

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Fremont District Office
39141 Civic Center Drive, Suite 310
Fremont, CA 94538
Phone: (510) 794-2521 Fax: (510) 794-3889

Inspection #: 1502656
Inspection Dates: 11/17/2020 - 06/11/2021
Issuance Date: 06/14/2021
CSHO ID: T8256
Optional Report #: 007-21



Citation and Notification of Penalty

Company Name: Kaiser Foundation Hospital
Establishment DBA: Kaiser San Jose Medical Center
and its successors
Inspection Site: 250 Hospital Parkway
San Jose, CA 95119

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

Title 8 CCR Section 5199(j)(3)(B). Aerosol Transmissible Diseases.

(j) Recordkeeping.

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

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

Violation:

Prior to and during the course of the inspection, the employer failed to retain and make available records of exposure incidents in accordance with Section 3204 upon a request made by the Division on March 11, 2021.

Date By Which Violation Must be Abated:

July 19, 2021

Proposed Penalty:

\$500.00

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**Citation and Notification of Penalty**

Company Name: Kaiser Foundation Hospital
Establishment DBA: Kaiser San Jose Medical Center
and its successors
Inspection Site: 250 Hospital Parkway
San Jose, CA 95119

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

Title 8 CCR Section 5199(d)(2). Aerosol Transmissible Diseases.**(d) Aerosol Transmissible Exposure Control Plan.****(2) The Plan shall contain all of the following elements:**

(A) The name(s) or title(s) of the person(s) responsible for administering the Plan. This person shall be knowledgeable in infection control principles and practices as they apply to the facility, service or operation.

(B) A list of all job classifications in which employees have occupational exposure.

(C) A list of all high hazard procedures performed in the facility, service or operation, and the job classifications and operations in which employees are exposed to those procedures.

(D) A list of all assignments or tasks requiring personal or respiratory protection.

(E) The methods of implementation of subsections (e), (g), (h), (i) and (j) as they apply to that facility, service or work operation. Specific control measures shall be listed for each operation or work area in which occupational exposure occurs. These measures shall include applicable engineering and work practice controls, cleaning and decontamination procedures, and personal protective equipment and respiratory protection. In establishments where the Plan pertains to laboratory operations, it also shall contain the methods of implementation for subsection (f), unless those operations are included in a Biosafety Plan.

(F) A description of the source control measures to be implemented in the facility, service or operation, and the method of informing people entering the work setting of the source control measures.

(G) The procedures the employer will use to identify, temporarily isolate, and refer or transfer AirID cases or suspected cases to All rooms, areas or facilities. These procedures shall include the methods the employer will use to limit employee exposure to these persons during periods when they are not in airborne infection isolation rooms or areas. These procedures shall also include the methods the employer will use to document medical decisions not to transfer patients in need of All in accordance with subsection (e)(5)(B).

(H) The procedures the employer will use to provide medical services, including recommended vaccinations and follow-up, as required in subsection (h). This shall include the procedures the employer will use to document the lack of availability of a recommended vaccine.

(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).
- (L) The procedures the employer will use to communicate with other employers regarding exposure incidents, including procedures for providing or receiving notification to and from health care providers about the disease status of referred or transferred patients, in accordance with subsection (h).
- (M) The procedures the employer will use to ensure that there is an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to ATPs, in normal operations and in foreseeable emergencies.
- (N) The procedures the employer will use to provide initial and annual training in accordance with subsection (i) to employees in job categories identified in subsection (d)(2)(B).
- (O) The procedures the employer will use for recordkeeping, in accordance with subsection (j).
- (P) An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed in their respective work areas or departments in accordance with subsection (d)(3).
- (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.

Violation:

Prior to and during the course of the inspection, including, but not limited to November 17th, 2020, the employer's Aerosol Transmissible Disease Exposure Control Plan (Plan) failed to contain the following elements:

- 1) The employer's Plan did not include effective procedures for maintaining an adequate supply of personal protective equipment and other equipment necessary to minimize employee exposure to aerosol transmissible pathogens [(5199 (d)(2)(M))];
- 2) The employer's Plan did not include an effective procedure to obtain the active involvement of employees in reviewing and updating the exposure control in accordance with subsection (d)(3). [5199(d)(2)(P)];
- 3) The employer's Plan failed to include a procedure describing the method an employee obtains a medical evaluation from an alternative medical provider after an exposure incident. [5199(d)(2)(I)];
- 4) The employer's Plan did not list CPR (Cardiac Pulmonary Resuscitation) where employees are exposed to aerosols containing SARS-CoV-2, the virus that causes COVID-19 disease on its list of high hazard procedures performed in the facility. [5199(d)(2)(C)];

Date By Which Violation Must be Abated:

July 19, 2021

Proposed Penalty:

\$625.00

Kelly Tatum
Compliance Officer / District Manager