

**State of California**

Department of Industrial Relations  
 Division of Occupational Safety and Health  
 Los Angeles District Office  
 320 West 4th Street, Room 820  
 Los Angeles, CA 90013  
 Phone: (213) 576-7451 Fax: (213) 576-7461

**Inspection #:** 1476007  
**Inspection Dates:** 05/21/2020 - 01/26/2021  
**Issuance Date:** 01/26/2021  
**CSHO ID:** P5111  
**Optional Report #:** 034-20

**Citation and Notification of Penalty**

**Company Name:** KF Sunray, LLC  
**Establishment DBA:** Sunray Healthcare Center  
 and its successors  
**Inspection Site:** 3210 West Pico Boulevard  
 Los Angeles, CA 90019

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

**California Code of Regulations, Title 8 § 14300.4: Recording Criteria.**

(a) Basic requirement. Each employer required by this article to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

- (1) Is work-related; and
- (2) Is a new case; and
- (3) Meets one or more of the general recording criteria of Section 14300.7 or the application to specific cases of Section 14300.8 through Section 14300.12.

**Violation:**

Prior to and during the course of the inspection, including but not limited to on May 20, 2020, the employer did not record work-related injuries, meeting the general recording criteria of Section 14300.7, for employees working at 3210 West Pico Boulevard in Los Angeles, California, on its Cal/OSHA Log 300 as required by this section.

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

**March 01, 2021**

**Proposed Penalty:**

**\$375.00**

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

### **California Code of Regulations, Title 8 § 3203: Injury and Illness Prevention Program.**

(b) Records of the steps taken to implement and maintain the Program shall include:  
 (1) Records of scheduled and periodic inspections required by subsection (a)(4) to identify unsafe conditions and work practices, including person(s) conducting the inspection, the unsafe conditions and work practices that have been identified and action taken to correct the identified unsafe conditions and work practices. These records shall be maintained for at least one (1) year; and Exception: Employers with fewer than 10 employees may elect to maintain the inspection records only until the hazard is corrected.  
 (2) Documentation of safety and health training required by subsection (a)(7) for each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for at least one (1) year.

### **Violation:**

Prior to and during the course of the inspection, including but not limited to on May 20, 2020, the employer did not maintain records of scheduled and periodic inspections to identify unsafe conditions and work practices, as required by this section.

Instance 1: The employer failed to maintain records of scheduled and periodic inspection.

Instance 2: The employer's written Injury and Illness Prevention Program incorrectly stated they qualified for an inspection recordkeeping exemption for employers with fewer than 10 employees.

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

**March 01, 2021**  
**\$935.00**

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

**California Code of Regulations, Title 8 § 5199. Aerosol Transmissible Diseases.**

(c)(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.

**Violation:**

Prior to and during the course of the inspection, including but not limited to May 20, 2020, the employer did not implement and maintain effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases in accordance with this subsection.

Instance 1: The employer's written infection control procedures did not designate a person with full authority to act on the behalf of the administrator, when the administrator is not on site.

Instance 2: The employer's written infection control procedures did not include laundry staff in the list of job classifications with occupational exposure to ATDs.

Instance 3: The employer's written infection control procedures did not adequately include procedures for the effective cleaning and disinfection of work areas, vehicles and equipment that

may become contaminated with ATPs and pose an infection risk to employees, in accordance with this subsection.

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

**March 01, 2021**

**Proposed Penalty:**

**\$935.00**

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

**California Code of Regulations, Title 8 § 5199. Aerosol Transmissible Diseases.**

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

(A) The employer shall make available to all health care workers with occupational exposure all vaccinations recommended by the CDPH as listed in Appendix E in accordance with subsection (h). These vaccinations shall be provided by a PLHCP at a reasonable time and place for the employee.

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

(C) The employer shall establish, implement, and maintain an effective surveillance program for LTBI in accordance with subsections (h)(3) and (h)(4).

(D) The employer shall establish, implement, and maintain effective procedures for providing vaccinations against seasonal influenza to all employees with occupational exposure, in accordance with subsection (h)(10).

**Violation:**

Prior to and during the course of the inspection, including but not limited to May 20, 2020, the employer did not establish as system of medical services for employees, in accordance with this subsection.

Instance 1: The employer's written procedures did not include a system to make available to all health care workers with occupational exposure all vaccinations recommended by the CDPH, in accordance with subsection (c)(6)(A).

Instance 2: The employer's written procedures did not include a system to establish, implement, and maintain an effective surveillance program for LTBI, in accordance with subsection (c)(6)(C).

Instance 3: The employer's written procedures did not include a system to establish, implement, and maintain effective procedures for providing vaccinations against seasonal influenza to all employees with occupational exposure, in accordance with subsection (c)(6)(D).

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

**California Code of Regulations, Title 8 § 5193. Bloodborne Pathogens.**

(c)(1) Exposure Control Plan.

(A) Each employer having an employee(s) with occupational exposure as defined by subsection (b) of this section shall establish, implement and maintain an effective Exposure Control Plan which is designed to eliminate or minimize employee exposure and which is also consistent with Section 3203.

(B) The Exposure Control Plan shall be in writing and shall contain at least the following elements:

1. The exposure determination required by subsection (c)(3);
2. The schedule and method of implementation for each of the applicable subsections: (d) Methods of Compliance, (e) HIV, HBV and HCV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping, of this standard;
3. The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (f)(3)(A).
4. An effective procedure for gathering the information required by the Sharps Injury Log.
5. An effective procedure for periodic determination of the frequency of use of the types and brands of sharps involved in the exposure incidents documented on the Sharps Injury Log;
6. An effective procedure for identifying currently available engineering controls, and selecting such controls, where appropriate, for the procedures performed by employees in their respective work areas or departments;
7. An effective procedure for documenting patient safety determinations made pursuant to Exception 2. of subsection (d)(3)(A); and
8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments.

(C) Each employer shall ensure that a copy of the Exposure Control Plan is accessible to employees in accordance with Section 3204(e).

(D) The Exposure Control Plan shall be reviewed and updated at least annually and whenever

necessary as follows:

1. To reflect new or modified tasks and procedures which affect occupational exposure;
- 2.a. To reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
- b. To document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection;
3. To include new or revised employee positions with occupational exposure;
4. To review and evaluate the exposure incidents which occurred since the previous update; and
5. To review and respond to information indicating that the Exposure Control Plan is deficient in any area.

(E) Employees responsible for direct patient care. In addition to complying with subsections (c)(1)(B)6. and (c)(1)(B)8., the employer shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls, and shall document the solicitation in the Exposure Control Plan.

(F) The Exposure Control Plan shall be made available to the Chief or NIOSH or their respective designee upon request for examination and copying.

**Violation:**

Prior to and during the course of the inspection, including but not limited to May 20, 2020, the employer did not establish, implement and maintain an effective Exposure Control Plan (ECP) in accordance with this section.

Instance 1: The written ECP did not include an exposure determination in accordance with subsection (c)(1)(B)(1).

Instance 2: The written ECP did not include a schedule and methods of implementation for Methods of Compliance and/or Communication of Hazards to Employees, in accordance with subsection (c)(1)(B)(2).

Instance 3: The written ECP did not include an effective procedure for periodic determination of the frequency of use of the types and brands of sharps involved in the exposure incidents in accordance with subsection (c)(1)(B)(5).

Instance 4: The written ECP did not include an effective procedure for identifying currently available engineering controls, and selecting such controls, where appropriate, for the procedures performed by employees in their respective work areas or departments, in accordance with subsection (c)(1)(B)(6).

Instance 5: The written ECP did not include an effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments, in accordance with subsection (c)(1)(B)(8).

Instance 6: The written ECP was not reviewed and updated at least annually in accordance with subsection (c)(1)(D).

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

**February 05, 2021**

**Proposed Penalty:**

**\$16875.00**



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

**California Code of Regulations, Title 8 § 5199. Aerosol Transmissible Diseases.**

(c)(3)(A) Transfers shall occur within 5 hours of the identification of the case or suspected case, unless:

- (1) the initial encounter with the case or suspected case occurs after 3:30 p.m. and prior to 7 a.m., in which event the employer shall ensure that transfer occurs no later than 11:00 a.m.; or
- (2) the employer has contacted the local health officer, determined that there is no facility that can provide appropriate All, and complied with all of the conditions in (e)(5)(B)2.; or
- (3) the case meets the conditions of either of the exceptions to subsection (e)(5)(B).

**Violation:**

Prior to and during the course of the inspection, including but not limited to May 20, 2020, the employer provided housing of airborne infectious disease cases and/or suspected cases, without referral or transfer, and did not comply with all the conditions in (e)(5)(B)(2), including assurance that all employees who enter rooms or areas housing cases and/or suspected cases, were provided with and used, respiratory protection in accordance with subsection (g) and Section 5144, Respiratory Protection, of these orders.

Instance 1: The employer did not establish, implement and maintain an effective written respiratory protection program, meeting the requirements of Section 5144(c), in accordance with subsection (g)(2) of this order.

Instance 2: The employer did not provide a medical evaluation, meeting the requirements of Section 5144(e) of these orders, to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator, in accordance with subsection (g)(5) of this order.

Instance 3: The employer did not ensure that each employee who is assigned to use a filtering facepiece or other tight-fitting respirator passes a fit test, at the time of initial fitting, when a different size, make, model or style of respirator is used, and at least annually thereafter, meeting the requirements of Section 5144, in accordance with subsection (g)(6)(B) of this order.

Instance 4: The employer did not ensure that each respirator user was provided with initial and annual training, meeting the requirements of Section 5144, in accordance with subsection (g)(7) of this order.

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**February 05, 2021**

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

**California Code of Regulations, Title 8 § 5199. Aerosol Transmissible Diseases.**

(c)(7) Employers shall ensure that all employees with occupational exposure participate in a training program. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training shall be provided when there are changes in the workplace or when there are changes in procedures that could affect worker exposure to ATPs. The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace. Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used. This training shall include:

- (A) A general explanation of ATDs including the signs and symptoms that require further medical evaluation;
- (B) Screening methods and criteria for persons who require referral;
- (C) The employer's source control measures and how these measures will be communicated to persons the employees contact;
- (D) The employer's procedures for making referrals in accordance with subsection (c)(3);
- (E) The employer's procedures for temporary risk reduction measures prior to transfer;
- (F) Training in accordance with subsection (g) and Section 5144 of these orders, when respiratory protection is used;
- (G) The employer's medical services procedures in accordance with subsection (h), the methods of reporting exposure incidents, and the employer's procedures for providing employees with post-exposure evaluation;
- (H) Information on vaccines the employer will make available, including the seasonal influenza vaccine. For each vaccine, this information shall include the efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
- (I) How employees can access the employer's written procedures and how employees can participate in reviewing the effectiveness of the employer's procedures in accordance with

subsection (c)(8); and

(J) An opportunity for interactive questions and answers with a person who is knowledgeable in the subject matter as it relates to the workplace that the training addresses and who is also knowledgeable in the employer's infection control procedures. Training not given in person shall provide for interactive questions to be answered within 24 hours by a knowledgeable person.

**Violation:**

Prior to and during the course of the inspection, including but not limited to May 20, 2020, the employer failed to provide effective training in accordance with this subsection, and with the procedures contained in its Aerosol Transmissible Disease Exposure Control (Plan), to employees at their time of initial assignment to tasks where occupational exposure to aerosol transmissible diseases may take place, and at least annually thereafter.

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

**February 05, 2021**

**Proposed Penalty:**

**\$16875.00**

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Victor Copelan  
Compliance Officer / District Manager