

Appeal Procedures of the Hospital Building Safety Board

The Hospital Building Safety Board (Board) was established in the original Hospital Seismic Safety Act (Act) of 1973. The purpose of the Board is to advise the Director of the Office of Statewide Health Planning and Development (OSHPD) on the administration of the Act and serve as a board of appeals in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration, and seismic safety of hospital building projects submitted to OSHPD.

The Board acts as a board of appeals in matters relating to all fire and panic safety regulations and alternate means of protection determinations for hospital building projects. The regulations covering this process, California Building Standards Administrative Code, Part 1, Title 24, California Code of Regulations, can be located on the OSHPD website at: www.oshpd.ca.gov.

For more information, please contact:

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Appeal Procedures of the Hospital Building Safety Board

From time to time, differences of opinion will surface between the Office of Statewide Health Planning and Development (OSHPD) and its clients relating to matters concerning building standards as they apply to the planning, construction or alteration of hospital projects. Before the differences escalate into a more formal appeal process, clients may ask OSHPD for reconsideration using the Comment and Process Review (CPR) procedure. OSHPD is dedicated to keeping open lines of communication between staff and clients and discussion of differences is encouraged.

However, in the event of continuing disagreement with a decision of OSHPD, an appeal may be made to the Hospital Building Safety Board (Board).

To initiate the appeal process, a written request for an informal conference must be submitted to OSHPD within six months of a ruling, order, decision or act by OSHPD. Within 15 business days of receipt of the written request, OSHPD will notify the appellant of the date, time and place for the informal conference. The informal conference, conducted by an OSHPD representative, will be held within 25 business days of receipt of the written request. Within 10 days following the informal conference, OSHPD will notify the appellant of the decision. This decision would confirm, modify, or reverse the original ruling, order, decision, or act.

If the appellant wishes to continue an appeal after OSHPD's decision, a formal hearing may be requested of the Board by submitting a written request for an appeal to OSHPD within 15 business days of receipt of the written notice of the result of the informal conference. The appellant must submit supporting documentation within 60 days of submission of the request for a formal hearing. The formal hearing will be conducted by the Board or a Committee of the Board within 45 business days of receipt of the supporting documentation. Within 20 days of receipt of the supporting documents, a hearing notice will be sent to the parties to the appeal notifying the time and place of the hearing and the composition of the hearing body. The Board Chairperson will issue an agenda listing the matters to be considered during the hearing and, insofar as practicable, copies of all written reports which are to be presented to the Board, at least 10 business days before the date of the hearing.

The following process is followed for Public Hearings conducted by a Committee of the Board:

- At least five voting members of the Board shall be on the Hearing Committee—three of whom must be present at the hearing.
- The Committee renders a decision.
- Minutes of the hearing must show how each Committee member voted.
- If all parties agree to the decision in writing, the appeal action is terminated.
- If all parties do not agree, the matter is referred to the HBSB.

The following process occurs for Public Hearings conducted by the full Board:

- At least nine voting members of the Board shall be present to hear the matter.
- The Board may remand portions of the issue for further study.
- Within 30 days of receipt of the findings from the additional study, the Board convenes a Public Hearing.
- The Board issues a written decision within 15 business days.
- If the appellant agrees with the decision, the appeal action is terminated.
- If the appellant does not agree with the decision, the appellant may further appeal the issue for resolution by the California Building Standards Commission.

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Within six months of a ruling, order, decision or act of OSHPD, the appellant may submit a written request for an informal conference.

Within 15 business days of receipt of the written request, OSHPD notifies appellant of the date, time and place for the informal conference. The informal conference, conducted by an OSHPD representative, will be held within 25 business days of receipt of the written request.

Within 10 days following the Informal Conference, the office shall notify the appellant in writing of the decision (confirm, modify, or reverse the original ruling, order, decision, or act).

If the appellant wishes to continue an appeal after OSHPD's decision, a formal hearing may be requested of the HBSB by submitting a written request for an appeal to OSHPD within 15 business days of receipt of the notice of the result of the informal conference.

Appellant must submit supporting documentation within 60 days of submission of the request for a formal hearing. The formal hearing will be conducted by the Board or a Committee of the Board within 45 business days of receipt of the supporting documentation.

Within 20 days of receipt of the supporting documents, a hearing notice will be sent to the parties to the appeal notifying the time and place of the hearing and the composition of the hearing body.

The HBSB Chairperson will issue an agenda listing the matters to be considered, and insofar as practicable, copies of all written reports which are to be presented to the Board, at least 10 business days before the date of the hearing.

Public Hearing conducted by Committee.

If a committee of the Board is appointed by the HBSB Chairperson, at least 5 voting members of the Board shall be on the committee—3 of whom must be present at the hearing.

The committee renders a decision. Minutes of the hearing must show how each committee member voted.

or

All parties agree to the decision in writing.

If all parties do not agree, the matter is referred to the HBSB.

Appeal action is terminated.

Public Hearing conducted by the full Board.

If the Board hears the appeal, at least 9 voting members shall be present to hear the matter.

Board issues written decision within 15 business days.

or

Board remands the issue for further study.

Within 30 days of receipt of findings from further study, HBSB convenes a Public Hearing.

Appellant agrees.

or

Appellant agrees.

Appeal action is terminated.

Appellant disagrees.

Appeal action is terminated.

The appellant may further appeal the issue for resolution by the California Building Standards Commission.