



California
Department of
Health Services

SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

August 2, 2004

TO: CALIFORNIA DEPARTMENT OF DEVELOPMENTAL SERVICES
CALIFORNIA DEPARTMENT OF MENTAL HEALTH
CALIFORNIA DEPARTMENT OF CORRECTIONS
CITY, COUNTY OR CITY AND COUNTY JAILS

SUBJECT: ENFORCEMENT OF CALIFORNIA CODE OF REGULATIONS
TITLE 24 BY THE STATE FACILITIES UNIT

The Department of Health Services (DHS), Licensing and Certification Program (L&C), State Facilities Unit (SFU), has oversight authority for state owned, leased, or state operated health care facilities that are licensed or certified. The SFU does not have statutory authority to approve "Alternate Means of Compliance", (Form OSH-FD 126) that the Office of Statewide Health Planning and Development (OSHPD) department has used in the past to grant variances to the California Building Code (CBC) for health care facilities. As you know, state, city or county owned or leased buildings can by statute "self-certify" to OSHPD that building alterations, new construction, or remodeling are in compliance with all Title 24 requirements. The above entities do have a secondary peer plan review that they must undertake to ensure that their construction plans meet all of the CBC for Title 24 prior to construction.

Therefore, the SFU will not continue to grant any "Alternate Means of Compliance" or "Program Flexibility" requests from state owned, leased or operated health care facilities unless there are specific references in Title 22 or the H&S Code that leads the SFU to Title 24.

For your reference, the following Health & Safety Codes (H&S Codes) are provided:

H&S Code, §129900 excludes OSHPD from providing Title 24 oversight in any buildings specified in H&S Code, § 129875, that are prepared by or under the supervision of the Department of General Services.

H&S Code, § 129725(b)(6) and (7)(A) excludes buildings operated by the CDC, CYA, City, County or City and County jails if construction or plan approvals were completed prior to March 3, 1973 and January 1, 1994 respectively.

Otherwise, H&S Code §129905 allows the California Department of Corrections (CDC) or California Youth Authority (CYA) to “self-certify” to OSHPD, any plans for the construction or alteration of any hospital building, as defined in §1250, or any building specified in §129875, that their plans and construction are in full conformance with all applicable building standards, including fire and life and safety standards and the requirements for the architectural, structural, mechanical, plumbing and electrical systems. In addition, CDC and CYA shall use a secondary peer review procedure to review designs to ensure adherence to all design standards for all new construction projects, and ensure that the construction is inspected by a competent, onsite inspector to ensure the construction is in compliance with the design and plan specifications.

Under this same H&S Code, a law enforcement agency of a city, county, or city and county, shall not be required to have OSHPD review and approve plans for construction or alteration of any correctional treatment center. In lieu of OSHPD review and approval, the law enforcement agency of the above shall “self-certify” that the plans and construction are in full conformance with all applicable buildings standards, including fire and life and safety standards.

If you have any questions, please contact Gary Marlin, R.N., HFE II at (916) 440-7375.

Sincerely,

Paul Hendricks, R.N., BSN
Chief, State Facilities Unit