

State of California

Department of Industrial Relations
Division of Occupational Safety and Health
San Bernardino District Office
464 West 4th Street, Suite 332
San Bernardino, CA 92401
Phone: (909) 383-4321 Fax: (909) 383-6789

Inspection #: 1514174
Inspection Dates: 02/09/2021 - 09/03/2021
Issuance Date: 09/03/2021
CSHO ID: X4225
Optional Report #:



Citation and Notification of Penalty

Company Name: Life Care Centers of America, Inc.
Establishment DBA: Life Care Center of Menifee
and its successors
Inspection Site: 27600 Encanto Drive
Sun City, CA 92586

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

T8CCR5199(c)(9) Aerosol Transmissible Diseases Exposure Control Plan.

(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:

(9) The employer shall establish and maintain training records, vaccination records, records of exposure incidents, and records of inspection, testing, and maintenance of non-disposable engineering controls, in accordance with subsection (j). If the employer utilizes respirators, the employer shall maintain records of implementation of the Respiratory Protection Program in accordance with Section 5144, Respiratory Protection, of these orders.

Prior to and during the course of the inspection, including but not limited to, on February 9, 2021 the employer failed to establish and maintain records of exposure incidents in accordance with subsection (j). [5199(j)(3)(B)]

Date By Which Violation Must be Abated: September 30, 2021
Proposed Penalty: \$350.00

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Company Name: Life Care Centers of America, Inc.
Establishment DBA: Life Care Center of Menifee
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Citation 1 Item 2 Type of Violation: **General**

T8CCR5144(c)(3) Respiratory Protection Program.

(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. Not identified. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).

(3) The employer shall designate a program administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.

Prior to and during the course of the inspection, including but not limited to, on February 9, 2021 the employer failed to designate a program administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.

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| Date By Which Violation Must be Abated: | September 30, 2021 |
| Proposed Penalty: | \$700.00 |

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**Citation and Notification of Penalty**

Company Name: Life Care Centers of America, Inc.
Establishment DBA: Life Care Center of Menifee
and its successors
Inspection Site: 27600 Encanto Drive
Sun City, CA 92586

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

T8CCR5199(c) Aerosol Transmissible Diseases Exposure Control Plan.

(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:

(1) The employer shall designate a person as the administrator who will be responsible for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases. The administrator shall have the authority to perform this function and shall be knowledgeable in infection control principles as they apply specifically to the facility, service or operation. The administrator shall also identify in writing the job categories in which employees have occupational exposure to ATDs. When the administrator is not on site, there shall be a designated person with full authority to act on his or her behalf. The infection control procedures shall include procedures for the cleaning and disinfection of work areas, vehicles, and equipment that may become contaminated with ATPs and pose an infection risk to employees. The written procedures shall be available at the worksite.

(2) The employer shall establish, implement, and maintain effective written source control procedures. For fixed health care and correctional facilities, and in other facilities, services, and operations to the extent reasonably practicable, these procedures shall incorporate the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings. These procedures shall include the method of informing persons with whom employees will have contact of the employer's source control measures.

(3) The employer shall establish, implement, and maintain effective written procedures for the screening and referral of cases and suspected cases of AirdDs to appropriate facilities.

(A) Transfers shall occur within 5 hours of the identification of the case or suspected case, unless:

(1) the initial encounter with the case or suspected case occurs after 3:30 p.m. and prior to 7 a.m., in which event the employer shall ensure that transfer occurs no later than 11:00 a.m.; or

(2) the employer has contacted the local health officer, determined that there is no facility that can provide appropriate All, and complied with all of the conditions in (e)(5)(B)2.; or

(3) the case meets the conditions of either of the exceptions to subsection (e)(5)(B).

(B) When screening is provided by persons who are not health care providers, the employer shall meet the requirements of this section by establishing criteria and procedures for referral of persons to a health care provider for further evaluation within the timeframes in subsection (c)(3)(A). Referrals shall be provided to persons who do any of the following:

1. Have a cough for more than three weeks that is not explained by non-infectious conditions.
2. Exhibit signs and symptoms of a flu-like illness during March through October, the months outside of the

typical period for seasonal influenza, or exhibit these signs and symptoms for a period longer than two weeks at any time during the year. These signs and symptoms generally include combinations of the following: coughing and other respiratory symptoms, fever, sweating, chills, muscle aches, weakness and malaise.

3. State that they have a transmissible respiratory disease, excluding the common cold and seasonal influenza.

4. State that they have been exposed to an infectious ATD case, other than seasonal influenza.

NOTES to subsection (c)(3):

1. Seasonal influenza does not require referral.

2. Appendix F contains sample criteria for screening that may be adopted by employers in non-medical settings for the purpose of meeting the requirements of this subsection.

(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:

(A) placement of the person requiring referral in a separate room or area;

(B) provision of separate ventilation or filtration in the room or area; and

(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.

EXCEPTION to subsection (c)(5)(C): Law enforcement or corrections personnel who transport a person requiring referral in a vehicle need not use respiratory protection if all of the following conditions are met:

i. A solid partition separates the passenger area from the area where employees are located;

ii. The employer implements written procedures that specify the conditions of operation, including the operation of windows and fans;

iii. The employer tests (e.g., by the use of smoke tubes) the airflow in a representative vehicle (of the same model, year of manufacture, and partition design) under the specified conditions of operation, and finds that there is no detectable airflow from the passenger compartment to the employee area;

iv. The employer records the results of the tests and maintains the results in accordance with subsection (j)(3)(F); and

v. The person performing the test is knowledgeable about the assessment of ventilation systems.

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

(A) The employer shall make available to all health care workers with occupational exposure all vaccinations recommended by the CDPH as listed in Appendix E in accordance with subsection (h). These vaccinations shall be provided by a PLHCP at a reasonable time and place for the employee.

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

(C) The employer shall establish, implement, and maintain an effective surveillance program for LTBI in accordance with subsections (h)(3) and (h)(4).

(D) The employer shall establish, implement, and maintain effective procedures for providing vaccinations against seasonal influenza to all employees with occupational exposure, in accordance with subsection (h)(10).

EXCEPTION to subsection (c)(6)(D): Seasonal influenza vaccine shall be provided during the period designated by the CDC for administration and need not be provided outside of those periods.

(7) Employers shall ensure that all employees with occupational exposure participate in a training program. Training shall be provided at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. Additional training shall be provided when there are changes in the workplace or when there are changes in procedures that could affect worker exposure to ATPs. The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace. Training material appropriate in content and vocabulary to the educational level, literacy, and language of employees shall be used. This training shall include:(A)-(J)

Prior to and during the course of the inspection, including but not limited to, on February 9, 2021 the employer failed to establish, implement and maintain an effective Aerosol Transmissible Diseases Exposure Control Plan in that:

Instance 1:

The employer did not designate an administrator who will be responsible for the establishment, implementation and maintenance of effective written infection control procedures to control the risk of transmission of aerosol transmissible diseases. The employer failed to identify in writing the job categories in which employees have occupational exposure to ATD's. The employer failed to include written procedures for the cleaning and disinfection of all work areas, including but not limited to unknown COVID-19 status (Yellow) areas. [5199(c)(1)]

Instance 2:

The employer did not establish, implement, and maintain effective written source control procedures and did not incorporate all of the recommendations contained in the Respiratory Hygiene/Cough Etiquette in Health Care Settings. [5199(c)(2)]

Instance 3:

The employer did not establish, implement, and maintain effective written procedures for the screening and referral of cases and suspected cases of AirlDs to appropriate facilities. [5199(c)(3)].

Instance 4:

The employer did not 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, including but not limited to a provision of separate ventilation or filtration in the room or area, and employee use of appropriate respiratory protection when entering the room or area in which the person requiring referral is located. [3205(c)(5)]

Instance 5:

The employer failed to effectively establish a system of medical services for employees which meets the requirements of this subsection. [5199(c)(6)]

Date By Which Violation Must be Abated:

September 16, 2021

Proposed Penalty:

\$15750.00

Robert Delgado / Michael Loupe
Compliance Officer / District Manager