

ASSEMBLY BILL

No. 2966

Introduced by Assembly Members De La Torre and Lieber

February 22, 2008

An act to amend Section 129825 of the Health and Safety Code, relating to hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2966, as introduced, De La Torre. Hospitals: inspections.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the hospital governing board or authority to provide for and require competent and adequate inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and the Office of Statewide Health Planning and Development. Existing law requires, except under specified circumstances, the inspector to act under the direction of the architect or structural engineer, or both, and be responsible to the governing board or authority.

This bill would, instead, require the office to provide for and require competent and adequate inspection during construction or alteration by an inspector approved under specified provisions. This bill would require the inspector to act under the direction of, and be responsible to, the office, except as prescribed.

This bill would provide that the office shall be reimbursed for the actual cost of performing the inspection required under these provisions from the building funds of the hospital governing board or authority.

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) Inspectors of record serve as the eyes, ears, and voice of the
4 public on hospital construction projects and help ensure that
5 construction standards are met, projects meet seismic safety
6 requirements, and materials used in the project will stand the test
7 of time.

8 (b) Under current law, hospital governing boards and authorities
9 are allowed to select and hire their own inspectors to oversee
10 construction projects, creating an inherent conflict of interest.

11 (c) This conflict of interest was recently the subject of media
12 stories in which inspectors of record revealed they were pressured
13 by hospitals to approve unsafe and deficient work and to cut
14 corners and overlook problems in order to continue to receive work
15 from hospitals.

16 (d) Allowing hospital governing boards and authorities to hire
17 their own inspectors threatens the health and safety of patients,
18 nurses, doctors, staff, and other persons who use hospitals.

19 (e) Placing the authority to hire inspectors with the State of
20 California will eliminate the conflict of interest and allow
21 inspectors to focus on ensuring construction standards are met and
22 public safety is protected.

23 (f) Placing the responsibility for hiring inspectors of record for
24 hospital construction or alteration with the Office of Statewide
25 Health Planning and Development will help ensure public safety,
26 cost-effective use of bond and tax revenues, and timely project
27 delivery.

28 SEC. 2. Section 129825 of the Health and Safety Code is
29 amended to read:

30 129825. (a) ~~The hospital governing board or authority office~~
31 shall provide for and require competent and adequate inspection
32 during construction or alteration by an inspector ~~satisfactory to~~
33 ~~the architect or structural engineer, or both, and the office approved~~
34 ~~under subdivision (d).~~ Except as otherwise provided in subdivision
35 (b), the inspector shall act under the direction of ~~the architect or~~
36 ~~structural engineer, or both,~~ and be responsible to, ~~the board or~~
37 ~~authority office.~~ Nothing in this section shall be construed to
38 prohibit any licensed architect, structural engineer, mechanical

1 engineer, electrical engineer, or any facility maintenance personnel,
2 if approved by the office, from performing the duties of an
3 inspector. *The inspector shall be responsible to the office for*
4 *employment purposes. The office shall be reimbursed for the actual*
5 *costs of performing the inspection required under this section from*
6 *the building funds of the hospital governing board or authority.*

7 (b) If alterations or repairs are to be conducted under the
8 supervision of a professional engineer pursuant to Section 129805,
9 the inspector need only be satisfactory to the office and to the
10 professional engineer, and the inspector shall act under the direction
11 of the professional engineer.

12 (c) The office shall make an inspection of the hospital buildings
13 and of the work of construction or alteration as in its judgment is
14 necessary or proper for the enforcement of this chapter and the
15 protection of the safety of the public.

16 Whenever the office finds a violation of this chapter that requires
17 correction, the citation of the violation shall be issued to the
18 hospital governing board or authority in writing and shall include
19 a proper reference to the regulation or statute being violated.

20 (d) The office shall approve inspectors that shall be limited to
21 the following:

22 (1) "A" inspectors, who may inspect all areas of construction
23 specialty, including, but not limited to, structural.

24 (2) "B" inspectors, who may inspect all areas of construction
25 specialty, except structural.

26 (3) "C" inspectors, who may inspect one or more areas of
27 construction specialty, including structural, but may not inspect
28 the scope of construction specialties authorized for "A" or "B"
29 inspectors.

30 (e) (1) As part of its approval process, the office shall initially
31 and periodically examine inspectors by giving either a written
32 examination or a written and oral examination. The office may
33 charge a fee for the examination process calculated to cover its
34 costs. Inspectors who have not passed a written examination shall
35 not be approved by the office until they have successfully passed
36 the written examination. No employee of the office performing
37 field inspections or supervising the field inspections shall be
38 approved as an inspector on any construction project pursuant to
39 this chapter for a period of one year after leaving employment of
40 the office.

- 1 (2) The office shall develop regulations for the testing and
- 2 approval of inspectors.

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