

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 289

Introduced by Senator Ducheny

February 24, 2009

An act to amend ~~Section 130061~~ of Section 130060 of, and to add Sections 1265.9, 130064, 130065.1, and 130066 to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 289, as amended, Ducheny. Hospitals: seismic safety: periodic reports.

Existing law provides for the licensure of health facilities, including general acute care hospitals, by the State Department of Public Health.

This bill would require an applicant for a license for a general acute care hospital to file with the department, and provide to other specified entities, a statement that describes the financial capacity of the hospital to comply with the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983. It would require denial of the application if the applicant does not demonstrate a financial capacity and intent to comply with the act, as specified.

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 authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant ~~an~~ a 5-year extension *of that deadline*, under prescribed circumstances, *for both structural and nonstructural requirements*. Existing law also authorizes the office to *grant an additional extension if the hospital building meets designated criteria, including appropriately retrofitting the facility, as specified*. Under existing law, if an extension is granted, the hospital owner is required to submit periodic reports on compliance.

~~This bill would additionally require, for the report due to the office no later than June 30, 2011, that the report include, for each building that is planned for retrofit or replacement, the number of inpatient beds, and for a building or buildings to be removed from acute care service, the inpatient services delivered in the building or buildings and the number of general acute care inpatient beds and patient days in the years 2008, 2009, and 2010.~~

This bill would, among other things, revise the conditions that a hospital owner would be required to meet in order for the office to grant an additional extension. This bill would authorize the department to revoke the extension if the construction is abandoned or suspended for at least 6 months, except as specified.

This bill would authorize the office to grant an extension of the 5-year extension in lieu of the previously described additional extension under specified conditions.

This bill would require a hospital that has an SPC-1 building to post a specified sign at all public entrances to the building and certify to the office that it has complied with specified requirements. It would also subject a hospital, that fails to post pursuant to the requirement, to civil penalties.

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 1265.9 is added to the Health and Safety
- 2 Code, to read:
- 3 1265.9. (a) Any person, political subdivision of the state, or
- 4 governmental agency desiring a license for a general acute care
- 5 hospital, as defined in subdivision (a) of Section 1250, shall, in

1 addition to the application described in Section 1265, file with the
2 department a statement that describes the financial capacity of
3 the general acute care hospital to comply with the Alfred E. Alquist
4 Hospital Facilities Seismic Safety Act of 1983 (Chapter 1
5 (commencing with Section 129675) of Part 7), and a projected
6 timeline for this compliance.

7 (b) The applicant shall provide the statement described in
8 subdivision (a) to all of the following:

9 (1) The Facility Development Division of the office of Statewide
10 Health Planning and Development, which shall post the statement
11 on the office's Internet Web site.

12 (2) Any investor or entity holding more than 5 percent of the
13 value of the general acute care hospital.

14 (3) Any real estate investment trust which holds an interest in
15 the property on which the general acute care hospital is located.

16 (4) The entity responsible for providing property and casualty
17 insurance coverage for the general acute care hospital.

18 (5) The entity responsible for the directors and the owner's
19 liability insurance for the management of the general acute care
20 hospital.

21 (6) The medical staff of the general acute care hospital.

22 (7) The collective bargaining agent, if any, that has a contract
23 with the existing licenseholder.

24 (8) The local planning departments within the local jurisdiction
25 of the general acute care hospital.

26 (9) Any health care service plans or health insurers that have
27 had contracts with the general acute care hospital within the prior
28 year.

29 (10) Any contractor that employs workers at the general acute
30 care hospital and, if applicable, the collective bargaining agent
31 representing the subcontracted workers.

32 (c) The department shall consider whether the applicant has
33 demonstrated a history of substantial compliance with seismic
34 safety requirements, based on information provided by the Office
35 of Statewide Health Planning and Development regarding the
36 record of compliance with respect to any other facilities owned
37 by the same applicant.

38 (d) If the applicant does not demonstrate a financial capacity
39 and intent to comply with the Alfred E. Alquist Hospital Facilities
40 Seismic Safety Act of 1983 with respect to facilities that the

1 *applicant currently manages or operates or with respect to the*
2 *general acute care hospital for which the application is being*
3 *made, the application shall be denied.*

4 *(e) Failure to comply with this section shall not be subject to*
5 *the criminal penalty described in Section 1290.*

6 *SEC. 2. Section 130060 of the Health and Safety Code is*
7 *amended to read:*

8 130060. (a) (1) After January 1, 2008, any general acute care
9 hospital building that is determined to be a potential risk of collapse
10 or pose significant loss of life shall only be used for nonacute care
11 hospital purposes. A delay in this deadline may be granted by the
12 office upon a demonstration by the owner that compliance will
13 result in a loss of health care capacity that may not be provided
14 by other general acute care hospitals within a reasonable proximity.
15 In its request for an extension of the deadline, a hospital shall state
16 why the hospital is unable to comply with the January 1, 2008,
17 deadline requirement.

18 (2) Prior to granting an extension of the January 1, 2008,
19 deadline pursuant to this section, the office shall do all of the
20 following:

21 (A) Provide public notice of a hospital's request for an extension
22 of the deadline. The notice, at a minimum, shall be posted on the
23 office's Internet Web site, and shall include the facility's name
24 and identification number, the status of the request, and the
25 beginning and ending dates of the comment period, and shall advise
26 the public of the opportunity to submit public comments pursuant
27 to subparagraph (C). The office shall also provide notice of all
28 requests for the deadline extension directly to interested parties
29 upon request of the interested parties.

30 (B) Provide copies of extension requests to interested parties
31 within 10 working days to allow interested parties to review and
32 provide comment within the 45-day comment period. The copies
33 shall include those records that are available to the public pursuant
34 to the Public Records Act, Chapter 3.5 (commencing with Section
35 6250) of Division 7 of Title 1 of the Government Code.

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

39 (b) (1) It is the intent of the Legislature, in enacting this
40 subdivision, to facilitate the process of having more hospital

1 buildings in substantial compliance with this chapter and to take
2 nonconforming general acute care hospital inpatient buildings out
3 of service more quickly.

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

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

28 (A) Moved into an existing conforming Structural Performance
29 Category-3 (SPC-3), Structural Performance Category-4 (SPC-4),
30 or Structural Performance Category-5 (SPC-5) and Non-Structural
31 Performance Category-4 (NPC-4) or Non-Structural Performance
32 Category-5 (NPC-5) building.

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

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

37 (4) A five-year extension is also provided to a post 1973 building
38 if the hospital owner informs the Office of Statewide Health
39 Planning and Development that the building is classified as a
40 SPC-1, SPC-3, or SPC-4 and will be closed to general acute care

1 inpatient service use by January 1, 2013. The basic services in the
2 building shall be relocated into a SPC-5 and NPC-4 or NPC-5
3 building by January 1, 2013.

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

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

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

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

25 (f) (1) A hospital that has received an extension of the January
26 1, 2008, deadline pursuant to subdivision (a) or (b) may request
27 an additional extension of up to two years for a hospital building
28 that it owns or operates and that meets the criteria specified in
29 paragraph (2), (3), ~~or~~ (5), or (6).

30 (2) 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 building is under construction at the time of
33 the request for extension under this subdivision and the purpose
34 of the construction is to meet the requirements of subdivision (a)
35 to allow the use of the building as a general acute care hospital
36 building after the extension deadline granted by the office pursuant
37 to subdivision (a) or (b).

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 (A) at least two years prior to the
6 applicable deadline for the building *or, if the building failed to be*
7 *reclassified as an SPC-2 building pursuant to the Hazards US*
8 *described in paragraph (6), at least one year prior to the applicable*
9 *deadline.*

10 (D) The hospital submitted a construction timeline at least two
11 years prior to the applicable deadline for the building demonstrating
12 the hospital's intent to meet the applicable deadline *or, if the*
13 *building failed to be reclassified as an SPC-2 building pursuant*
14 *to the Hazards US described in paragraph (6), at least one year*
15 *prior to the deadline.* The timeline shall include all of the
16 following:

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

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

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

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

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

1 prior to the applicable deadline for the building. The hospital shall
2 indicate, upon submission of its plans, the SPC-1 building or
3 buildings that will be retrofitted or replaced to meet the
4 requirements of this section as a result of the project.

5 (C) The hospital received a building permit for the construction
6 described in subparagraph (B) by December 31, 2011.

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

11 (i) The projected construction start date.

12 (ii) The projected construction completion date.

13 (iii) Identification of the contractor.

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

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

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

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

31 (A) The hospital owner submitted to the office, prior to June
32 30, 2009, a request for review using ~~current~~ computer modeling
33 utilized by the office *pursuant to regulations in effect on or prior*
34 *to June 30, 2009*, 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

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

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

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

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

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

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

(6) The office may grant the additional extension if all of the following conditions are met:

(A) The hospital owner provides documentation to the office by January 20, 2011, stating the owner's intent to comply with the January 1, 2013, deadline requirements described in subdivisions (a) and (b) by using computer modeling utilized by the office pursuant to regulations adopted after June 30, 2009, but before December 30, 2010, and based upon Hazards US.

(B) The hospital owner submits to the office by July 1, 2011, a request for review using computer modeling utilized by the office pursuant to regulations adopted after June 30, 2009, but before December 30, 2010, and based upon Hazards US, and the hospital plans to construct a building to meet the SPC-2 requirement.

(C) The hospital building plans for the building are submitted to the office and deemed ready for review by the office prior to January 1, 2012. The hospital shall indicate, upon submission of its plans, the SPC-1 building or buildings that shall be retrofitted

1 or replaced to meet the requirements of this section as a result of
2 the project. The hospital shall also provide a proposed construction
3 timeframe to complete the project once the permit is issued. The
4 construction timeframe shall be approved by the office and shall
5 only include the amount of time that is reasonably necessary to
6 complete the construction required to meet the SPC-2 requirement.

7 (D) The hospital receives a building permit from the office for
8 the construction described in subparagraph (B) prior to January
9 1, 2013.

10 (E) The hospital provides documentation upon application
11 stating that the purpose of the construction is to meet the
12 requirements of subdivision (a), to allow the use of the building
13 as a general acute care hospital building after the extension
14 deadline granted by the office pursuant to subdivision (a) or (b),
15 and to make reasonable progress toward meeting the timeline set
16 forth in subparagraph (C).

17 (F) The additional extension granted by the office pursuant to
18 this paragraph may not exceed the lesser of two years or the
19 amount of time that is reasonably necessary to complete the
20 construction that is required for the building to meet the SPC-2
21 requirement, as adjusted for delays in construction that are beyond
22 the control of the hospital.

23 (G) The hospital owner completes construction in order for the
24 hospital to meet all the criteria to enable the office to issue a
25 certificate of occupancy by the applicable deadline for the building.

26 ~~(6)~~

27 (7) A hospital denied an extension pursuant to this subdivision
28 may appeal the denial to the Hospital Building Safety Board.

29 ~~(7)~~

30 (8) The office may revoke an extension granted pursuant to this
31 subdivision for any hospital building where the work of
32 construction is abandoned or suspended for a period of at least ~~one~~
33 ~~year~~ six months, unless the hospital demonstrates in a public
34 document that the abandonment or suspension was caused by
35 factors beyond its control.

36 (g) All submissions to the office to obtain an extension pursuant
37 to subdivision (f) and to comply with the requirements for the
38 extension shall be complete and accurate. The office shall deny
39 or revoke an extension described in subdivision (f) if the office

1 *determines that the information submitted did not meet this*
2 *standard.*

3 *SEC. 3. Section 130064 is added to the Health and Safety Code,*
4 *to read:*

5 *130064. (a) In lieu of the extension described in subdivision*
6 *(f) of Section 130060, the office may grant an extension to a*
7 *general acute care hospital pursuant to either subdivision (c) or*
8 *subdivision (f) if the hospital building will not be able to meet the*
9 *seismic safety standards of that section by January 1, 2013.*

10 *(b) When applying for an extension under this section, the owner*
11 *of the general acute care hospital shall submit to the office*
12 *documentation that includes at least all of the following:*

13 *(1) The schedule of the project and the necessary enabling*
14 *projects, and their dependencies on local approvals as had been*
15 *originally anticipated.*

16 *(2) The schedule of the project and the necessary enabling*
17 *projects, and their dependencies on local approvals as currently*
18 *projected.*

19 *(3) A timeline for the documentation submitted to the local*
20 *planning authority or jurisdiction.*

21 *(4) The local planning authority for the project and for the*
22 *enabling phases of the project does not grant approvals prior to*
23 *November 1, 2010, where the hospital had filed the local*
24 *application prior to January 1, 2009.*

25 *(5) A proposed construction timeframe demonstrating the*
26 *completion of the project once the permit is issued. The*
27 *construction timeframe shall be approved by the office and shall*
28 *only include the amount of time that is reasonably necessary to*
29 *complete the construction required to meet the seismic*
30 *requirements.*

31 *(c) The office may grant an extension, in full one-year*
32 *increments, but no longer than three consecutive years, which*
33 *compensates for delays determined pursuant to subdivision (d).*

34 *(d) The office shall conduct a comprehensive review of the*
35 *schedule for the project and necessary enabling phases according*
36 *to criteria specified in this section. This review shall encompass*
37 *the project under jurisdiction of the office, as well as enabling*
38 *project phases not under the jurisdiction of the office. The office*
39 *shall consider the cumulative effect of local approval timelines for*
40 *all elements of the project and necessary enabling phases, inclusive*

1 of changes in scope or sequence of the project or its enabling
2 phases. The office may grant extensions based on evaluation of
3 each of the following circumstances:

4 (1) Where the local planning authority approvals have delayed
5 or will delay the construction start date of the project, or of an
6 enabling phase of the project.

7 (2) Where the local conditions of approval on a project or on
8 its enabling phases extend the duration beyond the originally
9 anticipated construction completion date.

10 (3) Where changes in sequence or processes the hospital deems
11 necessary to mitigate local concerns on the project or its enabling
12 phases delay the construction completion date.

13 (4) Where the cumulative effect of delays on the project or on
14 enabling phases create additional construction delays due to local
15 seasonal weather impacts.

16 (5) Construction related to the seismic retrofit or replacement
17 project has begun by January 1, 2013.

18 (6) The project was submitted for review by the department no
19 later than January 1, 2009.

20 (7) The project has received a building permit from the
21 department no later than January 1, 2012, to complete construction
22 on the entire project.

23 (e) Every six months after the approval of the extension, the
24 hospital owner shall report to the office on the status of the project,
25 demonstrating that it is making reasonable progress toward
26 meeting the construction timeline. It shall also report any delays
27 or circumstances that could materially affect the estimated
28 completion date.

29 (f) The office may grant an additional extension of up to two
30 years in addition to the extension granted pursuant to subdivisions
31 (c) and (d) if the project meets the following criteria:

32 (1) A matrix of buildings at the facility that identifies compliance
33 of each building to the standards required by Section 130065 at
34 the completion of the project.

35 (2) The construction timelines submitted pursuant to subdivision
36 (a) were determined to go beyond three years from the date the
37 building permit was issued.

38 (g) The office may revoke an extension granted pursuant to this
39 subdivision for any hospital building where the work of
40 construction is abandoned or suspended for a period of at least

1 six months, unless the hospital demonstrates in a public document
2 that the abandonment or suspension was caused by factors beyond
3 its control.

4 (h) The office may revoke an extension provided under this
5 section if it is determined the documentation provided under
6 subdivision (a) was falsified in any manner by the hospital.

7 (i) Regulatory submissions made by the office to the California
8 Building Standards Commission pursuant to this section shall be
9 deemed, and shall be adopted as, emergency regulations.

10 (j) A hospital denied an extension pursuant to this section may
11 appeal the assessment to the Hospital Building Safety Board.

12 SEC. 4. Section 130065.1 is added to the Health and Safety
13 Code, to read:

14 130065.1. (a) On or before January 1, 2017, a general acute
15 care hospital shall report all of the following to the office:

16 (A) Current configuration of all buildings on its campus,
17 including each structural performance category.

18 (B) The number of acute care beds and the basic and
19 supplemental services provided in each building.

20 (C) Identification of each building that needs to meet the
21 structural and nonstructural requirements of Section 130065.

22 (b) (1) On or before January 1, 2020, a hospital shall submit
23 a master plan for all the buildings that are subject to subdivision
24 (a) of Section 130065 that the hospital intends to rebuild or replace
25 by January 1, 2030. The hospital master plan shall identify at least
26 all of the following:

27 (A) Each building that is subject to subdivision (a) of Section
28 130065.

29 (B) The current plan to rebuild or replace each building with
30 buildings that would be in compliance with subdivision (a) of
31 Section 130065, including all structural and nonstructural
32 requirements.

33 (C) The building or buildings to be removed from acute care
34 service and the projected date or dates of that action.

35 (D) The location for any new building or buildings, including,
36 but not limited to, whether the owner has received a permit for
37 that location.

38 (E) A copy of the preliminary design for the new building or
39 buildings.

1 (F) The number of beds available for acute care use in each
2 new building.

3 (G) The timeline for completed plan submission.

4 (H) The proposed construction timeline.

5 (I) The proposed cost at the time of submission.

6 (J) A copy of any records indicating the hospital governing
7 board's approval of the hospital master plan.

8 (2) On or before January 1, 2023, the hospital owner submits
9 to the office a building plan for each building that is deemed ready
10 for review by the office.

11 (3) On or before January 1, 2025, the hospital owner receives
12 a building permit to begin construction for each building that the
13 owner intends to replace or retrofit pursuant to the master plan.

14 (4) Within six months of receipt of the building permit, the
15 hospital owner submits a construction timeline that identifies at
16 least all of the following:

17 (A) Each building that is subject to subdivision (a) of Section
18 130065.

19 (B) The project number or numbers for replacement of each
20 building.

21 (C) The projected construction start date or dates and projected
22 construction completion date or dates.

23 (D) The building or buildings to be removed from acute care.

24 (E) The estimated cost of construction.

25 (F) The name of the contractor.

26 (5) Every six months thereafter, the hospital owner shall report
27 to the office on the status of the project, including any delays or
28 circumstances that could materially affect the estimated completion
29 date.

30 (c) A hospital that has not submitted a report pursuant to this
31 section shall be assessed a civil penalty of ten dollars (\$10) per
32 licensed acute care bed per day, but in no case to exceed one
33 thousand dollars (\$1,000) per day for each SPC-1 building not in
34 compliance with this section until it has complied with this section.
35 These civil penalties shall be deposited into the Facilities Penalties
36 Account established pursuant to Section 130066. A hospital
37 assessed a civil penalty pursuant to this section may appeal the
38 assessment to the Hospital Building Safety Board.

1 (d) The office shall make the information required by
2 subdivisions (a) and (b), available on its Internet Web site within
3 90 days of receipt of this information.

4 SEC. 5. Section 130066 is added to the Health and Safety Code,
5 to read:

6 130066. (a) A hospital that complies with Section 130060 may
7 post a sign at all public entrances to the hospital building that
8 states:

9
10 “THE STATE OF CALIFORNIA HAS DETERMINED THAT
11 THIS HOSPITAL FACILITY HAS COMPLIED WITH
12 APPLICABLE STATE SEISMIC SAFETY LAWS FOR
13 HOSPITALS.”

14
15 (b) A hospital that has an SPC-I building shall post a sign at
16 all public entrances to the building that states:

17
18 “THE STATE OF CALIFORNIA HAS DETERMINED THAT
19 THIS HOSPITAL HAS BUILDING(S) THAT ARE AT RISK OF
20 COLLAPSE IN A MAJOR EARTHQUAKE. THE PLAN OF
21 COMPLIANCE FOR THIS HOSPITAL IS AVAILABLE FOR YOUR
22 REVIEW AT THE PUBLIC INFORMATION DESK. TO RECEIVE
23 ADDITIONAL INFORMATION REGARDING HOSPITAL
24 SEISMIC SAFETY, GO TO WWW.OSHPD.CA.GOV.”

25
26 (c) All signs posted pursuant to subdivision (a) or (b) shall be
27 posted in a conspicuous place at all public entrances of the
28 building, and shall be not less than five inches by seven inches in
29 size and be printed in no less than 30-point bold type.

30 (d) The plan of compliance required to be publicly available in
31 subdivision (b) is the reporting specified in subdivision (c) of
32 Section 130061.

33 (e) By February 1, 2011, each hospital that has an SPC-I
34 building shall certify in writing to the office that it has complied
35 with subdivisions (b), (c), and (d). Failure to post the sign required
36 in subdivision (b) shall result in the hospital being assessed a civil
37 penalty of ten dollars (\$10) per licensed acute care bed per each
38 day that the hospital fails to post the sign required in subdivision
39 (b), but in no case to exceed one thousand dollars (\$1,000) per
40 day for each SPC-I building. These fines shall be deposited into

1 *the Facilities Penalties Account which is hereby established within*
2 *the Hospital Building Fund established pursuant to Section 129795.*
3 *A hospital assessed a civil penalty pursuant to this section may*
4 *appeal the assessment to the Hospital Building Safety Board.*
5 *Notwithstanding Section 129795, moneys in the account are not*
6 *continuously appropriated pursuant to that section, and shall be*
7 *available for expenditure only upon appropriation by the*
8 *Legislature in the annual Budget Act or other measure.*

9 ~~SECTION 1. Section 130061 of the Health and Safety Code~~
10 ~~is amended to read:~~

11 ~~130061. (a) An owner of a general acute care hospital building~~
12 ~~that is classified as a nonconforming Structural Performance~~
13 ~~Category-1 (SPC-1) building, who has not requested an extension~~
14 ~~of the deadline described in subdivision (a) or (b) of Section~~
15 ~~130060, shall submit a report to the office no later than April 15,~~
16 ~~2007, describing the status of each building in complying with the~~
17 ~~requirements of Section 130060. The report shall identify at least~~
18 ~~all of the following:~~

19 ~~(1) Each building that is subject to subdivision (a) of Section~~
20 ~~130060.~~

21 ~~(2) The project number or numbers for retrofit or replacement~~
22 ~~of each building.~~

23 ~~(3) The projected construction start date or dates and projected~~
24 ~~construction completion date or dates.~~

25 ~~(4) The building or buildings to be removed from acute care~~
26 ~~service and the projected date or dates of this action.~~

27 ~~(b) An owner of a general acute care hospital building that is~~
28 ~~classified as a nonconforming, Structural Performance Category-1~~
29 ~~(SPC-1) building, who has requested an extension of the deadline~~
30 ~~described in subdivision (a) or (b) of Section 130060, shall submit~~
31 ~~a report to the office no later than June 30, 2009, describing the~~
32 ~~status of each building in complying with the requirements of~~
33 ~~Section 130060. The report shall identify, at a minimum, all of the~~
34 ~~following:~~

35 ~~(1) Each building that is subject to subdivision (a) of Section~~
36 ~~130060.~~

37 ~~(2) The project number or numbers for retrofit or replacement~~
38 ~~of each building.~~

39 ~~(3) The projected construction start date or dates and projected~~
40 ~~construction completion date or dates.~~

1 ~~(4) The building or buildings to be removed from acute care~~
2 ~~service and the projected date or dates of that action.~~

3 ~~(c) An owner of a general acute care hospital building that is~~
4 ~~classified as a nonconforming, Structural Performance Category-1~~
5 ~~(SPC-1) building, who has requested an extension of the deadline~~
6 ~~described in subdivision (a) or (b) of Section 130060, shall submit~~
7 ~~a report to the office no later than June 30, 2011, describing the~~
8 ~~status of each building in complying with the requirements of~~
9 ~~Section 130060. The report shall identify at least all of the~~
10 ~~following:~~

11 ~~(1) For each building that is subject to subdivision (a) of Section~~
12 ~~130060 that is planned for retrofit or replacement, the report shall~~
13 ~~identify:~~

14 ~~(A) The project number or numbers for retrofit or replacement~~
15 ~~of each building.~~

16 ~~(B) The projected construction start date or dates and projected~~
17 ~~construction completion date or dates.~~

18 ~~(C) The number of inpatient beds, by type of unit and type of~~
19 ~~service to be provided.~~

20 ~~(2) For the building or buildings to be removed from acute care~~
21 ~~service, the following information shall be included:~~

22 ~~(A) The projected date or dates the building will be removed~~
23 ~~from service.~~

24 ~~(B) The inpatient services currently delivered in the building~~
25 ~~or buildings.~~

26 ~~(C) The number of general acute care inpatient beds and patient~~
27 ~~days, by type of unit and type of service, for the years 2008, 2009,~~
28 ~~and 2010.~~

29 ~~(3) Each hospital owner shall also report, for each facility for~~
30 ~~which any buildings will be removed from acute care service, any~~
31 ~~net change in the number of inpatient beds, by type of unit and~~
32 ~~type of service, taking into account beds provided in buildings to~~
33 ~~be taken out of service, beds provided in buildings to be retrofitted~~
34 ~~or replaced, and beds provided in any other buildings used for~~
35 ~~general acute care inpatient services by the facility.~~

36 ~~(d) The office shall make the information required by~~
37 ~~subdivisions (a) and (b), available on its Internet Web site within~~
38 ~~90 days of receipt of this information.~~

39 ~~(e) The office shall make the information required by~~
40 ~~subdivision (c) available on its Internet Web site within 180 days~~

1 of receipt of this information. The office shall also, to the extent
2 possible, for service areas containing buildings for which hospital
3 owners report information pursuant to subdivision (c), include
4 information on the number of inpatient beds, by type of unit and
5 type of service, provided by facilities operating buildings that are
6 classified as SPC-2, SPC-3, SPC-4, and SPC-5.

7 (f) Hospitals that have not reported pursuant to this section are
8 not eligible for the extension provided in subdivision (f) of Section
9 130060.