

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION/
OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT
REGARDING THE 2025 CALIFORNIA ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1
(OSHPD 03/24)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Department of Health Care Access and Information (HCAI)/Office of Statewide Health Planning and Development (OSHPD) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

HCAI/OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

HCAI does not have authority to propose regulations that would impact local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for

making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from September 6, 2024, until October 21, 2024. HCAI received three comments during the 45-day comment period.

COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD

ITEM 1

CHAPTER 6 SEISMIC EVALUATION PROCEDURES FOR HOSPITAL BUILDINGS ADMINISTRATIVE REGULATIONS FOR THE OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT (OSHDP) ARTICLE 1 DEFINITIONS AND REQUIREMENTS

Commenters and Recommendation:

Mia Marvell, Supervisor of the Building Standards Unit on behalf of HCAI recommends amending Part 1 to include recently chaptered Legislation, Assembly Bill 869, that authorizes specified small and rural hospitals to seek approval for a delay to the January 1, 2030, compliance deadline by up to 5 years.

Agency Response:

In response to the comment and during a 15-day comment period, HCAI further amended several sections in Item 1, adding language that implements and makes specific Assembly Bill 869.

ITEM 5

CHAPTER 7 SAFETY STANDARDS FOR HEALTH FACILITIES ARTICLE 3 APPROVAL OF CONSTRUCTION DOCUMENTS

Commenters and Recommendation:

Section 7-115. Ric Moore, Executive Officer of Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) does not foresee issue with the inclusion of licensed Fire Protection Engineers as proposed, but recommends adding “professional” before the word “engineer” in several locations. Additionally, they recommends clarifying the phrase “predominately of the kind normally performed by” to “legally authorized to perform”.

Agency Response:

HCAI appreciates BPELSG's feedback and coordination on the proposed code change. In response to the comment, HCAI further amended Section 7-115 (a) to address the comments. An additional 15-day public comment was conducted. In a future rulemaking HCAI will consider BPELSG's additional comments.

Commenter and Recommendation:

Section 7-115. Zach Schuler, P.E. expresses strong support for the proposed code changes that permit fire protection engineers to grant the authority for a licensed professional with detailed and extensive knowledge of fire life safety systems to review and stamp construction documents for submittal. This will undoubtedly enhance the

quality and safety of our building projects, ensuring that they meet the highest standards of fire life safety.

Agency Response:

HCAI appreciates Mr. Schuler’s support comment.

Commenter and Recommendation:

Mia Marvell, Supervisor of the Building Standards Unit on behalf of HCAI recommends amending Part 1 to include recently chaptered Legislation, Assembly Bill 869, that authorizes specified small and rural hospitals to seek approval for a delay to the January 1, 2030, compliance deadline by up to 5 years.

Agency Response:

In response to the comment and during a 15-day comment period, HCAI further amended ITEM 5, adding language that implements and makes specific Assembly Bill 869.

COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD

As a result of public comments and AB 869 (Wood, Chapter 801, Statutes of 2024), text with proposed changes was made available to the public for a 15-day comment period from November 6, 2024 through November 21, 2024. HCAI received no comments during the 15-day comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

HCAI has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation. The proposed regulations will not have a cost impact to private persons.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

HCAI has determined that the proposed regulations will not have an adverse economic impact on small businesses. The proposed regulations are technical modifications that will provide clarification and consistency within the code.