

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE 2019 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(OSHPD 01/18)**

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

The purpose of this proposed action is to adopt the 2019 California Administrative Code (2019 CAC) based on new information since the adoption of the 2016 CAC. Section

Title 24, Part 1

Chapter 6 – Seismic Evaluation Procedures for Hospital Buildings

Section 1.2 – Definitions

Damage control Structural Performance Category – Editorial, definition of structural performance category SPC-4D is revised to reference the appropriate code and applicable sections.

Nonstructural Performance Category NPC-4D – In consultation with the Hospital Building Safety Board (HBSB) based on what is practical, a new seismic performance category NPC-4D has been added to permit hospital buildings that have been upgraded to this level continue to provide acute care functions beyond 2030. Approved as amended by the Code Advisory Committee to correct typo – changed “retrofit” to “retrofitted”.

Section 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.3 – Editorial, sections updated to reference the appropriate code and applicable sections.

Section 1.4.5.1.5 – Sections updated to now include application to the new performance category NPC-4D.

Section 1.5.1 – Compliance deadlines have been updated to current date with penalties applied for non-compliance. Past compliance deadlines that are no longer applicable are deleted. Approved as amended by the Code Advisory Committee – added missing strikeout language..

Section 1.5.2 – In consultation with the HBSB based on what is practical, new dates and requirements for seismic compliance have been added. Alignment of anchorage and bracing requirements for non-structural components is made to coincide with the buildings Structural Performance category. Exceptions from seismic compliance for existing nonstructural components have been included if that building is being removed from general acute care service.

Section 2.1.2.1, 2.1.2.2, 2.7 and Table 2.5.3 – Editorial, sections updated to reference the appropriate code and applicable sections.

Table 11.1 – In consultation with the HBSB based on what is practical, new dates and requirements for seismic compliance of the nonstructural components are added. Requirements for NPC-3R has been removed because that performance category is no longer required and is replaced by the requirements for NPC-4D levels 1, 2 and 3. Compliance requirements for NPC-5 is unchanged.

Section 11.2.2 Evaluation procedures for NPC 3 – Requirements for NPC-3R has been removed because that performance category is no longer required and is replaced by the requirements for NPC-4D levels 1, 2 and 3. Requirements for checking the load carrying capacity of the structure to which the non-structural component is attached when forces are below limits prescribed in the requirements for NPC-3R have been relocated to Table 11.1 to apply to NPC categories NPC-3 and higher.

Section 11.2.3 Evaluation procedures for NPC 4 and NPC 4D – Section has been revised to include requirements for compliance for the new seismic performance category NPC-4D. In addition to satisfying the requirements for NPC-4D either Level 1, 2 or 3, specified in Table 11.1, the facility must also submit an owner approved Operation plan to specify what measures are being taken to bring the building into compliance for critical care operations immediately following an earthquake, should failure of any of the non-structural systems occur. The specific services that are required to be functional post-earthquake are enumerated including what information is required in the hospital plan to restore functionality. This plan is similar to the plan the hospital is required to submit for emergency operations purposes as part of its licensure.

Section 11.2.4 Evaluation procedures for NPC 5 – Introduction of the new seismic performance category NPC-4D creates multiple performance categories into which the building may be placed. New language clarifies how this is achieved.

Chapter 7 – Safety Standards for Health Facilities

Section 7-103 – Clarified that the Office shall enforce the California Energy Code (Title 24 Part 6) for consistency with the requirements in the California Building Code (Title 24, part 2) Section 110.

Section 7-111 – Definitions

Equipment – Definition for equipment has been revised and relocated to Chapter 2 of the California Building Code.

Hospital Inspector of Record (IOR) – Editorial, added the acronym IOR for repeat usage.

Section 7-115 Preparation of construction documents and reports. – Add new subsection (d) regarding the use of pre-approvals and their incorporation into construction documents.

Section 7-118 Building Energy Efficiency Program – The California Energy Code is being adopted by OSHPD in the 2019 CBSC, therefore a new section is added to require the design professional to submit a basis of design when new systems that consume energy are being installed in a building. The systems are required to comply with the 2016 Nonresidential Compliance Manual (CEC-400-2015-033-CFM) downloadable from the California Energy Commission’s website.

Section 7-128 – Editorial, this section is revised to reference the appropriate building code.

Section 7-133 – Section is revised to collect the appropriate fee for review of OSHPD Special Seismic Certification preapprovals as required by statute. The existing fee structure for renewal projects did not necessarily cover the cost for the review.

Section 7-141 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2).

(j) New requirements added for specifying how testing, inspection and observation is being conducted for work done away from the site. Absent this requirement, adequate inspection and observation is often not being performed. This requirement will prevent defective fabricated items being delivered to the job site and avoid costly repairs or remedial measures.

(k) Exception is added to eliminate the need for the TIO program to include samples of test and inspection reports when the approved agency is preapproved by OSHPD through its OPAA program.

(m) Added requirement to submit a revised TIO program when changes are made to the program that materially alter the work from the approved TIO program.

Section 7-144 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2). Repealed language that does not apply to this section and is addressed elsewhere in the code.

Section 7-145 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2). Added a pointer for IOR to also maintain a log of the changes to approved documents made by the Architect or engineer of record.

Section 7-149 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2).

Section 7-151 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2). The definition of personal knowledge as applied to the Architect or engineer, Contractor, or inspector is already defined in the health and safety code. This language was duplicative

and has been repealed. Since approved agency has been added to the building code, a definition for personal knowledge as applied to the approved agency is added.

Section 7-152 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2).

Section 7-153 – This section is revised for consistency with approved agency requirements in the California Building Code (Title 24, part 2).
Added requirement for documentation of changes to the work to be included with the inspector's field records. This makes it easy to review by OSHPD field staff when visiting the site.

Section 7-155 Final approval of the work. – Repeal sub-section (d). This section was in conflict with Section 7-145 (a) 7 requiring the records to be submitted to the hospital governing board or authority.

Section 7-163 Formal hearing request. – Amend existing section regarding the start of the 15-day period associated with the submission of a written request to begin when the request is received by the Office.

Section 7-165 Formal hearing. – Amend existing section regarding the formal hearing. The hearing shall be held within 45 days of receipt by the Office and at least three voting members shall be present at the hearing.

Section 7-171 Decision on appeal. – Add new sub-section(c) providing for an appeal if less than a quorum of voting members is present for the formal hearing.

Section 7-204 Minimum qualification for examination – This section is revised to delete inspection supervision as adequate minimum qualification, and require actual inspection of major structural or non-structural work as minimum qualification requirements.

Added alternative certification provided by ICC as qualifying experience to satisfy minimum qualification for the Class "B" hospital inspector exam.

Reorganized and clarified minimum qualification requirements for the Class "C" hospital inspector exam. Not much change in regulatory effect except that is further clarifies experience in testing and inspection of what type of building projects do qualify as qualifying experience.

Section 7-207 Examination for certification – Deleted the absolute scoring requirement for a passing grade, and permit scoring to be on a curve and vary from exam to exam depending on difficulty.

Section 7-208 Conduct relative to the examination – Added additional requirements to ensure security and confidentiality of the examination material.
Added penalties for candidates that violate the security severe enough to act as a deterrent to preserve the authenticity of the exam.

Section 7-209 Reexamination – Deleted the absolute scoring requirement for a passing grade, and permit scoring to be on a curve and vary from exam to exam depending on difficulty.

Section 7-211 Renewal of a hospital inspector certificate – Deleted the scope to be limited to new and/or revised California Building Standards Codes, new construction materials and inspection procedures for renewals. Over time a refresh of the existing material is needed otherwise it may be forgotten.

Added language to require continued maintenance of minimum qualifications that made the candidate eligible to take the exam in the first place.

Clarifies language for reinstatement for expired certification and fee payment to retake a test if the hospital inspector fails the recertification exam.

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

2018 IBC: International Building Code.

2018 IEBC: International Existing Building Code.

ASCE 7-16: Minimum Design Loads for Buildings and Other structures with Supplements Nos. 1 & 2.

ASCE 24-14: Flood Resistant Design and Construction.

ASCE 41-13: Seismic Evaluation and Retrofit of Existing Buildings. This is consistent with the reference standard in ASCE 7-16 and has not been updated to the latest version of ASCE 41 for consistency with the new seismic performance category SPC-4D, where non-conforming buildings upgraded to this standard are permitted to provide General Acute Care service to 2030 and beyond. Updates in the ASCE 41-17 will cause inconsistency in performance of these buildings. The full impact of the updates in ASCE 41-17 has not yet evaluated for buildings being evaluated/upgraded to SPC-4D. Once the impact of the changes are quantified, future versions of the code will be adopt the most current version of ASCE 41 with necessary amendments.

ACI 318-14: Building Code Requirements for Structural Concrete and Commentary.

AISC 360-16: Specification for Structural Steel Buildings

AISC 341-16: Seismic Provisions for Structural Steel Buildings.

AISC 358-16: Prequalified Connections for Special and Intermediate Steel Moment Frames for Seismic Applications.

TMS 402-16: Building Code Requirements for Masonry Structures.

TMS 602-16: Specification for Masonry Structures.

AWC NDS-18: National Design Specification (NDS) for Wood Construction.

AWC SDPWS-2015: Special Design Provisions for Wind and Seismic.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Health and Safety Code (H&SC) Section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

CONSIDERATION OF REASONABLE ALTERNATIVES

The alternative to these proposed regulations would be to leave regulations as they are which will be inconsistent with H&SC 18941 requirements.

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

There will be no adverse impact on small business.

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

The regulations proposed have no net overall cost impact on business, since they are equivalent to current requirements in the Code. Adoption of the new OSHPD categories OSHPD 1R, 2, and 5 with modified definitions for structural requirements should lower the cost of construction for these buildings. New definitions for Fixed, Movable and Mobile equipment and components are also less restrictive than current requirements and will improve the functionality and efficiency of operations for the hospitals. Requirement for special seismic certification for elevator motors and governors is no longer required. Alternate loading protocols and testing procedures other than FM 1950 are being permitted as satisfying the requirements for design and testing of distribution system component bracing. This option could be adopted as is a potential cost savings.

Technical update to the national standards for structural design are incorporated, mostly by reference.

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

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

There will be no adverse impact, but potential for new construction of skilled nursing and acute psychiatric facilities to be constructed could increase as they do not have to meet hospital building requirements for multistory construction.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

There will be no adverse impact.

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

There will be no significant positive or adverse impact.

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

There will be no significant positive or adverse impact.

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

The regulations proposed will have a potential benefit for both skilled nursing facilities and hospitals as they are aligned with model codes and functional operational needs. Other changes are mostly technical update to incorporate model code changes to comply with statute nine-point criteria. Technical updates to the national standards for structural design are incorporated, mostly by reference.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

These regulations do not duplicate or conflict with federal regulations.