

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Inspection #: 1511137
Inspection Dates: 07/01/2020 - 03/01/2021
Issuance Date: 03/01/2021
CSHO ID: X4225
Optional Report #:



Citation and Notification of Penalty

Company Name: Southern California Permanente Medical Group
Establishment DBA: Kaiser Permanente - Van Buren Offices
and its successors
Inspection Site: 3951 Van Buren Blvd
Riverside, CA 92503

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

T8CCR 5199(j) Aerosol Transmissible Diseases.

(j) Recordkeeping.

(3) Records of implementation of ATD Plan and/or Biosafety Plan.

(A) Records of annual review of the ATD Plan and Biosafety Plan shall include the name(s) of the person conducting the review, the dates the review was conducted and completed, the name(s) and work area(s) of employees involved, and a summary of the conclusions. The record shall be retained for three years.

Prior to and during the course of the inspection, including, but not limited to June 29, 2020, the employer failed to maintain records of annual review of the ATD Plan including the name(s) of the person conducting the review, the dates the review was conducted and completed, the name(s) and work area(s) of employees involved, a summary of the conclusions; and failed to retain records for three years.

Date By Which Violation Must be Abated:

March 25, 2021

Proposed Penalty:

\$375.00

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Establishment DBA: Kaiser Permanente - Van Buren Offices
and its successors
Inspection Site: 3951 Van Buren Blvd
Riverside, CA 92503

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

T8CCR 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:

(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).

(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.

Instance 1

Prior to and during the course of the inspection, including, but not limited to, on June 29, 2020, the employer's written ATD Exposure Control Plan (Plan) was not specific to the work place or operation(s) at the Van Buren (MOD) site.

Instance 2

Prior to and during the course of inspection, including but not limited to June 29, 2020, the employer's written Aerosol Transmissible Diseases Exposure Control Plan (ATD Plan) failed to contain procedures for the following subsections:

(I) Procedures for employees and supervisors in the event of exposure;

(J) Procedures to evaluate each exposure incident;

(K) Procedures to communicate suspected or confirmed infectious disease status;

(Q) Surge procedures, if designated to provide services in surge conditions shall provide a plan to include work practices, decontamination facilities and appropriate PPE, equipment and respiratory protection.

Date By Which Violation Must be Abated:

March 25, 2021

Proposed Penalty:

\$1405.00

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

T8CCR 5199 (h) Aerosol Transmissible Diseases.

(h) Medical services:

(6) Exposure Incidents.

(C) Each employer who becomes aware that his or her employees may have been exposed to an RATD case or suspected case, or to an exposure incident involving an ATP-L shall do all of the following:

1. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours following, as applicable, the employer's report to the local health officer or the receipt of notification from another employer or the local health officer, conduct an analysis of the exposure scenario to determine which employees had significant exposures. This analysis shall be conducted by an individual knowledgeable in the mechanisms of exposure to ATPs or ATPs-L, and shall record the names and any other employee identifier used in the workplace of persons who were included in the analysis. The analysis shall also record the basis for any determination that an employee need not be included in post-exposure follow-up because the employee did not have a significant exposure or because a PLHCP determined that the employee is immune to the infection in accordance with applicable public health guidelines. The exposure analysis shall be made available to the local health officer upon request. The name of the person making the determination, and the identity of any PLHCP or local health officer consulted in making the determination shall be recorded.
2. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 96 hours of becoming aware of the potential exposure, notify employees who had significant exposures of the date, time, and nature of the exposure.
3. As soon as feasible, provide post-exposure medical evaluation to all employees who had a significant exposure. The evaluation shall be conducted by a PLHCP knowledgeable about the specific disease, including appropriate vaccination, prophylaxis and treatment. For M. tuberculosis, and for other pathogens where recommended by applicable public health guidelines, this shall include testing of the isolate from the source individual or material for drug susceptibility, unless the PLHCP determines that it is not feasible.
4. Obtain from the PLHCP a recommendation regarding precautionary removal in accordance with

subsection (h)(8), and a written opinion in accordance with subsection (h)(9).

5. Determine, to the extent that the information is available in the employer's records, whether employees of any other employers may have been exposed to the case or material. The employer shall notify these other employers within a time frame that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours of becoming aware of the exposure incident of the nature, date, and time of the exposure, and shall provide the contact information for the diagnosing PLHCP. The notifying employer shall not provide the identity of the source patient to other employers.

Violation:

Prior to and during the course of the inspection, including, but not limited to, June 29, 2020, the Employer failed to investigate an exposure incident with an employee who was a confirmed COVID-19 case on June 25, 2020, in the following instances:

Instance 1:

The Employer failed to conduct an exposure analysis to determine whether any employees had significant exposure to the employee. [5199(h)(6)(C)1.]

Instance 2:

The Employer failed to notify employees who had significant exposures to a reportable aerosol transmissible diseases, such as a confirmed case of COVID-19 within a reasonable timeframe, but in no case later than 96 hours, [5199(h)(6)(C)2.]

Instance 3:

The Employer failed to obtain from the PLHCP a recommendation regarding precautionary removal of the employee for confirmed case of COVID-19 and employees who had a significant exposure to the employee in accordance with subsection (h)(8), and a written opinion in accordance with subsection (h)(9). [5199(h)(6)(C)4.]

Date By Which Violation Must be Abated:

March 11, 2021

Proposed Penalty:

\$16875.00

Robert Delgado / Rubin Carr
Compliance Officer / Associate Safety Engineer