

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE
CALIFORNIA MECHANICAL CODE AND CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 4 & 5

OSHPD 3SE CLINICS**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 4 and 5. The OSHPD is proposing building standards related to licensed clinics.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **February 14, 2013 until 5:00 PM on March 30, 2013**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 1226 and 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226 and 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

OSHPD currently enforces the California Code of Regulations, Title 24, Part 4, California Mechanical Code and Title 24, Part 5, California Plumbing Code. OSHPD promulgates requirements related to the construction of licensed clinics and outpatient clinical services of a hospital in non-hospital buildings under the jurisdiction of local building departments.

Summary of Effect

The proposed regulations for OSHPD 3SE create a subcategory of OSHPD 3 clinics that may be granted special exemptions from existing mechanical and plumbing code requirements. This aligns OSHPD 3SE clinic requirements with national standards allowing for less-restrictive model code provisions. This reduces costs to clinics while ensuring patient safety.

Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending the requirements for these health facilities, as necessary.

Evaluation of consistency

The proposed action is not inconsistent and incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Yes**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Savings estimate - California Mechanical Code (CMC)

These proposed regulations will result in savings to OSHPD 3SE clinics licensed in California when the facilities are remodeled, renovated or for construction of new facilities. The savings were calculated conservatively using current data from Means reference material and include materials and labor.

These proposed OSHPD regulations will result in savings:

- allow for plenum air returns
- allow for the use of flex duct per model code, eliminating the OSHPD-specific requirement limiting to a maximum length of 10-feet
- reduce the air filtration requirement to one (1) MERV 8 filter

The table below identifies estimated reduced construction costs for each amendment that will result in savings.

CMC 2010 Code Section	Description of Amendment	Estimated Savings
407.4.1.4 & 602.1	Allow for plenum air returns.	\$1.30/sq.ft.
602.3.1	Allow for flex duct per model code.	\$0.80/sq.ft.
Table 4-B	Reduce filtration required to single MERV 8.	\$200/air handler

Savings estimate - California Plumbing Code (CPC)

These proposed regulations will result in savings to OSHPD 3SE clinics licensed in California when the facilities are remodeled, renovated or for construction of new facilities. The savings were calculated conservatively using current data from Means reference material and include materials and labor.

These proposed OSHPD regulations will result in savings:

- eliminate the requirement for OSHPD-specific domestic water disinfection
- eliminate the requirement for redundant domestic hot water systems
- allow the use of ABS and PVC for sanitary drainage piping

The table below identifies estimated reduced construction costs for each amendment that will result in savings.

CPC 2010 Code Section	Description of Amendment	Estimated Savings
609.9	Elimination of the requirement for OSHPD-specific domestic water disinfection procedures.	\$1,400/clinic
612.2	Elimination of OSHPD-specific hot water system requirements.	\$9,000/clinic
701.1.2.1	Allow ABS and PVC piping in sanitary sewer.	\$14,000/clinic

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is aware of some cost savings that a representative private person or business would incur in reasonable compliance some of the proposed amendments.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no affect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no affect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no affect.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
 - These regulations will update and improve minimum mechanical and plumbing standards, which will provide increased protection of public health and safety, worker safety and the environment.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

Mia Marvelli, or backup person; Michael L. Nearman, Deputy Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, AIA, Building Standards Unit Supervisor
Office of Statewide Health Planning and Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188