



POLICY INTENT NOTICE

PIN: 75

SUBJECT

Hospital Seismic Safety
 Public Notices and Annual Status Update Reporting

Effective: 12/12/2022



PURPOSE

The purpose of this Policy Intent Notice (PIN) is to provide a policy for the implementation of the hospital seismic safety public notices and status updates for hospital buildings per Assembly Bill (AB) 1882 (Chapter 584, Statutes of 2022).

BACKGROUND

AB 1882 seeks to raise the awareness of a general acute care hospital’s compliance with the seismic safety regulations or standards outlined in the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (HFSSA) through public notices, hospital campus postings, Department of Health Care Access and Information (HCAI) website, and annual status updates until compliance is achieved.

AB 1882 amended Health and Safety Code Section (HSC) 130055, and added Sections 130002, 130006, and 130066.5:

130002

(a) The Legislature finds and declares all of the following: (a) The Legislature finds and declares all of the following:

(1) Following a major earthquake, Californians will rely on their community hospitals to provide care to those who are injured, to continue to care for those already within the hospital, and to respond to the emergent needs of new patients.

(2) Under existing law, all hospital buildings providing acute care services in California are required to be fully functional to provide care following an earthquake as of 2030. This standard includes both structural performance categories (SPC) and nonstructural performance categories (NPC), such as for electricity, water, sewage, oxygen, and other mechanical and electrical systems.

(3) The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, which was passed after the 1971 Sylmar earthquake that caused the collapse of the Veteran Administration Hospital and killed 47 people, as well as the collapse of large sections of Olive View County Hospital, which led to its closure six weeks after it opened, required that new hospital construction be seismically sound. The act’s focus on new hospital construction was based on the understanding that the useful life of hospital buildings was 20 to 30 years and that most existing hospital buildings would be replaced by the mid-1990s.

(4) *The 1994 Northridge earthquake showed that nonstructural damage is a serious threat to patient safety and a hospital's capacity to function. Also, as of 1994, most hospital buildings still predated 1972 and thus were at risk of collapse in a major earthquake.*

(5) *As of 2022, most hospitals in California do not fully meet the seismic safety standards that will be required in order to remain operational past the 2030 deadline.*

(6) *Patients receiving care in seismically deficient hospitals when an earthquake occurs will be at risk of needing to be immediately evacuated, even if other hospitals in the area have also been impacted by the earthquake. Additionally, seismically deficient hospital buildings may not be available to treat new patients.*

(7) *It is critical for cities, counties, and the state to fully understand hospitals' seismic safety compliance in order to prepare earthquake response and recovery plans.*

(b) *The Legislature reaffirms its commitment to Californians that hospitals will be fully functional and able to provide hospital care to Californians after an earthquake.*

(c) *Therefore, it is the intent of the Legislature to ensure that the Department of Health Care Access and Information, Office of Emergency Services, relevant local government entities, and other interested parties are notified of the status of acute care hospitals' compliance with existing requirements that the facilities be fully functional to provide care following an earthquake as of 2030.*

130055

On and after July 1, 2023, general acute hospital building owners shall do both of the following annually until each of the hospital buildings owned by that hospital building owner is compliant with Section 130065.

(a) *Include all pertinent information regarding the building's expected earthquake performance in emergency training, response, and recovery plans.*

(b) *Include all pertinent information regarding the building's expected earthquake performance in capital outlay plans.*

130006

(a) *A hospital building that is classified as SPC-2 shall be identified as "These buildings do not significantly jeopardize life, but may not be repairable or functional following an earthquake" on the department's internet website and in all documents and submissions to the department by the hospital owner relating to compliance with Section 130065.*

(b) *A hospital building that is classified as both SPC-5 and NPC-5 may be labeled "earthquake resilient" on the department's internet website and in all documents and submissions to the department by the hospital owner relating to compliance with Section 130065.*

130065 Statute Unchanged (Amended by Stats. 2021, Ch. 143, Sec. 336. (AB 133) Effective July 27, 2021.) In accordance with the compliance schedule approved by the department, but in any case no later than January 1, 2030, owners of all acute care inpatient hospitals shall either:

(a) Demolish, replace, or change to nonacute care use all hospital buildings not in substantial compliance with the regulations and standards developed by the department pursuant to the Alfred E. Alquist Hospital Facilities Seismic Safety Act and this act.

(b) Seismically retrofit all acute care inpatient hospital buildings so that they are in substantial compliance with the regulations and standards developed by the department pursuant to the Alfred E. Alquist Hospital Facilities Seismic Safety Act and this act.

Upon compliance with this section, the hospital shall be issued a written notice of compliance by the department. The department shall send a written notice of violation to hospital owners that fail to comply with this section.

130066.5

(a) Before January 1, 2024, the owner of an acute care inpatient hospital that includes a building that does not substantially comply with the seismic safety regulations or standards described in Section 130065 shall post in any lobby or waiting area generally accessible to patients or the public a notice provided by the department that the hospital is not in compliance with the seismic safety requirements that the hospital is required to meet by January 1, 2030. The notice shall be posted until the time the owner receives notification from the department that it meets the requirements described in Section 130065.

(b) On or before January 1, 2024, and annually thereafter, the owner of an acute care inpatient hospital that includes a building that does not substantially comply with the seismic safety regulations or standards described in Section 130065 shall provide an annual status update on the Structural Performance Category ratings of the buildings and the services provided in each hospital building on the hospital campus to all of the following entities until each of the hospital buildings owned by that hospital building owner is compliant with Section 130065:

(1) The county board of supervisors in whose jurisdiction the hospital building is located.

(2) The city council in whose jurisdiction the hospital building is located, if applicable.

(3) Any labor union representing workers who work in a building that does not substantially comply with the seismic safety regulations or standards described in Section 130065.

(4) The board of directors of the special district or joint powers agency that provides fire and emergency medical services in the jurisdiction in which the hospital building is located, if applicable.

(5) The department.

(6) The board of directors of the hospital.

(7) The local office of emergency services or the equivalent agency.

(8) The Office of Emergency Services.

(9) The medical health operational area coordinator.

(c) Before July 1, 2023, the department shall develop the notice required in subdivision (a) with the intent that the notice will clearly convey to patients and the public that the hospital building does not meet seismic safety standards intended to ensure that the hospital will be capable of continued operation following an earthquake. For SPC-2 buildings, the notice shall clearly state, "The State of California has determined that this building does not significantly jeopardize life, but may not be repairable or functional following an earthquake." For other buildings that are not compliant with the seismic safety regulations or standards described in Section 130065, the notice shall state, "The State of California has determined that the hospital building is at risk of not being functional to provide care to its patients or the community after an earthquake." In its discretion,

the department may develop multiple notices in order to provide a more detailed description of different hospital buildings' failure to meet the seismic safety regulations or standards described in Section 130065.

POLICY

This PIN implements the intent of the Legislature in HSC §130002 and provides the provisions specified in HSC §130006, §130055, and §130066.5 for hospital seismic safety posting of public notices and annual status updates.

Definitions: California Administrative Code, California Code of Regulations, Title 24, Part 1 CHAPTER 6 SEISMIC EVALUATION PROCEDURES FOR HOSPITAL BUILDINGS

"Structural Performance Category (SPC) means a measure of the probable seismic performance of building structural systems and risk to life posed by a building subject to an earthquake, as defined in Article 2, Table 2.5.3 of these regulations."

"Nonstructural Performance Category (NPC) means a measure of the probable seismic performance of building contents and nonstructural systems critical to providing basic services to inpatients and the public following an earthquake, as defined in Article 11, Table 11.1 of these regulations." The NPC requirements, unlike SPC requirements, are cumulative, and not different options.

Identification of General Acute Care Buildings on HCAI Website

SPC-2 buildings are identified on the HCAI website as "These buildings do not significantly jeopardize life, but may not be repairable or functional following an earthquake".

SPC-5/NPC-5 buildings are identified on the HCAI website as "Earthquake Resilient".

Identification of General Acute Care Buildings for HCAI Projects

For SPC-2 and SPC-5/NPC-5 buildings, the following documentation shall include building identification:

1. On the title sheet of construction drawings and title sheet of specifications. The following documents and/or forms are excluded: Amended Construction Documents (ACD), Request for Information (RFI), Calculations, and Testing, Inspection & Observation (TIO).
2. On the title sheet of seismic compliance evaluation reports.

Public Notice Requirements

Buildings compliant with HSC §130065 means buildings with SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 ratings. Therefore, before January 1, 2024, the owner of an acute care inpatient hospital that includes a general acute care (GAC) building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 shall post a notice in a public space, designated as any lobby or waiting area.

The proposed location and the content of the notice are required to be accepted by the department through a construction project submittal.

The notice sign shall be in accordance with the California Building Code, California Code of Regulations, Title 24, Part 2, Volume 1, *CHAPTER 11B, Division 7, Section 11B-703.5* Visual characters. For all notice types, the SPC and NPC rating of the building shall be included. The required format of the notice is published on the department’s website.

For each general acute care hospital building, the type of notices shown in the following table are required. The format of an Example Notice is shown in Appendix A.

Notice Requirements of General Acute Care (GAC) Buildings

	NPC-1, 2, 3, 4D, 4	NPC-5
SPC-1	Notice Type A	Notice Type A
SPC-2	Notice Type B	Notice Type B
SPC-3	Notice Type C	Notice not required, see optional Notice Type D
SPC-4D	Notice Type C	Notice not required, see optional Notice Type D
SPC-4	Notice Type C	Notice not required, see optional Notice Type D
SPC-5	Notice Type C	Notice not required, see optional Notice Type E

Notice Type A:

“The State of California has determined that this hospital building does not meet seismic safety standards. This building may jeopardize life and is a danger to the public in an earthquake.”

Notice Type B:

“The State of California has determined that this building does not significantly jeopardize life, but may not be repairable or functional following an earthquake.”

Notice Type C:

“The State of California has determined that the hospital building is at risk of not being functional to provide care to its patients or the community after an earthquake.”

Notice Type D:

“The State of California has determined that the hospital building meets seismic safety standards, but the hospital building may not be functional to provide care to its patients or the community after an earthquake.”

Notice Type E:

“The State of California has determined that the hospital building meets seismic safety standards and designated this building as an Earthquake Resilient Building.”

Annual Status Update Reporting

On or before January 1, 2024, and annually thereafter, the owner of an acute care inpatient hospital that includes a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5 shall provide an annual status update on the Structural Performance Category ratings of the buildings and the services provided in each hospital building on the hospital campus to all of the following entities:

- (1) The county board of supervisors in whose jurisdiction the hospital building is located.
- (2) The city council in whose jurisdiction the hospital building is located, if applicable.
- (3) Any labor union representing workers who work in a general acute care building that is not SPC-3/NPC-5, SPC-4D/NPC-5, SPC-4/NPC-5, or SPC-5/NPC-5.
- (4) The board of directors of the special district or joint powers agency that provides fire and emergency medical services in the jurisdiction in which the hospital building is located, if applicable.
- (5) The department.
- (6) The board of directors of the hospital.
- (7) The local office of emergency services or the equivalent agency.
- (8) The Office of Emergency Services.
- (9) The medical health operational area coordinator.

The reporting shall include all GAC buildings in a facility where any one GAC building is not compliant with HSC §130065. For example, if one of the GAC buildings is SPC-2/NPC-3 and all other GAC buildings are SPC-5/NPC-5, all services in all GAC buildings (including SPC-2 and SPC-5 buildings) are required to be reported annually per HSC §130066.5.

This report shall be submitted annually so long as the facility contains any buildings providing general acute care services that are not SPC-3/NPC-5, SPC-4/NPC-5, SPC-4D/NPC-5, SPC-5/NPC-5.

The annual reporting period to HCAI is December 1 through December 15. The annual status report shall be submitted electronically using the [eServices Portal](#) located on the HCAI website.

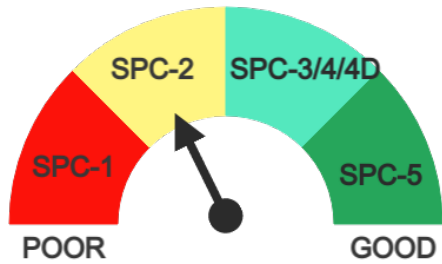
<u>Original signed</u>	<u>12/12/2022</u>
Chris Tokas	Date

APPENDIX A

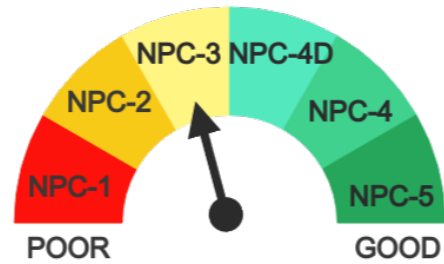
Example Notice
(Print Size: 11" x 17")

This Building's Seismic Performance Rating

Structural Integrity



Equipment and Systems
Critical to Patient Care



The State of California has determined that this building does not significantly jeopardize life, but may not be repairable or functional following an earthquake.

More info:



Facility Number: 1xxx
Building Number: BLD-0xxxx