

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889

Inspection #: 1473260
Inspection Dates: 04/24/2020 - 09/18/2020
Issuance Date: 09/18/2020
CSHO ID: J3808
Optional Report #: 012-20



Citation and Notification of Penalty

Company Name: Fletcher Cove Holdings, LLC
Establishment DBA: The Ridge Post-Acute
and its successors
Inspection Site: 1355 Clayton Rd.
San Jose, CA 95127

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

Title 8 Section 5199(g)(5). Respiratory Protection.

(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 24, 2020, the employer failed to ensure that their respirator users were provided with medical evaluations 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.

Date By Which Violation Must be Abated: **October 05, 2020**
Proposed Penalty: **\$550.00**

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Company Name: Fletcher Cove Holdings, LLC
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Citation 2 Item 1 Type of Violation: **Serious**

Title 8 CCR Section 5199(c)(5). Aerosol Transmissible Diseases.

(c) Referring Employers.

(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:

(A) placement of the person requiring referral in a separate room or area;

(B) provision of separate ventilation or filtration in the room or area; and

(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.

Prior to and during the course of the inspection, including but not limited to April 24, 2020, the employer failed to establish, maintain, and effectively implement its Ridge Post-Acute Outbreak Management Plan and Ridge Post-Acute Infectious Disease Policy to include effective infection control procedures to reduce the risk of transmission of COVID-19 from infected patients when they remained in the facility.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$4950.00

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

Title 8 CCR Section 5199(c)(7). 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:

(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.

Prior to and during the course of the inspection, including but not limited to, on April 24, 2020, the employer failed to provide effective training on its outbreak management plan and infectious disease policy for the employees of Santa Clara Valley Medical Center assigned to work at its facility, having exposure to COVID-19 suspect and confirmed patients.

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Proposed Penalty:**

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

Title 8 CCR Section 5199(g)(6)(A). Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(6) Fit testing.

(A) The employer shall perform either quantitative or qualitative fit tests in accordance with the procedures outlined in Appendix A of Section 5144, Respiratory Protection, of these orders. The fit test shall be performed on the same size, make, model and style of respirator as the employee will use. When quantitative fit testing is performed, the employer shall not permit an employee to wear a filtering facepiece respirator or other half-facepiece respirator, unless a minimum fit factor of one hundred (100) is obtained. When fit testing single use respirators, a new respirator shall be used for each employee.

Prior to and during the course of the inspection, including, but not limited to, on April 24, 2020, the employer failed to perform either quantitative or qualitative tests for employees required to wear filtering facepiece respirators in the workplace while exposed to COVID-19 cases and suspected cases, in accordance with the procedures outlined in Appendix A of Section 5144 of these orders.

Date By Which Violation Must be Abated:

Corrected During Inspection

Proposed Penalty:

\$4950.00

Kelly Tatum
Compliance Officer / District Manager