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SB-1382 Community and rural health clinics: building standards. (2023-2024)

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Senate Bill No. 1382

CHAPTER 796

An act to amend Sections 1226 and 129885 of the Health and Safety Code, relating to health and care facilities.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1382, Glazer. Community and rural health clinics: building standards.

Existing law requires the Department of Health Care Access and Information, formerly the Office of Statewide Health Planning and Development, in consultation with the Community Clinics Advisory Committee, to prescribe minimum construction standards of adequacy and safety for clinics, as specified, in the California Building Standards Code.

This bill would require construction standards for the community clinics or rural health clinics, as defined, established by the department and established or applied by a city or county to comply with safety and accessibility standards required for the physical environment of a clinic to ensure participation in the federal Medicare and Medicaid programs. If the standards are amended, the bill would prohibit the amended standards from being more restrictive or stringent than specified construction standards. The bill would require the Department of Health Care Access and Information to hold a minimum of 2 public meetings to solicit public comment on the proposed new standards.

Existing law imposes plan review and building inspection responsibilities on cities and counties for the construction or alteration of buildings where outpatient clinical services or limited inpatient services of a licensed health facility, as defined, are provided when those buildings are separated from a building in which hospital services are provided. Existing law prohibits building standards for the construction or alteration of these buildings from being more restrictive or comprehensive than comparable building standards established or applied to licensed clinics, as defined.

This bill would remove the prohibition described above.

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

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

SECTION 1. Section 1226 of the Health and Safety Code is amended to read:

1226. (a) The regulations shall prescribe the kinds of services that may be provided by clinics in each category of licensure and shall prescribe minimum standards of adequacy, safety, and sanitation of the physical plant and equipment, minimum standards for staffing with duly qualified personnel, and minimum standards for providing the services offered. These minimum standards shall be based on the type of facility, the needs of the patients served, and the types and levels of services provided.

(b) (1) The Department of Health Care Access and Information, in consultation with the Community Clinics Advisory Committee, shall prescribe minimum construction standards of adequacy and safety for the physical plant of clinics as found in the California Building Standards Code.

(2) The construction standards for the construction or alteration of a community clinic licensed under subdivision (a) of Section 1204 or a rural health clinic, as defined in paragraph (1) of subdivision (l) of Section 1396d of Title 42 of the United States Code, established pursuant to this section and standards established or applied by a city or county, shall comply with the safety and accessibility standards required for the physical environment of a clinic to ensure participation in the federal Medicare and Medicaid programs, as outlined in Subchapter G (commencing with Section 482.1) of Chapter IV of Title 42 of the Code of Federal Regulations.

(3) If the standards are amended, they shall not be more restrictive or stringent than the OSHPD 3 regulations of the California Building Standards Code. During the regulation promulgation process, the Department of Health Care Access and Information shall be required to hold a minimum of two public meetings to solicit public comment on the proposed new standards.

(c) A city or county, as applicable, shall have plan review and building inspection responsibilities for the construction or alteration of buildings described in paragraphs (1) and (2) of subdivision (b) of Section 1204 and shall apply the provisions of the latest edition of the California Building Standards Code in conducting these plan review responsibilities. For these buildings, construction and alteration shall include conversion of a building to a purpose specified in paragraphs (1) and (2) of subdivision (b) of Section 1204.

Upon the initial submission to a city or county by the governing authority or owner of these clinics for plan review and building inspection services, the city or county shall reply in writing to the clinic whether or not the plan review by the city or county will include a certification as to whether or not the clinic project submitted for plan review meets the standards as propounded by the office in the California Building Standards Code.

If the city or county indicates that its review will include this certification it shall do all of the following:

(1) Apply the applicable clinic provisions of the latest edition of the California Building Standards Code.

(2) Certify in writing, to the applicant within 30 days of completion of construction, whether or not these standards have been met.

(d) If upon initial submission, the city or county indicates that its plan review will not include this certification, the governing authority or owner of the clinic shall submit the plans to the Department of Health Care Access and Information, which shall review the plans for certification whether or not the clinic project meets the standards, as propounded by the office in the California Building Standards Code.

(e) When the office performs review for certification, the office shall charge a fee in an amount that does not exceed its actual costs.

(f) The office of the State Fire Marshal shall prescribe minimum safety standards for fire and life safety in surgical clinics.

(g) Notwithstanding subdivision (c), the governing authority or owner of a clinic may request the office to perform plan review services for buildings described in subdivision (c). If the office agrees to perform these services, after consultation with the local building official, the office shall charge an amount not to exceed its actual costs. The construction or alteration of these buildings shall conform to the applicable provisions of the latest edition of the California Building Standards Code for purposes of the plan review by the office pursuant to this subdivision.

(h) Regulations adopted pursuant to this chapter establishing standards for laboratory services shall not be applicable to any clinic that operates a clinical laboratory licensed pursuant to Section 1265 of the Business and Professions Code.

SEC. 2. Section 129885 of the Health and Safety Code is amended to read:

129885. (a) A city or county, as applicable, shall have plan review and building inspection responsibilities for the construction or alteration of buildings described in paragraph (1) of subdivision (b) of Section 129725. For chronic dialysis and surgical services buildings, construction or alteration shall include conversion of a building to a purpose specified in paragraph (1) of subdivision (b) of Section 129725.

(b) Upon the initial submission to a city or county by the governing authority or owner of a hospital for plan review and building inspection services for buildings described in paragraph (1) of subdivision (b) of Section 129725 for chronic dialysis and surgical services, the city or county shall reply in writing to the hospital as to whether or not the plan review by the city or county will include a certification as to whether or not the clinic project submitted for plan review meets the clinic standards propounded by the department in the California Building Standards Code.

If the city or county indicates that its review will include this certification, it shall do all of the following:

(1) Apply the applicable clinic provisions of the latest edition of the California Building Standards Code.

(2) Certify in writing to the applicant within 30 days of completion of construction whether or not the standards have been met.

(c) If, upon initial submission, the city or county indicates that its plan review will not include this certification, the governing authority or owner shall submit the plans to the Department of Health Care Access and Information and the department shall review the plans for certification to determine whether or not the clinic project meets the standards propounded by the department in the California Building Standards Code.

(d) When the department performs the certification review, the department shall charge a fee in an amount not to exceed its actual cost.

(e) Notwithstanding subdivision (a), the governing authority of a hospital may request the Department of Health Care Access and Information to perform plan review and building inspection services for buildings described in paragraph (1) of subdivision (b) of Section 129725 and Section 129730. The department shall perform these services upon request and shall charge an amount equal to its standard fee for the construction and alteration of hospital buildings. The construction or alteration of these buildings shall conform to the applicable provisions of the latest edition of the California Building Standards Code for purposes of the plan review and building inspection of the department pursuant to this subdivision. The department shall issue the building permit and certificate of occupancy for these facilities.

(f) A building described in paragraph (1) of subdivision (b) of Section 129725 that is subject to the plan review and building inspection of the department pursuant to subdivision (e), may be designated by the governing authority or owner of the hospital as a "hospital building" as long as the building remains under the jurisdiction of the department. This hospital building shall be reviewed and inspected according to the standards and requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1 (commencing with Section 129675)).

(g) When a building is accepted for review by the department pursuant to subdivision (e), the governing authority of the hospital shall not request the city or county, as applicable, to conduct plan review and building inspection for any subsequent alteration of the same building, unless written notification is submitted to the department by the governing authority or owner of the hospital.