion Ave
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Citation 1 Item 4 Type of Violation: **General****CALIFORNIA CODE OF REGULATIONS, TITLE 8, 5199(g). Aerosol Transmissible Diseases. Respiratory Protection**

(1) Respirators provided for compliance with this section shall be approved by NIOSH for the purpose for which they are used.

(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).

Reference:

Title 8 CCR § 5144(h)(1)

(h) Maintenance and care of respirators. This subsection requires the employer to provide for the cleaning and disinfecting, storage, inspection, and repair of respirators used by employees.

(1) Cleaning and disinfecting. The employer shall provide each respirator user with a respirator that is clean, sanitary, and in good working order. The employer shall ensure that respirators are cleaned and disinfected using the procedures in Appendix B-2, or procedures recommended by the respirator manufacturer, provided that such procedures are of equivalent effectiveness.

Prior to and during the course of the investigation, including but not limited to May 22, 2020, the employer failed to comply with the requirements of this section in the following ways;

Instance 1: Up to and including August 17, 2020, the employer furnished employees with N95 respirators for compliance with this section that had been treated using a chemical agent after use. As a result of the treatment, the furnished devices were no longer NIOSH approved. [Ref. 5199(g)(1)]

Instance 2: The employer failed to effectively establish and implement written procedures to limit reuse of N95s, as recommended by the CDC and NIOSH, including failing to provide respirators that were clean, sanitary and in good working order, and were at least as effective as an N95 filtering face piece respirator. Employees were instructed to use only one N95 per shift, including when in areas where respirator use was required for protection against potentially infectious diseases. This practice necessitated multiple redonnings of assigned N-95s with no limit placed on the number of redonnings without ensuring that the respirators were effectively cleaned and/or disinfected in accordance Appendix B-2 or manufacturer recommendations and without ensuring that they continued to provide the required level of protection. [Ref. 5199(g)(2); 5144(h)(1)]

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$635.00

Tim Decker Kathy Derham
Compliance Officer / Region III Manager