

DOH COMPLAINT

RE: MAUI MEMORIAL MEDICAL CENTER (MMMC)

HAWAII STATE DEPARTMENT OF HEALTH

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MAUI DISTRICT HEALTH OFFICE

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HIOSH response to OSHA Complaint Nov 3rd, 2020

"Due to the COVID-19, a lot of employees are expecting the employers to comply with the CDC and DOH guidelines and recommendations that they have in place. There are currently no standards or laws that we can enforce to have employers comply with the CDC and DOH recommendations." "Please report your complaint to The Joint Commission and, or Department of Health"

Hazard Description:

1. Covid-19 warm unit "where patients are placed to rule out Covid-19 or are actively positive"; plastic barriers within that unit were put up to isolate three rooms for regular ICU patients(that have been tested covid 19 negative). These plastic barriers are taped to the wall and are frequently torn, then repaired with tape. Critically ill patients which are the most vulnerable population **should not** be placed within this unit. The staff is known to unzip the plastic barriers to pass through from a contaminated area to a "clean area" to access medications and supplies.

DOH COMPLAINT RE: MMMC CONT'D

2. There is no scheduled or routine sanitization of the Covid-19 warm unit. Only patient rooms are cleaned. Our night and day shift staff have rarely seen any house keeping clean or sanitize the common areas, nurses station, break rooms, or supply rooms. If it is done it is infrequent, and **well below standards** of a hospital.

3. Entry room into the Covid-19 unit also doubles as a N-95 mask distribution area. Positive patients are moved in and out of this closed entry room, where staff are lined up **without proper protection** waiting for their masks.

In each of the above hazards, **hundreds of employees, if not all employees** are in **extreme danger**. Furthermore, The safety of our community and our vulnerable patient population are in imminent danger.

Hazard Location:

Maui Memorial Medical Center, Wailuku tower 2nd floor, ICU

This condition has previously been brought to the attention of:
The employer, Kaiser Permanente

EXCERPTS FROM EMAIL COMMUNICATION TO
MIKE A. REMBIS C.E.O. MAUI KAISER PERMANENTE
NOV 2, 2020

re: restriction and inadequate supply of N95 Masks at MMMC;
inconsistent and inadequate Covid-19 testing at facility

"Mr. Rembis, preceding the first Corona virus clusters at MMMC, you sent an electronic memo of March 24th, 2020 to all Maui Memorial Staff stating explicitly to that "we will not be revising our current mask policy related to usage by clinical and non-clinical staff or use of non hospital supplied masks". This was in direct contravention of your own KP Chairman and CEO Greg A. Adams, revising the KP policy in CA on mask usage, and sending a memo to KP employees at MMMC approx. eight hours earlier, that same day."

DOH COMPLAINT RE: MMMC CONT'D

"A recent memo to employees notified them that as of last month you ended your employees being able to use their own N95 masks, which indicates that as the Pandemic surges across America and in Europe, including now a community spread on the island of Lana'i; your hospital is going backwards, not forwards. Restricting N95 mask use, and no consistent testing, is exactly what helped to create the first two clusters at your hospital. The fact that Maui reopened to tourism, on Oct 15th, 2020, increases the likelihood of increased cases at MMMC; which under present circumstances is likely to create yet more staff and patient spread clusters. It is well documented that surgical masks do not prevent the transmission of airborne virus' within enclosed structures, even in brief exposures in restrooms etc."

"The other significant issue is the fact that the hospital is conducting inconsistent staff testing, and in an ineffective manner. Mayor Victorino brought in Dr. Scott Miscovich, a leader in fighting Corona virus clusters, and the Premier Medical Group, to do a wide range of testing including staff and patients at Maui Memorial Hospital during the second cluster. According to Dr. Scott Miscovich, MD, MMMC "Needs full testing the right way (entire facility in one day). You need N95s on everyone. Then you need testing weekly." Because Maui Memorial is the only hospital, the facility should be hyper-vigilant with constant N95 use when in the circulated air structure. However, with the PPE being consistently restricted, and with no proper consistent staff testing being implemented, there was a second larger outbreak."

The Centers for Disease Control and Prevention updated its guidelines to say that COVID-19 transmission can be, in fact, airborne.

HAR Title 11

Section 11-93-3 (j) The director may deny, suspend, or revoke a 93-7 license for failure to comply with the requirements of this chapter **or for any cause deemed a hazard to the health and safety of the patients and employees.** [emphasis Fishkin] (k) Infractions which may require invoking of penalties under chapter 321, HRS, include, but are not limited to: (1) Operation of a hospital without a license granted by the department. (2) Violations of the provisions of this chapter which have been found as a result of routine or unannounced inspections of a hospital which has a license.

HRS Sec. 321-1

§321-11 Subjects of health rules, generally. *[Repeal and reenactment on June 30, 2014. L Sp 2009, c 21, §8.]* The department of health pursuant to chapter 91 may adopt rules that it deems necessary for the public health and safety respecting:

(10) Hospitals, ..

§321-14.5 Hospitals; licensing.

(d) The rules shall provide that the department may conduct inspections and investigations of exempt hospitals **to investigate complaints**, [emphasis Fishkin] follow up on adverse accreditation findings, or conduct periodic validation surveys.

[§321-20] Remedies. Notwithstanding other penalties, the director may enforce this chapter in either administrative or judicial proceedings:

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Coalition Coordinator,

"What we Love we Protect"

on behalf of MMMC Kaiser Medical Staff employee(s) who remain anonymous due to legitimate concerns of retaliation by employer Kaiser Permanente / Maui

