

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

REGARDING THE CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5**

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 there are some revisions to the Initial Statement of Reasons:

INITIAL STATEMENT OF REASONS:

The Initial Statement of Reasons includes the following:

Section 210.0 Handwashing Fixture

This amendment was necessary to more closely match the "Guidelines for Design and Construction of Health Care Facilities", a nationally-recognized design guide. Changes here are a result of recently acquired knowledge of infection control.

Section 221.0 – S - Definitions

In this edit we remove the requirement for deck-mounted manual temperature controls for Scrub Sinks. This is to enhance the infection control with these fixtures. The requirement is added that sensor operated fixtures shall be capable of functioning during loss of electrical power so that these fixtures will remain fully functional in the case of loss of power.

Section 314.8 [OSHPD 1, 2, 3 & 4]

This amendment is moving the information regarding seismic anchorage and bracing requirements from section 609.11 to this section, creating this section. This amendment locates this information in a more appropriate location in the code.

Section 410.3 Flushometer Valves.

A requirement is added for [OSHPD 1, 2, 3 & 4] that flush valves shall be functional during loss of normal power. This is to ensure that human waste can be removed from the facility when the power is out.

Section 412.3.1

An exception is added for OSHPD 3 Primary Care Clinics allowing patient toilet rooms to be used for occupants in the waiting areas when the clinic has no more than three examination and/or treatment rooms. This will result in reduced construction costs.

Table 4-2 [OSHPD 1, 2, 3 & 4²⁴] Minimum Plumbing Facilities

The current version of this table downgraded the handwashing fixture requirement in some critical care areas to lavatories and this amendment reverses that, reinstating the handwash fixture requirement. This amendment closely matches the National Standard for the use of hand wash fixtures. This amendment adds the category of open-plan postanesthesia care units, and outpatient surgery facilities and relevant plumbing fixtures for them. Footnote changes to the table were made in order to make this

table more consistent with the California Building Code. These changes clarify the requirement of scrub sinks outside of surgery sterile areas, and address bathing/shower requirements for multi-bed acute care spaces.

Section 609.11 [OSHPD 1, 2, 3 & 4]

This amendment is moving the information regarding seismic anchorage and bracing requirements from this section to section 314.8, creating that section. This amendment locates this information in a more appropriate location in the code.

614.4 [OSHPD 1] Emergency Water Supply

This amendment modifies the second option to the required on-site water supply. Per this amendment the option requires the inclusion of a 5,000-gallon water storage tank. The amendment also adds the requirement that emergency water supply pumps shall be operated from emergency power. The purpose of this amendment is to increase the likelihood that a facility will remain functional after a seismic, or other catastrophic event.

727.0 [OSHPD 1] Emergency Sanitary Drainage

This amendment changes the basis for the sizing of the on-site waste water tank. The original Section based the size of the tank on 150 gallons per licensed bed. With this amendment the tank is sized based on a water rationing plan required in Section 614.4.1. This amendment also adds an exception to that tank in the form of an alternate plan to store sewage and liquid waste. The purpose of this amendment is to increase the likelihood that a facility will remain functional after a seismic, or other catastrophic event.

Section 1014.1A [OSHPD 1, 2, 3 & 4]

Editorial amendment.

Section 1014.1B [OSHPD 1, 2, 3 & 4]

This amendment changes a word to match current terminology.

Section 1015.6 [OSHPD 1, 2, 3 & 4]

This amendment changes a word to match current terminology.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office of Statewide Health Planning and Development 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).

- *Public comments received during the 45-Day Public Comment Period from August 24, 2012 to October 8, 2012.*

Section 604.1 and 701.1.2.1 CPVC Potable Water Pipe and PVC & ABS Drainage Pipe

Commenter: Adams Broadwell Joseph & Cardozo

The commenter states multiple arguments in opposition to these modifications to the OSHPD amendments.

OSHPD Response:

OSHPD has withdrawn this proposal to modify Sections 604.1 and 701.1.2.1.

Section 217.0 Definitions, OSHPD 3SE

Commenter: Ginger Smith, California Primary Care Association (CPCA)

The commenter states, "There is no reason or credible evidence offered to justify the exclusion of primary care clinics that do provide abortion services from the benefits of the 3SE clinic classification for primary care clinics. There is no evidence to support that services provided by primary care clinics that do provide abortion services are any more invasive or risky to public health and safety than routine services normally provided in primary care clinics that do not provide abortion services."

OSHPD Response:

OSHPD has withdrawn this proposal to modify Section 217.0.

Section 217.0 Definitions, OSHPD 3SE

Commenter: Ginger Smith, California Primary Care Association (CPCA)

The commenter expresses that CPCA is in strong support of the proposed new subcategory for clinics – OSHPD 3SE and that CPCA is very grateful for the work of OSHPD staff in developing this subcategory and supports its implementation.

OSHPD Response:

OSHPD has withdrawn this proposal to modify Section 217.0.

Section 217

Commenter: Essie Santana Tuttle, La Clinica de La Raza, Inc.

The commenter expressed support for the new category of OSHPD 3SE, stating that it will allow community clinics to build appropriate facilities for primary care services.

OSHPD Response:

OSHPD has withdrawn this proposal to modify Section 217.

Section 217.0

Commenter: Jeffrey F. Piepert, MD, PhD, Washington University in St. Louis

The commenter stated various arguments supporting his position that, "any differential treatment of health clinics that perform abortions makes no clinical sense in terms of infection risk."

OSHPD Response:

OSHPD has withdrawn this proposal to modify Section 217.0.

Section 217(2)

Commenter: Margaret Crosby, Attorney, American Civil Liberties Union of Northern California

The commenter requested that OSHPD remove the verbiage, "that do not provide abortion services" from Section 217. The commenter stated that not allowing clinics that provide abortion services to be included in the category of OSHPD 3SE constitutes discriminatory treatment.

OSHPD Response:

OSHPD has withdrawn this proposal to modify Section 217.2.

Section 614.4

Commenter: Roger Richter, California Hospital Association

The commenter stated that California Hospital Association believes the proposed Emergency Water Supply code is a fair standard to address the needs for emergency water supply.

OSHPD Response:

OSHPD appreciates the support from California Hospital Association in regards to this amendment to the code.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative 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:

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.