

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 #: 1477528
Inspection Dates: 06/04/2020 - 12/30/2020
Issuance Date: 12/30/2020
CSHO ID: S0358
Optional Report #: 048-20



Citation and Notification of Penalty

Company Name: Tranquility Inc.
Establishment DBA: San Miguel Villa
and its successors
Inspection Site: 1050 San Miguel Road
Concord, CA 94518

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, San Miguel Villa, failed to immediately report to the Division the serious illness suffered by an employee who was hospitalized on December 17, 2020, as a result of COVID-19 by telephone, online mechanism, or email.

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 Section 5199(c)(3). 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:

(3) The employer shall establish, implement, and maintain effective written procedures for the screening and referral of cases and suspected cases of AirIDs to appropriate facilities.

(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).

(B) When screening is provided by persons who are not health care providers, the employer shall meet the requirements of this section by establishing criteria and procedures for referral of persons to a health care provider for further evaluation within the timeframes in subsection (c)(3)(A). Referrals shall be provided to persons who do any of the following:

1. Have a cough for more than three weeks that is not explained by non-infectious conditions.

2. Exhibit signs and symptoms of a flu-like illness during March through October, the months outside of the typical period for seasonal influenza, or exhibit these signs and symptoms for a period longer than two weeks at any time during the year. These signs and symptoms generally include

combinations of the following: coughing and other respiratory symptoms, fever, sweating, chills, muscle aches, weakness and malaise.

3. State that they have a transmissible respiratory disease, excluding the common cold and seasonal influenza.

Ref. 5199(e)(5)(B):

(e) Engineering and Work Practice Controls, and Personal Protective Equipment.

(5) AirID cases or suspected cases shall be identified, and except in field operations and in settings where home health care or home-based hospice care is being provided, these individuals shall be:

(B) Placed in an All room or area or transferred to a facility with All rooms or areas. The employer shall ensure that this placement or transfer is effected in a timely manner.

1. Transfers within facility. Transfers to airborne infection isolation rooms or areas within the facility shall occur within 5 hours of identification. If there is no All room or area available within this time, the employer shall transfer the individual to another suitable facility in accordance with subsection (e)(5)(B)2.

2. Transfers to other facilities. Transfers to other facilities shall occur within 5 hours of identification, unless the employer documents, at the end of the 5-hour period, and at least every 24 hours thereafter, each of the following:

a. The employer has contacted the local health officer.

b. There is no All room or area available within that jurisdiction.

c. Reasonable efforts have been made to contact establishments outside of that jurisdiction, as provided in the Plan.

d. All applicable measures recommended by the local health officer or the Infection Control PLHCP have been implemented.

e. All employees who enter the room or area housing the individual are provided with, and use, appropriate personal protective equipment and respiratory protection in accordance with subsection (g) and Section 5144, Respiratory Protection of these orders.

EXCEPTIONS to subsection (e)(5)(B):

(1) Where the treating physician determines that transfer would be detrimental to a patient's condition, the patient need not be transferred. In that case the facility shall ensure that employees use respiratory protection when entering the room or area housing the individual. The patient's condition shall be reviewed at least every 24 hours to determine if transfer is safe, and the determination shall be recorded as described in the Plan in accordance with (d)(2)(G). Once transfer is determined to be safe, transfer must be made within the time period set forth in subsection (e)(5)(B).

(2) Where it is not feasible to provide All rooms or areas to individuals suspected or confirmed to be infected with or carriers of novel or unknown ATPs, the employer shall provide other effective control

measures to reduce the risk of transmission to employees, which shall include the use of respiratory protection in accordance with subsection (g) and Section 5144, Respiratory Protection of these orders.

Prior to and during the course of the inspection, including up to June 4, 2020, the employer housed cases or suspected cases of COVID-19, an airborne infectious disease caused by the novel pathogen SARs-CoV-2, without meeting the conditions of either exception to section 5199(e)(5)(B).

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

**Corrected During Inspection
\$6750.00**

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

Title 8 CCR Section 5199(c)(5)(C). 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. 5199(g):

(g) Respiratory Protection.

(3) Respirator selection.

(B) Effective September 1, 2010, the employer shall provide a powered air purifying respirator (PAPR) with a High Efficiency Particulate Air (HEPA) filter(s), or a respirator providing equivalent or greater protection, to employees who perform high hazard procedures on AirID cases or suspected cases and to employees who perform high hazard procedures on cadavers potentially infected with ATPs, unless the employer determines that this use would interfere with the successful performance of the required task or tasks. This determination shall be documented in accordance with the ATD Plan and shall be reviewed by the employer and employees at least annually in accordance with subsection

(d)(3).

(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.

Prior to and during the course of the inspection, including up to June 4, 2020, 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);

Instance 2: The employer failed to provide and ensure that employees used a powered air purifying respirator (PAPR) when employees performed high hazard procedures including, but not limited to, 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).

Prior to and during the course of the inspection, including up to June 4, 2020, the employer failed to establish and implement effective procedures for investigating exposure incidents in accordance with 5199(h)(6) thru 5199 (h)(9) in the following instances:

Instance 1: The employer failed to conduct an exposure analysis, including the determination of which employees had a significant exposure in incidents involving 23 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, and 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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Citation 5 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 June 4, 2020, the employer failed to provide training to employees with occupational exposure to SARs-CoV-2, the novel pathogen which causes COVID-19 as required by this subsection, in the following instances:

Instance 1: The employer failed to provide a general explanation of SARs-CoV-2, including how it is transmitted through the inhalation of aerosols. {5199(c)(7)(A).}

Instance 2: The employer failed to train employees on employer's source control measures and how to reduce the risk of transmission of SARs-CoV-2. {5199(c)(7)(C).}

Instance 3: The employer failed to train employees on the appropriate respiratory protection to be used while caring for patients with COVID-19 in accordance with subsection (g). {5199(c)(7)(F)}

Instance 4: The employer failed to train employees in accordance with subsection (h), the methods for reporting exposure incidents to SARs-CoV-2, and the employer's procedures for providing employees with post-exposure evaluation. {5199(c)(7)(G).}

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Proposed Penalty:**

**Corrected During Inspection
\$6750.00**

Perry Churchill Kathy Garner
Compliance Officer / District Manager