

A **67 year old male** employee was exposed to **COVID -19** while working in the maintenance section at a nursing home. The employee was hospitalized with COVID-19 symptoms on December 1, 2020 after testing positive during bi-weekly testing on November 23, 2020.

Family members confirmed that his grandson had been experiencing symptoms of COVID-19 but did not test positive. In the 14 days prior to the victim's positive COVID-19 test, he and his grandson had spent time together; however, it had been more than 3 days since the grandson had experienced symptoms. At the time of his positive test, the victim was asymptomatic. The victim was admitted to the hospital on December 5, 2020 until he passed on December 19, 2020.

During the opening conference, the employer indicated that 125 out of the 280 employees at the facility had tested positive for COVID-19 during the pandemic. Controls were implemented to help prevent the spread of COVID-19.

These controls included additional cleaning and disinfecting of the facility, the use of personal protective equipment, implementation of screening and testing of employees, and the use of face coverings. During the inspection, it was found that employees were required to use N95 respirators whenever they were in areas where patients were present. Employees were not provided medical evaluations or fit tests for these respirators until several months into the pandemic. Employees in the maintenance department, where the victim worked, were not provided fit test until December of 2020 and had not been provided medical evaluations or questionnaires as of January 2021. While a specific incident resulting in the victim's positive case could not be identified; the TOSHA inspection found that deficiencies in the employer's respiratory protection program could have contributed to his death.

TOSHA has determined this fatality is likely work-related. The victim's job duties included having frequent, close exposure to the patients and staff in a facility with ongoing community transmission of COVID-19. The victim was provided with respiratory protection; however, he was not fit tested for the respirator.

Citation(s) as Originally Issued

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

Citation 1 Item 1a

Type of Violation:

Serious

\$2,450

29 CFR 1910.134(e)(1): The employer did not provide a medical evaluation to determine the employee's ability to use a respirator, before the employee was fit tested or required to use the respirator in the workplace:

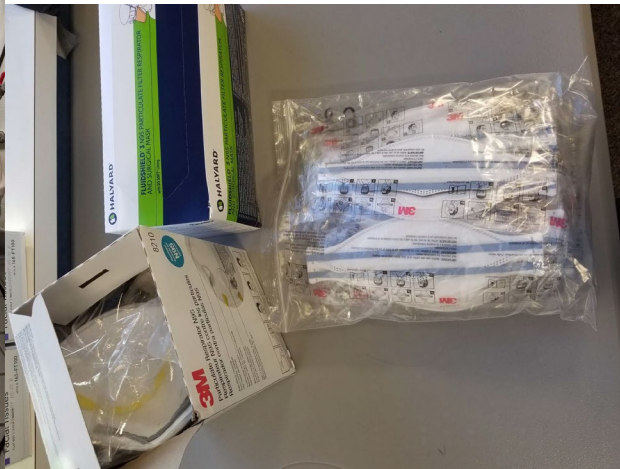
48 Covid-19—Inspection#1507342 NHC Healthcare

On 12/23/2020, the employer had not provided a medical evaluation to determine the employee's ability to use a respirator in the workplace. Each employee who wore an N95 Particulate Respirator was not medically evaluated before the employee was required to use the respirator in the workplace.

Citation 1 Item 1b **Type of Violation:** **Serious** **\$0**

29 CFR 1910.134(f)(2): Employees using tight-fitting facepiece respirators were not fit tested prior to initial use of the respirator:

On 12/23/2020, the employer did not ensure that employees were fit tested prior to initial use of the respirator in the workplace. Each employee who wore an N95 Particulate Respirator was not fit tested before the employee was required to use the respirator in the workplace.



48 Covid-19—Inspection#1507342 NHC Healthcare

