

Policies and Procedures
of the
Hospital Building Safety Board
(December 2009)

I. Introduction

The purpose of this document is to provide information regarding the policies and procedures under which the Hospital Building Safety Board (Board) performs its functions and duties.

II. Hospital Building Safety Board

The Board was statutorily created in 1973 (Senate Bill 519 - Alquist - Chapter 1130, Statutes of 1972). Subsequently, Senate Bill 961 (Chapter 303, Statutes of 1982) reauthorized the Board. In January 1994, Senate Bill 785 (Chapter 260, Statutes of 1993) significantly changed the composition and duties of the Board, and also changed the name of the Board to the Hospital Building Safety Board. The governing provisions are contained in Health and Safety (H&S) Code, Division 107, Part 7, Chapter 1, Article 5, Sections 129925 through 129960 and the State Building Standards Code, Part I, Title 24, CCR, Article 5, Sections 7-159 through 7-171.

III. Objectives of the Hospital Building Safety Board

In accordance with H&S Code, Section 129925 of the Health and Safety Code, the Board advises the Director of the Office of Statewide Health Planning and Development (OSHPD) and acts as the Appeals Board in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration, and seismic safety of health facility projects submitted to OSHPD. The Board also acts as the Appeals Board in matters relating to all fire and panic safety regulations and alternate means of protection determinations for health facility projects submitted to OSHPD.

Board Members serve the people of California, and as such their role includes their commitment for full participation in the Board's activities. The Board maintains continuing contact with professional groups and certain industry organizations through its committees. In this manner, the Board maintains an awareness of state-of-the-art knowledge of seismic structural theory and application, architectural,

mechanical, geological, seismological, electrical, fire safety theory and application, and of requirements for the disabled with regard to those health facilities constructed under the jurisdiction of OSHPD.

All actions of the Board shall be transmitted in writing, on a regular basis, to the Director of OSHPD.

In accordance with the Government Code, Chapter 13, Section 8870.95 of the Seismic Safety Commission Act, the Board shall produce an annual report addressed to the Seismic Safety Commission summarizing the year's accomplishments, studies, and appeals, as well as listing future goals and direction.

IV. Executive Director

- A. In accordance with H&S Code, Section 129950, the Board shall be served by an Executive Director, who shall be a member of the OSHPD staff.
- B. The Chair and Executive Director are authorized spokespersons for the Board. Only appointed Board members may speak on behalf of the Board upon authorization by the Chair or Executive Director.

V. Board Members - Membership and Responsibilities

- A. The Director of OSHPD appoints members of the Board. When requested by the Director, prospective nominees will be interviewed by the Chair of the Board or Vice-Chair of the Board and the Executive Director. The Board consists of appointed members and six statutory ex-officio members.
 - 1) The statutory ex-officio members include the Director of OSHPD, the State Fire Marshal, the State Geologist, the Executive Director of the California Building Standards Commission, the Director of the Department of Public Health, and the Deputy Director of the Facilities Development Division of OSHPD, or their officially designated representatives. The Director of OSHPD may also, with the advice of the Board Chair and Executive Director, appoint up to three additional ex-officio members.
 - 2) The appointive members are as follows: two structural engineers, two architects, one engineering geologist, one geotechnical engineer, one mechanical engineer, one electrical engineer, one hospital facilities manager, one local building official, one general contractor, one fire/life safety representative, one hospital inspector of record, and three public members.

- B. Appointive members, except for the public members, shall be qualified by close connection with hospital design and construction and highly knowledgeable in their respective fields with particular reference to seismic safety. Appointive members shall be appointed from nominees recommended by the governing bodies of California based professional organizations that represent appointive members as specified in Section 129930 including but not limited to: the Structural Engineers Association of California; the American Institute of Architects (California Council); the Earthquake Engineering Research Institute; the Association of Engineering Geologists; the American Council of Engineering Companies; the California Association of Local Building Officials; the American Society for Heating, Refrigerating, and Air-Conditioning, Inc.; the California Hospital Association; the Associated General Contractors of California; the American Construction Inspectors Association; and the California Fire Chiefs Association.
- C. Although members are selected from nominees submitted by those nominating organizations listed above, no position on the Board is necessarily connected to any particular nominating organization. Board members are appointed to represent the various technical/specialty membership categories and not any specific organization.
- D. Board members shall be residents of California.
- E. The appointed members of the Board serve four-year terms and none shall serve as a member of the Board for more than two consecutive terms. Members with expired terms continue to serve until replaced or until one year has elapsed since the expiration of their term, whichever occurs first.
- F. Delegates - Only ex-officio Board members who represent state government may appoint delegates. Such delegates shall only have committee voting privileges. The name of the delegate must be provided in writing to the Chair of the Board and the Executive Director prior to the delegate's participation on the Board.
- G. Resignation - When a member resigns from the Board, the member shall send a letter of resignation to the Director of OSHPD, noting the effective date of the resignation. A copy of the letter shall be sent to the Chair of the Board and the Executive Director. In the event of a resignation, death, or removal of any member by the Director of OSHPD, the Director will appoint a new member to fill the vacancy in accordance with V (D) above.
- H. The Director may terminate any member's appointment for neglect of duty or other just cause.
- I. Attendance - Members shall attend meetings of the Board, serve on committees and perform other functions as assigned by the Chair. If a

member is unable to attend Board or assigned Committee Meetings, the member must contact the Board's Executive Director at least 48 hours prior to the scheduled meeting. If a member is consistently absent or unable to attend committee and/or Board meetings, the Chair and/or Executive Director will meet with the member to explore appropriate remedies.

VI. Chair and Vice Chair – Roles and Responsibilities

A. Election Process:

- 1) The Chair and Vice Chair of the Board are appointed members elected by a majority of the appointed members.
 - a. The Chair and Vice Chair of the Board are nominated by a committee for each two-year term and shall not serve more than two consecutive terms. The nominating committee shall be two voting members appointed by the existing Chair at least 30 days prior to the election. The Chair and Vice Chair shall be elected at the last Board meeting in each even numbered year. The Chair and Vice Chair shall assume office on January 1st of the following year.
 - b. The Chair and Vice Chair election process shall include:
 - (1) A call for interested candidates & issues at the next-to-last Board meeting of the election year allowing a two to four week response to the Executive Director.
 - (2) Chair appoints two-member nominating committee. If no candidates come forward to express interest in Chair position, nominating committee recruits candidate(s).
 - (3) Nominating committee shall seek input and advice from the outgoing Chair, Executive Director, and OSHPD Director.
 - (4) Nominating Committee shall develop questions for Chair/Vice-Chair of the Board candidates based on issues and discussions with (3) above.
 - (5) Nominating committee interviews all candidates.

- (6) Nominating committee recommends candidate(s) or may give no recommendation at the last Board meeting of the calendar year.
- (7) Nominations are invited from the floor.
- (8) Call for vote.
- (9) Candidates with simple majority will be elected to Chair of the Board and Vice Chair of the Board positions.

B. The Chair has the following duties:

- 1) Calls all meetings.
- 2) Serves as presiding officer at all regular meetings.
- 3) Approves Board meeting agendas.
- 4) Designates committees, committee chairs, membership, their functions and objectives; as appropriate; subject to Board approval.
- 5) Appoints consulting members, as appropriate, to serve on committees.
- 6) Appoints newly appointed Board members to committees or fill vacancies, as needed, to establish committees.
- 7) Dissolves or establishes additional committees, as appropriate, subject to Board approval.
- 8) Advises OSHPD's Director of Board activities.

C. Upon absence of or upon delegation by the Chair, the Vice Chair of the Board shall assume the duties of the Chair. Should the Chair become unable to serve out his/her term, the Vice Chair shall serve as Chair until the end of the two year term and an election for Vice Chair shall occur during the next scheduled meeting of the Board. The Vice Chair shall serve until the end of the Chair's term.

VII. Conducting Public Meetings and Appeal Hearings

- A. Unless otherwise specified, public meeting procedures will follow the Bagley-Keene Open Meeting Act.
- B. To the greatest extent possible, the Board follows the latest edition of Roberts' Rules of Order.

VIII. Meetings

In accordance with Government Code, Sections 11120 through et seq., all meetings are open to the public as required by the Bagley-Keene Open Meeting Act.

- A. The types of meetings that can be held are:

- 1) Regular Meetings

The Board convenes on the call of the Chair. The Board will meet on an as needed basis two to four times a year. The meetings are held in various areas through out the state.

- 2) Special Meetings

The Chair may call special meetings at any time for any specific business. Special meetings are convened at various locations selected throughout the state.

- 3) Meetings Held Via Teleconference

Holding a meeting via teleconference shall only be used in unusual circumstances and shall not be used in lieu of a regularly scheduled Committee meeting. As a result, for teleconference meetings every effort will be made to keep the meeting limited in time. Board meetings and Appeal Hearings shall be conducted via teleconference only when necessary. All Open Meeting requirements (Bagley-Keene) apply.

4) Emergency Meetings

The Chair may call a meeting in emergency circumstances by providing telephone notice to media outlets at least one hour prior to the meeting. An "emergency" situation includes a disaster, which severely impairs the public health, safety, or both. In the event telephonic services are not working, notice must be given as soon as possible after the meeting.

B. Board Meetings

1) Meeting Notices and Agendas

- a) Notice of all public meetings and their agendas shall be made available to all members, to any person who so requests, and posted to the OSHPD webpage, at least ten (10) days in advance of the meeting.
- b) The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each item.
- c) As a general rule, items not appearing on the agenda shall not be discussed or voted on. However, when an item is raised by a member of the public, the Board may accept comments and discuss the item for a limited time, and no action is taken until it is agenzized at a subsequent meeting.

2) Quorum

A quorum for a meeting of the Board will consist of one more than half the voting members. For example:

- a) Five voting members; quorum is three (3) or more
- b) Nine; quorum is five (5) or more
- c) Ten; quorum is six (6) or more

3) Voting

- a) Only appointed members and Director-appointed ex-officio members including the Chair of the Board can vote at a Board meeting. Statutory ex-officio, Chair-appointed consulting members, state staff members, and invited guests and members of the audience may not vote at a Board meeting.
- b) All voting will be conducted in open meetings, except as provided in the Board's appeals hearing procedures.

4) Conflict of Interest

During Board meetings, members shall abstain from voting when they believe they have a conflict of interest.

5) Meeting Reports

- a) Meeting reports shall be made of all meetings and submitted to the Board for consideration and approval.
- b) With the Chair's concurrence, the Executive Director will develop and have sent to each member an agenda listing the matters to be considered and, so far as practical, copies of all written reports which are to be presented to the Board will be distributed at least ten (10) days prior to the meeting.

C. Committee Meetings

The Chair of the Board shall appoint members for all standing and/or ad hoc committees. The Chair of each committee shall be a member of the Board. Of the appointees to a committee, the majority must also be members of the Board pursuant to Health and Safety Code, Sections 129930 or 129940. At the first Board meeting of the Chair's term or annually; the Chair shall present a list of committees, committee scope and membership to the Board for its approval.

- 1) The Committee Chairs have the following duties:
 - a) Carries out assignments from the Chair of the Board.
 - b) Designates a Vice Chair for the committee.
 - c) Assists staff in the development of the committee meeting agenda.
 - d) Conducts meetings and presents a report of the committee's proceedings at the next scheduled Board meeting.
 - e) Reviews the committee meeting reports or assigns another member of the committee to do so.

- 2) Meeting Notices and Agendas
 - a) Notice of all public meetings and their agendas shall be made available to all members, to any person who so requests and to the OSHPD webpage, at least ten (10) days in advance of the meeting.
 - b) The agenda must provide a description of each item of business to be transacted or discussed so that interested members of the public will be capable of understanding the nature of each item.
 - c) As a general rule, items not appearing on the agenda shall not be discussed or voted on. However, when an item is raised by a member of the public, the Board may accept comments and discuss the item for a limited time, and no action is taken until it is agenized at a subsequent meeting.

- 3) Quorum

A quorum for a committee meeting will consist of one more than half the voting members. For example:

 - a) Five voting members; quorum is three (3) or more
 - b) Nine; quorum is five (5) or more
 - c) Ten; quorum is six (6) or more

4) Voting

- a) Only Committee members including the Chair of the committee can vote at committee meetings. Members may include appointed members, director-appointed ex-officio members, statutory ex-officio members, and consulting members appointed to a committee by the Chair of the Board. State staff, invited guests and members of the audience may not vote at committee meetings.
- b) Decisions are reached by a simple majority vote. Any member shall abstain from voting on any issue where there may be a possible conflict of interest. No issues can be voted upon unless a quorum is present. No voting by proxy will be allowed.
- c) All voting will be conducted in open meetings, except as provided in the Board's Appeal Hearing Procedures.

5) Conflict of Interest

During committee meetings, members shall abstain from voting when they believe they have a conflict of interest.

6) Meeting Reports

Meeting reports shall be taken of all meetings and submitted, including recommendations, to the committee and then the Board for consideration and approval.

D. Appeal Hearings

When the appellant wishes to continue an appeal after OSHPD's decision following the informal conference, a formal hearing may be requested of the Board.

1) Notice of Appeal Proceedings

Notice of appeal hearings shall be made available to all concerned parties in accordance with the State Building Standards Code, Part I, Title 24, CCR, Article 5, Sections 7-159 through 7-171.

2) Responsibilities during Appeals

- a) The Chair of the Board shall call a hearing on the appeal. At this time, the Chair can decide to have a committee hear the appeal prior to it being heard by the Board.
- b) Because of the nature of the appeals process, the Chair of the Appeals Committee, for the purpose of hearing the appeal, shall not be the Chair of the Board.
- c) Suggestions can be made by the Appeals Committee during the time of the appeal.
- d) If the Board identifies a problem with a code or regulation, a recommendation shall be made to the Director for amendment consideration.
- e) Should the appellant determine he or she has been adversely affected by the decision of the Board, the appellant may further appeal the issue for resolution by the California Building Standards Commission, in accordance with Health and Safety Code Section 18945.

3) Quorum

- a) A meeting of an appeals committee, appointed by the Chair, will consist of no less than three voting members.
- b) A quorum for an appeals hearing of the Board will consist of one more than half the voting members. For example:
 - (1) Five voting members; quorum is three (3) or more
 - (2) Nine; quorum is five (5) or more
 - (3) Ten; quorum is six (6) or more

4) Conflict of Interest

During appeal proceedings, the appellant has the right to question conflicts of interest of any voting member. The Chair shall rule on such potential conflict in appeal matters.

5) Voting

Voting at appeal hearings shall be in accordance with the State Building Standards Code, Part I, Title 24, CCR, Article 5, Sections 7-159-7-171.

IX. Compensation

A. Eligibility for Reimbursement:

- 1) It is the policy of OSHPD to pay subsistence and to reimburse reasonable and necessary travel and incidental business expenses to individuals who perform services as members of the Board, its committees, and consultants appointed by the Chair.
- 2) No payment of expenses to Board members can be made unless, prior to the time the expenses are incurred, an Oath of Office is on file with OSHPD.
- 3) Members and ex-officio members shall be reimbursed in accordance with current State rules and regulations.
- 4) Transportation expenses will be reimbursed for all charges essential for transportation to and from the meeting place. Reimbursement shall be made only for the method of transportation which is in the best interest of the State. Travel should be via the shortest, usually traveled route. An explanation is required for any deviation or unusual delay.
- 5) Expense claims should be submitted at least once a month. Board members should submit their claims to the Board staff. Failure to furnish receipts must be explained on expense claims. The amount involved cannot be allowed in absence of a satisfactory explanation. All expense claims must contain a brief statement of the purpose or objective of each trip or business related meal for which reimbursement is claimed.
- 6) The Chair shall, for the good of the State of California, schedule hearings and meetings to minimize travel and per diem costs.

B. Meeting Per Diem

In accordance with H&S Code, Section 129960, Board members and ex-officio members of the Board are eligible to claim \$100.00 per day in performance of official duties on behalf of the Board and authorized by the Chair of the Board.

C. Expenses and Reimbursements

In accordance with the Victim Compensation and Government Claims Board rules, Members of the Board and consultants are reimbursed from the Hospital Building Account - Architectural Public Building Fund, for their reasonable actual expenses incurred in attending meetings. The meetings are conducted to carry out the provisions of H&S Code, Division 107, Part 7, Chapter 1, Article 5, Section 129925.