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SB-564 Hospitals: seismic compliance: O'Connor Hospital and Santa Clara Valley Medical Center. (2021-2022)

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Senate Bill No. 564

CHAPTER 388

An act to add Section 130068 to the Health and Safety Code, relating to hospitals.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 564, Cortese. Hospitals: seismic compliance: O'Connor Hospital and Santa Clara Valley Medical Center.

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.

This bill would, notwithstanding the above provisions, authorize the department to waive the requirements of the act for the O'Connor Hospital and Santa Clara Valley Medical Center in the City of San Jose if the hospital or medical center submits, on or before January 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 by specified dates. The bill would authorize the department to revoke its waiver if O'Connor Hospital or Santa Clara Valley Medical Center fails to timely report progress that the department reasonably deems is sufficient to complete their respective plans and certain other conditions are satisfied.

This bill would make legislative findings and declarations as to the necessity of a special statute for the O'Connor Hospital and Santa Clara Valley Medical Center.

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

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

SECTION 1. Section 130068 is added to the Health and Safety Code, to read:

130068. (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 O'Connor Hospital and Santa Clara Valley Medical Center in the City of San Jose if both of the following occur:

- (1) The hospital or medical center submits to the department, on or before January 15, 2022, a plan for compliance with the applicable seismic safety standards of this chapter, and the regulations promulgated pursuant to this chapter. For the O'Connor

Hospital and the Santa Clara Valley Medical Building F (Services Building) Seismic Upgrade, the plan shall provide for compliance on or before July 1, 2023, and for the Santa Clara Valley Medical Center Building N (RSC) Tier 2 Upgrades the plan shall provide for compliance on or before December 31, 2024.

(2) The department accepts the plan submitted by the hospital or medical center based on it being feasible to complete and promoting public safety. The department shall not unreasonably reject the plan, unreasonably impose conditions on the acceptance of the plan, or unreasonably withhold or delay acceptance or rejection of the plan.

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

(1) April 1, 2022.

(2) July 1, 2022.

(3) October 1, 2022.

(4) January 1, 2023.

(5) April 1, 2023.

(6) July 1, 2023.

(7) October 1, 2023.

(8) January 1, 2024.

(9) April 1, 2024.

(10) July 1, 2024.

(11) October 1, 2024.

(c) The department may revoke its waiver of the requirements of this chapter, in whole or in part, if O'Connor Hospital or Santa Clara Valley Medical Center fails to timely report progress that the department reasonably deems is sufficient to complete their respective plans if both of the following are true:

(1) The lack of timely reporting, lack of reasonable progress, or both, is not due to unforeseen circumstances outside the control of the County of Santa Clara.

(2) If the office intends to revoke the waiver, or any part of the waiver, the department provides at least 90 days' written notice to the County of Santa Clara prior to the effective date of the revocation and, during the notice period, the department provides the County of Santa Clara a reasonable opportunity to cure the noncompliance that forms the basis of the intended revocation.

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 need to use the O'Connor Hospital and the Santa Clara Valley Medical Center to provide medical care to underserved and vulnerable populations during the COVID-19 pandemic and the unique financial and project delivery challenges assumed by the County of Santa Clara with the 2019 acquisition of O'Connor Hospital.