

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 #: 1490778
Inspection Dates: 08/21/2020 - 06/07/2021
Issuance Date: 06/07/2021
CSHO ID: Q8549
Optional Report #: 15-21



Citation and Notification of Penalty

Company Name: Port City Operating Co LLC
Establishment DBA: Dignity Health, St Joseph's Medical Center
and its successors
Inspection Site: 1800 N. California St.
Stockton, CA 95204

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

T8CCR 5199(d)(3)

Aerosol Transmissible Diseases

(d) Aerosol Transmissible Diseases Exposure Control 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 inspection, the Employer did not review the ATD Plan at least annually. The ATD plan was reviewed during 06/16 and not again until 02/20.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$375.00

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

T8CCR 5199(j)(2)(A)

Aerosol Transmissible Diseases

(j) Recordkeeping.

(2) Training records.

(A) Training records shall include the following information:

1. The date(s) of the training session(s);
2. The contents or a summary of the training session(s);
3. The names and qualifications of persons conducting the training or who are designated to respond to interactive questions; and
4. The names and job titles of all persons attending the training sessions.

Prior to and during the course of the inspection, training records provided to the Division did not include all the required elements. A summary of the training session or contents was not provided nor were the names and qualifications of the persons conducting the training or who are designated to respond to interactive questions.

Date By Which Violation Must be Abated:
Proposed Penalty:

July 22, 2021
\$375.00

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

T8CCR 5199(j)(3)(B)

Aerosol Transmissible Diseases

(j) Record Keeping

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

(B) Records of exposure incidents shall be retained and made available as employee exposure records in accordance with Section 3204. These records shall include:

1. The date of the exposure incident;
2. The names, and any other employee identifiers used in the workplace, of employees who were included in the exposure evaluation;
3. The disease or pathogen to which employees may have been exposed;
4. The name and job title of the person performing the evaluation;
5. The identity of any local health officer and/or PLHCP consulted;
6. The date of the evaluation; and
7. The date of contact and contact information for any other employer who either notified the employer or was notified by the employer regarding potential employee exposure.

Prior to and during the course of inspection the employer failed to keep records of exposure incidents containing all of the information required. The identity of the local health officer and or PLHCP consulted and the date of the evaluation was not included in the exposure incident records.

Date By Which Violation Must be Abated:

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

T8CCR 5199(g)

Aerosol Transmissible Diseases

(g) Respiratory Protection.

(1) Respirators provided for compliance with this section shall be approved by NIOSH for the purpose for which they are used.

(2) Each employer who has any employee whose occupational exposure is based on entering any of the work settings or performing any of the tasks described in subsection (g)(4) shall establish, implement and maintain an effective written respiratory protection program that meets the requirements of Section 5144 of these orders, except as provided in subsections (g)(5) and (g)(6).

NOTE to subsection (g)(2): The respiratory protection program may be incorporated into the ATD Exposure Control Plan or the Biosafety Plan.

(3) Respirator selection.

(A) Where respirator use is required for protection against potentially infectious aerosols and is not required to meet the requirements of subsections (g)(3)(B) or (g)(3)(C), the employer shall provide a respirator that is at least as effective as an N95 filtering facepiece respirator, unless the employer's evaluation of respiratory hazards determines that a more protective respirator is necessary, in which case the more protective respirator shall be provided.

(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).

Ref: T8CCR 5144

Prior to and during the course of inspection, the Employer failed to establish, implement and maintain an effective written respiratory protection program in that respirator selection was not in accordance with requirements. From the record, Covid Emergency Response Plan which was used in conjunction with the Respiratory Protection Plan, High Risk procedures for Covid-19 such as aerosol generating procedures , an N-95 respirator was considered allowable where a PAPR with a HEPA filter would be required and that a face mask is to be used for regular care of Covid-19 patients when an N-95 would be required.

Date By Which Violation Must be Abated:

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Proposed Penalty:

\$935.00

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Citation 1 Item 5 Type of Violation: **General**

T8CCR 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 inspection, the Employer did not perform fit testing on at least an annual basis for those employees working with Covid-19 patients, who wear respirators such as N-95 respirators, while working with Covid-19 patients. Several employees were past due for their annual fit testing.

Date By Which Violation Must be Abated:	July 22, 2021
Proposed Penalty:	\$560.00

Eddie Miranda
Compliance Officer / District Manager