



Facilities Development Division
Department of Health Care Access and Information
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POLICY INTENT NOTICE (PIN)

SUBJECT

Emergency Work Authorization

PIN: 72

Effective: 6/15/2022



PURPOSE

Emergency work may be necessary due to permanent equipment failure, natural disaster, or other occurrences that require immediate repair or replacement to ensure jobsite or building occupant health or safety.

The Department of Health Care Access and Information (HCAI), also known as the Office of Statewide Health Planning and Development (OSHPD) and referred to as “Office”, recognizes that emergency temporary construction and installation of temporary equipment is sometimes required to accommodate construction or to provide transitional solutions.

Note that an emergency is not maintenance to prevent something from failing. A true emergency is the actual disaster, event, or failure of equipment.

BACKGROUND

Most work in a hospital requires a permit. This includes construction as well as replacement of equipment. HCAI recognizes there are situations where an emergency exists that corrections must be made quickly in order to keep the hospital functioning and occupants safe. Emergency authorizations have been around since the early days of this requirement but there has been inconsistency in what was required and how it was implemented. This PIN will standardize expectations so that requirements are known prior to an emergency.

APPLICABLE CODE SECTIONS

From the **California Administrative Code, California Code of Regulations, Title 24, Part 1 ARTICLE 2, DEFINITIONS:**

EMERGENCY REPAIR [OSHPD 1, 2, 3, & 5] Repair to, or replacement of, an element of a building, structure, utility system, or equipment that is essential to the continued safe occupation and operation of a facility. May include repairs needed after a disaster.

MAINTENANCE [OSHPD 1, 2, 3, & 5] The routinely recurring work required to keep a facility (plant, building, structure, utility system, etc.) in such condition that it may be continuously utilized, at its original or designed capacity and efficiency, for its intended purpose. Actions necessary for retaining

or restoring an existing element or component of a building, piece of equipment, machine, or system to the specified operable condition to achieve its maximum useful life, including corrective maintenance and preventative maintenance. (See also OSHPD Field Review, Exempt, Expedited Review (FREER) Manual – Maintenance Criteria).

**California Administrative Code, Part 1, Chapter 7
ARTICLE 20, REPAIR OF DAMAGE AFTER AN EMERGENCY**

7-300. Plan review and approval.

(a) All repair projects are subject to prior plan review, plan approval and construction permit by the Office except as noted in subsection (b).

(b) For emergency repairs carried out without the Office plan review and permit in the aftermath of an emergency, an application for plan review must be submitted with construction documents, fees and a letter of transmittal stating the reasons for emergency repairs. Photographs, if available, and reports of damage and repairs should also be submitted with the application. Additional repairs may be required if the emergency repairs do not comply with the code. For alternate fee payment methodology, see Section 129787 of the Health and Safety Code.

**From the California Building Code, California Code of Regulations, Title 24, Part 2
Chapter 2, DEFINITIONS:**

TEMPORARY EQUIPMENT means fixed, movable, countertop, or other equipment that is utilized to provide necessary service during replacement, maintenance, or repair for a time duration as defined in HCAI – CAN 2-108.

INTERIM EQUIPMENT means temporary equipment that will be in use for the duration of the construction or the duration of the need for the equipment that the project is related to.

California Building Code, Part 2, Volume 1, Section [A] 105.2.1:

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

POLICY

HCAI will consider and may issue an Emergency Authorization to Proceed (EAP) with emergency work prior to plan approval and building permit based on emergency conditions and necessity.

Even where an EAP is granted, the design for permanently repairing or replacing building systems, components, or equipment must be eventually approved and permitted as required by California Administrative Code, Chapter 7, Article 3, APPROVAL OF CONSTRUCTION DOCUMENTS.

All Emergency Projects must adhere to the general emergency authorization requirements noted herein for permanent equipment and building components or temporary equipment and building components. Temporary equipment or temporary building components may have special requirements.

PROCEDURE

Where an emergency situation arises, the facility shall take the following actions:

I. Immediate Action

The facility may take the necessary emergency actions to abate and make safe the emergency condition that poses an imminent danger to life, injury, or property damage. Such emergency actions may proceed prior to contacting HCAI and the HCAI Regional Compliance Officer (RCO) must be contacted immediately thereafter.

For existing approved HCAI projects, the facility and/or their contractor, may take the necessary actions to abate and make safe the emergency conditions arising at a project or construction site that poses an imminent danger to life, injury, or property damage.

Such emergency actions may proceed prior to contacting HCAI, and all changes to active permitted projects shall be documented by a subsequent Amended Construction Document (ACD) with Inspector of Record (IOR) inspections documenting all emergency work performed. The IOR shall apply reasonable diligence to maintain the normally required on-site documentation including material tests and special inspection reports.

Beyond emergency actions to abate the emergency conditions and to make safe the emergency conditions, emergency repairs, restoration, or replacement of an element of the building, structure, utility system, or equipment shall be authorized by HCAI prior to proceeding with work.

An additional project may be required for permanent replacement equipment.

II. Notification to HCAI and Request for EAP

Immediate written notification shall be provided to the HCAI RCO for determination and issuance of EAP with repairs, replacement, or installation of temporary equipment prior to required plan approval and building permit (see California Administrative Code, Chapter 7, Article 20, REPAIR OF DAMAGE AFTER AN EMERGENCY). The "Request for Information to Authorize Emergency Work" (HCAI-FD-101) should be included in the notification to the HCAI RCO. See Appendix A for the form and instructions.

For All Emergency Projects, the Permit Application and complete [Testing Inspection Observation \(TIO\)](#) Program shall be submitted within the next working business day as required per California Building Code, Part 2, Volume 1, Section [A] 105.2.1 Emergency repairs.

It is the facility's responsibility to notify the California Department of Public Health (CDPH) Licensing and Certification of the emergency condition and affects to the facility's operations and their request to HCAI to approve the emergency repair, replacement, or temporary equipment project.

Because each emergency condition is unique, the HCAI RCO will review each EAP request on an individual basis and decide if it can be granted.

III. When an EAP is Denied, Construction May Not Proceed Until Plan Approval and Building Permit has been Issued by HCAI

If the HCAI RCO determines the request does not meet the requirements for EAP, the request will be denied. If the approval for emergency authorization is denied, the project created will proceed as a traditional submittal and construction work may not proceed until plan approval and a building permit has been issued.

Emergency repair does not include the ongoing replacement, upgrading of equipment, or corrective/preventive maintenance.

Replacement of equipment that is not critical to the safety of occupants or continued operations of facility will not be approved as an emergency replacement. An example is replacement of failed imaging equipment; this is not an emergency unless the imaging equipment is a required basic service.

IV. When an EAP is Approved, Construction May Commence Prior to Plan Approval and Building Permit in accordance with the Requirements and Conditions of the Emergency Authorization Approval

A Letter of Emergency Authorization to Proceed will be issued by the HCAI RCO for the specific work that may be performed with conditions and restrictions noted. Emergency authorization is not an expedited review and start of construction should begin as soon as authorization to proceed is granted.

An Emergency Authorization Banner will be applied to the project in HCAI's project logging software (eSevicesPortal) to indicate the issuance of the EAP.

The following apply to each Emergency Project:

- A. The Design Professional(s) of Record (DPOR(s)) shall provide all necessary direction to perform the work of construction and inspection of the work in the form of plans, notes, sketches, installation instructions and/or drawings, Testing, Inspection and Observation ([TIO](#)) program, etc., to the Contractor and the IOR. This direction is required to allow the work to proceed while preparing the required construction documents and prior to HCAI Facilities Development Division (FDD) plan approval.
- B. The emergency project plans submittal and building permit must be carried out in an expeditious manner to ensure that the emergency work conforms with the California Building Standards Code requirements.

Complete construction plans for emergency work, involving permanent equipment replacement or building area revisions must be submitted to HCAI FDD within 10 days of the emergency work authorization issued by the HCAI RCO. Extension requests of up to 10 days may be submitted to the HCAI RCO with justifiable cause.

For emergency projects, all returns and backcheck submittals shall be resubmitted within 10 days of HCAI return date.

- C. The construction work on the emergency project must be carried out to completion without undue delay. Notification to the office must be provided when construction actually begins.
- D. If the plan approval and/or permit is delayed without justifiable cause or valid reasons, an Unauthorized Construction Project may be applied in accordance with California Administrative Code, Section 7-128 Work performed without a permit.
- E. The DPOR is responsible for submitting the TIO with the plans submittal and maintaining the [TIO](#) with all required testing and inspection for field approval during performance of emergency work.

If special testing and/or special inspections are required, the DPOR shall submit the TIO to the HCAI Field Staff for review and approval prior to work being performed.

The accepted TIO shall be distributed to the contractor and IOR with all required test and/or special inspection to be performed listed.

- F. Inspection of the Work: All emergency authorized work must be continuously inspected by an IOR approved by the Office. The IOR will continuously inspect the work during its placement to verify that the work performed prior to plan approval complies with the California Building Standards Code and the final HCAI FDD approved construction documents. The IOR shall notify the Compliance Officer when work is started as required by the California Administrative Code, Section 7-145(a)5 Continuous inspection of the work. The required Start Notice shall be uploaded at the start of construction to the assigned project number documents in the [eServices Portal system \(eSP\)](#). The IOR shall coordinate required field observation with all necessary HCAI FDD Field Staff.

The IOR shall submit their daily field records of construction progress for this *Emergency Authorization* for each day or any portion of a day that they are present at the project site location to the Compliance Officer, Fire Life Safety Officer, and Regional Compliance Officer. Submission of the daily field report shall be without delay and may be via email or uploaded to the project record using the [eServices Portal system \(eSP\)](#). Submission of IOR daily field records of construction progress shall be received by HCAI FDD staff or uploaded to the eSP system within one day of the field inspection date. The daily field record shall state the time of arrival, time of departure, a summary of work in progress and noted deficiencies in the construction. The daily field record shall document the date, time, and method of correction for any noted deficiencies or deviations (California Administrative Code, Section 7-145 Continuous inspection of the work.). No work shall be covered, concealed, or placed into service without HCAI FDD authorization.

- G. Substantial Compliance (SC): An SC Milestone must be added on the TIO for any work, equipment, or area that will be placed into temporary or permanent use or service. All applicable listed professionals shall submit a Verified Compliance Report ([VCR](#)) for the SC Milestone for HCAI review and approval of the SC.

Conditional Substantial Compliance (CSC) may be granted prior to plan approval or submittal of complete plans for plan review. Preliminary plans and other documents may be required to be submitted for preliminary review prior to issuance of a CSC.

H. Additional repairs or corrections may be required if the authorized emergency work does not comply with the conditional approval and the final HCAI FDD approved construction documents.

V. Special Conditions and Exceptions for Emergency Projects involving Permanent Equipment and/or Building Components

The HCAI RCO in consultation with the HCAI Field Staff may classify the emergency work as maintenance based on the scope of construction work and exempt the emergency project from plan approval and building permit. Projects exempted under maintenance will be closed by the HCAI RCO under an administrative closure.

VI. Special Conditions and Exceptions for Emergency Projects involving Temporary Equipment and/or Building Components

Temporary equipment and systems may be required to protect occupant safety and maintain services during the repairs. Temporary equipment installed under an emergency authorization must comply with the requirements of HCAI CAN 2-108. The time duration of use is measured from the date the equipment is first placed into service until removal from site.

The additional structural load of any equipment that is placed or mounted on the structure must be verified that it can be supported by the structure.

The additional electrical or mechanical load of any equipment that is placed on existing service must be verified that the existing system can support the added utility service. Special consideration must be given to additional electrical load on the emergency electrical branch. (Refer to CAN 2-108).

All emergency temporary equipment is required to be removed prior to project closure.

The HCAI RCO may, at their discretion, exempt the submittal of plans for temporary equipment in place less than 30 days. The 30 days starts when the equipment is in service and ends when disconnected and removed from the site. If temporary equipment is left in place longer than 30 days, a permit or ACD must be submitted to show this equipment as either temporary (less than 180 days), interim, or permanent.

Emergency projects exempted from plan approval may be closed under typical closure requirements or may be closed administratively as determined on a case-by-case basis of each project.

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If temporary conditions approved under an Emergency Authorization to Proceed are not addressed per the California Building Standards Code and this PIN, an Unauthorized Construction Project will be applied, and the facility will have restrictions placed for future construction projects until it comes into compliance.

<u>Original signed</u>	<u>6/15/2022</u>
Chris Tokas	Date

APPENDIX A
Request for Information to Authorize Emergency Work

Facility
Facility #
HCAI Building #
Type of Facility
Facility Name
Building Name
Type of Facility: Acute Psychiatric Hospital, Correctional Treatment Center, General Acute Care Hospital, Licensed Clinic, Skilled Nursing or Intermediate Care Facility

Proposed Work - Record Detail

Record/Project Number
Record/Project Name
Detailed Description

Equipment and/or Building Components Details

Permanent Equipment or Building Components
Temporary Equipment or Building Components
Duration:
Equipment and/or Building Components to be Replaced
Note: Include 'Critical' for most important equipment

Justification

Provide justification for the need for an emergency project and reason this service is critical to patient care and/or operation of the facility:

Request for Information to Authorize Emergency Work (continued)

Design Professional

License
No. _____ Name _____ Title _____
Business Name _____ Phone _____
Email _____ FAX _____

Inspector of Record

License
No. _____ Name _____ Title _____
Business Name _____ Phone _____
Email _____ FAX _____

Contractor

License
No. _____ Name _____ Title _____
Business Name _____ Phone _____
Email _____ FAX _____

INSTRUCTIONS FOR REQUEST TO AUTHORIZE EMERGENCY WORK

(HCAI-FD-101)

Facility

- Enter the HCAI facility identification number.
- Enter the name of the facility as it appears on the facility license.
- Enter the HCAI building number and building name where the work is to be performed.
- Indicate the type of facility as it is licensed.

HCAI Record Details – Project Number

- An HCAI project number must be obtained immediately and can be applied for online at: <https://esp.oshpd.ca.gov/CitizenAccess>.
- For further assistance in obtaining a project number you may visit the HCAI Website at: <http://www.hcai.ca.gov/FDD/eServices/index.html>.
- All project documents and correspondence shall contain the HCAI Project number.

Proposed Work – Record Detail

Full description of the proposed work noting all demolition, architecture, mechanical, electrical, plumbing, and structural work to be performed under the emergency authorization.

- State if the construction work/equipment is permanent or temporary, with time duration if work is temporary.
- If multiple items are to be replaced, (i.e. multiple HVAC units) indicate the most critical unit to be replaced.

Equipment and/or Building Component Details

- Enter the equipment and/or building components to be replaced. Enter permanent and temporary equipment.
i.e., temporary emergency generator with size and capacity and location, boiler replace size and capacity and location, HVAC unit size and capacity and location, etc.

Justification

- Justification for the need of an Emergency Authorization and reason this service is critical to patient care and/or operation of the facility.

Design Professional

- Provide the name of the license design professional(s) that will produce the design drawings and provide direction to the contractor and IOR for the work performed under the emergency authorization.

Inspector of Record

- Provide the name, license number and current workload for the proposed Inspector of Record (IOR).

Contractor

- Provide the name, license number of the contractor performing the work. Provide proof of liability and workers compensation insurance when available.

Submission

Submit this Emergency Authorization request form to the HCAI RCO for the region and cc the HCAI Field Staff. The assigned HCAI Field Staff to your facility can be obtained at: <https://hcai.ca.gov/construction-finance/facility-detail/>. Enter your facility ID number or name of your facility to access the information for your facility.

For construction in **Northern California**, submit to:

For construction in **Southern California**, submit to:

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