

Cal/OSHA Issues Citations in Meningitis Exposure Case

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The Department of Industrial Relations (DIR) Division of Occupational Safety and Health (Cal/OSHA) has issued \$101,485 in [citations](#) to Alta Bates Summit Medical Center in Oakland, Calif. for 10 violations of the state safety and health standards in connection to a life-threatening exposure of bacterial meningitis.

The case also involves citations issued to the Oakland Police Department and Fire Department as well as a continuing investigation of meningitis exposure involving ambulance employees of American Medical Response. The exposure resulted in the emergency hospitalizations of an Alta Bates employee and an Oakland police officer.

"The new [Aerosol Transmittable Disease \(ATD\) Standard](#) was designed to protect workers from just this type of exposure," said DIR director John C. Duncan. "Protection of medical facility staff and first responders is critical in the process of assisting the public in need of the life-saving services they offer. We cannot allow the spread of diseases caused by airborne aerosols in these critical professions when preventive measures are readily available, and have been required since August 2009."

On Dec. 3, 2009, Alta Bates Summit Medical Center in Oakland received a patient with bacterial meningitis. The patient was transported by American Medical Response with the assistance of a fire department paramedic. The ambulance service responded to the home of the patient where the Oakland Police and Fire Departments had previously arrived. Employees of all three responders at scene were exposed to bacterial meningitis.

"This is a textbook case of why the ATD Standard was developed and why it is so important that it be implemented," said Cal/OSHA chief

Len Welsh. "This case is also a "wake-up call" for other medical facilities and first responders to make sure their ATD program, procedures and employee training meet the requirement of the standard and will be effective in preventing situations like this, which are completely preventable and should never happen."

Cal/OSHA was notified on Dec. 15 by Alta Bates that a respiratory therapist, who directly treated the patient, was hospitalized at another hospital and in the Intensive Care Unit being treated for bacterial meningitis. The respiratory therapist was hospitalized for 11 days.

Alta Bates Summit Medical Center was issued citations for not implementing an ATD program, not providing post exposure information to employees, not properly fit testing employees for respirators and not providing medical treatment to the exposed employee. They also received two willful citations: one for not reporting the meningitis case to the local health authorities and other employees in a timely manner, and one for failure to conduct an exposure analysis of employees exposed to bacterial meningitis for a week after the exposure.

The Oakland Police Department, which had an officer hospitalized in the Intensive Care Unit of another hospital for five days with bacterial meningitis, was cited \$31,520 for nine violations that included failure to develop and implement the required ATD standard, failure to properly notify the Oakland Fire Department and American Medical Response of the exposure, not obtaining a medical evaluation of the exposed employee, failure to report the officer's hospitalization to Cal/OSHA, and for not notifying the exposed employee of his exposure to meningitis.

The Oakland Fire Department, whose paramedic assisted in transporting the exposed patient, was cited \$2,710 for five violations that included failure to develop and implement an ATD standard, not properly notifying the Oakland Fire Department and American Medical Response of the exposure and providing exposed employees with a copy of their medical evaluations. None of the responding fire fighters, who all used personal respirators, developed the disease.

An investigation involving American Medical Response is still open.

All employers involved in the transportation and treatment of a patient exposed to bacterial meningitis are required to provide respiratory protection, report the case to the local health authority and to employees or other employers exposed and initiate appropriate

medical treatment. This investigation revealed a failure to comply with these requirements.

Willful citations are issued when evidence shows that the employer knew hazards existed which could lead to serious physical harm or a fatality and took no action to correct the hazards and comply with the appropriate regulations. The companies cited have 15 business days to appeal or to accept the violations and pay the penalties.