

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

The Office of Statewide Health Planning and Development (OSHPD) finds that no revisions have been made which would warrant a change to the initial statement of reasons for the following proposed actions:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

The Office of Statewide Health Planning and Development (OSHPD) is mandated to adopt the most recent edition of model code, as amended by the Office, pursuant to Health and Safety Code Section 18928. This proposed rulemaking represents OSHPD's proposal to adopt the 2009 International Building Code published by the International Code Council carrying forward existing California amendments into the 2010 California Building Code. It was also necessary to propose editorial and minor technical modifications to the existing requirements for clarification and consistency within the code as identified below:

California Chapter 1 and Appendix Chapter 1

"California Chapter 1, General Code Provisions" is being retitled to "Chapter 1, California Administration, Division I". "Appendix Chapter 1, Administration", is being retitled as "Administration, Division II" and is being moved from the back of the code publication to the front and will follow Chapter 1, California Administration, Division I. These changes are meant to provide a more user-friendly format.

Chapter 2 Definition The amendment clarifies that the definition for "enforcing agency" is adopted by OSHPD. It also provides consistency within the code.

Section 308.3.2 The amendment clarifies that clinics are to comply with the structural regulations of Business Group B Occupancy. This is consistent with statute.

Section 1003.1.1 The editorial amendments and minor technical amendments in this section will provide clarification.

Section 1224.4.1.1 The editorial amendments and minor technical amendments in this section will provide clarification.

Section 1224.4.6 The amendments in this section will provide clarification. Reference to NFPA 50 is being repealed; NFPA 55 is the appropriate standard which is referenced in the California Fire Code and adopted by the Office of the State Fire Marshal.

Table 1224.2 and Footnote 6 The amendments update this table and are consistent with “2006 AIA Guidelines for Design and Construction of Health Care Facilities”. Footnote 6 of this table is added to clarify how the table relates to renovation projects. Also, editorial amendments to the table will provide clarification.

Table 1224.3 and Section 1224.5 OSHPD is adopting new requirements to reduce the level of noise within patient rooms, delivery rooms and operating suites for new hospital buildings only. Reducing the noise environment is found to be conducive to patient healing. Noise is a well-documented source of stress in health care settings. Noise from personnel, equipment, and visitors impacts patient privacy and sleep patterns. In turn, noise increases stress levels for patients and caregivers. Research indicates hospitals that reduced noise levels, the patients’ satisfaction with care giving increased, their sleep improved, and their blood pressure lowered; similarly, caregivers in low-noise environments were more positive about their jobs. These requirements are based on the nationally recognized standards “2006 Guidelines for Design and Construction of Health Care Facilities” by the Facility Guidelines Institute and the American Institute of Architects Academy of Architecture for Health.

Section 1224.4.18 Due to the extensive reformatting and moving of Section 420A of the 2001 CBC to Section 1224 in the 2007 CBC, the longstanding grab bar requirements were unintentionally omitted. The original language for this section, however, has been slightly modified. The Health Facilities Code Advisory Committee recommended that OSHPD further study the original language for grab bar requirements for clarity. OSHPD reviewed the original requirement and has amended the original language to add a reference to CBC Section 1115B.7 for clarity. OSHPD has also updated the “exception” language to remove the outdated terminology of “physically handicapped” to the appropriate “persons with disabilities”. Two separate sections are also being proposed to address patient toilet rooms, bathtubs, and showers within a patient bedroom; and patient toilet rooms, bathtubs, and showers that are not in a patient bedroom (accessed from the corridor).

Section 1224.5 See rationale for Table 1224.3 above.

Section 1224.14.1.10 This section was inadvertently omitted from the 2007 California Building Code. See rationale for Section 1224.4.18 above.

Section 1224.14.2.10 The existing text in this section is ambiguous; the proposed additional text clarifies that two separate sinks are required.

Section 1224.14.2.18 The amendment will provide clarification.

Section 1224.15 The amendment will provide clarification and coordinate with Title 22, Licensing and Certification requirements.

Section 1224.16 The amendment will provide clarification and coordinate with Title 22, Licensing and Certification requirements.

Section 1224.18.2.1 The amendment will provide clarification and coordinate with Title 22, Licensing and Certification requirements.

Section 1224.20.3 The amendment will provide clarification and coordinate with Title 22, Licensing and Certification requirements.

Section 1224.29.1.14.4 The amendment will provide coordination with the California Plumbing Code provisions.

Section 1224.29.2.6 The amendment will provide clarification.

Section 1224.33.2.2 The amendment is editorial. The word “be” is missing from the sentence.

Section 1226.4 The amendment is editorial and will provide clarification.

Section 1227.4.1.1 Due to the extensive reformatting and moving of Section 420A of the 2001 CBC to Section 1224 in the 2007 CBC, the longstanding oxygen, vacuum, and medical air requirements were unintentionally omitted for correctional treatment centers (OSHPD 4). In the 2001 CBC, the requirements for oxygen, vacuum, and medical air were located in Section 423A which applied to OSHPD 1, 2, 3, and 4 facilities. Those requirements are now found in Section 1224.4.6 of the 2007 CBC for application to OSHPD 1 facilities only. The corresponding sections for OSHPD 2 and OSHPD 3 cross reference back to Section 1224.4.6, but the cross reference for OSHPD 4 facilities was unintentionally omitted.

Table 1604.5 The amendment clarifies that clinics are to comply with the structural regulations of Business Group B Occupancy. This is consistent with statute.

Chapter 35 The amendment repeals standard reference for NFPA 50 which has been replaced by NFPA 55 which is found in the California Fire Code and adopted by the Office of the State Fire Marshal.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office of Statewide Health Planning and Development (OSHPD) has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

OSHPD did not receive any objections or recommendations for this proposed action as noticed during the 45-Day Comment Period from October 2, 2009 through November 16, 2009.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

No alternatives were proposed. OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.