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HEALTH AND SAFETY CODE - HSC

DIVISION 107. HEALTH CARE ACCESS AND INFORMATION [127000 - 130079] (*Heading of Division 107 amended by Stats. 2021, Ch. 143, Sec. 28.)*

PART 7. FACILITIES DESIGN REVIEW AND CONSTRUCTION [129675 - 130079] (*Part 7 added by Stats. 1995, Ch. 415, Sec. 9.)*

CHAPTER 1. Health Facilities [129675 - 130070] (*Chapter 1 added by Stats. 1995, Ch. 415, Sec. 9.)*

ARTICLE 3. General Requirements and Administration [129750 - 129856] (*Article 3 added by Stats. 1995, Ch. 415, Sec. 9.)*

129750. The department shall observe the construction of, or addition to, any hospital building or the reconstruction or alteration of any hospital building, as it deems necessary to comply with this chapter for the protection of life and property.

(*Amended by Stats. 2021, Ch. 143, Sec. 282. (AB 133) Effective July 27, 2021.*)

129760. The governing board of each hospital or other hospital governing authority, before adopting any plans for the hospital building, shall submit the plans to the department for approval and shall pay the fees prescribed in this chapter.

(*Amended by Stats. 2021, Ch. 143, Sec. 283. (AB 133) Effective July 27, 2021.*)

129761. The department shall use, to the extent possible, information technology to facilitate the timely performance of its duties and responsibilities under this chapter.

(*Amended by Stats. 2021, Ch. 143, Sec. 284. (AB 133) Effective July 27, 2021.*)

129765. (a) Except as set forth in subdivision (b), the application for approval of the plans shall be accompanied by the plans, including full, complete, and accurate specifications, and structural design computations, which shall comply with the requirements prescribed by the department. The department may permit electronic submission, review, and approval of plans.

(b) Notwithstanding subdivision (a), the department, in its sole discretion, may enter into a written agreement with the hospital governing authority for the phased submittal and approval of plans. The department shall charge a fee for the review and approval of plans submitted pursuant to this subdivision. This fee shall be based on the estimated cost, but shall not exceed the actual cost, of the entire phased review and approval process for those plans. This fee shall be deducted from the application fee pursuant to Section 129785.

(*Amended by Stats. 2021, Ch. 143, Sec. 285. (AB 133) Effective July 27, 2021.*)

129770. (a) The department shall pass upon and approve or reject all plans for the construction or the alteration of any hospital building, independently reviewing the design to assure compliance with the requirements of this chapter. The department shall review the structural systems and related details, including the independent review of the geological data. Geological data shall be reviewed by an engineering geologist, and structural design data shall be reviewed by a structural engineer.

(b) Whenever the department finds a violation of this chapter that requires correction, a citation of the violation shall be issued to the hospital governing board or authority in writing and shall include a proper reference to the regulation or statute being violated.

(*Amended by Stats. 2021, Ch. 143, Sec. 286. (AB 133) Effective July 27, 2021.*)

129775. (a) Except as otherwise provided in subdivision (b), plans submitted pursuant to this chapter for work that affects structural elements shall contain an assessment of the nature of the site and potential for earthquake damage, based upon geologic and engineering investigations and reports by competent personnel of the causes of earthquake damage. One-story Type V wood frame or light steel frame, or light steel and wood frame construction of 4,000 square feet or less, shall be exempt from the provisions of this section, unless the project is within a special study zone established pursuant to Section 2622 of the Public Resources Code.

(b) The requirements of subdivision (a) may be waived by the department when the department determines that these requirements for the proposed hospital project are unnecessary and would not be beneficial to the safety of the public. The department, after consultation with the Building Safety Board, shall adopt regulations defining the criteria upon which the determination of a waiver shall be made.

(Amended by Stats. 2021, Ch. 143, Sec. 287. (AB 133) Effective July 27, 2021.)

129780. The engineering investigation shall be correlated with the geologic evaluation made pursuant to Section 129775.

(Added by Stats. 1995, Ch. 415, Sec. 9. Effective January 1, 1996.)

129785. (a) (1) The department shall determine an application filing fee that will cover the costs of administering this chapter. For a hospital facility, as defined in subdivision (a), (b), or (f) of Section 1250, the fee shall not exceed 2 percent of a project's estimated construction cost. For a skilled nursing or intermediate care facility, as defined in subdivision (c), (d), (e), or (g) of Section 1250, the fee shall not exceed 1.5 percent of a project's estimated construction cost. Application filing fees shall be established in accordance with applicable procedures established in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Notwithstanding paragraph (1), the minimum application filing fee in any case shall be two hundred fifty dollars (\$250).

(b) The department shall issue an annual permit upon submission of an application, pursuant to Section 129765, for one or more projects of a hospital facility, as defined in subdivision (a), (b), or (f) of Section 1250, if the total estimated construction cost is fifty thousand dollars (\$50,000) or less per fiscal year. The fee for the annual permit shall be five hundred dollars (\$500) and shall be in lieu of an application filing fee. The annual permit shall cover all projects undertaken for a particular hospital facility up to a total estimated construction cost of fifty thousand dollars (\$50,000) during the state fiscal year in which the annual permit is issued. If a hospital facility chooses not to apply for an annual permit to cover a project or projects costing fifty thousand dollars (\$50,000) or less in total, the hospital facility may instead submit the project or projects for review and approval as otherwise specified in this chapter, including paying the application filing fee determined under subdivision (a).

(c) The department shall issue an annual permit upon submission of an application, pursuant to Section 129765, for one or more projects of a skilled nursing or intermediate care facility, as defined in subdivision (c), (d), (e), or (g) of Section 1250, if the total estimated construction cost is twenty-five thousand dollars (\$25,000) or less per fiscal year. The fee for the annual permit shall be two hundred fifty dollars (\$250) and shall be in lieu of an application filing fee. The annual permit shall cover all projects undertaken for a particular skilled nursing or intermediate care facility up to a total estimated construction cost of twenty-five thousand dollars (\$25,000) during the state fiscal year in which the annual permit is issued. If a skilled nursing or intermediate care facility chooses not to apply for an annual permit to cover a project or projects costing twenty-five thousand dollars (\$25,000) or less in total, the skilled nursing or intermediate care facility may instead submit the project or projects for review and approval as otherwise specified in this chapter, including paying the application filing fee determined under subdivision (a).

(d) If the actual construction cost exceeds the estimated construction cost by more than 5 percent, a further fee shall be paid to the department, based on the above schedule and computed on the amount that the actual cost exceeds the amount of the estimated cost. If the estimated construction cost exceeds the actual construction cost by more than 5 percent, the department shall refund the excess portion of any paid fees, based on the above schedule and computed on the amount that the estimated cost exceeds the amount of the actual cost. A refund is not required if the applicant did not complete construction or alteration of 75 percent of the square footage included in the project, as contained in the approved drawings and specifications for the project. In addition, the department shall adopt regulations specifying other circumstances when the department shall refund to an applicant all or part of any paid fees for projects submitted under this chapter. The regulations shall include, but not be limited to, refunds of paid fees for a project that is determined by the department to be exempt or otherwise not reviewable under this chapter, and for a project that is withdrawn by the applicant prior to the commencement of review by the department of the drawing and specifications submitted for the project. All refunds pursuant to this section shall be paid from the Hospital Building Account in the Architecture Public Building Fund, as established pursuant to Section 129795.

(Amended by Stats. 2021, Ch. 143, Sec. 288. (AB 133) Effective July 27, 2021.)

129787. (a) The payment of the filing fee described in Section 129785 may be postponed by the department if all of the following conditions are met:

(1) The proposed construction or alteration has been proposed as a result of any event that has been declared to be a disaster by the Governor.

(2) The department determines that the applicant cannot presently afford to pay the filing fee.

(3) The applicant has applied for federal disaster relief from the Federal Emergency Management Agency (FEMA) with respect to the disaster described in paragraph (1).

(4) The applicant is expected to receive disaster assistance within one year from the date of the application.

(b) If the department does not receive full payment of any fee for which payment has been postponed pursuant to subdivision (a) within one year from the date of plan approval, the statewide department may request an offset from the Controller for the unpaid amount against any amount owed by the state to the applicant, and may request additional offsets against amounts owed by the state to the applicant until the fee is paid in full. This subdivision shall not be construed to establish an offset as described in the preceding sentence as the exclusive remedy for the collection of any unpaid fee amount as described in that same sentence.

(Amended by Stats. 2021, Ch. 143, Sec. 289. (AB 133) Effective July 27, 2021.)

129790. The department shall propose specific space, architectural, structural, mechanical, plumbing, and electrical standards for correctional treatment centers in cooperation with the Board of Corrections, the Department of Corrections, and the Department of the Youth Authority.

(Amended by Stats. 2021, Ch. 143, Sec. 290. (AB 133) Effective July 27, 2021.)

129795. All fees shall be paid into the State Treasury and credited to the Hospital Building Fund, that is hereby created and continuously appropriated without regard to fiscal years for the use of the department, subject to approval of the Department of Finance, in carrying out this chapter. Adjustments in the amounts of the fees, as determined by the department and approved by the Department of Finance, shall be made within the limits set in Section 129785 in order to maintain a reasonable working balance in the account. Notwithstanding any other provision of law, any moneys collected pursuant to this chapter contained in the hospital building fund established by the Department of Finance, that are in the fund on January 1, 1994, shall be available for expenditure in accordance with this section.

(Amended by Stats. 2021, Ch. 143, Sec. 291. (AB 133) Effective July 27, 2021.)

129800. The director shall request the Department of Finance or the Auditor General to perform an audit of the uses of fees collected pursuant to Section 129785. This audit shall include, but not be limited to, an accounting of staff resources allocated to hospital plan reviews by the department and by the Office of the State Architect in the Department of General Services since these reviews are funded by fees collected pursuant to Section 129785. If the Department of Finance and the Auditor General indicate that other audit responsibilities will prohibit them from performing and completing the audit within six months of being initially requested to do so, then the department may contract with an independent organization to perform the audit.

(Amended by Stats. 2021, Ch. 143, Sec. 292. (AB 133) Effective July 27, 2021.)

129805. (a) All plans and specifications shall be prepared under the responsible charge of an architect or a structural engineer, or both. A structural engineer shall prepare the structural design and shall sign plans and specifications related thereto. Administration of the work of construction shall be under the responsible charge of the architect and structural engineer, except that where plans and specifications for alterations or repairs do not affect architectural or structural conditions, the plans and specifications may be prepared under the responsible charge of, and work of construction may be administered by, a professional engineer duly qualified to perform the services and holding a valid certificate under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code for performance of services in that branch of engineering in which the plans, specifications, and estimates and work of construction are applicable.

(b) The department may exempt projects from the requirements of subdivision (a) where the plans and specifications are not ordinarily, in the standard practice of architecture and engineering, prepared by licensed architects or registered engineers, or both, and are not a component of a project prepared under the responsible charge of a licensed architect or registered engineer, or both. To implement this authority, the department shall adopt regulations, consistent with this section, that specify which projects may be exempted from the requirements of subdivision (a).

(Amended by Stats. 2021, Ch. 143, Sec. 293. (AB 133) Effective July 27, 2021.)

129810. Before commencing any construction or alteration of any hospital building, the written approval of the necessary plans as to safety of design and construction, by the department, shall be obtained.

(Amended by Stats. 2021, Ch. 143, Sec. 294. (AB 133) Effective July 27, 2021.)

129812. Notwithstanding any other provision of law, the department may utilize an over-the-counter plan review process.

(Amended by Stats. 2021, Ch. 143, Sec. 295. (AB 133) Effective July 27, 2021.)

129815. Any permit or authorization issued or provided pursuant to this chapter shall be subject to Chapter 3 (commencing with Section 15374) of Part 6.7 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 1995, Ch. 415, Sec. 9. Effective January 1, 1996.)

129820. No contract for the construction or alteration of any hospital building, made or executed on or after January 1, 1983, by the governing board or authority of any hospital or other similar public board, body, or officer otherwise vested with authority to make or execute the contract, is valid, and no money shall be paid for any work done under the contract or for any labor or materials furnished in constructing or altering the hospital building, unless all of the following requirements are satisfied:

- (a) The plans and specifications comply with this chapter and the requirements contained in the California Building Standards Code.
- (b) The written approval thereof has first been obtained from the department.
- (c) The hospital building is to be accessible to, and usable by, persons with disabilities.
- (d) The plans and specifications comply with the fire and panic safety requirements of the California Building Standards Code.

(Amended by Stats. 2021, Ch. 143, Sec. 296. (AB 133) Effective July 27, 2021.)

129825. (a) The hospital governing board or authority shall provide for and require competent and adequate inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and the department. Except as otherwise provided in subdivision (b), the inspector shall act under the direction of the architect or structural engineer, or both, and be responsible to the board or authority. Nothing in this section shall be construed to prohibit any licensed architect, structural engineer, mechanical engineer, electrical engineer, or any facility maintenance personnel, if approved by the department, from performing the duties of an inspector.

(b) If alterations or repairs are to be conducted under the supervision of a professional engineer pursuant to Section 129805, the inspector need only be satisfactory to the department and to the professional engineer, and the inspector shall act under the direction of the professional engineer.

(c) The department shall make an inspection of the hospital buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this chapter and the protection of the safety of the public.

Whenever the department finds a violation of this chapter that requires correction, the citation of the violation shall be issued to the hospital governing board or authority in writing and shall include a proper reference to the regulation or statute being violated.

(d) The department shall approve inspectors that shall be limited to the following:

(1) "A" inspectors, who may inspect all areas of construction specialty, including, but not limited to, structural.

(2) "B" inspectors, who may inspect all areas of construction specialty, except structural.

(3) "C" inspectors, who may inspect one or more areas of construction specialty, including structural, but may not inspect the scope of construction specialties authorized for "A" or "B" inspectors.

(e) (1) As part of its approval process, the department shall initially and periodically examine inspectors by giving either a written examination or a written and oral examination. The department may charge a fee for the examination process calculated to cover its costs. Inspectors who have not passed a written examination shall not be approved by the department until they have successfully passed the written examination. No employee of the department performing field inspections or supervising the field inspections shall be approved as an inspector on any construction project pursuant to this chapter for a period of one year after leaving employment of the department.

(2) The department shall develop regulations for the testing and approval of inspectors.

(Amended by Stats. 2021, Ch. 143, Sec. 297. (AB 133) Effective July 27, 2021.)

129830. From time to time, as the work of construction or alteration progresses and whenever the department requires, the architect or structural engineer, or both, in charge of construction or registered engineer in charge of other work, the inspector on the work, and the contractor shall each make a report, duly verified by them, upon a form prescribed by the department showing, of their personal knowledge, that the work during the period covered by the report has been performed and materials used and installed are in accordance with the approved plans and specifications, setting forth detailed statements of fact as required by the department.

The term "personal knowledge," as used in this section and as applied to the architect or registered engineer, or both, means the personal knowledge that is obtained by periodic visits to the project site of reasonable frequency, for the purpose of general observation of the work, and that is also obtained from the reporting of others as to the progress of the work, testing of materials, and inspection and superintendence of the work that is performed between the periodic visits of the architect or the registered engineer. Reasonable diligence shall be exercised in obtaining the facts.

The term "personal knowledge," as applied to the inspector, means the actual personal knowledge that is obtained from the inspector's personal continuous inspection of the work of construction in all stages of its progress at the site where the inspector is responsible for inspection, and when work is carried out away from the site, that personal knowledge that is obtained from the

reporting of others on the testing or inspection of materials and workmanship, for compliance with plans, specifications, or applicable standards. Reasonable diligence shall be exercised in obtaining the facts.

The term "personal knowledge," as applied to the contractor, means the personal knowledge that is obtained from the construction of the building. The exercise of reasonable diligence to obtain the facts is required.

(Amended by Stats. 2021, Ch. 143, Sec. 298. (AB 133) Effective July 27, 2021.)

129835. Upon written request to the department by the governing board or authority of any hospital, the department shall make, or cause to be made, an examination and report on the condition of any hospital building subject to the payment by the governing board or authority of the actual expenses incurred by the department.

(Amended by Stats. 2021, Ch. 143, Sec. 299. (AB 133) Effective July 27, 2021.)

129840. Subsequent to the occurrence of any earthquake, the department may make, or cause to be made, studies of health facilities within the area involved.

(Amended by Stats. 2021, Ch. 143, Sec. 300. (AB 133) Effective July 27, 2021.)

129850. Except as provided in Sections 18929 and 18930, the department shall from time to time make any regulations that it deems necessary, proper, or suitable to effectually carry out this chapter. The department shall also propose and submit building standards to the California Building Standards Commission for adoption and approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13 relating to seismic safety for hospital buildings.

(Amended by Stats. 2021, Ch. 143, Sec. 301. (AB 133) Effective July 27, 2021.)

129851. Written rules and regulations by the department to clarify the application of the California Building Standards Code pursuant to this chapter shall be made available to the public upon request.

(Amended by Stats. 2021, Ch. 143, Sec. 302. (AB 133) Effective July 27, 2021.)

129853. (a) The person or entity requesting a copy of construction documents maintained by the department shall bear the actual cost of producing the copy of those documents, including staff time spent retrieving, inspecting, and handling the documents, copying costs, and shipping costs.

(b) The department shall provide an estimate of the costs described in subdivision (a) to the requester before the department begins to make those copies.

(Amended by Stats. 2021, Ch. 143, Sec. 303. (AB 133) Effective July 27, 2021.)

129855. The department may enter into any agreements and contracts with any qualified person, department, agency, corporation, or legal entity, as determined by the department, when necessary in order to facilitate the timely performance of the duties and responsibilities relating to the review and inspection of architectural, mechanical, electrical, and plumbing systems of hospital buildings to be constructed or altered or buildings under construction or alteration.

If the department determines that the structural review of plans for a hospital building cannot be completed without undue delay, the department may enter into contractual agreements with private structural engineers or local governments for the purpose of facilitating the timely performance of the duties and responsibilities relating to the review and inspection of plans and specifications of the structural systems of hospital construction projects.

The department, with the advice of the Building Safety Board, shall prepare regulations, containing qualification criteria, for implementing the contractual agreement provisions of this section.

(Amended by Stats. 2021, Ch. 143, Sec. 304. (AB 133) Effective July 27, 2021.)

129856. (a) Contingent on an appropriation in the annual Budget Act, the department shall establish a program for training fire and life safety officers. The goal of this program shall be to provide a sufficient number of qualified persons to facilitate the timely performance of the department's duties and responsibilities relating to the review of plans and specifications pertaining to the design and observation of construction of hospital buildings and buildings described in paragraphs (2) and (3) of subdivision (b) of Section 129725, in order to ensure compliance with applicable facility design and construction codes and standards.

(b) The department shall prepare a comprehensive report on the training program setting forth its goals, objectives, and structure. The report shall include the number of fire and life safety officers to be trained annually, a timeline for training completion, a process for gathering information to evaluate the training programs efficiency that includes dropout and retention rates, and a mechanism to annually assess the need for the training program to continue. The report shall be submitted to the Joint Legislative Budget Committee by April 1, 2007.

(c) The department may establish other training programs as necessary to ensure that a sufficient number of qualified persons are available to facilitate the timely performance of the department's duties and responsibilities relating to the review of plans and specifications pertaining to the design and construction of hospital buildings and buildings described in paragraphs (2) and (3) of subdivision (b) of Section 129725, to ensure compliance with applicable safety codes and standards.

(d) If additional training programs are established pursuant to subdivision (c), the department shall prepare a comprehensive report on the training program setting forth its goals, objectives, and structure. The report shall include the number of individuals trained pursuant to subdivision (c) annually, a timeline for training completion, a process for gathering information to evaluate the training programs efficiency that includes dropout and retention rates, and a mechanism to annually assess the need for the training program to continue. The report shall be submitted to the Joint Legislative Budget Committee three years after the training program has been implemented.

(Amended by Stats. 2021, Ch. 143, Sec. 305. (AB 133) Effective July 27, 2021.)