

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Modesto District Office
4206 Technology Drive, Suite 3
Modesto, CA 95356
Phone: (209) 545-7310 Fax: (209) 545-7313

Inspection #: 1492680
Inspection Dates: 09/14/2020 - 05/18/2021
Issuance Date: 05/18/2021
CSHO ID: Q8549
Optional Report #: 17-21

**Citation and Notification of Penalty**

Company Name: Empress Health Care Inc
Establishment DBA: New Hope Post Acute Care
and its successors
Inspection Site: 2586 Buthmann Ave
Tracy, CA 95376

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

T8CCR 3203(a)

Injury and Illness Prevention Program

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

Exception: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).

- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards:

(A) When the Program is first established;

Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

(B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and

(C) Whenever the employer is made aware of a new or previously unrecognized hazard.

(5) Include a procedure to investigate occupational injury or occupational illness.

(6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

(8) Allow employee access to the Program.

Prior to and during the course of inspection, the Employer did not establish, implement and maintain an effective Injury Illness Prevention Program.

Date By Which Violation Must be Abated:
Proposed Penalty:

June 21, 2021
\$650.00

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Citation and Notification of Penalty

Company Name: Empress Health Care Inc
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Inspection Site: 2586 Buthmann Ave
Tracy, CA 95376

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

T8CCR 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.

Ref: T8CCR 5144(e)(1)

Prior to and during the course of inspection, the Employer did not provide medical evaluations for those employees wearing respirators such as N-95's for protection against exposure to Covid-19.

Date By Which Violation Must be Abated: **June 21, 2021**
Proposed Penalty: **\$365.00**

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Company Name: Empress Health Care Inc
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Citation 2 Item 1 Type of Violation: **Serious**

T8CCR 5199(d)(1)

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).

Prior to and during the course of inspection, the Employer did not establish, implement and maintain and effective, written Exposure Control Plan specific to the workplace which contains all of the elements in subsection (d)(2). Elements missing included but not limited to: Names or titles of persons responsible; list of job classifications of employees with occupational exposure; list of assignments or tasks requiring respiratory protection; methods of implementation of work practices, personal protection, medical services, training and record keeping; procedures the employer will use to evaluate each exposure incident.

For full list of Aerosol Transmissible Disease Exposure Control Plan requirements see <https://www.dir.ca.gov/Title8/5199>

Date By Which Violation Must be Abated: **June 11, 2021**
Proposed Penalty: **\$16200.00**

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

T8CCR 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 inspection, the Employer did not perform either quantitative or qualitative fit testing of respirators such as N-95's worn by employees for protection against Covid-19.

Date By Which Violation Must be Abated: **June 11, 2021**
Proposed Penalty: **\$16200.00**

Eddie Miranda
Compliance Officer / District Manager