

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 #: 1508717
Inspection Dates: 01/04/2021 - 07/09/2021
Issuance Date: 07/12/2021
CSHO ID: H6984
Optional Report #: 009-21



Citation and Notification of Penalty

Company Name: Windsor Country Drive Care Center, LLC
Establishment DBA:

and its successors

Inspection Site: 2500 Country Drive
Fremont, CA 94536

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

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

(c) Exposure Response, Prevention and Control.

(1) Exposure Control Plan.

(A) Each employer having an employee(s) with occupational exposure as defined by subsection (b) of this section shall establish, implement and maintain an effective Exposure Control Plan which is designed to eliminate or minimize employee exposure and which is also consistent with Section 3203.

Prior to and during the course of investigation, including but not limited to January 4, 2021, the employer failed to establish an exposure control plan for employees exposed to blood or other potentially infectious materials (OPIM) while working in the facility.

Date By Which Violation Must be Abated: August 05, 2021
Proposed Penalty: \$1125.00

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 #: 1508717
Inspection Dates: 01/04/2021 - 07/09/2021
Issuance Date: 07/12/2021
CSHO ID: H6984
Optional Report #: 009-21

**Citation and Notification of Penalty**

Company Name: Windsor Country Drive Care Center, LLC
Establishment DBA:

and its successors

Inspection Site: 2500 Country Drive
Fremont, CA 94536

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

Title 8 CCR Section 5199(c)(6)(B). Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(6) The employer shall establish a system of medical services for employees which meets the following requirements:

(B) The employer shall develop, implement, and maintain effective written procedures for exposure incidents in accordance with subsections (h)(6) through (h)(9).

Reference Title 8 CCR Section 5199(h)(6)(C). Aerosol Transmissible Diseases.

(h) Medical Services.

(6) Exposure Incidents.

(C) Each employer who becomes aware that his or her employees may have been exposed to an RATD case or suspected case, or to an exposure incident involving an ATP-L shall do all of the following:

1. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours following, as applicable, the employer's report to the local health officer or the receipt of notification from another employer or the local health officer, conduct an analysis of the exposure scenario to determine which employees had significant exposures. This analysis shall be conducted by an individual knowledgeable in the mechanisms of exposure to ATPs or ATPs-L, and shall record the names and any other employee identifier used in the workplace of persons who were included in the analysis. The analysis shall also record the basis for any determination that an employee need not be included in post-exposure follow-up because the employee did not have a significant exposure or because a PLHCP determined that the employee is immune to the infection in accordance with applicable public health guidelines. The exposure analysis shall be made available to the local health officer upon request. The name of the person making the determination, and the identity of any PLHCP or local health officer consulted in making

the determination shall be recorded.

2. Within a timeframe that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 96 hours of becoming aware of the potential exposure, notify employees who had significant exposures of the date, time, and nature of the exposure.

3. As soon as feasible, provide post-exposure medical evaluation to all employees who had a significant exposure. The evaluation shall be conducted by a PLHCP knowledgeable about the specific disease, including appropriate vaccination, prophylaxis and treatment. For *M. tuberculosis*, and for other pathogens where recommended by applicable public health guidelines, this shall include testing of the isolate from the source individual or material for drug susceptibility, unless the PLHCP determines that it is not feasible.

4. Obtain from the PLHCP a recommendation regarding precautionary removal in accordance with subsection (h)(8), and a written opinion in accordance with subsection (h)(9).

5. Determine, to the extent that the information is available in the employer's records, whether employees of any other employers may have been exposed to the case or material. The employer shall notify these other employers within a time frame that is reasonable for the specific disease, as described in subsection (h)(6)(B), but in no case later than 72 hours of becoming aware of the exposure incident of the nature, date, and time of the exposure, and shall provide the contact information for the diagnosing PLHCP. The notifying employer shall not provide the identity of the source patient to other employers.

Prior to and during the course of the Investigation, including but not limited to January 4, 2021, the employer failed to establish procedures for investigating exposure incidents in the facility, to notify employees who had significant exposures to COVID-19 cases and suspected cases, and to provide post-exposure medical services to those exposed employees, between the period of November 2020 and January 2021, in accordance with subsection (h)(6) through (h)(9).

Date By Which Violation Must be Abated:

August 05, 2021

Proposed Penalty:

\$1125.00

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 #: 1508717
Inspection Dates: 01/04/2021 - 07/09/2021
Issuance Date: 07/12/2021
CSHO ID: H6984
Optional Report #: 009-21

**Citation and Notification of Penalty**

Company Name: Windsor Country Drive Care Center, LLC

Establishment DBA:

and its successors

Inspection Site: 2500 Country Drive
Fremont, CA 94536

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

Title 8 CCR Section 5199(c)(5)(C). Aerosol Transmissible Diseases.

(c) Referring Employers. In facilities, services, or operations in which there is occupational exposure and which meet the criteria specified by (a)(3)(A), employers are only required to comply with the following provisions:

(5) The employer shall establish, implement and maintain effective written procedures to reduce the risk of transmission of aerosol transmissible disease, to the extent feasible, during the period the person requiring referral is in the facility or is in contact with employees. In addition to source control measures, these procedures shall include, to the extent feasible:

(C) employee use of respiratory protection when entering the room or area in which the person requiring referral is located, if that person is not compliant with source control measures. Respirator use shall meet the requirements of subsection (g) and Section 5144, Respiratory Protection, of these orders.

Reference Title 8 CCR Section 5199 (g)(5) Respiratory Protection.

(g) Respiratory Protection.

(5) Medical evaluation: The employer shall provide a medical evaluation, in accordance with Section 5144(e) of these orders, to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator. For employees who use respirators solely for compliance with subsections (g)(3)(A) and (g)(3)(B), the alternate questionnaire in Appendix B may be used.

Prior to and during the course of the Investigation, including but not limited to January 4, 2021, the employer failed to have established and implemented written procedures to reduce the risk of

transmission of aerosol transmissible diseases, to the extent feasible, during the period that suspected and/or confirmed COVID-19 cases were in the facility or in contact with its employees, respiratory protection used to protect employees when entering the room(s) or area(s) in which the suspect or confirmed COVID-19 case are located, where those cases are not compliant with source control measures, failed to meet the requirements of subsection (g) of these orders and Section 5144, in that the employer failed to provide medical evaluations, in accordance with Title 8 CCR Section 5144(e), to determine the employee's ability to use a respirator before each employee is fit tested or required to use a respirator. [Ref. T8 CCR 5199(g)(5)]

Date By Which Violation Must be Abated:

August 05, 2021

Proposed Penalty:

\$13500.00

Kelly Tatum
Compliance Officer / District Manager