

ASSEMBLY BILL

No. 852

Introduced by Assembly Member Quirk

February 21, 2013

An act to add Section 129788 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 852, as introduced, Quirk. Skilled nursing facility construction, alteration, or addition: review.

Existing law, the 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. Existing law also requires that those standards specify that hospitals must be reasonably capable of providing services to the public after a disaster.

Existing law 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. Existing law specifically requires the office, contingent upon an appropriation in the annual Budget Act, to establish a program for training fire and life safety officers to facilitate the timely performance of the office's duties and responsibilities relating to the review of plans and specifications pertaining to the design and observation of construction of hospital buildings, as specified. Existing law authorizes the office to establish other training programs as necessary to ensure that a sufficient number of qualified persons are available to facilitate the timely performance of the office's duties and responsibilities, as specified.

This bill would set specific OSHPD review and approval timeframes for skilled nursing facility construction, alteration, or addition and would authorize the office to assess a reasonable fee for this review. The bill would authorize the office to seek outside assistance through contracts with qualified professional architectural or engineering firms to meet the review turnaround times required by this bill.

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) A variety of factors have contributed to making health care
- 4 construction costs in California among the highest in the nation.
- 5 The costs are driven by the escalating price of raw materials, high
- 6 demand for skilled labor, and the complexity of design, plan
- 7 review, and approval of skilled nursing facility construction.
- 8 (b) Skilled nursing facilities are licensed health care facilities
- 9 that care for the state’s most fragile and vulnerable citizens.
- 10 (c) The physical infrastructure and related systems of these
- 11 licensed health facilities are governed by building and fire and life
- 12 safety code requirements regulated by the Office of Statewide
- 13 Health Planning and Development, the Office of the State Fire
- 14 Marshal, and the State Department of Public Health.
- 15 (d) As the industry moves to update the aging health care
- 16 infrastructure, incorporate advances in medical technology,
- 17 implement a modern health care delivery system, and improve
- 18 electronic medical records systems, health care construction activity
- 19 will increase to unseen levels, creating additional economic
- 20 pressure on the skilled nursing and construction industry.
- 21 (e) Licensed health care facilities are required to go through a
- 22 building application and plan check process under the jurisdiction
- 23 of the Office of Statewide Health Planning and Development.
- 24 (f) This process is bureaucratically efficient, but is subject to
- 25 inherent delays impacting timely approvals of projects. Although
- 26 the Office of Statewide Health Planning and Development has
- 27 developed internal policies that set timeframes for plan review and
- 28 approval, these policies are targets rather than enforceable
- 29 requirements.

1 (g) Improving the efficiency of health care building plan review
2 and construction efforts will not only reduce the time to design,
3 review, and complete facility construction, but also lower the cost
4 of the project and reduce overall cost pressures on the health care
5 system, allowing more resources to be directed to direct patient
6 services.

7 (h) Therefore, it is the intent of the Legislature to codify the
8 timeframes and due dates for completion by the Office of Statewide
9 Health Planning and Development of the review of facility
10 construction documents and to require the office to notify
11 applicants of the anticipated date the review will be completed and
12 returned to them.

13 SEC. 2. Section 129788 is added to the Health and Safety Code,
14 to read:

15 129788. (a) Documents submitted to the office for new
16 construction of, alteration of, or additions to, health facilities
17 licensed pursuant to subdivision (c) of Section 1250, shall be
18 reviewed and approved within the timeframes established by this
19 section.

20 (b) Upon receipt of the documents submitted pursuant to
21 subdivision (a), each submittal shall be logged in by the office and
22 given an preliminary review within 48 hours by architects,
23 engineers, and fire and life safety officers of the office to determine
24 if the submittal is complete.

25 (c) For projects not qualifying for rapid review under Section
26 129856, the Facilities Development Division shall meet the
27 following timeframes:

28 (1) First review of new projects and deferred items shall be
29 completed within 30 days.

30 (2) Backchecks shall be completed within 15 days.

31 (3) Amended construction documents shall be completed within
32 15 days.

33 (d) New projects that qualify for review by the Rapid Review
34 Unit shall be completed within 15 business days. Projects qualify
35 if they are new projects up to a maximum estimated construction
36 cost between one hundred thousand dollars (\$100,000) and one
37 hundred seventy-five thousand dollars (\$175,000), dependent upon
38 the unit's fluctuating workload. Rapid review does not apply to
39 any of the following:

- 1 (1) Existing projects that were initially reviewed by a regional
2 office, including backchecks, post approval documents (PADs),
3 and deferred items (DI's).
- 4 (2) Projects requiring an alternate method of compliance.
- 5 (3) Projects having equipment missing required project numbers
6 for special seismic certification.
- 7 (e) For projects that include primary gravity or lateral load
8 elements or systems, structural shall be completed within 30 days
9 for first reviews and 15 days for deferred item reviews. Backchecks
10 for these projects shall be completed within 15 days.
- 11 (f) The review schedules for managed projects will be negotiated
12 between the office and the applicants.
- 13 (g) The office shall charge a reasonable fee for the review and
14 approval of plans submitted pursuant to this subdivision. This fee
15 shall be based on the estimated cost, but shall not exceed the
16 reasonable cost of the entire phased review and approval process
17 for those plans.
- 18 (h) The project cost threshold under subdivision (a) of Section
19 129880 shall be increased to one hundred thousand dollars
20 (\$100,000) without regard to the cost of equipment or other items
21 not related to the actual repair or construction costs.
- 22 (i) In order to meet the review turnaround times required by this
23 section, the office may seek outside assistance through contracts
24 with qualified professional architectural or engineering firms.