

**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**

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 proposed actions. This rulemaking proposes editorial and minor technical modifications to the existing requirements for clarification and consistency within the code as identified below:

Section 7-119 Functional Program. Amend existing functional program requirements under sub-section (c) with the addition of item 9 “Patient Safety Risk Assessment” for projects associated with acute psychiatric hospitals, acute psychiatric nursing units in general acute-care hospitals, and special treatment program service units in skilled nursing facilities.

Section 7-119 of the California Administrative Code currently provides a standardization for the presentation of programmatic information associated with new construction, additions, or modifications to specific hospital departmental functions which form an integral part of the facility. This specific new section item is relative to the psychiatric facilities noted and responds to the importance placed on risks by the Joint Commission “Standards and Rationale” 2012 *Hospital Accreditation Standards*. The criteria are based upon the *Design Guide for the Built Environment of Behavioral Health Facilities* as referenced by the Facilities Guidelines Institute (FGI) *Guidelines for Design and Construction of Hospitals and Outpatient Facilities*. The FGI *Guidelines* are accepted as the national standard for construction and alterations of health facilities across the country. Numerous references to the acute psychiatric facility’s Patient Safety Risk Assessment are made in various sections under new Section 1228 “Acute Psychiatric Hospitals” in the California Building Code, Part 2 of Title 24, as a tool to identify and establish specific design criteria intended to respond to the risks associated with the anticipated patient population.

Section 7-128 Work Performed Without a Permit and Section 7-133 Fees. Amend the following fee provisions: (1) clarify that fixed equipment cost may be the equipment value, for example, when equipment is relocated or leased; (2) fixed equipment cost includes installation and taxes; and (3) removal of the discount for imaging equipment.

- (1) The regulation is silent on the calculation of fees when equipment is relocated or leased. The labor to perform plan review and field observation are similar regardless of the source of the equipment; therefore, no difference in fee is justified.
- (2) When equipment is furnished by the contractor, all total costs (including installation, taxes, overhead and profit) are passed on to the owner and are included in the fee calculation. Owners can avoid some of these costs by purchasing the equipment and

then having the contractor install it. This revision clarifies that all costs incurred in the acquisition and installation of fixed equipment are to be included in the equipment cost.

- (3) The fee for imaging equipment is currently 10% of the fee for non-imaging equipment and all other construction. There is no basis in statute for this discount. In a sample of ten CT scanner replacement projects, OSHPD, on average, earned \$5,100 less than what it cost to review the plans. Removal of the fee discount is needed to comply with Health & Safety Code Section 129785, which requires OSHPD to determine a fee structure that covers the costs of administering the program.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The 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 RECEIVED THE FOLLOWING COMMENT DURING THE 45-DAY PUBLIC COMMENT PERIOD OF APRIL 28, 2017 TO JUNE 12, 2017***

Commenter: Cheri Hummel – representing California Hospital Association (CHA)

Comment regarding Psychiatric Hospital Services code changes for Title 24, Parts 1, 2, 3, 4 & 5: Ms. Cheri Hummel, representing the CHA, writes in support of OSHPD's proposed building standards (i.e. for the California Administrative Code, California Building Code, California Electrical Code, California Mechanical Code and California Plumbing Code) applicable to psychiatric hospital services space. The commenter maintains that the proposed standards are in conformance with the national standards and the Facilities Guidelines Institute and if adopted, will provide safe and protective environments for patients and staff and result in reduced healthcare costs. CHA recommends that the California Building Standards Commission adopt these standards.

OSHPD Response to Comment: OSHPD appreciates the expressed interest and support of the CHA for adoption of OSHPD's proposed code changes to Title 24, Parts 1, 2, 3, 4 & 5 as they apply to psychiatric hospital services space.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

OSHPD has determined that no alternative 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. The proposed regulations are technical modifications that will provide clarification and consistency within the code.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

OSHPD has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are minor technical modifications that will provide clarification and consistency within the code.