

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 #: 1490008
Inspection Dates: 08/26/2020 - 06/10/2021
Issuance Date: 06/10/2021
CSHO ID: R4096
Optional Report #: 014-21



Citation and Notification of Penalty

Company Name: Elite MD Inc.
and its successors
Inspection Site: 350 Rose Street
Danville, CA 94526

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.

Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.

Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code.

The Employer failed to report to the Division of Occupational Safety and Health the serious illness suffered by an employee who was hospitalized with COVID-19 for about two days starting on or about August 1, 2020.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5000.00

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

Title 8 CCR Section 5193(c)(1)(B). Bloodborne Pathogens.

(c) Exposure Response, Prevention and Control.

(1) Exposure Control Plan.

(B) The Exposure Control Plan shall be in writing and shall contain at least the following elements:

1. The exposure determination required by subsection (c)(3);
2. The schedule and method of implementation for each of the applicable subsections: (d) Methods of Compliance, (e) HIV, HBV and HCV Research Laboratories and Production Facilities, (f) Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up, (g) Communication of Hazards to Employees, and (h) Recordkeeping, of this standard;
3. The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (f)(3)(A).
4. An effective procedure for gathering the information required by the Sharps Injury Log.
5. An effective procedure for periodic determination of the frequency of use of the types and brands of sharps involved in the exposure incidents documented on the Sharps Injury Log;
6. An effective procedure for identifying currently available engineering controls, and selecting such controls, where appropriate, for the procedures performed by employees in their respective work areas or departments;
7. An effective procedure for documenting patient safety determinations made pursuant to Exception 2. of subsection (d)(3)(A); and
8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments.

Prior to and during the course of the inspection, including but not limited to, on August 26, 2020, the employer failed to have in writing an exposure control plan with all of the elements required by this section.

Date By Which Violation Must be Abated:	Corrected During Inspection
Proposed Penalty:	\$450.00

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Company Name: Elite MD Inc.
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Citation 2 Item 1 Type of Violation: **Serious**

Title 8 CCR Section 3203. 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:

(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;

(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.

(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.

Prior to and during the course of the inspection, including but not limited to, on August 26, 2020, the employer failed to implement and maintain an effective Injury Illness Prevention Program (IIPP) in that it did not identify, evaluate, or correct the following unhealthy conditions or work practices relating to SARS-CoV-2, the virus causing COVID-19, that affected its employees in the following instances:

Instance 1. The employer failed to effectively identify and correct workplace hazards relating to COVID-19 affecting its employees who were eating, drinking, and taking breaks in the breakrooms without maintaining a physical distance of six feet in all directions and who were not wearing face coverings. [3203(a)(4) & (6)];

Instance 2. The employer did not ensure employees maintained a physical distance of at least six feet apart in all directions from each other while working on patients with no face coverings in the

operating room for periods of time extending beyond 1 hour during the month of July, 2020.
[3203(a)(6)].

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$5060.00

Steve Stevenson Kathy Garner
Compliance Officer / District Manager