

**NINE-POINT CRITERIA ANALYSIS
OF
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**REGARDING THE CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

Existing law authorizes the Office of Statewide Health Planning and Development (OSHPD) to develop building standards for hospitals, skilled nursing facilities, intermediate care facilities and clinics. The California Building Standards Commission is responsible for promulgating building standards submitted by OSHPD regarding these health facilities. There are no other entities in California with these authorities or responsibilities; therefore, OSHPD has concluded that no conflict, overlap or duplicate will occur between these proposed regulation and existing regulations.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The authority and jurisdiction of the OSHPD is mandated by the Hospital Facilities Seismic Safety Act (HSSA) of 1983 (Health and Safety Code, Division 107, Part 7, Chapter 1, Articles 1 through 9, Section 129675 through 130070). Specifically, Section 129850, Health and Safety Code authorizes the Office to develop building standards, as necessary and appropriate, to effectively carry out the Act. The proposed regulations are within the parameters of the HSSA.

3) The public interest requires the adoption of the building standards.

Existing statute is intended to serve the public interest by assuring that health facilities are designed and constructed for the safety of the patients. The OSHPD has proposed these regulations under the mandated authority to effectively carry out the HSSA.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The proposed building standards are not unreasonable, arbitrary, unfair or capricious, in whole or in part. These are administrative regulations that will clarify existing regulations and repeal outdated code requirements. These regulations expand the Class "C" Hospital Inspector Exam the experience necessary to meet the minimum qualification allowing more individuals to qualify. Additionally, the proposal will clarify the length of time for the various Hospital Building Safety Board appeals procedures. Most of the changes to these timeframes will affect OSHPD/HBSB staff, allowing them more time to coordinate, schedule and prepare for appeal hearings. The timeframe for the informal conference process has been increased by five

days and will give all parties involved in the appeal to review applicable documents and prepare for the meeting.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

These proposed regulations will not result in cost to the public.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

The Hospital Building Safety Board, which is an advisory board to OSHPD, reviewed this proposal during its development and found the proposed building standards to be compliant Health and Safety Code Section 18930(a).

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

Applicable national specification, published standard and/or model code have been incorporated in these proposed building standards.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of this proposal is consistent with the format adopted by the California Building Standards Commission. The OSHPD has followed the procedural outline of the Commission and has complied with the requirements of the State Building Standards Law and Administrative Procedures Act.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The proposed building standards are not intended to promote fire and panic safety. The responsibility for determination and approval of this proposal is under the Office of the State Fire Marshal.