

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**REGARDING THE 2007 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
HAZARDS U.S. (HAZUS) – ASSESSMENT OF HOSPITAL BUILDINGS**

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, Part 1. The OSHPD is proposing building standards related to the adoption of Hazards U.S. (HAZUS) earthquake loss estimation methodology for reassessment of hospital buildings that are rated as Structural Performance Category -1 (SPC-1).

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from January 18, 2008 until 5:00 pm on March 4, 2008. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, 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 Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 130005. The Office of Statewide Health Planning and Development is proposing this regulatory action based on Health and Safety Code Section 18929 and 130005 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 130005 authorizes the Office to develop definitions of earthquake performance categories for earthquake ground motion for existing hospitals that are potentially at significant risk of collapse and that represent a danger to the public as it deems necessary to meet the intent of Health and Safety Code, Sections 130000 through 130025 regarding seismic safety in hospitals. Additionally, the Office is authorized to develop regulations as they apply to the administration of seismic standards.

Health and Safety Code, Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Section 18930 and the Government Code (commencing with Section 11346).

Government Code 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

Pursuant to SB 1953 (Chapter 740, Statute 1994), all general acute care hospitals in service prior to January 1, 2000, were required to evaluate each hospital building to determine the structural and nonstructural performance categories based on their expected seismic performance. Hospital buildings were evaluated to specific structural performance categories (SPC) and these categories are described in Table 2.5.3 of Title 24, Part 1, Chapter 6. Hospital buildings rated SPC-1 were constructed pre-1973, prior to the Alfred E. Alquist Hospital Facilities Seismic Safety Act, and are at risk of collapse in an earthquake. These hospital buildings must be retrofitted, replaced or removed from acute care service by January 1, 2008, or 2013, if an extension has been granted. The SPC-2 hospital buildings were also constructed pre-1973, and may not be operational or repairable following an earthquake but do not significantly pose a risk to life. These buildings must be retrofitted or replaced by January 1, 2030. The SPC-3 and SPC-4 buildings were built to the HSSA requirements, but because of certain features, may not be operational or repairable after an earthquake. Hospital buildings rated as SPC-3, SPC-4, or highest rated SPC-5 can be used through January 1, 2030 and beyond.

Title 24, Part 2, Volume 2 provides structural requirements for hospital buildings. The basic regulations for the SB 1953 were implemented in the mid-1990's. The structural regulations were based on the 1995 California Building Code (CBC), which was the 1994 Uniform Building Code with California amendments. The requirements were essentially identical for retrofit, renovations and new construction. The adoption of the 2007 CBC, which is based on the 2006 International building code, changed the structural design requirements extensively and reduced the design forces for most areas away from active seismic faults. This change is consistent with the methodology proposed in this rulemaking.

Summary of Effect

The proposed regulations will provide a new method to reclassify SPC-1 buildings to SPC-2 based on collapse probability assessment. Collapse probability assessment will be based on Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH MR-2) developed by the Federal Emergency Management Agency / National Institute of Building Sciences. Building specific performance parameters in the AEBM of the HAZUS software, as modified by OSHPD, will be used for the collapse probability assessment. This is an optional method for hospital

buildings to assess the seismic risk for hospital buildings slated to be removed from service or retrofitted by 2013. The proposed regulations will provide the same level of seismic safety as the buildings rated SPC-2 based on prescriptive SB 1953 evaluations. This will ensure uniformity in seismic performance of hospital buildings and provide significant economic benefit to the impacted hospitals.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Policy Statement Overview

The policy objective of these regulations is to reevaluate the SPC-1 hospital buildings with the goal of reprioritizing these buildings based on seismic risk.

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

There are no matters to be identified.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

FISCAL IMPACT STATEMENT (attached Form 399)

- A. Cost or Savings to any state agency: **Yes. The proposed regulations would result in a savings to University of California hospitals.**
- 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: **Yes. The proposed regulations would result in a savings to county and district hospitals.**
- E. Cost or savings in federal funding to the state: **Yes. Unknown savings or expenditure to Medicaid (Medi-Cal) program.**

Estimate: The proposed regulations would result in a savings of more than \$3.3 billion and deferred expenditures of more than \$1.3 billion for general acute care hospitals subject to SB 1953 (Chapter 740, Statute of 1994) seismic requirements. Savings to individual hospitals will depend on many factors including:

1. Current condition of the building,
2. Building type,
3. Seismic design level,
4. Structural deficiencies,
5. Quality of construction, and
6. Site seismicity and soil type.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of these regulations 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

The 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. The proposed regulations are technical and editorial amendments that will provide clarification and consistency with nationally recognized standards and statute.

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

A report pursuant to Government Code § 11346.3(c) is not required by the proposed regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

The 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.

The proposed action would have no effect on the creation or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

The propose action would have no effect on the creation of new businesses or elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

The proposed action would have no effect on the expansion of businesses currently doing business with the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made an initial determination that this proposal will 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.

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

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

**Russ Frank, Associate Architect Russell.Frank@dgs.ca.gov
or back-up Jane Taylor, Senior Architect jane.taylor@dgs.ca.gov
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:

**Duane Borba, Supervisor, Health Facilities Review
Office of Statewide Health and Development
Facilities Development Division
1600 Ninth Street, Room 420
Sacramento, CA 95814**

**regsunit@oshpd.ca.gov
(916) 654-3139
FAX (916) 653-2973**