



Office of Statewide Health Planning and Development



Hospital Building Safety Board

400 R Street, Suite 200
Sacramento, California 95811-6213
(916) 440-8446
Fax (916) 324-9118
<http://www.oshpd.ca.gov/Boards/HBSB/index.html>

**MEETING REPORT
HOSPITAL BUILDING SAFETY BOARD (HBSB)**

SB 499 Facilities Progress Reporting Committee

**Wednesday, January 25, 2012
10:00 a.m. - 4:00 p.m.**

Office of Statewide Health Planning and Development
400 R Street, Suite 452
Sacramento, CA 95811
and
Metropolitan Water District Headquarters
700 N. Alameda Street, Suite 2-546
Los Angeles, CA 90012

Committee Members Present

Eric Johnson, Chair
Bob Kain, Vice-Chair
Scott Karpinen
Poki Namkung
Michael O'Connor
Carl Scheuerman

OSHDP Staff

Brett Beekman
Paul Coleman
Jacob Knapp, Staff Counsel
Roy Lobo
Elizabeth Wied, Chief Legal Counsel

Consulting Members Present

Robert Omens

HBSB Staff

Linda Janssen, Executive Director
Eve Torres

1 Welcome and Introductions

- 2 Mr. Eric Johnson, Committee Chair, called the meeting to order at 10:01 a.m. and
3 welcomed everyone. Participants took turns introducing themselves.



1 Mr. Johnson noted that he would be serving as committee chair for 2012, and the
2 former chair, Bob Kain, would be Vice-Chair.

3

4 **Review the September 12, 2011 Meeting Report**

5 Mr. Johnson reviewed highlights of the September 12 meeting report.

6

7 **Review the SB 499 Committee Goals for 2012**

8 Mr. Johnson said there were some topics mentioned at the last Board meeting for the
9 committee's consideration. He noted that Mr. Kain proposed scheduling a
10 teleconference meeting in August to review the results of the reports before they are
11 released to the public, and Mr. Paul Coleman mentioned the need to develop different
12 kinds of appeal processes.

13

14 Mr. Coleman suggested that the committee provide guidance on what constitutes non-
15 reporting. He stated that the Facilities Development Division has been very lenient in
16 accepting reports with incomplete information, resulting in the hundreds of hours of staff
17 time spent in trying to gather additional information to complete the reports. He
18 observed that there are still a number of hospital buildings with no resolution in terms of
19 future plans. Mr. Coleman said the law authorizes OSHPD to impose fines on hospitals
20 that fail to submit inadequate reports, but if OSHPD begins cracking down, there should
21 be a speedy appeals process to deal with disputes. He acknowledged that OSHPD
22 needs to make sure all materials and tools are available to help hospitals submit timely
23 and accurate reports.

24

1 Mr. Coleman noted that OSHPD already has an expedited appeals process, and the
2 Board Procedures Committee is working on refinements. He recommended that the SB
3 499 Committee focus on defining what constitutes a complete and compliant report.

4
5 Mr. Kain asked if there had been any complaints about the online reporting system. Mr.
6 Brett Beekman responded that the system generally worked well, but there were some
7 problems with hospitals that waited until the last minute to fill out their reports.

8
9 Mr. Robert Omens asked if OSHPD could require submission of a draft report a couple
10 weeks before the deadline. Mr. Coleman said OSHPD could issue a policy intent notice
11 (PIN) with this recommendation, but the statute does not provide for a mandatory draft
12 report. Mr. Kain noted that OSHPD has a triage process for plan review that helps
13 ensure that plans are accurate and complete, saving time for everyone. He suggested
14 developing a similar triage program for SB 499 reports or moving up the deadline. Mr.
15 Coleman stated that OSHPD has no authority to change the November 1 statutory
16 deadline; however, OSHPD could consider establishing a triage process between
17 November 1 and December 1.

18
19 Mr. Scheuerman pointed out there should be a distinction between what is required by
20 law and what would be a benefit to hospitals. He advocated offering a voluntary triage
21 process and promoting it as an opportunity to ensure a good quality report.

22
23 Ms. Poki Namkung observed that the reporting process will be easier with each passing
24 year, because the previous year's information will be available as a template.

1 Mr. Coleman proposed offering a voluntary optional program for submitting draft reports
2 before the deadline. He remarked that starting a triage process after the deadline might
3 not comply with the intent of the law, which is to have complete reports submitted by
4 November 1.

5
6 Mr. Coleman commented that the reporting process is easier when the same individual
7 fills out the report each year. He said in some instances, hospitals had different people
8 submitting 2011 reports, so the learning curve was a challenge. He suggested offering
9 an educational seminar several months before the deadline to familiarize the
10 responsible parties with the process and the information they need to submit. He added
11 that OSHPD does not want to penalize hospitals for inadequate reports; instead, a
12 better alternative would be to offer education and tools to facilitate compliance.

13
14 Mr. O'Connor asked to what extent the inadequate reports were incomplete. Mr.
15 Beekman said the most glaring omission was the absence of a building resolution. He
16 noted that if a hospital fails to indicate whether a building will be retrofitted, replaced, or
17 removed from service, the staff is unable to analyze the level of compliance.

18
19 Mr. Kain proposed scheduling a seminar or Webinar sometime around September 1
20 each year. Mr. Coleman expressed support for this approach. He emphasized that
21 OSHPD is committed to helping hospitals submit complete and accurate reports on the
22 deadline.

23

1 Mr. Coleman recommended that the committee hear Mr. Beekman's presentation on the
2 status and quality of the 2011 reports, and then discuss what constitutes completeness
3 and other issues at the next meeting.

4

5 Mr. Kain asked if the SB 499 Committee should begin developing a triage process and
6 Webinars. Mr. Coleman welcomed input from the committee. Mr. Scheuerman noted
7 that the Board has an Education Opportunities Committee, and he suggested making a
8 recommendation to that committee as to the content of a Webinar. Mr. Coleman said
9 the committee can provide advice about the most effective ways to deliver training. He
10 pointed out that there are many options, including Webinars, seminars, posting videos
11 on the Website, and disseminating written materials.

12

13 Mr. Beekman observed that the target audience should be smaller facilities that lack
14 resources and qualified employees to fill out the reports.

15

16 Mr. Johnson recommended including development of an educational program, creating
17 a triage process, defining what constitutes a complete report, and determining what
18 level of noncompliance should trigger a fine as part of the committee's goals for 2012.
19 He asked if there were any other goals the committee wanted to consider.

20

21 Mr. Coleman said that if SB 90 is implemented this year, the SB 499 reports should be
22 revised to reflect the milestones set by each hospital and track their progress.

23

24 **OSHPD Presentation: Review Status of 2011 SB 499 Reports for Trends/Data**

1 Mr. Coleman commended Mr. Beekman for his outstanding work. He said Mr.
2 Beekman and staff spent countless hours assisting hospitals with the reporting process,
3 and the result was 100 percent compliance by the November 1 deadline.
4

5 Mr. Coleman advised that Mr. Roy Lobo had been promoted to supervisor of the
6 Seismic Compliance Unit, and committee members congratulated him for this
7 achievement. He said Mr. Chris Tokas is now FDD's principal structural engineer and
8 acting division chief.
9

10 Mr. Coleman summarized the results of the 2011 SB 499 reports. He displayed a chart
11 showing the number of SPC-1 buildings hospitals reported in 2010 and 2011, and the
12 number they expected to have in 2013, 2015, and 2020. He showed another chart
13 indicating the proposed resolution for each SPC-1 building in 2013, 2015, 2020, and
14 2030. He compared these results with what was reported in 2010. Mr. Coleman
15 pointed out there were still 31 buildings that were not identified in terms of whether they
16 would be retrofitted, replaced, or removed. He added that the numbers will probably
17 change in future reports because implementation of SB 90 will affect eligible hospitals'
18 compliance strategies.
19

20 Mr. Beekman noted that OSHPD clarified the distinction between "remove" and
21 "replace" in this year's reporting process, but there may still be some ambiguity on this
22 point.
23

1 Mr. Coleman reviewed the two primary purposes of SB 499: to determine the status of
2 hospital compliance with seismic safety mandates, and to determine the impact on
3 hospital beds and services if hospitals are closed because of non-compliance. He
4 noted that the staff used the data from the reports to develop a new algorithm to
5 forecast the status of compliance. He displayed a chart showing the number of hospital
6 buildings likely to comply, possibly compliant, and potentially non-compliant.

7
8 Mr. Coleman noted that for the 2010 reports, the staff developed separate algorithms to
9 analyze each resolution category and predict compliance status. However, because of
10 difficulties applying these algorithms to the 2011 results, the staff developed a new
11 algorithm that can be applied to all categories. Mr. Coleman said the algorithm takes
12 into account whether a hospital is eligible for an extension, whether there a defined
13 project, whether a building permit has been issued, and the current status of the work.
14 He reviewed and discussed the eligibility criteria and deadlines for statutory extensions.

15
16 Mr. Coleman noted that OSHPD needs to ensure that applicable codes and regulations
17 meet the intent of SB 1953, which is to have all acute-care SPC-1 buildings upgraded to
18 another status or removed from service by 2030.

19
20 Mr. Scheuerman asked how many free-standing facilities are likely to be
21 decommissioned by the end of 2012. Mr. Coleman said hospitals are supposed to
22 identify how they intend to deal with each SPC-1 building, but their plans may change
23 as the deadlines get closer. He noted that that once acute-care services are removed,
24 the building is no longer within OSHPD's jurisdiction, so it is up to hospitals to decide

1 whether to demolish or move acute-care services elsewhere. He added that OSHPD
2 needs to notify local jurisdictions when buildings are moved from OSHPD's jurisdiction.

3

4 Mr. Omens asked whether facilities must be licensed and fully operational on the
5 applicable deadline dates or whether substantial completion is enough for compliance.

6 Mr. Coleman replied that there are different requirements for different extension periods.

7 He noted that SB 1661 requires that acute-care functions actually be removed from

8 SPC-1 buildings and that replacement facilities be fully operational by the 2015

9 deadline. On the other hand, SB 499 only requires a certificate of occupancy from

10 OSHPD.

11

12 Participants pointed out that the flow chart diagram titled "Analysis Algorithm for
13 Building Resolution" should have a "No" as well as a "Yes" option for the "Project ?"
14 diamond.

15

16 Mr. Scheuerman asked if OSHPD will send warning letters to hospitals identified as
17 potentially non-compliant. Mr. Coleman advised that OSHPD needs to post the results

18 of the SB 499 reports on its Website by February 1 and then submit a report to the

19 Legislature. He said the staff will analyze each project to determine its applicable

20 deadlines, timeline to completion, and likelihood of compliance. He added that the staff

21 can explain the analysis process to hospitals that questions these determinations.

22

1 Mr. Coleman requested that the committee formally endorse the analysis methodology
2 concept he described. He indicated the staff would apply the proposed algorithm and
3 present a revised summary of results at the next meeting.

4

5 **MOTION:** (M/S/C) [Kain/Scheuerman]

6 The SB 499 Committee voted unanimously to approve the proposed algorithm with the
7 recommended changes to the lines and arrows (discussed above) for use in the 2011
8 reporting cycle to project hospital buildings likely to comply, possibly compliant, and
9 potentially non-compliant.

10

11 Mr. Coleman suggested that the committee revisit its 2012 goals after the staff
12 completes its analysis using the new algorithm. He noted that March 31 is the deadline
13 for applying for an SB 90 extension. He said the staff will present an update on the SB
14 90 implementation process at the full Board meeting in February.

15

16 Mr. Coleman recommended that the committee meet again before the February 21
17 Board meeting to review the staff's analysis. After some discussion, the committee
18 agreed to meet on February 15.

19

20 Mr. Johnson asked Mr. Coleman to convey the committee's proposal for training
21 seminars on the SB 499 reporting process to the Education Opportunities Committee at
22 its January 26 meeting.

23

24 **Comments from the Public/Board Members on Issues not on this Agenda**

1 There were no other matters brought to the committee's attention.

2

3 **Adjournment**

4 **MOTION:** (M/S/C) [Karpinen/Scheuerman]

5 There being no further business, the SB 499 Committee voted unanimously that the
6 meeting be adjourned. The meeting was adjourned at 11:52 a.m.

DRAFT