

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
American Canyon District Office
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American Canyon, CA 94503
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Inspection #: 1503702
Inspection Dates: 11/23/2020 - 06/10/2021
Issuance Date: 06/10/2021
CSHO ID: S0358
Optional Report #: 016-21



Citation and Notification of Penalty

Company Name: Kaiser Foundation Hospitals
Establishment DBA: Santa Rosa Medical Center
and its successors
Inspection Site: 401 Bicentennial Way
Santa Rosa, CA 95403

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

Title 8 CCR Section 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.

(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;

(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;

Reference: Title 8 CCR Section 5199(g) Aerosol Transmissible Diseases.

(g) Respiratory Protection.

(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). (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).

Prior to and during the course of the Division's inspection, including the time period from November 2020 through December 2020, the employer failed to provide, and to ensure that 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 suspected or known cases infected with SARs-CoV-2, the novel pathogen which causes COVID-19, for employees working in the post-partum unit and 4 West in the following instances:

Instance 1: A nurse did not have access to and was not provided a NIOSH approved respirator at least as effective as an N95 filtering facepiece respirator when they entered a room in the post-partum unit where there was a confirmed positive COVID-19 case. (§5199(g)(3)(A))

Instance 2: The employer failed to provide and ensure the use of NIOSH approved respirators at least as effective as 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 or are present during the performance of such procedures, on confirmed or suspected cases of COVID-19, in 4 West including, but not limited to, intubations, and high flow respiratory treatments. (§5199(g)(3)(B))

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

**Corrected During Inspection
\$9000.00**

Kathy Lynn Garner
Compliance Officer / District Manager