

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Santa Ana District Office
2 MacArthur Place, Suite 720
Santa Ana, CA 92707
Phone: (714) 558-4451 Fax: (714) 558-2035

Inspection #: 1505625
Inspection Dates: 12/09/2020 - 06/04/2021
Issuance Date: 06/04/2021
CSHO ID: J9223
Optional Report #: 010-21



Citation and Notification of Penalty

Company Name: Saddleback Memorial Medical Center
Establishment DBA:

and its successors
Inspection Site: 24451 Health Center Drive
Laguna Hills, CA 92653

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

California Code of Regulations, Title 8, Section 342(a). Reporting Work-connected Fatalities and Serious Injuries.

(a) Every employer shall report immediately by telephone or telegraph to the nearest District Office of 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.

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.

Employer failed to immediately report to the Division serious illnesses suffered by employees including, but not limited to, the following:

- (1) Employee admitted to a hospital for a COVID 19 related illness on or about August 22, 2020.**
- (2) Employee admitted to a hospital for a COVID 19 related illness on or about November 22, 2020.**

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$5000.00

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

California Code of Regulations, Title 8, Section 5193(c)(1). Bloodborne Pathogens.

(c) Exposure Response, Prevention and Control.

(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:

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;

NOTE: Frequency of use may be approximated by any reasonable and effective method.

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.

(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.

Prior to and during the course of the inspection, including but not limited to, on April 16, 2021 the employer failed to establish, implement and maintain an effective Exposure Control Plan in the following instances:

Instance 1

The employer failed to include the elements set forth in †8CCR 5193(c)(1)(B)5. and †8CCR 5193(c)(1)(B)8. in its written Exposure Control Plan.

Instance 2

The employer failed to document the input solicited from non-managerial employees in their Exposure Control Plan as required by †8CCR 5193(c)(1)(E).

Date By Which Violation Must be Abated:

July 07, 2021

Proposed Penalty:

\$700.00

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

California Code of Regulations, Title 8, Section 5199(d). Aerosol Transmissible Diseases.

(d) Aerosol Transmissible Diseases Exposure Control Plan.

(1) The employer shall establish, implement, and maintain an effective, written ATD Exposure Control Plan (Plan) which is specific to the work place or operation(s), and which contains all of the elements in subsection (d)(2).

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

(E) The methods of implementation of subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation. Specific control measures shall be listed for each operation or work area in which occupational exposure occurs. These measures shall include applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection. In establishments where the Plan pertains to laboratory operations, it also shall contain the methods of implementation for subsection (f), unless those operations are included in a Biosafety Plan.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. These procedures shall include the methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation rooms or areas. These procedures shall also include the methods the employer will use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(I) The procedures for employees and supervisors to follow in the event of an exposure incident, including how the employer will determine which employees had a significant exposure, in accordance with subsections (h)(6) through (h)(9).

(J) The procedures the employer will use to evaluate each exposure incident, to determine the cause, and to revise existing procedures to prevent future incidents.

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

(L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).

(M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.

(O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).

(P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).

(Q) Surge procedures. Employers of employees who are designated to provide services in surge conditions, and employers of employees who are designated to provide services to persons who have been contaminated as the result of a release of a biological agent as described in subsection (a)(1)(B), shall include procedures for these activities in the plan. The plan shall include work practices, decontamination facilities, and appropriate personal protective equipment and respiratory protection for such events. The procedures shall include how respiratory and personal protective equipment will be stockpiled, accessed or procured, and how the facility or operation will interact with the local and regional emergency plan.

(3) The ATD Plan shall be reviewed at least annually by the program administrator, and by employees regarding the effectiveness of the program in their respective work areas. Deficiencies found shall be corrected. The review(s) shall be documented in writing, in accordance with subsection (j)(3)(A).

Prior to and during the course of the inspection, including but not limited to, on April 16, 2021 the employer failed to establish, implement, and maintain an effective written Aerosol Transmissible Diseases Exposure Control Plan (ATD Plan) in the following instances:

Instance 1

The employer's ATD Plan did not contain the methods of implementation required by subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation, with specific control measures for each operation or work area as required by t8CCR 5199(d)(2)(E).

Instance 2

The employer's ATD Plan did not contain the procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities as required by t8CCR 5199(d)(2)(G).

Instance 3

The employer's ATD Plan did not contain the procedures used to provide medical services, including vaccine availability as required by t8CCR 5199(d)(2)(H).

Instance 4

The employer's ATD Plan did not contain procedures for employees and supervisors in the event of exposure as required by t8CCR 5199(d)(2)(I).

Instance 5

The employer's ATD Plan did not contain procedures to evaluate each exposure incident as required by t8CCR 5199(d)(2)(J).

Instance 6

The employer's ATD Plan did not contain procedures to communicate suspected or confirmed infectious disease status as required by t8CCR 5199(d)(2)(K).

Instance 7

The employer's ATD Plan did not contain procedures the employer will use to communicate with other employers regarding exposure incidents, including providing or receiving notification to and from health care providers about the disease status of referred or transferred patients as required by t8CCR 5199(d)(2)(L).

Instance 8

The employer's ATD Plan did not contain procedures to ensure an adequate supply of personal protective equipment (PPE) and equipment necessary to minimize employee exposure to ATPs as required by t8CCR 5199(d)(2)(M).

Instance 9

The employer's ATD Plan did not contain procedures for recordkeeping as required by t8CCR 5199(d)(2)(O).

Instance 10

The employer's ATD Plan did not contain procedures for obtaining active involvement of employees in reviewing and updating the exposure control plan as required by t8CCR 5199(d)(2)(P).

Instance 11

The employer's ATD Plan did not contain surge procedures as required by t8CCR 5199(d)(2)(Q).

Instance 12

The employer failed to document the annual reviews of their ATD Plan in accordance with subsection (j)(3)(A) [Reference: t8CCR 5199(d)(3)].

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July 07, 2021

Proposed Penalty:

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

California Code of Regulations, Title 8, Section 5199(g)(5). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(5) Medical evaluation: The employer shall provide a medical evaluation, in accordance with 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. For employees who use respirators solely for compliance with subsections (g)(3)(A) and (g)(3)(B), the alternate questionnaire in Appendix B may be used.

Prior to and during the course of the inspection, including but not limited to, on April 16, 2021, the employer failed to provide a medical evaluation in accordance with Section 5144(e) for housekeeping employees who have occupational exposure to Sars-CoV-2, the virus that causes COVID-19. A written recommendation was not obtained regarding each employee's ability to use the respirator from a Physician or other licensed health care professional (PLHCP) before the employee was fit tested or required to use the respirator.

[Reference: 5144(e) Medical evaluation. Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this subsection specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

(6) Medical determination. In determining the employee's ability to use a respirator, the employer shall:

(A) Obtain a written recommendation regarding the employee's ability to use the respirator from the PLHCP. The recommendation shall provide only the following information:

1. Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;

2. The need, if any, for follow-up medical evaluations; and

3. A statement that the PLHCP has provided the employee with a copy of the PLHCP's written recommendation.]

Date By Which Violation Must be Abated:

June 15, 2021

Proposed Penalty:

\$10125.00

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

California Code of Regulations, Title 8, Section 5199(g)(6)(B). Aerosol Transmissible Diseases.

(g) Respiratory Protection

(6) Fit testing.

(B) The employer shall ensure that each employee who is assigned to use a filtering facepiece or other tight fitting respirator passes a fit test:

1. At the time of initial fitting;
2. When a different size, make, model or style of respirator is used; and
3. At least annually thereafter.

Prior to and during the course of the inspection, including but not limited to, on April 16, 2021, the employer failed to ensure that each housekeeping employee (with occupational exposure to Sars-CoV-2, the virus that causes COVID-19) who was assigned to use a filtering facepiece or tight-fitting respirator passed a fit test annually.

Date By Which Violation Must be Abated:	June 15, 2021
Proposed Penalty:	\$10125.00

Ujitha Perera
Compliance Officer / District Manager