

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 927

Introduced by Assembly Member Huffman
(Coauthor: Senator Leno)

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 amended, 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 *of up to 2 years* 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~~ authorize a health care district, ~~as specified that is eligible to receive an additional extension of up to 2 years to request an additional 2-year extension if it submits a plan to submit a ballot measure to issue bonds to the voters.~~

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

1 to the California Public Records Act (Chapter 3.5 (commencing
2 with Section 6250) of Division 7 of Title 1 of the Government
3 Code).

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

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

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

23 (3) To receive the five-year extension, a single building
24 containing all of the basic services or at least one building within
25 the contiguous grouping of hospital buildings shall have obtained
26 a building permit prior to 1973 and this building shall be evaluated
27 and classified as a nonconforming, Structural Performance
28 Category-1 (SPC-1) building. The classification shall be submitted
29 to and accepted by the Office of Statewide Health Planning and
30 Development. The identified hospital building shall be exempt
31 from the requirement in subdivision (a) until January 1, 2013, if
32 the hospital agrees that the basic service or services that were
33 provided in that building shall be provided, on or before January
34 1, 2013, as follows:

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

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

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

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

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

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

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

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

33 (f) (1) A hospital that has received an extension of the January
34 1, 2008, deadline pursuant to subdivision (a) or (b) may request
35 an additional extension of up to two years for a hospital building
36 that it owns or operates and that meets the criteria specified in
37 paragraph (2), (3), or (5).

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

1 (A) The hospital building is under construction at the time of
2 the request for extension under this subdivision and the purpose
3 of the construction is to meet the requirements of subdivision (a)
4 to allow the use of the building as a general acute care hospital
5 building after the extension deadline granted by the office pursuant
6 to subdivision (a) or (b).

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

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

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

20 (i) The projected construction start date.

21 (ii) The projected construction completion date.

22 (iii) Identification of the contractor.

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

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

29 (A) The hospital building is owned by a health care district that
30 has, as owner, received the extension of the January 1, 2008,
31 deadline, but where the hospital is operated by an unaffiliated
32 third-party lessee pursuant to a facility lease that extends at least
33 through December 31, 2009. The district shall file a declaration
34 with the office with a request for an extension stating that, as of
35 the date of the filing, the district has lacked, and continues to lack,
36 unrestricted access to the subject hospital building for seismic
37 planning purposes during the term of the lease, and that the district
38 is under contract with the county to maintain hospital services
39 when the hospital comes under district control. The office shall

1 not grant the extension if an unaffiliated third-party lessee will
2 operate the hospital beyond December 31, 2010.

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 (B) by December 31, 2011, ~~or, if the~~
11 ~~office did not have sufficient staff resources to issue the building~~
12 ~~permit by December 31, 2011, by June 30, 2012..~~

13 (D) The hospital submitted, by December 31, 2011, a
14 construction timeline for the building demonstrating the hospital's
15 intent and ability to meet the deadline of December 31, 2014. The
16 timeline shall include all of the 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 building is under construction at the time of
21 the request for the extension, the purpose of the construction is to
22 meet the requirements of subdivision (a) to allow the use of the
23 building as a general acute care hospital building after the extension
24 deadline granted by the office pursuant to subdivision (a) or (b),
25 and the hospital is making reasonable progress toward meeting
26 the timeline set forth in subparagraph (D).

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

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

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

37 (A) The hospital owner submitted to the office, prior to June
38 30, 2009, a request for review using current computer modeling
39 utilized by the office and based upon software developed by the

1 Federal Emergency Management Agency, referred to as Hazards
2 US, and the building was deemed SPC-1 after that review.

3 (B) The hospital building plans for the building are submitted
4 to the office and deemed ready for review by the office prior to
5 July 1, 2010. The hospital shall indicate, upon submission of its
6 plans, the SPC-1 building or buildings that shall be retrofitted or
7 replaced to meet the requirements of this section as a result of the
8 project.

9 (C) The hospital receives a building permit from the office for
10 the construction described in subparagraph (B) prior to January 1,
11 2012.

12 (D) The hospital submits, prior to January 1, 2012, a
13 construction timeline for the building demonstrating the hospital's
14 intent and ability 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 building is under construction at the time of
20 the request for the extension, the purpose of the construction is to
21 meet the requirements of subdivision (a) to allow the use of the
22 building as a general acute care hospital building after the extension
23 deadline granted by the office pursuant to subdivision (a) or (b),
24 and the hospital is making reasonable progress toward meeting
25 the timeline set forth in subparagraph (D).

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

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

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

37 *(g) A hospital that is eligible for an additional extension of up*
38 *to two years pursuant to paragraph (3) of subdivision (f) may*
39 *request, and the office may grant, an additional two-year extension*
40 *if the hospital provides the office with a plan to submit to the voters*

- 1 *a ballot measure to issue bonds for all or a portion of a seismic*
- 2 *safety construction project.*

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