

ASSEMBLY BILL

No. 2632

Introduced by Assembly Member Bogh

February 20, 2004

An act to add Section 129875.1 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2632, as introduced, Bogh. Health facilities: construction plans: expedited approval.

The existing Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 requires design and construction standards for hospital buildings that house patients who have less than the capacity of normally healthy persons to protect themselves, and that must be reasonably capable of providing services to the public after a disaster. The act requires the Office of Statewide Health Planning and Development (OSHPD) to approve or reject all plans for the construction or alteration of a hospital building, but authorizes OSHPD to exempt from that review or expedite the review for projects that the office determines do not materially alter the mechanical, architectural, or structural integrity of the facility, based on criteria that OSHPD is required to implement. The act requires the construction or alteration of certain skilled nursing and intermediate care facilities to conform to the latest edition of the California Building Standards Code.

This bill would require construction or alteration of these skilled nursing and intermediate care facilities to be exempt from conformance with the latest edition of the California Building Standards Code, and to be exempt from independent review and inspection by OSHPD when, among other things, the construction or alteration is undertaken

to repair or replace existing systems, to upgrade systems for efficiency purposes, to keep up the course of normal or routine maintenance, or to keep vital systems used in providing care to patients housed in the facility operational.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The physical infrastructure and related systems of
- 4 single-story, wood-frame, and light steel frame construction for
- 5 skilled nursing and intermediate care facilities are governed by the
- 6 Office of Statewide Health Planning and Development (OSHPD).
- 7 (b) Under condition of new construction or major alteration of
- 8 an existing structure, these facilities must conform to the latest
- 9 edition of the California Buildings and Standards Code, and are
- 10 required to go through a building application and plan check
- 11 process under the jurisdiction of OSHPD.
- 12 (c) The Legislature intends that these types of buildings
- 13 conform to the latest California Buildings and Standards Code
- 14 when they are newly constructed, or when alterations are
- 15 undertaken voluntarily, in order to expand or to upgrade the
- 16 facility.
- 17 (d) The Legislature does not intend for these types of buildings
- 18 to conform to the latest California Buildings and Standards Code
- 19 when alterations must be undertaken to repair or replace existing
- 20 systems, to upgrade systems for efficiency purposes, to keep up the
- 21 course of normal or routine maintenance, or to keep vital systems
- 22 used in providing care to patients housed in these facilities
- 23 operational.
- 24 (e) The Legislature intends that alterations, other than those
- 25 undertaken to expand or renovate the facility, be exempt from
- 26 conformance with the latest California Buildings and Standards
- 27 Code if the alteration either restores the facility to the same
- 28 operational status, or improves operational status from its
- 29 operating condition immediately prior to the event, occurrence, or
- 30 condition necessitating the alteration.



1 (f) The Legislature intends that owners, licensees, and
2 operators of these facilities be allowed to pursue those alterations
3 without seeking approval and project review from OSHPD or local
4 building officials.

5 (g) The Legislature intends that implementation of the act
6 adding this section not conflict or interfere with the
7 implementation of any provision of the Labor Code.

8 (h) The Legislature intends that the exemption authority
9 provided under the act adding this section shall extend only to
10 alterations that are designed to restore health facilities to normal
11 operational status, that are necessary to repair systems or
12 equipment, that are undertaken for routine maintenance purposes,
13 and that improve the operating efficiency.

14 (i) The Legislature does not intend for the act adding this
15 section to exempt an alteration from compliance with the life
16 safety requirements of OSHPD, the State Department of Health
17 Services, or the Office of the State Fire Marshal when the
18 alteration poses a greater danger than the condition of the life
19 safety system immediately prior to the event, occurrence, or
20 condition necessitating the alteration.

21 SEC. 2. Section 129875.1 is added to the Health and Safety
22 Code, to read:

23 129875.1. (a) Notwithstanding Section 129875,
24 construction or alterations of buildings specified in paragraphs (2)
25 and (3) of subdivision (b) of Section 129725 shall be exempt from
26 conformance with the latest edition of the California Building
27 Standards Code, and shall be exempt from independent review and
28 inspection by the office when all of the following conditions are
29 met:

30 (1) The construction or alteration is undertaken to repair or
31 replace existing systems, to upgrade systems for efficiency
32 purposes, to keep up the course of normal or routine maintenance,
33 or to keep vital systems used in providing care to patients housed
34 in the facility operational.

35 (2) The construction or alteration either restores the facility to
36 the same operational status, or improves operational status from its
37 operating condition immediately prior to the event, occurrence, or
38 condition that necessitated the alteration.

39 (3) The construction or alteration does not materially alter the
40 mechanical, architectural, or structural integrity of the facility.



1 (4) The construction or alteration does not degrade the status or
2 condition of the life safety system from the status of the system
3 immediately prior to the event, occurrence, or condition that
4 necessitated the alteration.

5 (b) The construction or alteration of any building subject to this
6 section shall be exempt from any plan review and approval or
7 construction inspection requirement of any city or county.

O

