

CAN 2-11B ACCESSIBILITY IN HEALTH FACILITIES
Webinar Questions and Answers
January 6, 2022

1. **Is it correct that a monitor mounted on a wall in an office does not need to conform to the 4" limit for protruding objects?**

Correct. An office is not a circulation path.

2. **If we are only replacing/upgrading a fire alarm system, will this require ADA upgrades?**

No. Path of Travel upgrades are not triggered by a fire alarm upgrade/replacement unless other construction is involved.

3. **Can the cost of repairs or maintenance that are a component of a larger scope be excluded from the adjusted construction cost that would have the 20% upgrade requirements?**

If it is part of the same project, no, it must be included.

4. **Is a Compounding Room in the Pharmacy considered a workstation, and is it exempt from accessibility requirements since ADA requirement ends at the ante room?**

Yes.

5. **Is being landlocked by other rooms enough to say something is technically not feasible?**

It depends on the individual circumstances and each case must be looked at.

6. **Interesting... If the that "existing non-accessible staff toilet is designated as the required patient toilet, it may continue to be used "as is" as part of the change in function (no upgrades required). Toilet requires a patient call station which affects useability and also becomes a 11B-213.2.2 common use and does NOT require compliance with 11B-223.2!!!!?**

The patient toilet would still need to meet the functional requirements such as a patient call station. We are looking at accessibility further.

7. Does HCAI review path of travel outside a building for buildings being brought into HCAI jurisdiction? (i.e., bringing a decommissioned building back into HCAI's jurisdiction)

Site accessibility is within HCAI jurisdiction but there are several ways to show compliance. This compliance may be demonstrated by standard OSHPD review and observation; evidence of review and certification by an independent Certified Access Specialist (CASp) retained by the health facility, for CBC compliance (inspection to be performed by project Inspector of Record); or evidence of plan review, construction inspection, and approval by the local building authority for CBC compliance.

8. Does replacing Lab Equipment trigger ADA upgrades?

No. Path of Travel upgrades are not triggered by equipment upgrade/replacement unless other construction is involved.

9. Does the client have the choice of which item to upgrade as part of the 20% requirements? (i.e., upgrade DF vs. upgrade toilet)

Yes. There is a hierarchy in Chapter 11B-202 but is it only a recommendation.

10. We've lately been told that we cannot use clear space in a shower (without a curb) for required clearances at other fixtures. Rationale is that the shower is a "fixture". However, code does allow us to use clearances at fixtures. This seems odd.

The clearances for fixtures may be shared but the shower (without a curb) is the fixture. At this time, the floor clearance for the toilet or sink cannot be within the shower.

11. There was discussion about only required one accessible staff toilet because of the All Gender requirement. Please explain.

Per CBC 11B-213.2, exception 4, where multiple single user toilet rooms are clustered at a single location, 50 percent, but not fewer than one, of the single user toilet rooms for each use must be accessible. This does not reduce or eliminate any of the required toilet fixtures. Example, if two all gender staff toilets are clustered, only one of them need to be accessible.

12. Does a phone located at a reception desk meet the requirement for a public phone if the phone is available to the public upon request?

Yes.

- 13. If we have a project where we're only installing a television in a patient room, it seems like the accessible path of travel would not be required. But, if there's a new electrical receptacle being installed to power the television, would that receptacle trigger the accessible path of travel requirement?**

No. That would fall under a single element.

- 14. Plumbing Code hasn't changed to All Gender. It still designates Male and Female so the Building Code requirements for toilets is still five (5) following Plumbing designation instead of California.**

Correct. The number of fixtures required was not reduced. Only the signage requirement changed.

- 15. Where is the 10% of patient rooms required to be accessible noted? Is it in CBC?**

11B-223.2.1 Facilities not specializing in treating conditions that affect mobility. In facilities not specializing in treating conditions that affect mobility, *including hospitals, psychiatric and detoxification facilities*, at least 10 percent, but no fewer than one.

11B-223.2.2 Facilities specializing in treating conditions that affect mobility. In facilities specializing in treating conditions that affect mobility, 100 percent of the patient *bedrooms* shall provide mobility features.

11B-223.3 Long-term care facilities. In licensed long-term care facilities, *including skilled nursing facilities, intermediate care facilities and nursing homes*, at least 50 percent, but no fewer than one.

- 16. Do we split out the number of licensed ICU beds from the overall licensed beds in a hospital when we calculate the 10%?**

No, it is by service. 10% of med-surg, post-partum, etc.

11B-223.2.1 Accessible patient bedrooms or resident sleeping rooms shall be dispersed in a manner that is proportionate by type of medical specialty.

- 17. When there is a change of function, as in the example of med surge patient rooms to postpartum patient rooms, will the facility be required to provide accessible patient rooms if they don't exist?**

No although the facility is legally liable for not providing them. Change of use or occupancy will trigger this.

- 18. If a piece of equipment is replaced in kind in an existing facility - say a CT scanner, and construction is required, must the value of the piece of equipment be included in the cost of construction for the purpose of determining the value of the path of travel obligation?**

No. Just the cost of construction.

- 19. How many cars should be accommodated in a covered drop off space?**

One (1) minimum.

- 20. Dimension tolerances. Most jurisdictions I've dealt with have not allowed construction tolerance when a maximum is stated but no minimum, such as the height of a lavatory. Having reviewed the CBC and ADA Standards, construction tolerance should be allowed!**

This is not in the code; past court law has set a precedence to construction tolerances.

- 21. Why are phones still included? This proves to be difficult to meet due to payphones not being available.**

A public phone is not a pay phone. It is just a phone accessible to the public.

- 22. Does 11B-202.4 also apply to low voltage work like cameras.**

It could but most likely will fall under exception 7.

- 23. Would an SPC inspection project (that will require demolishing some existing ceiling and removing/reapplying of existing fireproofing) be considered a "construction" project and trigger Path of Travel requirements?**

The inspection project, no. If any work is done, yes.

- 24. For an existing hospital department with non-accessible unisex staff toilet rooms, where the staffing levels currently require toilets for both men and women per CPC, do Path of Travel mandates require ONE unisex accessible toilet retrofit (which is available to both men and women), or TWO accessible unisex staff toilets?**

Only one if they are clustered. If not clustered, then two are required.

- 25. If a CT replacement requires a new concrete footing for anchorage, is that still NOT considered a "structural" project that would require Path of Travel upgrades? Or if replacing the equipment involved the removal and replacement of an existing wall (non-structural), is that considered "construction" that triggers a Path of Travel upgrade?**

No. This would require Path of Travel upgrades. Once the floors or walls are being demo'd, then this is new construction.

- 26. If a constrained department cannot add accessible toilets without removing an existing functional and/or required space, is that a "technical infeasible" condition?**

It could be. This would have to be looked at on a case-by-case basis.

- 27. Is valuation cumulative?**

Yes, over a three-year period in the same area of the facility.

- 28. Replacing Radiology Equipment and the existing sink does not meet accessibility. Does the equipment replacement require sink being brought up to code?**

Yes. In this case the sink is new and would need to be accessible just as the imaging equipment.

- 29. How do you define "construction"?**

From the California Administrative Code: **CONSTRUCTION** means any construction, reconstruction or alteration of, or addition or repair to any health facility.

- 30. Hypothetical project: One is remodeling an area of a Surgical Service Space with a new Hybrid OR. What would trigger an accessibility upgrade to surgical service spaces such as existing staff changing rooms?**

If the scope is limited to the new Hybrid OR, that is the scope. If work is being done to the existing staff changing rooms, that would require compliance. If the remodel project required upgrades to the staff changing rooms due to increase in staff or other reason, then it would require compliance.

- 31. Is signage directing public to staff desk for water and phone an acceptable alternative facilitation?**

Just for the phone. This is not a substitute for a drinking fountain.

32. Regardless of cost, is it true that an NPC upgrade project will not trigger any accessibility upgrades?

Projects consisting entirely of anchorage and bracing of equipment and components will not be considered a building alteration, renovation, structural repair, or retrofit project subject to the Attorney General's Opinion 94-1109 noted above, and therefore are not subject to the accessibility requirements of Section 11B-202.4.

33. If replacing nurse station casework for maintenance, does that trigger the 20% for ADA upgrades?

Maintenance would be repairing a portion of the nurse station, not replacing it. If only one nurse station is being replaced, then it would fall under single element.

34. We are working on campus wide pyxis anchorage project. All the existing pyxis units will be replaced "like for like" pyxis units with new software upgrade at the exact same location. DPOR's main scope of work is to anchor those pyxis units to the floor. The pyxis units currently are not anchored to the floor. Some of the existing pyxis units are located within door maneuvering clearance or sink floor clearance. Do we need to upgrade those existing non-compliance conditions?

If existing units are not anchored, they probably were not installed in compliance with the code and would therefore be subject to compliance with when new units are installed. If existing units were installed in compliance, then replacing them will not trigger additional clearance requirements. Again, it does not sound like these were installed in compliance with any code so compliance is likely.

35. Can a facility combine separate projects to address restroom updates? For example, we are doing a larger construction project which is funded and in the same department, but is only in construction documents, and if we have an additional smaller project in the unit, can we use the larger project to upgrade the restrooms and reference the forthcoming project.

No. If the first project will need to address Path of Travel requirements for that project. The forthcoming large project will need to do the same.

36. Remodeling a Nursing Unit, code requires a certain percentage to be accessible, does this mean the rooms not required to be accessible do not require components of those rooms to be accessible? Like doors into the rooms, will they require 18" clearance from strike side, etc.

Unfortunately, non-accessible patient rooms do not need to be made accessible other than the handwashing station.

37. In talking of "all-gender (unisex)" toilet rooms, Sharon Toji encourages simply signing it as "RESTROOM" rather than signing it as "ALL-GENDER RESTROOM". I would concur. Do you?

The signage can be anything the facility wants that is non-gender specific.

38. Do multi-use and single use toilet rooms require circulation path compliance, particularly re: Protruding objects (paper towel dispensers, baby changing tables, etc.)?

No.

39. In CAN 2-11B, defines Common Use as ... "spaces... Available for the shared use of two or more people"

Common use is defined in Section 202 as: "Interior or exterior circulation paths, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people." Common use circulation paths, rooms, spaces and elements must be made accessible.

40. Path of Travel... what about 11B-202.4 Exception 8 which lists 6 elements for improvements, which is beyond the default 5 items. Maybe I missed it but not sure you mentioned this. "6. When possible additional accessible elements such as parking, signs, storage and alarms." The phrasing of "such as" implies it could include other elements as well. Is this under consideration for an HCAI Path of Travel?

These six (6) elements are only a suggestion of priority. Path of Travel compliance can go beyond the default five (5) items.

41. There was mention that protruding objects do not apply in toilet rooms because they are not circulation spaces. What about Multi-user toilet rooms? I have attended Accessibility Online (Access-Board) webinars which have stated that protruding objects are concerns in Multi-User toilet rooms but not Single-User toilet rooms.

Circulation Path An exterior or interior way of passage from one place to another for pedestrians. [DSA-AC] An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, sidewalks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

HCAI does not consider the interior of a multi-user restroom as a circulation path.

- 42. There was mention of dressing rooms not being required to be upgraded as part of Path of Travel, because it is not one of the 5 default elements. If not as part of Path of Travel triggering this, would 11B-805?**

If there was work in the dressing room, it would have to be compliant. If there is no work in the dressing rooms, there is no requirement to upgrade them under Path of Travel. That being said, it can be upgraded to meet the 20% applied to Path of Travel upgrades.

- 43. My project is an alteration (change in use from B to I-2). The facility has an existing canopy, but that canopy stops well short of the drop off/loading zone. Per the CAN, does Item 3 apply to the project?**

Change of Use would require full compliance.

- 44. Would an emergency generator replacement be considered a repair/replacement of equipment, and not subject to Section 11B-202.4?**

Yes.