

AMENDED IN SENATE JUNE 28, 2004

AMENDED IN ASSEMBLY APRIL 27, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

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 amended, 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 *projects for the* 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 prior~~ independent review and inspection by OSHPD *prior to construction* when, ~~among other things, the construction or alteration is undertaken to repair existing systems or to keep up the course of normal or routine maintenance~~ *the facility demonstrates to OSHPD by written description of the project that specified conditions are met.*

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 existing systems or
- 20 to keep up the course of normal or routine maintenance.
- 21 (e) The Legislature intends that implementation of the act
- 22 adding this section not conflict or interfere with the
- 23 implementation of any provision of the Labor Code.
- 24 (f) The Legislature intends that the exemption authority
- 25 provided under the act adding this section shall extend only to
- 26 alterations that are designed to restore health facilities to normal



1 operational status, that are necessary to repair systems or
2 equipment, and that are undertaken for routine maintenance
3 purposes.

4 (g) The Legislature does not intend for the act adding this
5 section to exempt an alteration from compliance with the life
6 safety requirements of OSHPD, the State Department of Health
7 Services, or the Office of the State Fire Marshal when the
8 alteration poses a greater danger than the condition of the life
9 safety system immediately prior to the event, occurrence, or
10 condition necessitating the alteration.

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

13 129875.1. (a) Notwithstanding Section 129875, *projects for*
14 *the construction or alterations of buildings specified in paragraphs*
15 *(2) and (3) of subdivision (b) of Section 129725 shall be exempt*
16 *from conformance with the latest edition of the California*
17 *Building Standards Code, and shall be exempt from prior*
18 *independent independent review and inspection by the office*
19 *when prior to construction when the facility demonstrates to the*
20 *office, by written description of the project, that all of the following*
21 *conditions are met:*

22 (1) The construction or alteration is undertaken to repair
23 existing systems or to keep up the course of normal or routine
24 maintenance.

25 (2) The construction or alteration either restores the facility to
26 the same operational status, or improves operational status from its
27 operating condition immediately prior to the event, occurrence, or
28 condition that necessitated the alteration.

29 (3) ~~The scope of the construction or alteration does not~~
30 ~~materially alter the mechanical, architectural, or structural~~
31 ~~integrity of the facility.~~ *is not ordinarily within the standard of*
32 *practice of a licensed architect or registered engineer.*

33 (4) The construction or alteration does not degrade the status or
34 condition of the *fire* life safety system from the status of the system
35 immediately prior to the event, occurrence, or condition that
36 necessitated the alteration.

37 (b) The construction or alteration of any building subject to this
38 section shall not be exempt from any ~~plan~~ review and approval or
39 construction inspection requirement ~~of any city or county.~~ *by the*
40 *office after completion of required repairs. However, the office may*



- 1 *require an interim inspection for code compliance when walls,*
- 2 *ceilings, or other materials or finishes will cover the final work.*
- 3 (c) Upon compliance with subdivision (a), the office shall issue
- 4 a building permit.

