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AB-1882 Hospitals: seismic safety. (2021-2022)

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Assembly Bill No. 1882

CHAPTER 584

An act to amend Section 130055 of, and to add Sections 130002, 130006, and 130066.5 to, the Health and Safety Code, relating to hospitals.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, Robert Rivas. Hospitals: seismic safety.

The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 establishes, under the jurisdiction of the Department of Health Care Access and Information, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. A violation of the act is a misdemeanor. The act requires an owner of a general acute care inpatient hospital, no later than January 1, 2030, to either demolish, replace, or change to nonacute care use all hospital buildings not in substantial compliance with the regulations and standards developed pursuant to the act, or seismically retrofit all acute care inpatient hospital buildings so that they are in substantial compliance with those regulations and standards. Existing law requires, within 60 days following the department's approval of a report relating to a general acute care hospital owner's plan to comply with those regulations and standards, a general acute hospital building owner to include all pertinent information regarding the building's expected earthquake performance in emergency training, response, and recovery plans, and in capital outlay plans.

This bill would instead require general acute hospital building owners, commencing July 1, 2023, to take those actions annually until each of the hospital buildings owned by that owner is compliant with those regulations and standards.

Existing law required the owner of an acute care inpatient hospital whose building does not substantially comply with seismic safety regulations or standards to, before January 1, 2020, submit to the department an attestation that the board of directors of that hospital is aware that the hospital building is required to meet the January 1, 2030, deadline for substantial compliance with those regulations and standards.

This bill would also require, on or before January 1, 2024, and annually thereafter, the hospital owner to 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, until compliance, to specified entities, including the department, the county board of supervisors, and the local office of emergency services or the equivalent agency. The bill would make conforming changes to related provisions. The bill would also impose various other requirements on the hospital owners and the department relating to notifying patients and the public that the hospital is not in compliance with seismic safety regulations and standards.

The bill would declare the provisions of the bill to be severable.

By imposing new requirements on hospital owners, the violation of which would be a misdemeanor, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 130002 is added to the Health and Safety Code, to read:

130002. (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.

SEC. 2. Section 130006 is added to the Health and Safety Code, to read:

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.

SEC. 3. Section 130055 of the Health and Safety Code is amended to read:

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.

SEC. 4. Section 130066.5 is added to the Health and Safety Code, to read:

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.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.