

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
3419 Broadway Street Ste H8
American Canyon, CA 94503
Phone: (707) 649-3700 Fax: (707) 649-3712

Inspection #: 1476072
Inspection Dates: 05/22/2020 - 12/11/2020
Issuance Date: 12/11/2020
CSHO ID: S0358
Optional Report #: 045-20



Citation and Notification of Penalty

Company Name: WINDSOR VALLEJO CARE CENTER, LLC

Establishment DBA:

and its successors

Inspection Site: 2200 Tuolumne St
Vallejo, CA 94589

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

T8 CCR Section 342(a). Reporting Work-Connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately to the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. The report shall be made by the telephone or through a specified online mechanism established by the Division for this purpose. Until the division has made such a mechanism available, the report may be made by telephone or email.

The employer failed to immediately report to the Division the serious illness suffered by an employee who was hospitalized as a result of COVID-19 for about 17 days starting on or about May 10, 2020.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$5000.00

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

Title 8 CCR 5199. Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(1) The employer shall designate a person as the administrator who will be responsible for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases. The administrator shall have the authority to perform this function and shall be knowledgeable in infection control principles as they apply specifically to the facility, service or operation. The administrator shall also identify in writing the job categories in which employees have occupational exposure to ATDs. When the administrator is not on site, there shall be a designated person with full authority to act on his or her behalf. The infection control procedures shall include procedures for the cleaning and disinfection of work areas, vehicles, and equipment that may become contaminated with ATPs and pose an infection risk to employees. The written procedures shall be available at the worksite.

Prior to and during the course of the inspection, the employer failed to establish, implement and maintain procedures for cleaning and disinfecting personal protective equipment that may become contaminated with SARS-CoV-2, the novel pathogen that causes COVID-19, posing an infection risk to employees. The employer permitted employees providing services to both suspect and confirmed COVID-19 patients and non-COVID patients to use the same, potentially contaminated, respiratory protection equipment while attending to all patients in the period of March 2020 to November 2020.

Date By Which Violation Must be Abated:
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\$6750.00

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

Title 8 CCR § 5199. Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

(C) employee use of respiratory protection when entering the room or area in which the person requiring referral is located, if that person is not compliant with source control measures. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

Ref: T8 CCR § 5199 (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;**
- (E) Is working in a residence where an AirID case or suspected case is known to be present;**

Prior to and during the course of the inspection, the employer failed to implement effective procedures to reduce the risk of transmission of aerosol transmissible disease while employees were working in Station 2, 3, and 4 in the following instances:

Instance 1: Employer failed to provide and ensure employees used a respirator selected in accordance with subsection (g)(3) and Section 5144 when employees were present during the performance of procedures or services, and/or working in an area with a suspected or known case of a person infected with SARs-CoV-2, the novel pathogen which causes COVID-19. {§5199(g)(4)(B);

Ref. 5199(g)(3)}

Instance 2: The employer failed to provide and ensure that employees used a powered air purifying respirator (PAPR) when employees performed high hazard procedures of nebulizing breathing treatments on suspected or confirmed cases of COVID-19. {§5199(g)(3)(B)}

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

Title 8 CCR Section 5199(c)(6)(B. Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(6) The employer shall establish a system of medical services for employees which meets the following requirements:

(B) The employer shall develop, implement, and maintain effective written procedures for exposure incidents in accordance with subsections (h)(6) through (h)(9).

T8 CCR Section 5199(h)(6)

(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.

(8) Precautionary removal recommendation from the physician or other licensed health care professional.

(B) Where the PLHCP recommends precautionary removal, or where the local health officer recommends precautionary removal, the employer shall maintain until the employee is determined to be noninfectious, the employee's earnings, seniority, and all other employee rights and benefits, including the employee's right to his or her former job status, as if the employee had not been removed from his or her job or otherwise medically limited.

Prior to and during the course of the inspection, on May 22, 2020, the employer failed to establish a system of medical services for employees, in that the employer failed to implement effective procedures for exposure incidents in accordance with (h)(6), in the following instances:

Instance 1: The employer failed to conduct an exposure analysis, including the determination of which employees had a significant exposure, including but not limited at least seven exposure incidents resulting in 32 confirmed COVID-19 cases. {5199(c)(6)(B); Ref 5199 (h)(6)(C)1.}

Instance 2: The employer failed to notify employees with significant exposures in a reasonable timeframe, in any case no longer than 96 hours after becoming aware of the potential exposure, of the date, time and nature of the exposure. {5199(c)(6)(B); 5199 (h)(6)(C)2.}

Instance 3: The employer failed to provide post-exposure medical evaluation to all employees who had a significant exposure. {5199(c)(6)(B); 5199 (h)(6)(C)3.}

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\$6750.00**

Kathy Lynn Garner
Compliance Officer / District Manager