

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: cbsc@dgs.ca.gov

Office Use Item No. _____

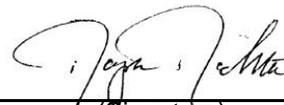
PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 24, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 8, 2012

Date: October 8, 2012

From:

Roger Richter
Name (Print or type)


(Signature)

California Hospital Association

Agency, jurisdiction, chapter, company, association, individual, etc.

1215 K Street, Suite 800
Street

Sacramento
City

CA
State

95816
Zip

I/We (do) (do not) agree with:

- The Agency proposed modifications As Submitted on Section No.
Title 24, Part 4, Chapter 2, Section 217

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Support of the Text of the Regulations:

OSHPD established a new subcategory under the OSHPD 3 licensed clinic definition referred to as OSHPD 3SE. The OSHPD 3SE classification consists of: (1) Outpatient Clinical Services that do not provide: (a) Radiological imaging service. (b) Gastrointestinal endoscopy. (c) Cancer treatment/infusion therapy. (d) Nuclear medicine. (e) Radiation therapy. (f) For services not listed, contact OSHPD. (2) Primary Care Clinics that do not provide abortion services. (3) Rehabilitation Clinics. (4) Psychology Clinics.

The allowable OSHPD 3SE services are exempted from unnecessary selective California Mechanical Code requirements because the procedures performed and the patients treated in these clinics are not that susceptible to infection. Health care providers who provide services that do not meet the requirements of OSHPD 3SE can avoid meeting OSHPD 3 mechanical requirements by functioning as an unlicensed physicians' office or clinic. However, in an unlicensed clinic, third party payment for services is usually less due to the fact that less restrictive regulations need to be met. Bottom line, the OSHPD 3SE subcategory maintains a quality of care physical environment while reducing expensive mechanical requirements where they are not needed.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.