



## CODE APPLICATION NOTICE

Health and Safety Code §129851

CAN: 2-0

### SUBJECT

OSHHPD Jurisdiction

Effective: 07/15/2013

Revised: 08/01/2024



### CODE SECTIONS

**2022 California Administrative Code, Part 1**

**Chapter 7 SAFETY STANDARDS FOR HEALTH FACILITIES, ARTICLE 1 GENERAL**

**Section 7-103 Jurisdiction**

**2022 California Building Code, Part 2 Volume 1**

**Chapter 1 SCOPE AND ADMINISTRATION, DIVISION 1 CALIFORNIA ADMINISTRATION**

**Section 1.10 Office of Statewide Health Planning and Development**

**2022 California Mechanical Code, Part 4**

**Chapter 1 ADMINISTRATION, DIVISION II ADMINISTRATION**

**Section 103.0 Duties and Powers of the Authority Having Jurisdiction**

**2022 California Plumbing Code, Part 5**

**Chapter 1 ADMINISTRATION, DIVISION II ADMINISTRATION**

**Section 103.0 Duties and Powers of the Authority Having Jurisdiction**

**Section 1.10.0 Office of Statewide Health Planning and Development**

**2022 California Existing Building Code, Part 10**

**Chapter 1 SCOPE AND ADMINISTRATION, DIVISION 1 CALIFORNIA ADMINISTRATION**

**Section 1.10 Office of Statewide Health Planning and Development**

**Appendix** – For code citations related to this Code Application Notice (CAN), see the Appendix located at the end of this document.

**Acronyms and Definitions** assist the user in recognizing and identifying various acronyms and terms generally used in this CAN. Please refer to the “[Master Glossary of Acronyms and Definitions – Acronyms and Definitions Used in OSHPD Published Documents](#)” which is posted on the HCAI website at <https://hcai.ca.gov/document/master-glossary-of-acronyms-and-definitions/>. Other definitions may also be found in the [California Building Standards Code](#), Title 24, California Code of Regulations.

## **INTRODUCTION**

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (HFSSA) preempts local *jurisdictions* from the enforcement of all building standards published in the Title 24, California Building Standards Code (CBSC) relating to the regulation of hospital buildings, acute psychiatric hospitals, skilled nursing facilities, intermediate-care facilities and under certain circumstances, some clinics and chemical dependency recovery hospitals as codified in the California Health and Safety Code (HSC). The Office of Statewide Hospital Planning and Development (OSHPD), an office within the Department of Health Care Access and Information (HCAI), is designated as the enforcing agency for these health facilities, including plan checking and inspection of the design and details of the architectural, structural, mechanical, plumbing, electrical, and fire and panic safety systems, and the inspection of construction.

**Hospitals [OSHPD 1]** HSC preempts the local building jurisdiction plan review and approval and construction inspection of hospital buildings and authorizes OSHPD to review and inspect these facilities. These facilities include general acute care hospitals and general acute care hospitals providing only acute medical rehabilitation center services. A hospital campus may consist of several structures, and site improvements such as parking and landscaping, some under OSHPD jurisdiction and the rest under the jurisdiction of the local building authorities.

**Skilled Nursing Facilities [OSHPD 2]** HSC preempts the local building jurisdiction from plan review and approval and construction inspection of skilled nursing facilities and intermediate care facilities and authorizes OSHPD to review and inspect these facilities. This authority is like that established for hospital buildings.

**Clinics [OSHPD 3]** While OSHPD is responsible for proposing the building standards for licensed clinics, the authority for review, permitting, and construction inspection of out-patient clinical services, primary-care clinics, and specialty clinics is typically under the jurisdiction of the local building official.

**Correctional Treatment Centers [OSHPD 4]** While OSHPD is responsible for proposing building standards for correctional treatment centers, plans for the construction or alteration of any hospital building prepared by, or on behalf of the Department of Corrections and Rehabilitation, or law enforcement agency of any city and/or county, do not require review and approval by OSHPD. In lieu of OSHPD review and approval, any such department, city or county is required to certify to OSHPD that their plans and construction are in conformance with applicable building standards.

**Acute Psychiatric Hospitals [OSHPD 5]** HSC preempts the local building jurisdiction plan review and approval and construction inspection of psychiatric hospital buildings and authorizes OSHPD to review and inspect these facilities. This authority is like that established for hospital buildings.

**Chemical Dependency Recovery Hospital [OSHPD 6]** While OSHPD is responsible for proposing the building standards for Chemical Dependency Recovery Hospitals (CDRH) licensed under Health and Safety Code 1250.3, the authority for review, permitting, and construction inspection of CDRH services is typically under the jurisdiction of the local building official. However, if the CDRH service is a Distinct Part unit in an Acute Care Hospital [OSHPD 1] or an Acute Psychiatric Hospital [OSHPD 5] it is under the jurisdiction of OSHPD.

Jurisdictional limits should not be thought of as a physical or spatial boundary, but as specifically related to the codes and regulations being enforced, as charged to the respective authorities. The extent of OSHPD's jurisdiction is not simply everything inside the exterior skin (or 5 feet beyond) of those buildings or structures with everything outside the building remaining under the jurisdiction of the local enforcing agencies. Some local jurisdiction is retained inside these buildings, and OSHPD does have some jurisdiction over certain elements of the site or campus outside the building.

## **BACKGROUND**

California Building Code (CBC) Section 104 expressly authorizes and directs the building official to enforce the provisions of Title 24. The CBC identifies OSHPD as the enforcing agency for hospital buildings and as the enforcing agency for skilled nursing facilities; and identifies the local building department as the enforcing agency for clinics and CDRHs. Consequently, OSHPD is the building official, or building department for hospitals and skilled nursing facilities, and has the same authority over these facilities as the local building department would have over other facilities within the limits established by statute for their jurisdiction.

OSHPD's jurisdictional authority as the enforcing agency is to enforce the building standards and regulations of Title 24, to the extent that statute permits, as they apply to the construction, repair, remodeling, and alteration of a hospital building, skilled nursing facility or intermediate-care facility. OSHPD does not typically have jurisdiction over clinics but reviews and certifies plans submitted to the local enforcing agency for compliance with OSHPD 3 requirements, if requested to do so by the local building official or by the owner of a surgical clinic, chronic dialysis clinic, or outpatient clinical service. The local building official still plan checks the project for compliance with the balance of applicable code requirements of Title 24, issues the building permit and inspects construction. See OSHPD [CAN 1-7-2100](#), *Clinics*.

Typically, clinics are reviewed by the local building official. However, outpatient clinical services of a hospital provided in a freestanding building may be placed under OSHPD jurisdiction (including full Title 24 plan review, permitting and inspection) at the request of the hospital (refer to CAC, Section 7-2104). Under certain circumstances a hospital building may be removed from acute care service and altered to provide out-patient clinical services where OSHPD will retain its enforcing agency building official jurisdiction. Refer to the California Existing Building Code (CEBC) Section 312A *Removal of Hospital SPC and Freestanding Buildings from General Acute Care Service*.

As the building official for hospitals and skilled nursing facilities, OSHPD is authorized to enforce all applicable Title 24 requirements in the design and construction, repair, remodeling, or alteration of these facilities. OSHPD only preempts the local building official and recognizes the authority of other local agencies that retain their respective jurisdictions. These agencies include but are not limited to: planning and zoning departments, local health departments, public works departments, fire departments, police departments, etc.

OSHPD's preemption of building standards enforcement does not relieve compliance with more restrictive requirements that have been adopted by the local enforcing agencies. OSHPD will enforce any locally adopted building standard or any conditions of prior discretionary approval, such as planning and zoning, that apply to the elements of the project under OSHPD's review and/or inspection if the local agencies have notified OSHPD of any such regulation or condition of approval in writing.

## INTERPRETATION

### OSHPD Jurisdiction

OSHPD is responsible for review of the design and details of the architectural, structural, mechanical, plumbing, electrical, and fire and panic safety systems, and the observation of construction of these systems, for buildings or structures under its jurisdiction. The scope of authority for OSHPD includes the following types of health facility buildings:

- General acute care hospital buildings.
- Hospital buildings removed from general acute care that remain under OSHPD jurisdiction.
- Skilled nursing facilities.
- Intermediate-care facilities.
- Central plant buildings and non-building structures that provide utility services to buildings under OSHPD jurisdiction.
- Free-standing buildings providing out-patient clinical services of a hospital when the hospital requests that OSHPD review and inspect the building. This places the building under OSHPD's jurisdiction from that point forward.

OSHPD does not typically have jurisdiction over non-hospital buildings on a campus. However, a non-hospital building may fall under OSHPD jurisdiction if:

- The building contains elements required for an acute care hospital.
- Duplicative basic or supplemental hospital services are provided in the building.
- Utilities, services, or systems feeding a building under OSHPD jurisdiction pass through or under a non-hospital building.
- A building has been removed from acute-care service and remains under OSHPD jurisdiction to meet any of the requirements associated with OSHPD [CAN 1-7-2100](#), *Clinics* (e.g. maintaining a path of egress).

OSHPD may perform plan review and certification of conformance with OSHPD 3 requirements for projects that fall under local agency jurisdiction when:

- The owner of a surgical clinic or chronic dialysis clinic requests that OSHPD perform the plan review and certification.
- The local jurisdiction requests that OSHPD perform the plan review and certification of a surgical clinic or chronic dialysis clinic.

Health facilities must apply directly to the California Department of Public Health (CDPH) for licensing and certification before any patient care or related use can be provided. The hospital is responsible for compliance with all Title 22, California Code of Regulations and other laws and regulations governing health care. OSHPD will review plans and observe the construction for compliance with the requirements of Title 24 and will not take responsibility for CDPH acceptance for licensed use of any building, or portion of a building, equipment, etc. intended for health care use. OSHPD does not enforce Title 22 licensing and certification requirements, NFPA 101 Life Safety Code, or other

requirements outside of its statutory authority or mandate. Failure to comply with other jurisdictional requirements may result in:

- A delay in a plan approval or issuance of a building permit.
- OSHPD rescinding a plan approval.
- Issuance of a Stop Work Order.
- Delay or non-issuance of a Certificate of Occupancy.
- Other appropriate action taken by OSHPD and/or another relevant agency.

For other jurisdictional requirements refer to the following OSHPD Documents:

**Clinics [OSHPD 3]**

See Code Application Notice 1-7-2100 ([CAN 1-7-2100](#)).

**Temporary Systems, Utilities, and Equipment**

See Code Application Notice 2-108 ([CAN 2-108](#)).

**Review of Mobile Units Used for Outpatient Hospital Services**

See OSHPD [PIN 34](#)- Review of Mobile Units Used for Outpatient Hospital Services.

**Healthcare Decontamination Facilities**

See OSHPD [PIN 35](#)- Healthcare Decontamination Facilities.

**Pharmaceutical Services**

See [Sterile Compounding Pharmacies for Hospital Facilities](#), Advisory Guide A2.

**Dietetic Services**

See [Dietetic Design and Review Checklist for Hospital and SNF Facilities](#), Advisory Guide A3.

**Acute Psychiatric Hospitals [OSHPD 5]**

See [Acute Psychiatric Hospitals](#), Advisory Guide A4.

**Sitework**

See [Sitework Under OSHPD Jurisdiction](#), Advisory Guide AX, coming soon on the [HCAI Training and Education website](#).

See OSHPD’s [“Design Guide for Working on Projects Under OSHPD Jurisdiction”](#) on HCAI’s website for information on how to prepare design documents, which includes examples, tips, methods, and approaches that have been successfully used on numerous projects, benefitting all parties involved in the planning, design, and construction of hospital construction projects in California. Following the guidelines presented in the Guide and the tips from the experts will increase the likelihood of a successful project for all parties involved.

Original signed \_\_\_\_\_ 08/01/2024  
Chris Tokas, Deputy Director Date

**APPENDIX**

**2022 California Building Standards Code, Title 24, California Code of Regulations**

For code citation(s) found in this Code Application Notice (CAN), access is provided to the codes promulgated by OSHPD through the California Building Standards Commission website (<https://www.dgs.ca.gov/en/BSC/Codes>) with active links to each publisher's website for read-only public access versions of the codes.

Part 1, California Administrative Code

Part 2, California Building Code, Volumes 1 and 2

Part 3, California Electrical Code (Note: Accessed through the National Fire Protection Association (NFPA), however, requires the creation of a user account to view the [Free Access - NFPA 70: 2022 California Electrical Code - NFPA 70 \(2020 NEC®\)](#))

Part 4, California Mechanical Code

Part 5, California Plumbing Code

Part 6, California Energy Code

Part 9, California Fire Code

Part 12 California Existing Building Code

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**REVISION HISTORY**

- 08-01-2024      CAN was rearranged to a new format.  
Chemical Dependency Recovery Hospital [OSHPD 6] was added to the introduction section. In the OSHPD Jurisdiction section, the list of items outside the building enclosure were removed as this is covered in another CAN. The Local Jurisdictions section is removed as it is duplicated in other sections and the CAN should not interpret the local jurisdictions process. The Special Construction section is removed as this is covered in another CAN. A list of other relevant CANs and PINs is added.
- 04-10-2023      Fifth Revision
- 05-08-2020      Fourth Revision
- 01-10-2017      Third Revision
- 06-16-2015      Second Revision
- 02-19-2014      First Revision
- 07-15-2013      First Issued