

**NINE-POINT CRITERIA ANALYSIS  
OF  
PROPOSED EMERGENCY BUILDING STANDARDS  
OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
  
REGARDING THE CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 6 & 7**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Section 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.

Senate Bill 499 (Chapter 601, Statutes of 2009) specifically authorizes OSHPD to utilize current computer modeling based upon software developed by FEMA, referred to as Hazards U.S. (HAZUS) for the purpose of determining the structural performance category of general acute care hospital buildings. SB 499 requires the California Building Standards Commission (CBSC) to consider all regulatory submission for SB 499 implementation as an emergency regulation and adopt as such.

There are no other entities in California with these authorities or responsibilities; therefore, OSHPD has concluded that no conflict, overlap or duplication 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.**

Senate Bill 499 (Chapter 601, Statutes of 2009) specifically authorizes OSHPD to promulgate the proposed regulations.

OSHPD's general authority and jurisdiction is mandated by the Alfred E. Alquist Hospital Facilities Seismic Safety Act (HFSSA) (Health and Safety Code, Division 107, Part 7, Chapter 1, Articles 1 through 9, Sections 129675 through 130070). Specifically, Health and Safety Code Section 129850 authorizes OSHPD to develop building standards in order to effectively carry out the HFSSA. In addition, Health and Safety Code Section 130005(g) authorizes OSHPD to develop regulations as they apply to the administration of seismic standards for retrofit designs, construction and field reviews, as it deems necessary, to meet the intent of Health and Safety Code Sections 130000 through 130025 regarding seismic safety of hospital buildings.

**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. OSHPD is proposing these building standards under the general authority to effectively carry out the HFSSA and specific authority granted under SB 499(Chapter 601, Statutes of 2009).

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

The proposed regulations are mandated by SB 499 (Chapter 601, Statutes of 2009). These regulations will update the method to reclassify Structural Performance Category-1 (SPC-1) buildings to SPC-2 based on collapse probability assessment using the Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH MR-2) developed by the Federal Emergency Management Agency / National Institute of Building

Sciences. Using HAZUS to reassess the SPC-1 buildings will allow OSHPD to reprioritize these buildings based on their level of seismic risk. Those buildings that exceed the maximum allowable risk would have to be retrofitted, replaced or removed from acute care service comply by specified deadlines. Buildings that are determined to be at a lower seismic risk will be reclassified to a higher category SPC-2 and would have until 2030 to comply with the seismic safety requirements. Hospitals' participation in the HAZUS program will be optional.

Deadlines for Nonstructural Performance Category (NPC) requirements are also being changed for conformance with statutory extensions or exemptions for the Structural Performance Category (SPC) as permitted by SB 499.

The Hospital Building Safety Board, an advisory board for OSHPD, reviewed this proposal during the development phase and found the proposed building standards to be complaint with the Health and Safety Code.

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

The use of HAZUS as an evaluation method to reclassify SPC-1 hospital buildings to the higher SPC-2 rating along with changes in deadlines for NPC compliance will result in significant savings and deferred expenditures for most of the general acute care hospitals that have one or more SPC-1, NPC-1, or NPC-2 buildings.

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

The proposed building standards are specific as to the procedures that hospital owners must adhere to if they want their SPC-1 buildings reclassified. The Appendix H to Chapter 6 contains the building specific parameters and formulas that are used by OSHPD to determine the probability of collapse for each building.

NPC deadline changes are also very clear extensions or exemptions of the current deadlines subject to some limitations.

**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.