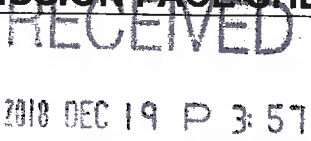


**STATE OF CALIFORNIA  
BUILDING STANDARDS COMMISSION  
BUILDING STANDARDS NOTICE/SUBMISSION FACE SHEET**

|  |                   |   |  |
|--|-------------------|---|--|
| Notice Register Number:                        | Publication Date: |                           | <b>ENDORSED - FILED</b><br>in the office of the Secretary of State<br>of the State of California<br><br><b>JAN 18 2019</b> |
| Notice File Number: Z-                         |                   |   |  |
| Office of Administrative Law                   |                   | California Building Standards Commission<br>State Agency: <b>OSHPD</b> Submittal #: <b>EF 01/18</b> Item #: | Secretary of State   |
| <b>APPLICANTS - DO NOT USE THE ABOVE SPACE</b> |                   |   |  |


1. PROPOSING OR ADOPTING STATE AGENCY DIRECTOR OR DESIGNEE (\*\*\*)Attach delegation order of designee)  
**Chris Tokas, Deputy Division Chief**

|  |   |
|--|---|
| STATE AGENCY<br><b>Office of Statewide Health Planning and Development</b> | TELEPHONE NUMBER<br><b>(916) 440-8300</b> |
| STREET ADDRESS<br><b>2020 West El Camino Avenue, Suite 800</b>             | FAX NUMBER<br><b>(916) 324-9187</b>       |
| CITY<br><b>Sacramento</b>  | STATE ZIP CODE<br><b>CA 95833</b>         |

2. SUBMITTAL -- SUGGESTED REVISIONS TO THE CALIFORNIA CODE OF REGULATIONS, TITLE 24  
 SUBJECT: **Emergency Regulations - 2016 California Administrative Code - Extension to Alfred E. Alquist Hospital Facilities Seismic Safety Act. (Assembly Bill 2190 Chaptered as 673 adding Sections 130062 and 130066 to H&S)**

AGENCY FILE NUMBER: **OSHPD EF 01/18**

3. NATURE OF PROCEEDINGS (Gov. Code §11346.5 (a)(1))

|                         |   |  |
|-------------------------|---|--|
| PARTS/SECTIONS AFFECTED | Adopt<br><br>Amend <b>Chapter 6, Sections 1.5.1, 1.5.2, and 1.7</b><br><br>Repeal |  |
|                         |   |  |

4. TYPE OF FILING

Notice of Proposed Action   
  Regular Rulemaking   
  Resubmittal   
  Emergency   
  Other (Specify) \_\_\_\_\_

Certification of Compliance: The agency officer named below certifies that this agency complies with the provisions of Government Code Section 11346.1 prior to or within 180 days of the effective date of the regulations contained in this filing. Notice of Decision not to Proceed \_\_\_\_\_

Changes Without Regulatory Effect (CWORE). (Attach explanation and justification analysis supporting that the proposed change(s) does not materially alter any rights, responsibilities, conditions, prescription or other regulatory element of any California Code of Regulations provisions.)

5. EFFECTIVE DATE OF REGULATORY CHANGE

Effective 180 days after publication in the California Building Standards Code   
  Effective the 30<sup>th</sup> day after filing with the Secretary of State   
  Effective on filing with Secretary of State   
  Effective other (Specify) [Insert other effective date if applicable]

6. AUTHORITY -- Specify statute(s) or law(s) authorizing the adoption(s) (Gov. Code §§ 11346.2(a)(2) and 11346.5(a)(2)): **Health & Safety Code Sections 129850 and 130062(m); 130020; and Government Code 11152.5**

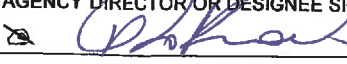
7. REFERENCE -- Provisions of law being implemented, interpreted or made specific by the regulations: **Health & Safety Code Sections 129850 and 130062(m)**

8. AGENCY OFFICER NAME AND CONTACT INFORMATION:

**Diana Scaturro, Health Facilities Review Supervisor** (916) 440-8440

**CERTIFICATION—IMPORTANT-- PLEASE READ BEFORE SIGNING-- If not signed, this application may be rejected.**

*I certify that the attached copy of regulation(s) is a true and correct copy of the regulation(s) identified in this filing, that the information specified in this filing is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification. I further understand that any false, incomplete or incorrect statements may result in the rejection of this filing.*

|   |                                  |
|---|----------------------------------|
| AGENCY DIRECTOR OR DESIGNEE SIGNATURE<br> | DATE SIGNED<br><b>12/19/2018</b> |
| TYPE NAME AND TITLE OF SIGNATORY: <b>Chris Tokas, Deputy Division Chief</b>   |                                  |

STATE OF CALIFORNIA  
BUILDING STANDARDS COMMISSION  
**BUILDING STANDARDS NOTICE/SUBMISSION FACE SHEET**

**INSTRUCTIONS FOR PUBLICATION OF NOTICE AND RULEMAKING SUBMISSION**

**COMPLETION OF ITEMS 1 THROUGH 8 and CERTIFICATION**

**ITEM 1. PROPOSING OR ADOPTING STATE AGENCY INFORMATION**

Complete all information regarding the agency director or designee, name of state agency, address, and telephone and FAX numbers.

**\*\*\*Submit one (1) copy of a delegation order of designee, if other than the person authorized by statute signs the BSC-1 Face Sheet.**

**ITEM 2. SUBMITTAL INFORMATION**

Enter the subject information about the proposed or adopted rulemaking and the agency file number assigned by the Building Standards Commission.

**ITEM 3. NATURE OF PROCEEDINGS**

Enter the Part and Section(s) information that the rulemaking addresses adjacent to the appropriate action "Adopt", "Amend" and/or "Repeal".

(Example: 2016 California Green Building Standards Code, Title 24, Part 11, Sections 5.106.8, 5.408, 5.410.1)

Note that more than one action may occur for the Part of Title 24 that the rulemaking addresses (e.g. the rulemaking may adopt as well as repeal or amend various sections).

**ITEM 4. TYPE OF FILING**

Check the appropriate box for the type of rulemaking filing.

- For an Initial Rulemaking during a triennial or intervening cycle, check the Notice of Proposed Action box.
- For the Final Rulemaking check the Regular Rulemaking box.
- For a Resubmittal or Emergency rulemaking check only the appropriate box.
- For the Withdrawal of a rulemaking, check the "Other" box and type in below the box "Withdrawal".
- For a rulemaking that is the Certification of Compliance for an emergency rulemaking, check this box only.
- For a Change Without Regulatory Effect (CWoRE), check this box only.

**ITEM 5. EFFECTIVE DATE OF REGULATORY CHANGE**

Check the appropriate box to indicate when the rulemaking is to become effective. Include an effective date where appropriate for the type of rulemaking filed.

**ITEM 6. AUTHORITY**

Specify the statutory (lawful) authority authorizing the state agency to propose or adopt the subject building standards. Note that there may be more than one statute authorizing a state agency to propose or adopt building standards.

**ITEM 7. REFERENCE**

Specify the statutes (laws) that the proposed or adopted building standards are implementing, interpreting or making specific the law(s) enforced or administered. Note that there may be more than one reference statute for the affected section(s).

**ITEM 8. AGENCY OFFICER NAME AND CONTACT INFORMATION**

Provide the name and contact information for the agency officer to whom questions or concerns regarding the subject rulemaking should be directed. Contact information must include telephone number(s) and e-mail address(es).

**CERTIFICATION**

The BSC-1 Face Sheet must have the wet signature of the appropriate state agency director or designee, title and date signed. Note that the notice and/or rulemaking may be returned if the BSC-1 Face Sheet is not signed or is not signed by an appropriately designated state agency person. (See Item 1 above)

**HEARING DATE APPROVAL**

Prior to submitting hearing notices for approval, adopting state agencies must call or write in advance of submitting a public hearing notice for review to request that a particular hearing date be reserved for them. (Health and Safety Code, § 18935(b) and California Code of Regulations (CCR), Title 24, Part 1, § 1-405)

**INITIAL RULEMAKING FILE - NOTICE OF PROPOSED ACTION**

Complete items 1 through 8 and sign, date and identify title of signatory.  
(See CCR, Title 24, Part 1, § 1-407 for document submittal requirements)

**FINAL RULEMAKING FILE - REGULAR RULEMAKING**

Complete items 1 through 8 and sign, date and identify title of signatory.  
(See CCR, Title 24, Part 1, § 1-415 for document submittal requirements)

**RULEMAKING RESUBMITTAL**

Complete items 1 through 8 and sign, date and identify title of signatory.

Submit the following:

- One (1) BSC-1 Face Sheet with the wet signature of the agency director or designee
- Appropriate number of copies of the resubmitted documents or materials.
- One (1) electronic file copy of each of the above documents. Files shall be suitable for immediate placement on the CBSC website.

**RULEMAKING WITHDRAWAL**

Complete items 1 through 8 and sign, date and identify title of signatory. At item 4, identify filing type as a "Withdrawal" by checking "Other" as the type of filing and type in "Withdrawal." (See CCR, Title 24, Part 1, § 1-417(b))

Submit the following document:

- One (1) BSC-1 Face Sheet with the wet signature of the agency director or designee.

**EMERGENCY BUILDING STANDARDS**

Complete lines 1 through 8 and sign, date and identify title of signatory.  
(See CCR, Title 24, Part 1, § 1-419 for document submittal requirements)

**CERTIFICATION OF COMPLIANCE – EMERGENCY BUILDING STANDARDS**

Complete items 1 through 8 and sign, date and identify title of signatory.  
(See CCR, Title 24, Part 1, § 1-419(e) for document submittal requirements)

Submittal requires the applicable documents required for INITIAL RULEMAKING FILE – NOTICE OF PROPOSED ACTION shown above.

**CHANGE WITHOUT REGULATORY EFFECT (CWoRE)**

Complete items 1 through 8 and sign, date, and identify title of signatory. (See CCR, Title 24, Part 1, § 1-421 for document submittal requirements)



**ADDENDUM TO EMERGENCY EXPRESS TERMS  
FOR PROPOSED BUILDING STANDARDS  
OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
REGARDING THE 2016 THE CALIFORNIA ADMINISTRATIVE CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**Note:**

The Office of Statewide Health Planning and Development (OSHPD) proposes these emergency regulations to be included in the 2016 edition of the California Building Code, Part 1, of Title 24, California Administrative Code.

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**LEGEND FOR EXPRESS TERMS (California only codes - Part 1)**

1. New emergency regulations: All such language appears upright and underlined.
  2. Repealed text: All such language appears ~~upright and in strikeout~~.
  3. Existing regulations appears upright, modified language is underlined.
  4. Addendum items appear with notation indicators as above and **grey shading**.
- 

**EMERGENCY EXPRESS TERMS**

**CHAPTER 6  
SEISMIC EVALUATION PROCEDURES FOR HOSPITAL BUILDINGS  
ADMINISTRATIVE REGULATIONS FOR THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT (OSHPD)**

**ARTICLE 1  
DEFINITIONS AND REQUIREMENTS**

**1.0 Scope.** The regulations in this article shall apply to the administrative procedures necessary to implement the seismic retrofit requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983.

...

**1.2 Definitions.** Unless otherwise stated, the words and phrases defined in this section shall have the meaning stated therein throughout Chapter 6, Part 1, Title 24.

...

**Rebuild plan** means a plan to meet seismic standards primarily by constructing a new conforming SPC-5 building for use in lieu of an SPC-1 building.

**Removal plan** means a plan to meet seismic standards primarily by removing acute care services or beds from the hospital's license.

**Replacement plan** means a plan to meet seismic standards primarily by relocating acute care services or beds from nonconforming buildings into a conforming building.

**Retrofit plan** means a plan to meet seismic standards primarily by modifying the building in a manner that brings the building up to SPC-2, SPC-4D, or SPC-5 standards.

...

### **1.5.1 Compliance deadlines.**

1. After January 1, 2002, any general acute care hospital building which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 2, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

2. After January 1, 2008, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 2, as defined in Article 2, Table 2.5.3 or shall no longer provide acute care services.

Exception: A general acute care hospital may request a delay of SPC 2 requirements if the conditions of Section 1.5.2 are met.

3. After January 1, 2008, any general acute care hospital which continues acute care operation must, at a minimum, meet the nonstructural requirements of NPC 3, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

Exception: A general acute care hospital may request an exemption from the anchorage and bracing requirements of NPC 3 if all the conditions of Section 1.5.2 are met.

4. Before January 1, 2020, the owner of an acute care inpatient hospital where buildings are rated SPC 1 or SPC 2; or where the NPC rating is less than 5, shall submit to the Office an attestation that the board of directors of that hospital is aware that the hospital building is required to meet the January 1, 2030, deadline for substantial compliance with those regulations and standards.

45. After January 1, 2030, any general acute care hospital building which continues acute care operation must, at a minimum, meet the structural requirements of SPC 3, 4, 4D or 5, as defined in Article 2, Table 2.5.3 and the nonstructural requirements of NPC 5, as defined in Article 11, Table 11.1 or shall no longer provide acute care services.

### **1.5.2 Delay in compliance.**

1. The Office may grant the hospital owner an extension to the January 1, 2008 seismic compliance deadline for both structural and nonstructural requirements if compliance will result in diminished health care capacity which cannot be provided by other general acute care hospitals within a reasonable proximity.



8. Any SPC-1 general acute care hospital building that has received an extension to the January 1, 2008, deadline for both the structural and nonstructural requirements may receive an additional extension of up to seven years to the January 1, 2013, deadline for both the structural and nonstructural requirements.

8.1 For an SPC-1 building to be eligible for this extension, all of the following conditions must be met:

9. Additional extension beyond January 1, 2020 for SPC-1 buildings.

9.1 The Office may grant the hospital owner an additional extension to the January 1, 2020 seismic compliance deadline for each SPC 1 building where all the following conditions are met:

- a) An **previous** extension was previously granted pursuant to California Health and Safety Code, Section 130060(g) or Section 130061.5(b).
- b) A prior compliance plan corresponding to a replacement, retrofit or rebuild project was submitted to the Office by January 1, 2018.
- c) The application for an extension is submitted by the owner on a form provided by the Office, and received by the Office no later than April 1, 2019.
- d) The application, one per building, shall identify the seismic compliance method chosen based on a replacement, retrofit or rebuild plan as defined in definitions Section 1.2 of this chapter, for addressing the acute care functions in the SPC-1 building.
- e) Documentation of facts necessary in determining the maximum length of the extension that may be granted in accordance with sub section 9.1 **to shall be** submitted with the application.

**9.1.1 Maximum length of Extension.** The Office shall not grant an extension that exceeds the amount of time needed by the owner to come into compliance. The length of the extension to be granted shall be based upon a showing by the owner of the facts necessitating the additional time. It shall include a review of the plan and all the documentation submitted in the application for the extension, and shall permit only that additional time necessary to allow the owner to deal with compliance plan issues that cannot be fully met without the extension.

**9.1.2 Extension for Replacement or Retrofit Plan where Construction has not Started.** For an extension request based on a replacement plan or retrofit plan, final seismic compliance shall be achieved, a certificate of occupancy or construction final shall be obtained by July 1, 2022 and the following conditions shall apply:

- 1) Application submitted shall contain an extension schedule that identifies:



- a) The maximum extension time requested but ~~not beyond~~ no later than July 1, 2022.
  - b) Date when building permit will be obtained.
  - c) Date the hospital will begin construction.
- 2) A construction schedule is shall be submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
- 3) Obtain a building permit.
  - 4) Start construction.

Compliance with ¶the requirements in 1) through 4) above shall be met by achieved no later than April 1, 2020.

**9.1.3 Extension for Rebuild Plan where Construction has not Started.** For an extension requested based on a rebuild plan, final seismic compliance shall be achieved, a certificate of occupancy shall be obtained by January 1, 2025 and the following shall apply:

1. Application submitted, shall contain an extension schedule that identifies:
  - a. The maximum time request for the extension but ~~not beyond~~ no later than January 1, 2025.
  - b. Date of submission of the rebuild project deemed ready for review to the Office, but no later than July 1, 2020
  - c. Date when building permit will be obtained.
  - d. Date the hospital will begin construction.
2. Submission of the rebuild project deemed ready for review to the Office shall occur no later than July 1, 2020.
3. A construction schedule submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
4. Obtain a building permit.
5. Start construction.

Compliance with ¶the requirements in 3) through 5) above shall be met by achieved no later than January 1, 2022.

**9.1.4 Extension where Construction has Started.:** For a hospital building that has previously submitted to the Office a retrofit, replace or rebuild project under construction, the application for an extension request shall contain all the following:



1. The method of compliance with the requested extension which shall be no later than July 1, 2022 for retrofit or replace plan and January 1, 2025 for rebuild plan. The application shall include the facts necessitating the additional time.
2. The project number under which the construction has commenced and is continuing.
3. A revised construction schedule to reflect the extension being requested and at least two major milestones shall be identified. Major milestones shall be chosen such that they are easily verifiable by the Office.

**9.2 Quarterly Status Reports.** A hospital granted an extension pursuant to this section shall provide a quarterly status report in a form required by the Office, consistent with their extension/construction schedule. The first report is due on July 1, 2019, subsequent status reports shall be due every October 1, January 1, April 1, and July 1, until seismic compliance is achieved. Each quarterly report shall contain the cumulative progress made towards meeting the dates in the extension and the construction schedules, current to 15 calendar days before the report is due. The report may be submitted to the Office no more than 15 calendar days before the due date.

**9.3 Fines for Failure to Comply.** Failure to comply with the dates for plan submission, construction schedule submission, obtain a building permit, to begin construction identified and accepted by the Office in the extension schedule or the major milestone dates identified and accepted by the Office in the construction schedule shall result in the assessment of a fine of five thousand dollars (\$5,000) per calendar day until the requirements or milestones, respectively, are met. The Office shall not issue a construction final or certificate of occupancy for the building until all assessed penalties accrued pursuant to this section have been paid in full or, if an appeal is pending, have been posted subject to resolution of the appeal.

**9.4 Adjustments to Schedules.** The Office may grant an adjustment as necessary to deal with contractor, labor, or material delays, or with acts of God, or with governmental entitlements, experienced by the hospital. The hospital shall submit the reason for the delay along with substantiating documents, a revised construction schedule and identify at least two new major milestones consistent with the adjustment. Requests for adjustments shall be made with the Office as soon as the reasons for the delay are known but no less than 30 calendar days before any upcoming affected extension schedule or construction milestone date.

Failure to comply with the revised construction schedule or meet any of the major milestones shall result in penalties as specified in 9.3. The adjustment shall not exceed the corresponding final seismic compliance date of July 1, 2022 for a replacement plan or retrofit plan and January 1, 2025 for a rebuild plan.

**1.6 Dispute resolution/appeals process.** Dispute resolution and appeals shall be in conformance with Article 5, Chapter 7, Part I of Title 24.

**1.7 Notification from OSHPD.**



1. The Office shall issue written notices of compliance to all hospital owners that have attained the minimum required SPC and NPC performance levels by ~~January 1, 2008, January 1, 2013, and January 1, 2030~~ the required seismic compliance dates or extension dates granted by the Office;
2. The Office shall issue written notices of violation to all hospital owners that are not in compliance with the minimum SPC and NPC performance levels by ~~January 1, 2008, January 1, 2013, and January 1, 2030~~ the required seismic compliance dates or extension dates granted by the Office; and
3. The Office shall notify the State Department of Health Services of the hospital owners which have received a written notice of violation for failure to comply with these regulations.

...

(All existing amendments that are not revised above shall continue without any change)

**NOTATION:**

➤ Authority: Health and Safety Code Section 130062(g) & 130066  
Reference: Health and Safety Code Section 1275, 130060(g), 130061(b), 130062 and 130066.

