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AB-2404 Hospitals: seismic compliance: Pacifica Hospital of the Valley. (2021-2022)

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Assembly Bill No. 2404

CHAPTER 592

An act to add Section 130069 to the Health and Safety Code, relating to hospitals, and declaring the urgency thereof, to take effect immediately.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, Luz Rivas. Hospitals: seismic compliance: Pacifica Hospital of the Valley.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes a program of seismic safety building standards for certain hospitals. Existing law requires hospitals that are seeking an extension for their buildings to submit an application to the Department of Health Care Access and Information by April 1, 2019, subject to certain exceptions. Existing law requires that final seismic compliance be achieved by July 1, 2022, if the compliance is based on a replacement or retrofit plan, or by January 1, 2025, if the compliance is based on a rebuild plan. A violation of any provision of the act is a misdemeanor.

This bill would, notwithstanding the above provisions, authorize the department to waive the requirements of the act for the Pacifica Hospital of the Valley in the County of Los Angeles if the hospital submits, on or before September 15, 2022, a plan for compliance and the department accepts the plan based on it being feasible to complete and promoting public safety. The bill would require, if the department accepts the plan, the hospital or medical center to report to the department on its progress to timely complete the plan on or before specified dates. The bill would authorize the department to revoke its waiver if Pacifica Hospital of the Valley fails to timely report progress that the department reasonably deems is sufficient to complete its plan and certain other conditions are satisfied. The bill would make these provisions retroactive to the extent that the passage of the bill overlaps with specified final seismic compliance reporting requirements. Because this bill would expand an existing crime, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for Pacifica Hospital of the Valley in the County of Los Angeles.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 130069 is added to the Health and Safety Code, to read:

130069. (a) Notwithstanding any other law, including, but not limited to, Sections 130060 and 130061, the department may waive the requirements of this chapter, in whole or in part, for Pacifica Hospital of the Valley in the County of Los Angeles if both of the following occur:

(1) The hospital submits a plan to the department, on or before September 15, 2022, that proposes compliance with the applicable seismic safety standards of this chapter, and the regulations promulgated pursuant to this chapter, on or before January 1, 2025.

(2) The department accepts the plan submitted by the hospital based on it being feasible to complete and promoting public safety.

(b) If the department accepts the hospital's plan pursuant to subdivision (a), the hospital shall report to the department, in the manner required by the department, on its progress to timely complete its plan, on or before the following dates:

(1) October 1, 2022.

(2) January 1, 2023.

(3) April 1, 2023.

(4) July 1, 2023.

(5) October 1, 2023.

(6) January 1, 2024.

(7) April 1, 2024.

(8) July 1, 2024.

(9) October 1, 2024.

(c) The department may revoke its waiver of the requirements of this chapter, in whole or in part, if Pacifica Hospital of the Valley fails to timely report progress that the department reasonably deems is sufficient to complete the plan.

(d) The provisions of this section shall be retroactively applied so that there is no period of noncompliance if the passage of the act that added this section overlaps with the reporting requirements in Section 130062.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique financial challenges Pacifica Hospital of the Valley is resolving while providing medical care to underserved and vulnerable populations during the COVID-19 pandemic.

SEC. 3. 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.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because existing law requires seismic compliance for retrofit plans by July 1, 2022, it is necessary for this act to take effect immediately so that Pacifica Hospital of the Valley can be in compliance and continue to provide necessary medical care to underserved and vulnerable populations in the County of Los Angeles.