

AMENDED IN SENATE JUNE 12, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY MARCH 12, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2966

Introduced by Assembly Member Lieber

February 22, 2008

An act to amend Section 129825 of the Health and Safety Code, relating to hospitals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2966, as amended, Lieber. Hospitals: inspections.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the hospital governing board or authority to provide for and require competent and adequate inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer, or both, and the Office of Statewide Health Planning and Development. Existing law requires, except under specified circumstances, the inspector to act under the direction of the architect or structural engineer, or both, and be responsible to the governing board or authority.

This bill would, instead, require the office to provide for and require competent and adequate inspection during construction or alteration by an inspector approved under specified provisions. This bill would require the inspector to act under the direction of, and be responsible to, the office, except as prescribed.

This bill would provide that the office shall be reimbursed for the actual cost of performing the inspection required under these provisions from the building funds of the hospital governing board or authority.

This bill would also require the office, by ~~July 1, 2009~~ *January 1, 2013*, to work with specified groups to develop and implement a program to ensure safe and timely inspections. It would exempt construction or alteration projects that are approved and permitted prior to the implementation of that program from the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Inspectors of record serve as the eyes, ears, and voice of the
4 public on hospital construction projects and help ensure that
5 construction standards are met, projects meet seismic safety
6 requirements, and materials used in the project will stand the test
7 of time.

8 (b) Under current law, hospital governing boards and authorities
9 are allowed to select and hire their own inspectors to oversee
10 construction projects, creating an inherent conflict of interest.

11 (c) This conflict of interest was recently discussed in the media,
12 whereby inspectors of record revealed that they were pressured
13 by hospital administrators to approve unsafe and deficient
14 construction, to cut corners, and to overlook problems in order to
15 continue to be hired by hospitals.

16 (d) Allowing hospital governing boards and authorities to hire
17 their own inspectors threatens the health and safety of patients,
18 nurses, doctors, staff, and other persons who enter, use, and work
19 in hospitals.

20 (e) Placing the authority to hire inspectors with the State of
21 California will eliminate the conflict of interest and allow
22 inspectors to focus on ensuring that construction standards are met
23 and public safety is protected.

24 (f) Placing the responsibility for hiring inspectors of record for
25 hospital construction or alteration with the Office of Statewide
26 Health Planning and Development will help ensure public safety,

1 cost-effective use of bond and tax revenues, and timely project
2 delivery.

3 SEC. 2. Section 129825 of the Health and Safety Code is
4 amended to read:

5 129825. (a) The office shall provide for and require competent
6 and adequate inspection during construction or alteration by an
7 inspector approved under subdivision (f). Except as otherwise
8 provided in subdivision (d), the inspector shall act under the
9 direction of, and be responsible to, the office. Nothing in this
10 section shall be construed to prohibit any licensed architect,
11 structural engineer, mechanical engineer, electrical engineer, or
12 any facility maintenance personnel, if approved by the office, from
13 performing the duties of an inspector. Nothing in this section shall
14 require that the inspector be an employee of any public agency.
15 The office shall be reimbursed for the actual costs of performing
16 the inspection required under this section from the building funds
17 of the hospital governing board or authority.

18 (b) Costs to the office to administer competent and adequate
19 inspection during construction and alteration shall be paid out of
20 the application filing and other fees authorized by Section 129785.
21 Nothing in this section shall be construed to delay construction or
22 alteration of facilities.

23 (c) The office shall work with facility administrators, architects
24 and engineers, inspectors, access advocates, and public and private
25 labor representatives to develop and implement a program by ~~July~~
26 ~~1, 2009~~ *January 1, 2013*, that ensures the safe and timely inspection
27 of facilities as required by subdivision (a). This section shall not
28 apply to construction or alteration projects approved and permitted
29 prior to the establishment of a program to implement its
30 requirements.

31 (d) If alterations or repairs are to be conducted under the
32 supervision of a professional engineer pursuant to Section 129805,
33 the inspector need only be satisfactory to the office and to the
34 professional engineer, and the inspector shall act under the direction
35 of the professional engineer.

36 (e) The office shall make an inspection of the hospital buildings
37 and of the work of construction or alteration as in its judgment is
38 necessary or proper for the enforcement of this chapter and the
39 protection of the safety of the public.

1 Whenever the office finds a violation of this chapter that requires
2 correction, the citation of the violation shall be issued to the
3 hospital governing board or authority in writing and shall include
4 a proper reference to the regulation or statute being violated.

5 (f) The office shall approve inspectors that shall be limited to
6 the following:

7 (1) "A" inspectors, who may inspect all areas of construction
8 specialty, including, but not limited to, structural.

9 (2) "B" inspectors, who may inspect all areas of construction
10 specialty, except structural.

11 (3) "C" inspectors, who may inspect one or more areas of
12 construction specialty, including structural, but may not inspect
13 the scope of construction specialties authorized for "A" or "B"
14 inspectors.

15 (g) (1) As part of its approval process, the office shall initially
16 and periodically examine inspectors by giving either a written
17 examination or a written and oral examination. The office may
18 charge a fee for the examination process calculated to cover its
19 costs. Inspectors who have not passed a written examination shall
20 not be approved by the office until they have successfully passed
21 the written examination. No employee of the office performing
22 field inspections or supervising the field inspections shall be
23 approved as an inspector on any construction project pursuant to
24 this chapter for a period of one year after leaving employment of
25 the office.

26 (2) The office shall develop regulations for the testing and
27 approval of inspectors.