

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Monrovia District Office
800 Royal Oaks Drive, Suite 105
Monrovia, CA 91016
Phone: (626) 239-0369 Fax: (626) 239-0387

Inspection #: 1474956
Inspection Dates: 05/01/2020 - 10/20/2020
Issuance Date: 10/21/20
CSHO ID: F9933
Optional Report #: 034-20



Citation and Notification of Penalty

Company Name: Kaiser Foundation Hospital Ontario
Establishment DBA: and its successors
Inspection Site: 2295 South Vineyard Ave.
Ontario, CA 91761

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

T8CCR 14300.7(b)(3). General Recording Criteria

(3) How do I record a work-related injury or illness that results in days away from work?
When an injury or illness involves one or more days away from work, you must record the injury or illness on the Cal/OSHA Form 300 with a mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

Violation

Prior to and during the course of investigation including but not limited to June 10th, 2020, the employer did not record an illness that involved an ICU Nurse, whose workplace illness resulted in one or more days away from work, on the Cal/OSHA Form 300.

Date By Which Violation Must be Abated: November 04, 2020
Proposed Penalty: \$425.00

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Citation 2 Item 1 Type of Violation: **Repeat Regulatory**

T8CCR 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.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code

Violation

Instance 1: The employer failed to immediately report to the Division the serious illness suffered by an employee who contracted the Covid-19 virus on or about March 25, 2020.

Instance 2: The employer failed to immediately report to the Division the serious illness suffered by an employee who contracted the Covid-19 virus on or about July 17, 2020.

Instance 3: The employer failed to immediately report to the Division the serious illness suffered by an employee who contracted the Covid-19 virus on or about June 26, 2020.

Kaiser Permanente was previously cited 2 times for a violation of this occupational safety and health standard, the first was contained in OSHA Inspection Number 1348326, Citation Number 1, Item Number 1 and was affirmed as a Final Order on 6/26/20, with respect to a workplace located at 6640 Alton Pkwy., Irvine, CA 92618

The second was in OSHA Inspection Number 1287799, Citation Number 1, Item Number 1 and was

affirmed as a Final Order on 4/26/20, with respect to a workplace located at 4501 Sand Creek Road, Antioch, CA 94531.

THIS CITATION AMENDS TO CORRECT CITATION NO. 2 ITEM 1 WITH TYPOGRAPHICAL ERROR WITH PENALTY.

ALL OTHER ITEMS OF THE CITATION AND PENALTY REMAIN UNCHANGED AND EFFECTIVE.

Date By Which Violation Must be Abated:

November 04, 2020

Proposed Penalty:

\$10000.00

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

T8CCR 5199(g)(4)

(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:

- (A) Enters an All room or area in use for All;
- (B) Is present during the performance of procedures or services for an AirID case or suspected case;
- (C) Repairs, replaces, or maintains air systems or equipment that may contain or generate aerosolized pathogens;
- (D) Is working in an area occupied by an AirID case or suspected case, during decontamination procedures after the person has left the area and as required by subsection (e)(5)(D)9;
- (E) Is working in a residence where an AirID case or suspected case is known to be present;
- (F) Is present during the performance of aerosol generating procedures on cadavers that are suspected of, or confirmed as, being infected with aerosol transmissible pathogens;
- (G) Is performing a task for which the Biosafety Plan or Exposure Control Plan requires the use of respirators; or
- (H) Transports an AirID case or suspected case within the facility or in an enclosed vehicle (e.g., van, car, ambulance or helicopter) when the patient is not masked.

Violation

Prior to and during the course of inspection including but not limited to April 21, 2020, the employer did not provide, and ensure that employees working in a screening tent performing Covid-19 testing use, a respirator selected in accordance with subsection (g)(3) and Section 5144 when the employee is present during the performance of procedures or services for an AirID case or suspected case.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$7650.00

Zulfiqar Merchant
Compliance Officer / District Manager