

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

REGARDING THE CALIFORNIA MECHANICAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4

Health Facility Design and Construction

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:

Sections 1.10.1 through 1.10.5.3 – Add the acronym [OSHPD 1R] for buildings removed from acute care services. Add the acronym [OSHPD 5] for acute psychiatric hospitals. Add the adoption of Title 24, Part 6 for [OSHPD 1, 1R, 2, 3, & 4] facilities. This is done to establish consistency with Title 24, Part 2.

Various Sections – OSHPD amendments to Title 24, Part 4 address the [OSHPD] header with the various facility classifications that apply, (OSHPD 1, 1R, 2, 3, 4, & 5). Modify each of these OSHPD-amended sections headers to properly address how OSHPD 1R, and OSHPD 5 facilities apply to the related requirements. OSHPD 5 requirements are those necessary for acute psychiatric hospitals. This is done to establish consistency with Title 24, Part 2. During the 2016 Intervening Code Cycle the publisher made errors in the printing of Part 4. The language that was published incorrectly is shown corrected in these express terms in curved underline in order to assist the publisher. This language is not part of the rulemaking and is not subject to public comment.

Section 407.4.1.3 – Add transfer air to list of air prohibited to transfer to or from fire resistive corridors to improve fire safety and ensure enhanced infection control.

Section 416.1 – This provision removes confusing language that mandates unnecessary requirements for the design and construction of airborne infection isolation room and protective environment rooms. It adds a reference to ASHRAE 170 for the pressure differential requirement for these spaces to ensure against future conflicts for this requirement. This provision also clarifies how the required pressure differential for these spaces is applied.

Section 419.1 – This new provision specifies air delivery to and removal from the Neonatal Intensive Care Unit Formula Preparation Area in a manner that ensures sanitary conditions per input from California Department of Public Health.

Section 419.2 – This new provision specifies air delivery to and removal from the Neonatal Intensive Care Unit Treatment Area/Room in a manner that ensures sanitary conditions in the location where susceptible infants may be subject to medical treatment.

Table 4-A – Institute a minor title change adding “Acute Psychiatric Hospitals” to reflect change to Title 24, Part 2. This is not a new code requirement. Remove five areas from this table to adjust Title 24, Part 4 to more closely match national standards. The removed areas are Administrative, Dining room, Dishwashing room, Multipurpose room, and Staff sleep rooms. Add drug compounding-specific spaces to bring Title 24, Part 4 into alignment with USP <797>, <800>, (both national standards for drug compounding), and California Board of Pharmacy regulations. Modify footnotes t and u to remove unnecessary requirements and more closely align Table 4-A with Table 7.1 of ASHRAE 170. Add footnote aa to allow easier application of the requirements

to nurse station spaces. Add footnote ab to specify that spaces not listed in Table 4-A shall be ventilated per ASHRAE 62.1, the referenced national standard for non-residential ventilation. Add neonatal intensive care formula preparation room to the table, including ventilation requirements to reflect the requirements of this space per direction from California Department of Public Health. Split Observation/seclusion room into two separate spaces to allow the application of humidity requirements to Observation to more closely match ASHRAE 170.

Table 4-B – Add neonatal intensive care formula preparation room to the table, requiring three filter banks through MERV 17 efficiency. This change reflects the requirements of this space per direction from California Department of Public Health.

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

ASHRAE 170, as published in the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities* (2014 edition), published by The Facility Guidelines Institute, was used as the basis for various requirements in this proposal.

<797> Pharmaceutical Compounding – Sterile Preparations, USP Compounding Compendium.

<800> Hazardous Drugs – Handling in Healthcare Settings, USP Compounding Compendium.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

These regulations do not mandate the use of technology or equipment and do not require any new prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

There were no alternatives for consideration by the Office. The proposed amendments will provide clarification and consistency within the code and are in alignment with national standards.

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

Small businesses will not be adversely impacted by the proposed amendments.

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

The Office did not identify any cost to comply with the proposed amendments. The proposed amendments are editorial and minor technical changes that will provide clarification within the code.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10))

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
The proposed regulations will not create or eliminate jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed regulations will not create new businesses, or eliminate existing businesses within the State of California.

- The expansion of businesses currently doing business with the State of California.

The proposed regulations will not cause expansion of businesses currently doing business with the State of California.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

OSHPD promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed regulations are necessary for the continued preservation of the health, safety, and welfare of California residents through updated amendments associated with the design and construction of health facilities that reflect current construction practices and current practices of medicine. Worker safety and the state's environment will not be affected.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

OSHPD did not identify any cost to comply with the proposed amendments. The amendments make editorial and minor technical modifications and will provide clarification and consistency within the code.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The proposed regulations do not duplicate or conflict with federal regulations.