

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION/  
OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT  
REGARDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1  
(OSHDP 01/25)**

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.

**ITEM 1**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS**

**Section 7-118. Building energy efficiency program.**

The proposed amendments to Section 7-118 provide clarity for the California Energy Code healthcare facility documentation requirements. The language in the California Administrative Code Section 7-118 requires compliance with Title 24, Part 6. HCAI plan review policy requires the Certificate of Compliance documentation to be included in the project plans submitted for permit. The Testing, Inspection and Observation Program (TIO) includes the Certificate of Installation and Certificate of Acceptance documentation to be provided during construction. This section will not create a new requirement for HCAI projects. The language will coordinate documentation requirements in Section 10-103 and applicable signature requirements in HCAI regulations in Sections 7-115 and 7-141. Healthcare facilities include a more restrictive requirement for the preparation of construction documents in Section 7-115 and also includes a testing, inspection and observation program along with continuous inspection by an Inspector of Record. This new language will identify who may sign the documentation along with how the installation and acceptance documentation are required to be included in the testing, inspection and observation program. The California Administrative Code, Chapter 10, Article 1, Section 10-103 refers healthcare facilities to Chapter 7 for documentation requirements related to compliance with the California Energy Code, Part 6 of Title 24. Section 7-115 will also refer the proper references to Section 10-103 for what is to be included in the forms. This amendment is for clarification only and does not materially alter the intent of existing code provisions or impact the cost of compliance.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 2**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS**

**Section 7-119. Functional program.**

**7-119(a)1. Functional Program Requirement.** HCAI proposes to add an exception that a functional program is required for imaging projects, dietary and pharmacy sterile compounding projects to conform with Title 22 California Code of Regulations requirements. Imaging such as equipment replacement should require a functional program because the California Department of Public Health (CDPH) already requires a list of proposed procedures to determine if the room is appropriate for the list of procedures. This is a necessary requirement for a CDPH license. Because the existing CAC section does not require a functional program for some equipment replacement projects, confusion arose when providers were asked to submit a list of proposed procedures for imaging equipment replacement. Dietary projects require a functional program to describe the project and the dietary flow (i.e., from receiving food products to patient areas serve or aseptic flow within infant and pediatric formula prep room). The existing Dietary Advisory Guide has directed providers to submit a Dietetic Summary Checklist whether a functional program is required or not. Requiring a functional program for all dietary projects will promote code compliance with Sections 70277 and 70279 of Title 22, and reduce confusion in determining when a functional program should be submitted. Pharmacy sterile compounding projects require a functional program associated with the clean room's environment. The California State Board of Pharmacy (CSBP) revised the sterile compounding regulations in Article 4.6 of Division 17 in Title 16 of the California Code of Regulations. Hospital facilities not currently meeting the sterile compounding requirements will require physical construction or alteration to a hospital building or its physical environment. Whether the construction will change the function or use of the space or not, a functional program should be required. This amendment is for clarification only and does not materially alter the intent of existing code provisions or impact the cost of compliance as these are already required by CDPH and CSBP.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 3**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS**

**Section 7-126. Deferred submittals.**

HCAI proposes an amendment to clarify that the review time for deferred submittals shall be commensurate with the review time necessitated by the overall project. The time needed to complete a final review that meets the provisions of 7-125 is dependent on a project's size and complexity. Deferred submittals are project specific even though they are submitted after the building permit was awarded. Deferred submittals are subject to the

same requirements associated with final construction documents. The new amendment clarifies that HCAI shall have adequate time to review deferred submittals to ensure complete and thorough reviews. This code change is a clarification and does not alter the substance or intent of the existing code provisions.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 4**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 3 – SAFETY STANDARDS FOR HEALTH FACILITIES**

**Section 7-129 Time Limitations.**

HCAI proposes to repeal item (b) 3. As a result, (b) is amended to remove 1 through 3 now that there are only two items. Item (b) 3 was necessary when paper construction drawings were stamped and approved by HCAI and then the architect or engineer in responsible charge was required to provide HCAI with a copy within 45 days. This item is obsolete, due to the use of electronic plan review. These code changes are technical updates to existing code requirements that clarify the current electronic process and do not alter the substance or intent of the existing code provisions.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 5**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS**

**Section 7-133. Fees.**

HCAI proposes to amend subsection (o) to clarify the Health and Safety Code (HSC) sections referenced in the section. Over the years, Legislation has added and modified the allowance for seismic extensions. HCAI has responded by amending Part 1 to include the Legislative mandates. Prior Legislation has also authorized HCAI to charge a fee to maintain the additional reporting requirements and the cost of reviewing and verifying the submitted extension documentation. These fees do not include any cost for reviewing the plans or other duties related to receiving a building or occupancy permit. Those permit application and plan review fees are listed elsewhere in Chapter 7.

HSC Sections 130050 through 130070 contain all the seismic compliance categories, therefore HCAI is amending the section by removing one specific section. This code change is a technical update to existing code requirements that clarify the HSC references and do not alter the substance or intent of the existing code provisions.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 6**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 4 CONSTRUCTION**

**Section 7-137. Notice of start of construction.**

HCAI proposes to repeal Section 7-137 and save the section as reserved. The repeal reflects the digital building permit process. In the past, HCAI required the submission of a physical Notice of Start of Construction with the required information prior to starting construction. HCAI has updated this process. Now, the required information is collected during the online application for a building permit. HCAI has stricken the outdated language because the paper form is no longer used. This code change is a technical update and does not alter the substance or intent of the existing code provisions.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 7**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES**

**ARTICLE 4 CONSTRUCTION**

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

HCAI proposes to repeal “to rooms”. This amendment will allow any dimension change that does not affect minimum code requirements, rather than specific to just room dimensions. HCAI is frequently asked if other dimensional changes that do not affect minimum code requirements are acceptable, as changes that do not materially alter the work. Additionally the charging language in (b) states “The following types” which is intended to be a list of examples, not exclusive. The amendment clarifies that more than one type of dimension may be included in the scope of the parent section. This clarification will reduce confusion and allow more flexibility with changes that do not materially alter the work.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**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.

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

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

HCAI has assessed whether 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 with 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.**

The proposed building standards and regulations regarding the design and construction of licensed health facilities ensure protection of the public's health, safety, and welfare of California residents through updated amendments. The regulations will not affect worker safety, or the state's environment.

## **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.

## **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 HCAI. 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**

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.

All items have no adverse impact on small business. Alternatives were not explored.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC 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.

HCAI has identified that there will be no adverse economic impact on businesses on the basis that the provisions proposed are clarifying changes that do not materially alter the substance or intent of the existing code provisions

### **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.

HCAI finds that the proposed building standards will result in no cost.

### **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.