

**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 1, CHAPTER 7**

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 no revisions have been made which would warrant a change to the initial statement of reasons for the following proposed actions:

**STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:**

**TITLE 24, PART 1**

**ARTICLE 2 – DEFINITIONS**

**Section 7-111** The definitions for “freestanding”, “managed projects” and phased plan review” have been added for clarity.

**ARTICLE 3 – APPROVAL OF CONSTRUCTION DOCUMENTS**

**Section 7-121** Repealing requirements for preliminary plans and outline specifications from this section and moving a modified version of the requirements to new Section 7-123. Provisions are being added to Section 7-121 to specify the requirements for presubmittal meetings between OSHPD and the design professionals for hospital and skilled nursing facility construction projects with an estimated cost of \$20 million or more. This amendment will implement statutory requirements of SB 1838 (Chapter 693, Statutes of 2006).

**Section 7-123** The requirements for preliminary plans and outline specifications have been moved from Section 7-121 to new Section 7-123. These provisions have also been modified to eliminate unnecessary outdated language.

**Section 7-125** Requirements for the final review of construction documents are being amended to coordinate with existing requirements in Title 24, California Building Code, Part 2, Section 107 and to eliminate redundancy.

**Section 7-126** An exception to this section is being added to correct a printing error in the January 1, 2009 supplement to the 2007 California Administrative Code. The exception language was previously part of Section 7-125 provisions. In the 2007 Code Adoption Cycle, OSHPD amended Section 7-125 and relocated some of its text to Section 7-126 regarding deferred submittal of construction documents. The “exception” language was inadvertently omitted during the publishing process.

**Section 7-129** An exception to this section is being added to clarify that the time limitations and deadlines specified in the section will not apply to projects submitted for phased review or incremental review. These

are considered “managed projects” and the schedules for these projects are negotiated between OSHPD and the applicant.

**Section 7-131** Incremental Design, Bidding and Construction requirements are being amended to coordinate with existing requirements in Title 24, California Building Code, Part 2, Section 107.

**Section 7-132** This section is added to clarify what requirements must be complied with when the design/build delivery method is used for a project.

**Section 7-133 (k)** This provision is being added to implement statutory requirements of SB 211 (Chapter 429, Statutes of 2007) for requesting deferral of payment of the plan review fee for projects that are necessary to repair damage sustained by a facility during any type of event that the Governor declares as a “disaster”.

#### **ARTICLE 4 – CONSTRUCTION**

**Section 7-135** The amendment makes reference to an existing requirement that a hospital inspector of record (IOR) must be approved for a project. The reference will clarify that the approval of an IOR must occur prior to commencement of project construction. Also, the “note” in this section is not necessary and is being repealed.

**Section 7-145 (a) 5 C** The amendment will provide consistency with the terminology in Sections 7-145 (a) 2 and 7-145 (a) 6 A.

**Section 7-152** The amendments are editorial and will provide clarification of the requirements in this section.

#### **ARTICLE 19 – CERTIFICATION AND APPROVAL OF HOSPITAL INSPECTORS**

**Section 7-201** The amendment reflects the recent change of address for the Office of Statewide Health Planning and Development.

**Section 7-203** The amendment clarifies that an exam application is valid for one year and if an applicant does not take an exam within the year period the individual must reapply for an exam and submit applicable exam fee.

**Section 7-204** The amendment clarifies that for the applicant to qualify to participate in the Hospital Inspector Certification exam for Class C- Framing & Drywall specialty an applicant must have certification by the International Code Council (ICC) as “Commercial” Building Inspector certification. ICC “Residential” Building Inspector certification is not applicable for qualifying for the Class C exam.

**Section 7-207 (c) & (d)** All candidates taking the Class C hospital inspector certification exam must take the Administrative Section of the exam. If a candidate is taking the exam to be certified as a Class C in the Anchorage/Bracing of Nonstructural Components or the Architectural specialty the exam also take a section regarding that specialty. The amendment to (c) and repeal of (d) clarifies that a candidate for the Class C Hospital Inspector certification exam must score a minimum of 75% in each section of the exam. Additionally, the existing 7-207 (e) is being amended to clarify that when a Class C exam candidate passes the Administrative Section of the exam, they will not have to retake this section if they want to be certified in additional Class C specialties within three years of passing that section.

**Section 7-209 (a)** This amendment clarifies that a candidate who fails the exam may retest if an exam application and the exam fee are submitted to the office.

**Section 7-209 (d)** The Class A and B exams include multiple sections based on specific disciplines. This amendment is being added to allow a Class A or B exam candidate who passes all but one section of the exam to retest for that section if the original score was not less than 50%.

**Section 7-211** The amendments are added to clarify the requirements to maintain a valid certificate if the hospital inspector fails to recertify.

**Section 7-214** The amendment specifies under what circumstances a hospital inspector's certificate may be suspended or revoked by the Office.

**Section 7-215** The Hospital Building Safety Board acts as an appeals board in matters relating to the administration and enforcement of building standards. Existing regulations in Part 1, Chapter 7, Article 5 describe the appeals process. The amendments to Section 7-215 will eliminate redundancy and specify that a hospital inspector exam applicant, exam candidate or certificate holder may use this process to appeal a determination made by the Office.

### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Office of Statewide Health Planning and Development (OSHPD) 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).**

OSHPD did not receive any objections or recommendations for this proposed action as noticed during the 45-Day Comment Period from October 2, 2009 through November 16, 2009.

### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

OSHPD has determined that no alternative considered 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:**

No alternatives were proposed. OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses.