

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE OFFICE OF STATEWIDE HEALTH PLANNING & DEVELOPMENT  
REGARDING THE 2019 CALIFORNIA ELECTRICAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3  
(OSHPD 01/17)**

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**

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

The Office of Statewide Health Planning and Development (OSHPD) is mandated to adopt the most recent edition of model code pursuant to Health and Safety Code Section 18928. This rulemaking represents OSHPD's proposal to adopt the 2017 National Electrical Code (NEC) published by the National Fire Protection Association and carry forward specified existing California amendments of the 2016 California Electrical Code (CEC) to the 2019 California Electrical Code. In addition, editorial and minor technical modifications are being proposed as identified below. Specific amendments are as follows:

**Article 89.110 General Code Provisions.**

Adds OSHPD 1R and 5. Adds Title 24 Parts 6 (California Energy Code) and 11 (California Green Building Standards Code) to applicable building standards.

Rationale: Coordinates with new OSHPD categories in Title 24 Part 2. References standards that are adopted elsewhere.

**110.2 Approval.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**110.13 Mounting and Cooling of Equipment**

Corrects placement of the amendment and adds applicability for OSHPD 1R and 5.

Rationale: Correction from prior edition and inclusion of the new OSHPD categories.

The PEME Code Advisory Committee recommended Short Term Further Study and OSHPD agreed and made appropriate amendments to the proposed code language.

#### **404.4(C) Switches in Tub or Shower Spaces**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

#### **406.9 (C) Bathtub and Shower Space.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

#### **Article 517.2 Definitions.**

1. Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

2. Removes the definitions of “General Care Area” and “Critical Care Area.”

Rationale: General Care Area and Critical Care Area are now obsolete terms and are replaced by “General Care Space” and “Critical Care Space”; both of which are adequately defined.

3. Adds “sub-acute”, “portions of emergency departments”, and “electroconvulsive therapy procedure rooms” to the list of example Critical Care (Category 1) spaces.

Rationale: Clarification of categories that are not included and coordination with Title 22 CCR.

#### **Article 517.4 Services/Systems and Utilities.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

#### **Article 517.10 Applicability (Part II. Wiring and Protection)**

Repeals OSHPD amendment Article 517.10.1 and removes the adoption of Article 517.10(B)(2).

Rationale: The OSHPD amendment, originally added in the 1990 CEC, exempted nursing homes from the general requirements of Article 517. This exception was removed in the 1996 NEC, but the OSHPD amendment remained. Repeal of the amendment simplifies the requirements.

Not adopting Article 517.10(B)(2) removes the exception for areas in nursing homes used exclusively for patient sleeping rooms, consistent with the previously adopted version.

**517.12 Wiring Methods.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**Article 517.18(A) Patient Bed Location.**

Repeals OSHPD amendment.

Rationale: The existing OSHPD amendments are no longer applicable after the removal of the OSHPD amendment to Article 517.10.

**Article 517.18(B) Patient Bed Location Receptacles.**

1. Adds applicability for OSHPD 1R, 4 and 5.

Rationale: Provisions apply to the new OSHPD categories 1R and 5. OSHPD 4 was previously omitted but applies.

2. Repeals exception to OSHPD amendment to exception No. 1.

Rationale: The existing OSHPD amendments to which this amendment refers has been removed.

3. Addition of an exception allowing a reduction (from eight to four) receptacles in outpatient observation bed and gurney locations.

Rationale: The 2001 CEC required four receptacles in general care patient locations. This would allow patient rooms that met the requirements of the 2001 CEC to be converted to outpatient observation rooms without making electrical modifications.

**Article 517.18(D) Nursery Receptacles**

Removes applicability for OSHPD 2.

Rationale: Nurseries are not permitted in OSHPD 2 (SNF/ICF) facilities.

**Article 517.19(B) Patient Bed Location Receptacles**

Adds exception for subacute beds, reducing the number of required receptacles from 14 to eight.

Rationale: Patients in skilled nursing subacute beds need no more receptacles than a patient in an acute care general care bed, even though activities in subacute beds could be considered critical care (Category 1).

**Article 517.22 Artificial Lighting.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**Article 517.24 [OSHPD 1, 1R, 2, 3, 4 & 5] Mobile Medical Facilities.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**Article 517.26 Application to Other Articles.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**Article 517.29 Applicability.**

Reformat and of existing amendment, previously in 517.30(A). No Additional requirements.

Rationale: Bringing forward previous amendment and clarifying applicability.

**Article 517.3530 (B) Types of Power Sources.** *Note: 2014 NEC Article 517.35 has been renumbered to 517.30 in the 2017 NEC.*

1. Adds requirement for an on-premises alternate power source.

Rationale: This requirement is being carried forward from the 2016 CEC. A revision in 2017 NEC model code could be misinterpreted, resulting in no on-premises alternate power source.

2. Repeal existing OSHPD amendment 517.35(B)(4) regarding battery systems due to changes in the 2017 NEC.

Rationale: The existing OSHPD amendment 517.35(B)(4) reversed a provision in the prior code, allowing the use of a battery system as an emergency power source. Model code has removed this allowance, so the OSHPD amendment is no longer required.

**Article 517.3530(C) Location of Essential Electrical System Components.** *Note: 2014 NEC Article 517.35 has been renumbered to 517.30 in the 2017 NEC*

1. Revises referenced code section

Rationale: The reference was incorrect.

2. Changes applicability. OSHPD 2 (SNF/ICF) has been removed, OSHPD 4 (CTC) has been added.

Rationale: Chapter 16A does not apply to OSHPD 2, but it does apply to OSHPD 4.

**Article 517.30(B)(3)31(B)(1)(3) Optional Loads.** *Note: 2014 NEC Article 517.30 has been renumbered to 517.31 in the 2017 NEC.*

1. Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

2. Revises wording to clarify that loads being supplied by optional transfer switches may not be used to meet any essential electrical system requirement.

Rationale: Clarification of existing amendment. Model code requires that connection of these loads be delayed and automatically shed, which is not allowed on essential electrical system loads.

**Article 517.30(B)(5)31(B)(3) Bypass Isolation.**

1. Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

2. Revises wording to remove repeated applicability requirements.

Rationale: Clarification.

**Article 517.30(C)(3)31(C)(3) Mechanical Protection of the Essential Electrical System.**

Adds allowance for flexible raceways across seismic building joints.

Rationale: Needed for 3-dimensional movement between buildings. Flexible raceway is the current practice but technically not allowed.

**Article 517.30(D.1)(5)31(D.1) Capacity of Systems.**

Adds applicability for OSHPD 1R and 5.

Rationale: Provisions apply to the new OSHPD categories.

**Article 517.3031(E) Receptacle Identification**

Adds applicability for OSHPD 1R, 2, 3 and 5.

Rationale: OSHPD 1R and 5 are new OSHPD categories. OSPHD 2 and 3 already apply to facilities that are subject to the requirements of 517.40(B) and 517.45(B).

**Article 517.3334(A) Task Illumination and Selected Receptacles.** *Note: 2014 NEC Article 517.33 has been renumbered to 517.34 in the 2017 NEC.*

1. Adds applicability for OSHPD 1R, 3 and 5 for the nurse call system exception.

Rationale: Provisions apply to the new OSHPD categories 1R and 5 as well as OSHPD 3 ASCs.

2. Removes paragraph 8 items “j. lithotripsy treatment rooms” and “k. laser operating rooms” from the list of spaces requiring critical branch lights and receptacles.

Rationale: The spaces listed are rarely seen on plans; requirements would be covered under remaining and more general categories. Also, editorial formatting changes are necessary to accommodate for the removal of these items.

3. Revise paragraph 10 to consolidate equipment power requirements. Moved clock requirement from paragraph(A)(8)(l), isolation room alarms from paragraph (A)(11). Clarified requirements for medication dispensing, refrigeration and freezers and patient

food refrigeration and freezers. Adds specific requirements for pharmacy compounding equipment.

Rationale: Paragraph 8 is related to areas rather than specific equipment. This change clarifies the requirements for specific equipment.

4. Added requirement for critical branch power for medication and patient food refrigerators and freezers, and pharmacy equipment.

Rationale: Clarification. The existing code requires critical branch lighting and selected receptacles at these locations, but does not specifically require the equipment to be on the critical branch.

**Article 517.3435(A) Equipment for Delayed Automatic or Manual Connection.** *Note: 2014 NEC Article 517.34 has been renumbered to 517.35 in the 2017 NEC.*

1. Revises reference to California Plumbing Code in paragraph 9

Rationale: Referenced section was moved.

2. Adds applicability to paragraph 10

Rationale: Omitted from prior adoption.

**Article 517.3435(B)(1) Equipment for Delayed Automatic or Manual Connection.** *Note: 2014 NEC Article 517.34 has been renumbered to 517.35 in the 2017 NEC.*

Adds “jockey pump” to the list of equipment required to be supplied by the equipment branch.

Rationale: Prior OSHPD amendment 517.35(B)(1.1) supersedes 517.35(B)(1). The requirements for jockey pumps to be on the equipment branch was inadvertently dropped.

**Article 517.40(A.1) Applicability.**

Clarifies that a Type 2 (2 branch) essential electrical is required for acute psychiatric hospitals, except when Category 1 or Category 2 services are provided.

Rationale: Acute psychiatric facilities do not need the Type 1 (3 branch) essential electrical system unless they are providing a higher level of care.

**Article 517.40(B.1) Alternate Source of Power.**

Removes OSHPD 1 applicability.

Rationale: Where skilled nursing units are present in hospitals, the essential electrical system type is governed by hospital requirements.

**Article 517.42(E) Receptacle Identification.**

Adds OSHPD 1, 1R and 5 applicability.

Rationale: Where skilled nursing units are present in hospitals or acute psychiatric hospitals, the identification requirements apply to skilled nursing beds.

**Article 517.43 Automatic Connection to Life Safety Branch.**

1. Removes OSHPD amendment in (C)(3) for a nurse call life safety branch power source.

Rationale: Model code has addressed the requirement.

**Article 517.44 Connection to Equipment Branch.**

1. Adds exception for existing nurse call systems to be supplied by the life safety branch.

Rationale: Previous OSHPD amendment required a life safety branch source.

2. Carries forward previous amendments, renumbers them and add OSHPD 1R and 5 applicability.

Rationale: Where skilled nursing units are present in hospitals or acute psychiatric hospitals, the requirements apply to skilled nursing beds.

3. Revises reference to the plumbing code in paragraphs 9 and 10.

Rationale: Referenced section was moved.

**Article 517.123 Call Systems**

Revised in its entirety.

Rationale: Clarification of existing requirements and coordination with CBC Table 1224.4.6.5.

**Article 695.3 Power Source(s) for Electric Motor-Driven Fire Pumps.**

Adds requirement for both a service connection and on-site generator.

Rationale: The amendment provides clarification that the electric utility is not considered to be a reliable power source for fire pumps.

**Article 700.5 (C) Automatic Transfer Switches.**

Changes voltage range for listing requirement.

Rationale: The model code has revised the threshold for switch listing from 600 VAC to 1000 VAC. This change coordinates the OSHPD amendment with the model code ratings.

## **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS**

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

There are no formal studies, reports or documents to be identified as the basis for the proposed amendments.

## **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

The proposed changes do not mandate any specific technologies or equipment and do not require any prescriptive standards.

## **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

There were no alternatives for consideration by the Office. The adoption of the 2017 National Electrical Code complies with the mandate of Health and Safety Code Section 18928. In addition, 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**

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

Small businesses will not be adversely impacted by the proposed adoption, amendments or repeal of code requirements.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The Office did not identify any cost to comply with the proposed rulemaking. The proposed amendments will provide clarification within the code and repeal outdated requirements.

## **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)

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

- A.** 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.

- B.** 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.

- C.** The expansion of businesses currently doing business within the State of California.

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

- D.** 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. The regulations will not affect worker safety, or the state's environment.

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

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

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

## **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B)

The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

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