

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA District Office (0950615; 4016)  
1221 Farmers Lane, Suite 300  
Santa Rosa, CA 95405

**Inspection Number:** 300752581  
**Inspection Dates:** 10/25/2010 -  
**Issuance Date:** 04/12/2011  
**CSHO ID:** N7538  
**Optional Inspection Nbr:** 14-11



**Citation and Notification of Penalty**

**Company Name:** CA Dept. of Mental Health Napa State Hospital  
**Inspection Site:** 2100 Napa Vallejo Hwy., Napa, CA 94558

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

T8 CCR 3203(a)(1) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Identify the person or persons with authority and responsibility for implementing the Program.

On or before 10/25/10, the employer's Injury and Illness Prevention Program was ineffective in that it did not correctly identify the person or persons with authority and responsibility for implementing the Program. Program Directors/Department Heads have authority and total responsibility for maintaining safe and healthful working conditions for employees within their jurisdiction; however, the health and safety of employees is subordinated to the treatment requirements of individuals as dictated by clinical personnel.

Date By Which Violation Must be Abated:	05/15/2011
Proposed Penalty:	\$ 335.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Inspection Site:** 2100 Napa Vallejo Hwy., Napa, CA 94558

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

T8 CCR 3203(a)(2) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.

On or before the inspection on 10/25/10, the employer's Injury and Illness Prevention Program was not effectively implemented in that employer does not ensure that employees who escort individuals comply with safety procedures and policies.

Date By Which Violation Must be Abated:	05/15/2011
Proposed Penalty:	\$ 335.00

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

T8 CCR 3203(a)(5) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Include a procedure to investigate occupational injury or occupational illness.

On or before inspection on 10/25/10, the employer's Injury and Illness Prevention Program was ineffective in that the employer's procedure to investigate occupational injury and illness was not implemented and maintained. Many of employer's Supervisor's Report of Occupational Injury or Illness forms pertaining to assaults showed that investigations lacked analyses of the cause and thus were ineffective in preventing further occurrences.

Date By Which Violation Must be Abated:	05/15/2011
Proposed Penalty:	\$ 335.00

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**Citation 1 Item 4 Type of Violation: **General****

T8 CCR 3203 (a)(7) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Provide training and instruction:

- (A) When the program is first established;
- (B) To all new employees;
- (C) To all employees given new job assignments for which training has not previously been received;
- (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
- (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

On or about the time of inspection on 10/25/10, the employer's Injury and Illness Prevention Program was ineffective with respect to employee training and instruction in that:

1. TSI training given to employees was not applicable to the type of assaultive situations that an employees experience from unsupervised individuals on the grounds in the Secure Treatment Area.
2. The employer's program did not train employees in how to recognize stalking behavior by individuals on the grounds of the Secure Treatment Area, nor how employees were to be protected from this behavior.

Date By Which Violation Must be Abated:	05/15/2011
Proposed Penalty:	\$ 335.00

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**Citation and Notification of Penalty**

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

T8 CCR 3203(a)(3) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.

On or before the time of the inspection on 10/25/10, the employer's Injury and Illness Prevention Program was ineffective with respect to the employer's communication system on health & safety matters in that:

1. Employer required all employees to confront unsupervised individuals engaged in prohibited behavior. Employer's procedures did not provide for communication to the employees the history and behavioral triggers of the hundreds of unsupervised individuals that they were expected to confront.
2. Employees had no effective, available means of communicating threatening behavior by individuals to the employer.
3. Employer's communication system used during assaults introduces delay or the potential for failed communications.

Date By Which Violation Must be Abated:	04/25/2011
Proposed Penalty:	\$ 7200.00

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**Citation and Notification of Penalty**

**Company Name:** CA Dept. of Mental Health Napa State Hospital  
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**Citation 3 Item 1 Type of Violation: **Serious****

T8 CCR 3203(a)(4) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards, whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard.

On or before the time of inspection on 10/25/10, the employer's procedures for identifying and evaluating hazards were ineffective in that, as the employer's forensic individual population increased, the employer failed to identify the hazards posed to employees by increasingly threatening and felonious assaultive behavior by individuals. As a result, on 10/23/10, an employee suffered a fatal injury by an individual.

Date By Which Violation Must be Abated: 04/25/2011  
Proposed Penalty: \$ 7200.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation and Notification of Penalty**

**Company Name:** CA Dept. of Mental Health Napa State Hospital  
**Inspection Site:** 2100 Napa Vallejo Hwy., Napa, CA 94558

**Citation 4 Item 1** Type of Violation: **Serious**

T8 CCR 6184(a)(6) The employer shall establish procedures for sounding emergency alarms in the workplace.

On or before the time of inspection on 10/25/10, the employer had not established procedures for sounding emergency alarms outside of the units for employees engaged in traversing the grounds to and from work, or when escorting individuals. As a result, on 10/23/10, an employee who had no means of sounding an emergency alarm was fatally injured by an unsupervised individual who was out on grounds at the same time as the employee.

Date By Which Violation Must be Abated:	04/25/2011
Proposed Penalty:	\$ 7200.00

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**Citation 5 Item 1 Type of Violation: **Serious****

T8 CCR 6184(b)(2) The employee alarm system shall provide warning for necessary emergency action as called for in the emergency action plan, or for reaction time for safe escape of employees from the workplace or the immediate work area, or both.

On or before the time of the inspection on 10/25/10, the employee alarm system established by the employer did not allow for sufficient reaction time for safe escape of employees when assaulted by individuals in that police/emergency responders were delayed by existing procedures.

<b>Date By Which Violation Must be Abated:</b>	<b>04/25/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 7200.00</b>

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**Citation and Notification of Penalty**

**Company Name:** CA Dept. of Mental Health Napa State Hospital  
**Inspection Site:** 2100 Napa Vallejo Hwy., Napa, CA 94558

**Citation 6 Item 1 Type of Violation: **Willful****

T8 CCR 3203(a)(6) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum: Include methods or procedures for correcting unsafe conditions, work practices and work procedures in a timely manner based on the severity of the hazard.

On or about 10/23/10, Employer's Program was not effective with respect to correction of hazards, in that the methods and procedures for correcting the hazards posed by violent individuals to employees were not implemented:

1. Employer, through its Safety & Security Committee Meetings, was made aware of the felonious and threatening behavior exhibited by individuals allowed outside on the grounds of the Secure Treatment Area. However, it failed to address the hazard, as it did not implement the requirements of its own Policy in restricting and/or issuing grounds passes to individuals, based on their previous behavior and history of violations of the rules.
2. Employer was aware of the hazard posed by one of these individuals because of his recent history of aggressive behavior, illegal drug usage, and stalking, and made no reasonable effort to protect the employees against the hazard by allowing this individual to maintain his grounds pass without restriction, with no supervision, in a totally unstructured environment. As a result, on 10/23/10, an employee was killed by this individual out on the grounds.

<b>Date By Which Violation Must be Abated:</b>	<b>04/25/2011</b>
<b>Proposed Penalty:</b>	<b>\$ 70000.00</b>



Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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State of California  
Division of Occupational Safety and Health  
DOSH-SANTA ROSA 4016  
1221 FARMERS LANE, SUITE 300  
SANTA ROSA, CA 95405  
Telephone: (707) 576-2388 Fax: (707) 576-2598

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** CA Dept. of Mental Health Napa State Hospital  
**Inspection Site:** 2100 Napa Vallejo Hwy., Napa, CA 94558  
**Mailing Address:** 2100 Napa Vallejo Hwy., Napa, CA 94558  
**Issuance Date:** 04/12/2011  
**Reporting ID:** 0950615  
**Index Code:** 4016

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### Summary of Penalties for Inspection Number 300752581

Citation 1, General	= \$	1340.00
Citation 2, Serious	= \$	7200.00
Citation 3, Serious	= \$	7200.00
Citation 4, Serious	= \$	7200.00
Citation 5, Serious	= \$	7200.00
Citation 6, Willful	= \$	70000.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>100140.00</b>

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

**DEPARTMENT OF INDUSTRIAL RELATIONS**  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA  
Cashier, Accounting Office  
P.O. Box 420603  
San Francisco, CA 94142-0603  
Phone (415) 703-4291 or (415) 703-4295 FAX (415) 703-3037

**PENALTY REMITTANCE FORM**

CIVIL PENALTY INFORMATION INSPECTION NUMBER 300752581 REPORTING ID 0950615 INDEX CODE 4016

ESTABLISHMENT NAME CA Dept. of Mental Health Napa State Hospital

CONTACT PERSON \_\_\_\_\_

PHONE NO. \_\_\_\_\_

FAX NO. \_\_\_\_\_

SITE ADDRESS 2100 Napa Vallejo Hwy., Napa

MAILING ADDRESS 2100 Napa Vallejo Hwy., Napa, CA, 94558

**CITATION INFORMATION** (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (e.g. Citation 1, Items 1-5; Citation 3)

**TYPE OF PAYMENT ENCLOSED**

**CHECK OR MONEY ORDER INFORMATION**

CHECK ENCLOSED IN THE AMOUNT OF \$ \_\_\_\_\_

MONEY ORDER ENCLOSED IN THE AMOUNT OF \$ \_\_\_\_\_

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the on-line third party secure payment processing site  
OR Complete this section and fax to (415) 703-3037 **CREDIT CARD INFORMATION**

CREDIT CARD NO. \_\_\_\_\_ EXPIRATION DATE \_\_\_\_\_

CREDIT (Visa, MC, Amex, etc.) \_\_\_\_\_ SECURITY CODE: (last 3 digits on back of card) \_\_\_\_\_ (4 digits on front of Amex card)

NAME OF CARDHOLDER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

CARDHOLDER PHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_

AMOUNT OF PAYMENT \$ \_\_\_\_\_

FOR OFFICE USE ONLY \_\_\_\_\_

AUTHORIZATION NO. \_\_\_\_\_ DATE PROCESSED \_\_\_\_\_

PROCESSED BY \_\_\_\_\_

Please call (415) 703-4291 or (415) 703-4295 or complete the information above and fax to (415) 703-3037

Cal/OSHA-2 PRF REV 6/10

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF  
REGULATORY AND/OR GENERAL VIOLATIONS**

EMPLOYER: CA Dept. of Mental Health Napa State Hospital  
ADDRESS: 2100 Napa Vallejo Hwy.  
Napa, CA 94558

The law requires that violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at 2100 Napa Vallejo Hwy., Napa, CA be corrected within the time limit specified. Please notify the Division as soon as these conditions have been corrected by returning this completed form. Your response by completing, signing and mailing this form to the issuing office on or before the compliance date may avoid a follow-up inspection of your facilities. **Failure to timely complete and return this form may result in issuance of a citation and civil penalty for violation of 8CCR 340.4(c).**

**NOTE:** This form does not serve as a request for a time extension. If there are serious problems beyond your control that prevent meeting a specified abatement date, contact the Division early, well within the 15-day limit allowed for an appeal.

**This signed statement or a summary shall be posted for three (3) working days at or near each place the regulatory and/or general violation(s) referred to in the citation occurred.**

PLEASE COMPLETE AND MAIL BY 5/15/11 TO 1221 FARMERS LANE, SUITE 300, SANTA ROSA, CA 95405.

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**LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO CORRECT EACH CITATION & ITEM NUMBER OF THE UNSAFE CONDITIONS AND DATE OF ABATEMENT.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Continued on additional page

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  NO

This certifies that all unsafe conditions listed in the Division's citation dated 4/12/11 have now been corrected and all submitted abatement information is accurate.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

<b>OFFICE USE ONLY</b>	
Division Engineer/Industrial Hygienist: _____	Date _____
District Manager: _____	Date _____
[ ] Close/Comments	

**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF SERIOUS VIOLATIONS**

**EMPLOYER:** CA Dept. of Mental Health Napa State Hospital  
**ADDRESS:** 2100 Napa Vallejo Hwy.  
 Napa, CA 94558

The law requires that serious violations observed during the inspection/investigation completed on \_\_\_\_\_ of the place of employment located at 2100 Napa Vallejo Hwy. Napa CA be corrected within the time limit specified. Labor Code 6320(b), requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation. This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

This Signed Statement shall be posted for three (3) working days at or near each place the serious violation referred to in the citation occurred.

**THIS FORM MUST BE RECEIVED AT 1221 FARMERS LANE, SUITE 300, SANTA ROSA, CA 95405 ON OR BEFORE 4/25/11**

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**DESCRIBE AND LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO ABATE EACH SERIOUS VIOLATION**

Citation Number	Number of Instances	Measures Taken to Abate Serious Violations	Abatement Date

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at \_\_\_\_\_, California by

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**OFFICIAL USE ONLY**

Division Engineer/Industrial Hygienist: \_\_\_\_\_ Date: \_\_\_\_\_

District Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Close/Comments: