

ASSEMBLY BILL

No. 927

Introduced by Assembly Member Huffman

February 18, 2011

An act to amend Section 130060 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 927, as introduced, Huffman. Health facilities: seismic safety.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be at potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension under prescribed circumstances. Existing law also allows the office to grant an additional 2-year extension for a hospital building that, among other requirements, is owned by a health care district that has, as owner, received the extension of the January 1, 2008, deadline, but where the hospital is operated by an unaffiliated 3rd-party lessee pursuant to a facility lease that extends at least through December 31, 2009, if the health care district requests the additional extension by March 1, 2010. Existing law prohibits the office from granting the extension if an unaffiliated 3rd-party lessee will operate the hospital beyond December 31, 2010, and makes the extension applicable only while the hospital is operated by the district or an entity under the control of the district.

This bill would revise the criteria for granting the additional 2-year extension for a building owned by a health care district, as specified.

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. Section 130060 of the Health and Safety Code
2 is amended to read:
3 130060. (a) (1) After January 1, 2008, any general acute care
4 hospital building that is determined to be a potential risk of collapse
5 or pose significant loss of life shall only be used for nonacute care
6 hospital purposes. A delay in this deadline may be granted by the
7 office upon a demonstration by the owner that compliance will
8 result in a loss of health care capacity that may not be provided
9 by other general acute care hospitals within a reasonable proximity.
10 In its request for an extension of the deadline, a hospital shall state
11 why the hospital is unable to comply with the January 1, 2008,
12 deadline requirement.
13 (2) Prior to granting an extension of the January 1, 2008,
14 deadline pursuant to this section, the office shall do all of the
15 following:
16 (A) Provide public notice of a hospital’s request for an extension
17 of the deadline. The notice, at a minimum, shall be posted on the
18 office’s Internet Web site, and shall include the facility’s name
19 and identification number, the status of the request, and the
20 beginning and ending dates of the comment period, and shall advise
21 the public of the opportunity to submit public comments pursuant
22 to subparagraph (C). The office shall also provide notice of all
23 requests for the deadline extension directly to interested parties
24 upon request of the interested parties.
25 (B) Provide copies of extension requests to interested parties
26 within 10 working days to allow interested parties to review and
27 provide comment within the 45-day comment period. The copies
28 shall include those records that are available to the public pursuant
29 to the California Public Records Act (Chapter 3.5 (commencing
30 with Section 6250) of Division 7 of Title 1 of the Government
31 Code).

1 (C) Allow the public to submit written comments on the
2 extension proposal for a period of not less than 45 days from the
3 date of the public notice.

4 (b) (1) It is the intent of the Legislature, in enacting this
5 subdivision, to facilitate the process of having more hospital
6 buildings in substantial compliance with this chapter and to take
7 nonconforming general acute care hospital inpatient buildings out
8 of service more quickly.

9 (2) The functional contiguous grouping of hospital buildings of
10 a general acute care hospital, each of which provides, as the
11 primary source, one or more of the hospital's eight basic services
12 as specified in subdivision (a) of Section 1250, may receive a
13 five-year extension of the January 1, 2008, deadline specified in
14 subdivision (a) of this section pursuant to this subdivision for both
15 structural and nonstructural requirements. A functional contiguous
16 grouping refers to buildings containing one or more basic hospital
17 services that are either attached or connected in a way that is
18 acceptable to the State Department of Health Care Services. These
19 buildings may be either on the existing site or a new site.

20 (3) To receive the five-year extension, a single building
21 containing all of the basic services or at least one building within
22 the contiguous grouping of hospital buildings shall have obtained
23 a building permit prior to 1973 and this building shall be evaluated
24 and classified as a nonconforming, Structural Performance
25 Category-1 (SPC-1) building. The classification shall be submitted
26 to and accepted by the Office of Statewide Health Planning and
27 Development. The identified hospital building shall be exempt
28 from the requirement in subdivision (a) until January 1, 2013, if
29 the hospital agrees that the basic service or services that were
30 provided in that building shall be provided, on or before January
31 1, 2013, as follows:

32 (A) Moved into an existing conforming Structural Performance
33 Category-3 (SPC-3), Structural Performance Category-4 (SPC-4),
34 or Structural Performance Category-5 (SPC-5) and Non-Structural
35 Performance Category-4 (NPC-4) or Non-Structural Performance
36 Category-5 (NPC-5) building.

37 (B) Relocated to a newly built compliant SPC-5 and NPC-4 or
38 NPC-5 building.

39 (C) Continued in the building if the building is retrofitted to a
40 SPC-5 and NPC-4 or NPC-5 building.

1 (4) A five-year extension is also provided to a post-1973
2 building if the hospital owner informs the Office of Statewide
3 Health Planning and Development that the building is classified
4 as SPC-1, SPC-3, or SPC-4 and will be closed to general acute
5 care inpatient service use by January 1, 2013. The basic services
6 in the building shall be relocated into a SPC-5 and NPC-4 or NPC-5
7 building by January 1, 2013.

8 (5) SPC-1 buildings, other than the building identified in
9 paragraph (3) or (4), in the contiguous grouping of hospital
10 buildings shall also be exempt from the requirement in subdivision
11 (a) until January 1, 2013. However, on or before January 1, 2013,
12 at a minimum, each of these buildings shall be retrofitted to a
13 SPC-2 and NPC-3 building, or no longer be used for general acute
14 care hospital inpatient services.

15 (c) On or before March 1, 2001, the office shall establish a
16 schedule of interim work progress deadlines that hospitals shall
17 be required to meet to be eligible for the extension specified in
18 subdivision (b). To receive this extension, the hospital building or
19 buildings shall meet the year 2002 nonstructural requirements.

20 (d) A hospital building that is eligible for an extension pursuant
21 to this section shall meet the January 1, 2030, nonstructural and
22 structural deadline requirements if the building is to be used for
23 general acute care inpatient services after January 1, 2030.

24 (e) Upon compliance with subdivision (b), the hospital shall be
25 issued a written notice of compliance by the office. The office
26 shall send a written notice of violation to hospital owners that fail
27 to comply with this section. The office shall make copies of these
28 notices available on its Internet Web site.

29 (f) (1) A hospital that has received an extension of the January
30 1, 2008, deadline pursuant to subdivision (a) or (b) may request
31 an additional extension of up to two years for a hospital building
32 that it owns or operates and that meets the criteria specified in
33 paragraph (2), (3), or (5).

34 (2) The office may grant the additional extension if the hospital
35 building subject to the extension meets all of the following criteria:

36 (A) The hospital building is under construction at the time of
37 the request for extension under this subdivision and the purpose
38 of the construction is to meet the requirements of subdivision (a)
39 to allow the use of the building as a general acute care hospital

1 building after the extension deadline granted by the office pursuant
2 to subdivision (a) or (b).

3 (B) The hospital building plans were submitted to the office
4 and were deemed ready for review by the office at least four years
5 prior to the applicable deadline for the building. The hospital shall
6 indicate, upon submission of its plans, the SPC-1 building or
7 buildings that will be retrofitted or replaced to meet the
8 requirements of this section as a result of the project.

9 (C) The hospital received a building permit for the construction
10 described in subparagraph (A) at least two years prior to the
11 applicable deadline for the building.

12 (D) The hospital submitted a construction timeline at least two
13 years prior to the applicable deadline for the building demonstrating
14 the hospital's intent to meet the applicable deadline. The timeline
15 shall include all of the following:

- 16 (i) The projected construction start date.
- 17 (ii) The projected construction completion date.
- 18 (iii) Identification of the contractor.

19 (E) The hospital is making reasonable progress toward meeting
20 the timeline set forth in subparagraph (D), but factors beyond the
21 hospital's control make it impossible for the hospital to meet the
22 deadline.

23 (3) The office may grant the additional extension if the hospital
24 building subject to the extension meets all of the following criteria:

25 (A) The hospital building is owned by a health care district that
26 has, as owner, received the extension of the January 1, 2008,
27 deadline, but where the hospital is operated by an unaffiliated
28 third-party lessee pursuant to a facility lease that extends at least
29 through December 31, 2009. The district shall file a declaration
30 with the office with a request for an extension stating that, as of
31 the date of the filing, the district has lacked, and continues to lack,
32 unrestricted access to the subject hospital building for seismic
33 planning purposes during the term of the lease, and that the district
34 is under contract with the county to maintain hospital services
35 when the hospital comes under district control. The office shall
36 not grant the extension if an unaffiliated third-party lessee will
37 operate the hospital beyond December 31, 2010.

38 (B) The hospital building plans were submitted to the office
39 and were deemed ready for review by the office at least four years
40 prior to the applicable deadline for the building. The hospital shall

1 indicate, upon submission of its plans, the SPC-1 building or
2 buildings that will be retrofitted or replaced to meet the
3 requirements of this section as a result of the project.

4 (C) The hospital received a building permit for the construction
5 described in subparagraph (B) by December 31, 2011, *or, if the*
6 *office did not have sufficient staff resources to issue the building*
7 *permit by December 31, 2011, by June 30, 2012.*

8 (D) The hospital submitted, by December 31, 2011, a
9 construction timeline for the building demonstrating the hospital's
10 intent and ability to meet the deadline of December 31, 2014. The
11 timeline shall include all of the following:

- 12 (i) The projected construction start date.
- 13 (ii) The projected construction completion date.
- 14 (iii) Identification of the contractor.

15 (E) The hospital building is under construction at the time of
16 the request for the extension, the purpose of the construction is to
17 meet the requirements of subdivision (a) to allow the use of the
18 building as a general acute care hospital building after the extension
19 deadline granted by the office pursuant to subdivision (a) or (b),
20 and the hospital is making reasonable progress toward meeting
21 the timeline set forth in subparagraph (D).

22 (F) The hospital granted an extension pursuant to this paragraph
23 shall submit an additional status report to the office, equivalent to
24 that required by subdivision (c) of Section 130061, no later than
25 June 30, 2013.

26 (4) An extension granted pursuant to paragraph (3) shall be
27 applicable only to the health care district applicant and its affiliated
28 hospital while the hospital is operated by the district or an entity
29 under the control of the district.

30 (5) The office may grant the additional extension if the hospital
31 building subject to the extension meets all of the following criteria:

32 (A) The hospital owner submitted to the office, prior to June
33 30, 2009, a request for review using current computer modeling
34 utilized by the office and based upon software developed by the
35 Federal Emergency Management Agency, referred to as Hazards
36 US, and the building was deemed SPC-1 after that review.

37 (B) The hospital building plans for the building are submitted
38 to the office and deemed ready for review by the office prior to
39 July 1, 2010. The hospital shall indicate, upon submission of its
40 plans, the SPC-1 building or buildings that shall be retrofitted or

1 replaced to meet the requirements of this section as a result of the
2 project.

3 (C) The hospital receives a building permit from the office for
4 the construction described in subparagraph (B) prior to January 1,
5 2012.

6 (D) The hospital submits, prior to January 1, 2012, a
7 construction timeline for the building demonstrating the hospital's
8 intent and ability to meet the applicable deadline. The timeline
9 shall include all of the following:

10 (i) The projected construction start date.

11 (ii) The projected construction completion date.

12 (iii) Identification of the contractor.

13 (E) The hospital building is under construction at the time of
14 the request for the extension, the purpose of the construction is to
15 meet the requirements of subdivision (a) to allow the use of the
16 building as a general acute care hospital building after the extension
17 deadline granted by the office pursuant to subdivision (a) or (b),
18 and the hospital is making reasonable progress toward meeting
19 the timeline set forth in subparagraph (D).

20 (F) The hospital owner completes construction such that the
21 hospital meets all criteria to enable the office to issue a certificate
22 of occupancy by the applicable deadline for the building.

23 (6) A hospital denied an extension pursuant to this subdivision
24 may appeal the denial to the Hospital Building Safety Board.

25 (7) The office may revoke an extension granted pursuant to this
26 subdivision for any hospital building where the work of
27 construction is abandoned or suspended for a period of at least one
28 year, unless the hospital demonstrates in a public document that
29 the abandonment or suspension was caused by factors beyond its
30 control.