

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
Oakland District Office
1515 Clay Street, Suite 1303
Oakland, CA 94612
Phone: (510) 622-2916 Fax: (510) 622-2908

Inspection #: 1512533
Inspection Dates: 01/28/2021 - 07/01/2021
Issuance Date: 07/02/2021
CSHO ID: N3190
Optional Report #: 011-21



Citation and Notification of Penalty

Company Name: Kaiser Foundation Hospitals/Kaiser Permanente-Oakland Medical Center
Establishment DBA:

and its successors

Inspection Site: 3600 Broadway
Oakland, CA 94611

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

Title 8 CCR §3205(c). COVID-19 Prevention

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document.

Alleged Violative Description

Prior to and during the course of the inspection, including but not limited to, on January 28, 2021, the employer failed to have established; and implemented and maintain a written COVID-19 Prevention Program for employees working in the communications and other non-patient contact areas, that included the elements set forth in Subsections (c)(1) through (c)(11).

Date By Which Violation Must be Abated: July 19, 2021
Proposed Penalty: \$935.00

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

**Title 8 CCR § 5199 (d)(2)(E) Aerosol Transmissible Diseases
(d) Aerosol Transmissible Diseases Exposure Control Plan.**

(2) The Plan shall contain all of the following elements:

(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.

Alleged Violative Description

Prior to and during the course of the inspection, the employer failed to have established and implemented elements of their Aerosol Transmissible Diseases Exposure Control Plan to include specific control measures as it applies to the communications operations department, in that it had not prohibited the shared use of the emergency communications stations, including a microphone, nor had implemented decontamination between uses by different users in the communications operations area on the 5th floor in November and December 2020.

Or in the alternative:

Title 8 CCR §3205(c)(8)(C)2. COVID-19 Prevention

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(8) Other engineering controls, administrative controls, and personal protective equipment.

(C) Employers shall implement cleaning and disinfecting procedures, which require:

2. Prohibiting the sharing of personal protective equipment and to the extent feasible, items that employees come in regular physical contact with such as phones, headsets, desks, keyboards, writing materials, instruments, and tools. When it is not feasible to prevent sharing, sharing shall be minimized and such items and equipment shall be disinfected between uses by different people. Sharing of vehicles shall be minimized to the extent feasible, and high touch points (steering wheel, door handles, seatbelt buckles, armrests, shifter, etc.) shall be disinfected between users.

Alleged Violative Description

Prior to and during the course of the inspection, including but not limited to, on January 28, 2021, the employer failed to have prohibited the shared use of the emergency communications stations, including a microphone, nor had implemented disinfection between uses by different users in the communications operations area on the 5th floor in December 2020.

Date By Which Violation Must be Abated:

July 19, 2021

Proposed Penalty:

\$16875.00

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Oakland, CA 94611

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

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

(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.

Prior to and during the course of the inspection, the employer failed to have established and implemented elements of their Aerosol Transmissible Diseases Exposure Control Plan to ensure source control measures specific to the communications operations department which included an effective process for screening employees and for responding to employees with COVID-19 symptoms, in that an employee working on the 5th floor continued to come into the workplace with symptoms starting on or about December 9th, 2020.

Or in the alternative:

Title 8 CCR §3205(c)(2)(B). COVID-19 Prevention

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(2) Identification and evaluation of COVID-19 hazards.

(B) The employer shall develop and implement a process for screening employees for and responding to employees with COVID-19 symptoms. The employer may ask employees to evaluate their own symptoms before reporting to work. If the employer conducts screening at the workplace, the employer shall ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used.

Alleged Violative Description

Prior to and during the course of the inspection, the employer failed to effectively implement a process for screening employees and for responding to employees with COVID-19 symptoms in that an employee working in the communications operations area on the 5th floor continued to come into the workplace with symptoms starting on or about December 9th, 2020.

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Inspection Site: 3600 Broadway
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Citation 4 Item 1 Type of Violation: **Serious**

Title 8 CCR §5199(i) Aerosol Transmissible Diseases**(i) Training.**

(4) The training program shall contain at a minimum the following elements:

(B) A general explanation of ATDs including the signs and symptoms of ATDs that require further medical evaluation.

(C) An explanation of the modes of transmission of ATPs or ATPs-L and applicable source control procedures.

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure to ATPs or ATPs-L including appropriate engineering and work practice controls, decontamination and disinfection procedures, and personal and respiratory protective equipment.

Alleged Violative Description

Prior to and during the course of the inspection, including but not limited to, on January 28, 2021, the employer failed to provide effective training and instruction to employees who worked in the communications operations area on the 5th floor in December 2020 on the following topics required in this subsection:

INSTANCE 1) The training failed to provide an explanation of the signs and symptoms of ATDs that require further medical evaluation sufficient to ensure employees with such symptoms stay away from the work place until fully evaluated during the COVID-19 pandemic. [5199(i)(4)(B)]

INSTANCE 2) The training failed to provide the explanation of all the modes of transmission of COVID-19 an aerosol transmissible disease. [5199(i)(4)(C)]

INSTANCE 3) The training failed to provide explanation of the uses of limitations of methods to prevent or reduce exposure to ATPs or ATPs-L including disinfection of the microphone used by multiple employees in the communications operations area. [5199(i)(4)(F)]

Or in the alternative:

Title 8 CCR §3205(c)(5). COVID-19 Prevention

(c) Written COVID-19 Prevention Program. Employers shall establish, implement, and maintain an effective, written COVID-19 Prevention Program, which may be integrated into the employer's Injury and Illness Program required by section 3203, or be maintained in a separate document. The written elements of a COVID-19 Prevention Program shall include:

(5) Training and instruction. The employer shall provide effective training and instruction to employees that includes the following:

(A) The employer's COVID-19 policies and procedures to protect employees from COVID-19 hazards.

(C) The fact that COVID-19 is an infectious disease that can be spread through the air when an infectious person talks or vocalizes, sneezes, coughs, or exhales; that COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth, although that is less common; and that an infectious person may have no symptoms.

(E) The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.

(G) Proper use of face coverings and the fact that face coverings are not respiratory protective equipment.

(H) COVID-19 symptoms, and the importance of not coming to work and obtaining a COVID-19 test if the employee has COVID-19 symptoms.

Alleged Violative Condition

Prior to and during the course of the inspection, including but not limited to, on January 28, 2021, the employer failed to provide effective training and instruction to employees including the information required by Title 8 CCR 3205(c)(5)(A),(C), (E),(G) and (H) for employees who worked in the communications operations area on the 5th floor in December 2020.

Date By Which Violation Must be Abated:

July 19, 2021

Proposed Penalty:

\$16875.00

Charles Rachlis Wendy Hogle-Lui
Compliance Officer / District Manager