

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT

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

SAFETY STANDARDS FOR HEALTH FACILITIES

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

This proposed rulemaking represents OSHPD's proposal to adopt new "functional program" provisions, and editorial and minor technical modifications to the existing requirements for clarification and consistency within the code as identified below:

Section 7-111 Definitions. Three additional terms have been defined and a term has been amended for clarity and consistency.

Section 7-119 Functional Program. This section has been added to facilitate the design and approval process for hospitals, skilled nursing facilities and intermediate care facilities. Functional programs are normal to the design process. This section provides for effective use of this tool in the review and approval process and outlines the elements that can be expected to be included. These requirements are based on the nationally recognized standards "*Guidelines for Design and Construction of Health Care Facilities*," 2014 draft edition by the Facility Guidelines Institute with assistance from the U.S. Department of Health and Human Services.

Section 7-121 Presubmittal meeting. This section has been amended to provide for the inclusion of a functional program as described in Section 7-119.

Section 7-128 Work performed without a permit. This section has been added to provide for a clear and consistent approach to examine facilities where work has been performed without the benefit of a permit, conduct plan review and provide observation of corrective and remedial work necessary to remedy any code violations, unsafe, dangerous, or hazardous conditions.

Section 7-133 Fees. This section has been amended to provide clarity and consistency in the understanding of "estimated" and "final" construction costs as used in determining plan review and observation fees. The amendments include provisions for resolution of apparent inaccuracies in the stated "estimated" or "final" construction costs. Provision for collaborative review has been added. Minor editorial changes are also proposed at the end of this section for clarity, consistency, and to reflect amendments proposed in other sections.

Section 7-153 Addenda, change orders and instruction bulletins. This section has been amended for clarity and consistency in the review of changes in the work proposed after approval of construction documents. A description of "changes that do not materially alter the work" has been added to clearly identify the types of changes that do not require the submission of amended construction documents to the Office and the requirement for the maintenance of a log of changes to the work of construction has been added.

Section 7-173 Expedited appeals. This section has been added to provide for an expedited procedure for the appeal of certain monetary penalties and regulatory decisions of the Office, under the purview of the Hospital Building Safety Board, including monetary assessment pursuant to Health and Safety Code Section 130061 (g) and appeals associated with suspension or revocation of hospital inspector certification.

Section 7-214 Suspension or revocation of certification. This section has been re-written to outline the process for suspension, or revocation, of a hospital inspector of record certification.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

The “functional program” requirements are based on the nationally recognized standards “*Guidelines for Design and Construction of Health Care Facilities*, 2010 Edition” by the Facility Guidelines Institute with assistance from the U.S. Department of Health and Human Services.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

These regulations do not mandate the use of technology or equipment or prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

There are no alternatives for consideration.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

There are no adverse impacts on small business.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

There are no adverse impacts on business.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

There is no duplication or conflicts with federal regulations.