

## **EXECUTIVE SUMMARY**

### **OSHPD EF 01-13**

#### **SUBJECT**

AB 491 (Chapter 772, Statutes of 2012) mandates that the Office of Statewide Health Planning and Development (OSHPD) promulgate emergency regulations regarding cardiac catheterization laboratory service space in a non-hospital building that is connected to a hospital building. This provision applies specifically to two general acute care hospitals in California. Pursuant to the mandate the emergency building standards must be adopted by February 28, 2013.

Title 24, Part 2, Chapter 12 contains regulations governing the administration of the Hospital Supplemental Services, including technical provisions for supplemental surgery services for cardiovascular and other special procedures.

This mandate also provides that regulations submitted to the California Building Standards Commission by Office of Statewide Health Planning and Development (OSHPD) to implement this statute shall be deemed emergency regulations and adopted as such.

#### **PROPOSING STATE AGENCY**

Office of Statewide Health Planning and Development (OSHPD)

#### **SUMMARY OF PROPOSED BUILDING STANDARDS**

The proposed regulations will apply to only two general acute care hospitals that want to provide cardiac catheterization laboratory services in a non-hospital building that is connected to their hospital building by an enclosed passageway accessible to patients and staff. The proposed building standards provide minimum requirements for cardiac catheterization laboratory service space in the non-hospital building.

#### **BACKGROUND**

Health and Safety Code 1255 provides that cardiac catheterization laboratory services must be provided in a hospital building where cardiac surgical services are also provided. This statute also provides an exception to this requirement by allowing two general acute care hospitals to expand their cardiac catheterization services to a non-hospital building that is connected to the hospital building by an enclosed passageway. OSHPD is authorized to promulgate emergency regulations for cardiac catheterization laboratory service space requirements in the non-hospital buildings of the two hospitals. The emergency regulations must be adopted by February 28, 2013.

#### **FINDINGS**

The proposed submittal appears to be compliant with both the Administrative Procedure Act and Building Standards Law. Sent via email for Commission consideration are the following documents:

- Finding of Emergency;
- Express Terms;
- Nine Point Criteria Analysis; and
- Fiscal and Economic Impact Statement.

#### **COMMISSION ACTION**

Health and Safety Code Section 18937 stipulates that the commission must take two actions:

- 1. Concur or not concur with the finding of emergency; and**
- 2. Approve, disapprove, or return for amendment with recommended changes the emergency building standards**

Note: Both the concurrence and approval requires an affirmative vote of two-thirds of the attending commission members or not less than six (6) affirmative votes, whichever is greater.

Further, Health and Safety Code Section 18930 sets forth the nine-point criteria that must be met to the satisfaction of the commission. The commission must give great weight to the determination and analysis of the proposing agency on each of the nine-point criteria.

Any factual determination of the proposing state agency shall be considered conclusive by the commission unless the commission expressly finds, and sets forth its reason in writing, that the determination of the proposing agency is arbitrary and capricious, or substantially unsupported by the evidence. If there is such a finding, the commission may return the proposal to the proposing agency for re-examination of the disputed facts.