# INITIAL EXPRESS TERMS FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT REGARDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

# (OSHPD 03/21)

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italic and ellipsis.

## LEGEND for EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)

* Existing California amendments appear upright
* Amended or new California amendments appear underlined
* Repealed California language appears ~~upright and in strikeout~~
* Ellipsis ( ...) indicate existing text remains unchanged

# INITIAL EXPRESS TERMS

The Office of Statewide Health Planning and Development (OSHPD) proposes to adopt Chapter 6 and Chapter 7 of the 2022 edition of the California Administrative Code, carrying forward existing amendments from the 2019 California Administrative Code with the following modifications:

# Item 1 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 2 DEFINITIONS

**7-111 Definitions.**

…

**ACTUAL CONSTRUCTION COST** means the cost of all portions of a project to construct the work as shown on the approved construction documents and as necessary to comply with the California Building Standards Code, generally based upon the sum of the construction contract(s), when applicable, and other direct construction costs, including but not limited to mobilization, general and special conditions, supervision and management, overhead, markups and profit, demolition, building pad construction (including but not limited to grading, soil remediation, excavation, trenching, retaining, shoring, etc.), temporary construction and barriers, materials, supplies, machinery, construction equipment, labor cost…

…

**INTEGRATED REVIEW** is the process that engages the Office, at its sole discretion, early in the project design and continues through the development and submission of documents during the design phases of conceptualization, criteria design, detailed design, implementation documents, office review, and final plan approval. Within each phase, milestones are established for specific, agreed upon points in time where segments of the design/building system are completely designed and/or defined in their entirety. The Office provides an agreed upon level of review that allows for written conditional acceptance of these elements and/or systems.

…

**MANAGED PROJECT** means a project where schedules and deadlines relating to plan review and construction are negotiated between the Office and the governing board or authority of the health facility or their designated representative. Managed projects include, but are not limited to, projects approved by the Office for ~~phased plan~~ integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

…

**~~PHASED PLAN REVIEW~~** ~~is the process that, at its sole discretion, engages the Office, at its sole discretion, early in the project design and continues through the development and submission of documents during the conceptualization , criteria design, detailed design, implementation documents, office review, construction and closeout phases and final plan approval. Within each phase, milestones are established for specific, agreed upon points in time where segments/elements of the design/building system are completely designed and/or defined in their entirety. The Office provides an agreed upon level of review that allows for written conditional acceptance of these elements and/or systems.~~

…

**START OF CONSTRUCTION [OSHPD 1, 1R, 2, 4 & 5]** is the date the actual physical work, demolition, construction, repair, reconstruction, rehabilitation, addition, placement, preparation of the site for the first placement of permanent construction of a building such as the trenching for foundations or utilities, or other improvements or offsite component preparation as shown on the approved construction documents begins.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 2 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-113. Application for plan, report or seismic compliance extension review.**

(a) Except as otherwise provided …

1. The application shall contain a definite identifying…
2. Submission of documents to the Office …
   1. Geotechnical Review: One application for plan review and, when applicable, three copies of the site data must be attached.
   2. Preliminary Review: Submit drawings electronically or provide two ~~Two~~ copies of reports or preliminary plans and outline specifications. If providing paper copies, plans ~~Plans~~/drawings size shall not exceed 36 × 48 inches, and bundled sets of plans/drawings shall not exceed 40 lbs in weight.
   3. Final Review: Submit drawings electronically or provide two ~~Two~~ copies of final construction documents and reports. If providing paper copies, plans ~~Plans~~ /drawings size shall not exceed 36 × 48 inches, and bundled sets of plans/ drawings shall not exceed 40 lbs in weight.

…

**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 3 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-121. Presubmittal meeting.**

…

(c) **~~Phased plan~~ Integrated review ~~and collaborative review and construction~~.** A request for ~~Phased Plan~~ Integrated Review (~~PPR~~ IR) ~~or Collaborative Review and Construction (CRC)~~ must be submitted to the Office in writing, prior to the presubmittal meeting being scheduled. In addition to the items listed in Section 7-121 (a), for ~~PPR or CRC~~ IR ~~reviewed~~ projects, the architect or engineer in responsible charge shall submit the following information to the Office:

…

3. Initial draft of the ~~Memorandum of Understanding (MOU)~~ Integrated Review Plan (IRP) proposed, defining roles and accountability of the participants.

…

**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 4 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-123. Preliminary plans and ~~outline~~ specifications.**

(a) The governing board or authority or their designated representative may submit preliminary plans and ~~outline~~ specifications to the Office for review prior to submittal of the final construction documents.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 5 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-128. Work performed without a permit.**

…

(d) **Fees.** …

…

2. A separate, additional, fee for plan review described in Section 7-128(b) and field observation described in Section 7-128(c) shall be based on the estimated cost of construction as specified below:

1. The fee for hospital buildings is 2.0 percent of the estimated construction cost. ~~The estimated construction cost shall include fixed equipment cost or estimated value (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site construction work.~~
2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. ~~The estimated construction cost shall include fixed equipment but exclude design fees, inspection fees and off-site work.~~

…

**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 6 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-129. Time limitations.**

…

(b) The procedures leading to obtaining written approval of final construction documents shall be carried to conclusion without suspension or unnecessary delay. Unless an extension has been approved by the Office, the application shall become void when either paragraph 1, 2 or 3 occurs:

1. If project actual construction cost is $500,000 or less and construction documents are not filed for backcheck within 45 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 45 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

~~1.~~ 2. If project actual construction cost is greater than $500,000 and ~~Prints~~ ~~from corrected~~ construction documents are not filed for backcheck within 90 calendar days after the date of return of checked construction documents to the architect or engineer in responsible charge. Backcheck submittals that do not contain a written response to all comments in accordance with Section 7-125(c) shall not be considered an official submittal to the Office. The architect or engineer in responsible charge may request one extension of up to 90 calendar days; however, the Office may require the construction documents be revised to meet current regulations. The extension must be requested in writing and justifiable cause demonstrated.

~~2.~~ 3. A set of ~~prints of the~~ stamped construction documents are not submitted to the Office within 45 calendar days after the date shown with the identification stamp by the Office.

~~(c) Construction, in accordance with the approved construction documents, shall commence within one year after obtaining the written approval of construction documents, or this approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated.~~

(c) The permit for the work must be obtained within one year of plan approval. If a permit is not issued within one year of plan approval, the plan approval shall become void. Prior to the approval becoming void, the applicant may apply for extensions of time for periods not more than 180 days each. The Hospital Inspector of Record must notify the Office, in writing, upon start of the actual or physical construction at the site, or off-site when applicable. Failure to receive such notice, and/or for the start of actual or physical construction to begin later than one year after the building permit is issued shall be cause for cancellation of the project due to inactivity. To avoid cancellation of the project due to inactivity, the Office must receive a request for an extension for up to 180 days. The request must be in writing and must state a justifiable reason for needing the extension. The Office may require that the construction documents be revised to comply with the current code in effect at the time, prior to granting an extension.

(d) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office’s approval shall become void. Prior to the approval becoming void, the applicant may apply for one extension of up to one year. The Office may require that the construction documents be revised to meet current regulations before granting an extension. The extensions must be requested in writing and justifiable cause demonstrated. For the purpose of building permit time limitation a project shall be considered abandoned when the work of construction, if any, performed during any twelve-month period does not result in a minimum of ten percent increase in the overall percentage of construction work for the project based on either its scope or cost and no extension for time has been approved by the office.

**Exception**: The time limitations and deadlines specified in Section 7-129 (a) and (b) shall not apply to managed projects as defined in Section 7-111. This includes, but is not limited to, projects approved for ~~phased plan~~ integrated review, as described in Section 7-130, or incremental review, as described in Section 7-131.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 7 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-130. ~~Phased~~ Integrated submittal, review and approval.**

The Office, ~~in~~ at its sole discretion, may enter into a written agreement with the hospital governing board or authority for the ~~phased~~ integrated submittal, review and approval of construction documents.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 8 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

**7-133. Fees.**

(a) **Plan review and field observation.** …

1. The fee for hospital ~~buildings~~ construction projects with an estimated construction cost of $250,000 or more is 1.64 percent of the estimated construction cost. ~~The estimated construction cost shall include fixed equipment cost or estimated value (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site construction work.~~

A. For projects under $250,000, the fee is 2.0 percent of the estimated construction cost.

B~~A~~. The Office shall charge actual costs for review and approval of seismic evaluations and compliance plans prepared pursuant to Article 8, Chapter 1, Part 7, Division 107, (commencing with Section 130000) of the Health and Safety Code. Total cost paid for these review services shall be nonrefundable.

2. The fee for skilled nursing and intermediate care facilities, as defined in Subdivision (c), (d), (e) or (g) of Section 1250, Health and Safety Code, is 1.5 percent of the estimated construction cost. ~~The estimated construction cost shall include fixed equipment (including shipping, installation, and taxes) but exclude design fees, inspection fees and off-site work.~~

…

(e) **Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is based upon the estimated construction cost of each increment, as calculated in accordance with Section 7-133(a)~~,~~ and shall be due upon the first submission of the construction documents of each construction increment. The final fee shall be based upon the determination of the final actual construction cost of all increments in accordance with Section 7-133(a).

…

(h) **~~Phased~~ Integrated review submittal ~~review and collaborative review~~.**

1. The fee for ~~phased~~ ~~submittal,~~ integrated review and approval pursuant to Section 7-130 shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133(a) ~~1~~ 4 through 7. A nonrefundable fee of 10 percent of the fee ~~indicated in Section 7-133(a)~~ shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or for fees pursuant to Section 7-133(e) for incremental ~~phased~~ reviews.

~~2. The fee for collaborative review shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133(a) 4 through 7. A nonrefundable fee of 10 percent of the fee indicated in Section 7-133(a) shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or for incremental collaborate review Section 7-133(e).~~

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(q) **Amended Construction Documents.** The fee for submittal and review of Amended Construction Documents shall be as follows:

1. **Additional Costs.** The minimum filing fee for Amended Construction Documents which result in additional construction costs shall be $250.00.
2. **Cost Reductions.** The minimum filing fee for Amended Construction Documents with cost reductions or no cost shall be $500.00.

**~~Exception:~~** ~~Projects that have been submitted and approved using the Collaborative Review Process shall have a minimum filing fee of $250.00.~~

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 9 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 4 CONSTRUCTION

**7-144. Inspection.**

(a) The hospital governing board or authority shall provide for competent, adequate and continuous inspection by one or more ~~inspectors~~ Inspector of Record (IOR) satisfactory to the architect or structural engineer or both, in responsible charge of the work, or the engineer in responsible charge of the work and the Office.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 10 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 4 CONSTRUCTION

**7-145. Continuous inspection of the work.**

(a) The general duties of the IOR shall be as follows:

…

5. The IOR shall notify the Office in writing:

A. When the work is started or …

…

6. The IOR(s) ~~of record~~ shall maintain field records of construction progress for each day or any portion of a day that they are present at the project site location. The field record shall state the time of arrival, time of departure, a summary of work in progress and noted deficiencies in the construction or deviations from the approved construction documents. The field record shall document the time and date of all significant correspondence with the contractor regarding incomplete work, potential deficiencies or deviations which require the contractor’s attention and could potentially affect the timely and compliant completion of the project. This field record shall document the date, time and method of correction for any noted deficiencies or deviations. In addition, this record shall contain the following as applicable:

A. Copies of all certificates, tags, marks or other evidence of material properties and/or manufactured components as required by the California Building Standards Code.

~~A~~B. The time and date of placing concrete; time and date of removal of forms and shoring in each portion of the structure; location of defective concrete; and time, date and method of correction of defects.

~~B~~C. Identification marks of welders, lists of defective welds, and manner of correction of defects and other related events.

~~C~~D. A list of test reports of all nonconforming materials or defective workmanship and shall indicate the corrective actions taken.

E. The names and certificate numbers (when applicable) of all special inspectors who perform work both on and off-site.

~~D~~F. When driven piles are used for foundations, the location, length and penetration under the last ten blows for each pile. It shall also include a description of the characteristics of the pile driving equipment.

~~E~~G. The log of changes to the work prepared by the architect or engineer in responsible charge required by Section 7-153(e).

7. Field records may be kept electronically. All field records of construction progress shall be retained on the job until the completion of the work and shall, upon request, be made available to the Office, the architect or engineer in responsible charge and the owner. Electronic records may be retained off-site if made available during on-site and remote review of documents. Upon completion of the project, these original field records shall be submitted to the hospital governing board or authority.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 11 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 4 CONSTRUCTION

**7-153.** **Changes to the approved work.**

(a) **Changes in the work.** …

1. **Amended construction documents.** Changes or alterations of the approved construction documents shall be made by means of amended construction documents. Amended construction documents shall be submitted with a form provided by the Office and shall state the reason for the change~~,~~ and show the estimated or actual addition to or deduction from the current, estimated or actual, contract amount. The form shall be signed by the architect or engineer, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. All changes shall be clearly described. An electronic copy or two ~~Two~~ copies of the form and construction documents shall be submitted for review and approval by the Office. All amended construction documents shall be approved by the Office prior to installation of the work.

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**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850

# Item 12 CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 19 CERTIFICATION AND APPROVAL OF HOSPITAL INSPECTORS

**7-201.** **~~Location of~~ Contact with office.** All correspondence, applications and remittances related to the certification or recertification of Hospital Inspector shall be directed to~~:~~ the Office of Statewide Health Planning and Development, Facilities Development Division, Hospital Inspector Certification Program~~, 400 R Street, Suite 200, Sacramento, CA 95811~~.

…

**Notation:**

Authority: Health and Safety Code, Sections 1275, 18928, 129790, and 129850

Reference(s): Health and Safety Code, Section 129850