

# Too many rules and regs

**Foon Rhee, Sacramento Bee, 3-27-11**

We definitely want hospitals to stay standing and stay open after a disaster – the calamity in [Japan](#) serves as a vivid reminder of that.

But if the goal is patient and public safety, why does state law focus so much on enduring earthquakes? Why aren't requirements as stringent for hospitals to survive floods, for instance?

Wouldn't it be logical for hospitals to spend limited money so they can withstand the disaster they're most likely to face – whether it's quakes in the [Bay Area](#) or flooding in [Sacramento](#)?

Common sense, however, is sometimes in short supply when it comes to regulations in [California](#). The gap between laudable goals and real-life impact is too often head-scratchingly wide. That's one reason why there's a growing chorus of voices, from business leaders and lawmakers, calling for the abolition of problematic rules that are hurting [California's](#) competitiveness and slowing its economic revival.

The [Legislature](#) strengthened the seismic rules in reaction to the 1994 Northridge temblor that shut some hospitals – some because of major structural damage, others because of broken [gas lines](#), plumbing and mechanical systems. The stricter seismic design and construction standards are the same statewide.

By Jan. 1, 2013 – a deadline that has been extended from 2008 – hospitals must shore up buildings so they won't collapse in a major earthquake. Some are eligible for extensions until 2015 if they can show they're making progress. About three-fourths of 2,900 hospital buildings covered by the law are in compliance and hospitals report the rest are on track to comply, the state says.

By 2030, at-risk hospital buildings must be upgraded enough not only to remain standing, but also to keep operating and treating patients. To meet that standard, officials say that in many cases, it's cheaper to construct new buildings than to retrofit existing ones.

Buildings that don't meet the deadlines must be shut down, or patient services must be moved out. The regulations written to carry out the seismic law make hospitals more complicated to design and construct than other buildings; there are also complaints of bureaucratic red tape creating a backlog of projects.

Statewide, [Sutter](#) Health says it has more seismic work to do than any other health system. It says it is on track after spending more than \$7 billion since 2000 on [building projects](#), including a big chunk on seismic upgrades.

One of its biggest is the \$724 million [Sutter](#) Medical Center campus rising in midtown [Sacramento](#). It includes nearly 1 million square feet of additional space; a new eight-floor hospital for women and children and a completely renovated [Sutter](#) General Hospital are both scheduled to open in early 2013.

[Carl Scheuerman](#), [Sutter](#) Health's director of regulatory affairs, says while its buildings must comply with seismic standards, the goal is to keep patients and staff safe through any kind of disaster. But he said he's not sure how to completely protect hospitals against flooding except to build them on high ground, which would severely limit potential sites, especially in flatlands like the [Sacramento Valley](#). [Sutter's](#) campus in [Sacramento](#) depends on levees and other flood control measures that protect the entire community, he said.

Flooding is a big enough worry for [Sacramento](#) hospitals that they plan an emergency drill May 18, including how to evacuate [Sutter](#) General.

### **Flooding a bigger risk?**

The power plant, including backup generators, that supplies energy for [Sutter's](#) entire midtown complex is in the two-story basement of the [Sutter](#) Capitol Pavilion that opened last year. It is standard practice to place generators on the [ground floor](#) or underground. The building was built to withstand earthquakes, but the [Energy Center](#) "is susceptible to floods," says spokesman [Gary Zavoral](#).

I'm no engineer, but being forced to strengthen buildings for a quake that may never happen, while having to resort to pumps and portable generators in a flood that is more likely seems, well, a little nutty.

[Jeff Mount](#), a geology professor at the [University of California](#), Davis, says it's an acknowledged problem that laws are often passed in reaction to a disaster and not always based on relative risk. "The next big flood in [Sacramento](#), we're going to have a risk-based response for flooding," he says. "You can take that to the bank."

State building codes require all new buildings, including hospitals, to withstand 100-year floods. But if [flood protection](#) is a priority over seismic safety, a hospital might be designed differently, says [Roger Richter](#), a senior vice president of the [California Hospital Association](#).

The association, however, is focused on the broader seismic safety issues and is expected to press the [Legislature](#) this year to extend the deadlines yet again.

It now says it has no problem with the 2013 standards to protect patients and staff from a building collapse. Its beef is with the 2030 standards that hospitals continue to operate after a major quake. That doesn't make sense when the rest of the infrastructure – transportation, utilities, etc. – isn't under a similar edict, hospital officials say in their latest argument. Hospitals would be open, but there would be no way for staff and supplies to get there, they argue.

Also, officials say the expense of complying with the 2030 requirements is raising costs for patients, decreasing the number of [hospital beds](#) being added and siphoning money that could go to better technology. Critics, however, point out that many older buildings need to be replaced anyway, and that the seismic retrofits are only a portion of that cost.

### **Bill would weed out rules**

Seismic safety for hospitals is only one on a long list of regulations potentially targeted by a bill calling for state agencies to do a top-to-bottom review of all their rules. The goal is to weed out duplicative, inconsistent and outdated regulations, while preserving consumer, health, safety and environmental protections.

The bill makes perfect sense. As usual, the devil is in the details, but I'd bet that in the 28,000 pages of the [California](#) Code of Regulations there are more than a few excessive, costly rules that hamper businesses large and small, and that discourage new ones from starting.

It's not a shocker that the [Sacramento](#) Metro Chamber is leading the charge for the measure, saying that "real regulatory relief" would create jobs and generate [tax revenue](#). But also at the forefront is the [California](#) League

of [Conservation Voters](#), which says that pruning regulations would enable the state to better protect public health and the environment.

Introducing the bill in February, Sen. [Ron Calderon](#), D-Montebello, said that it responds to "a fiscal earthquake that has left our economy in rubble," and "provides regulation streamlining that will help create jobs and rebuild a sound and thriving economy." Senate Bill 366 is scheduled for a Senate committee hearing on April 12.

[California](#) businesses have complained long and loudly about overregulation and too many layers of bureaucracy getting in their way. So when the CalAsian Chamber of Commerce put out the call for recommendations, it was flooded with replies:

- Architects, engineers and contractors must comply with both federal and state regulations on access for the disabled. When the very detailed requirements in the federal [Americans with Disabilities](#) Act differ from those in the [California](#) Building Code, they typically have to follow whichever is more stringent. It can all be very confusing, so there's a [cottage industry](#) producing guides comparing the two sets of rules.
- The Metro Chamber raised long-standing concerns about rules on overtime, meal breaks and rest periods. Restaurants and retailers want more flexible [work schedules](#) to, for instance, allow employees to work more hours on fewer days.
- Businesses in specialized fields sometimes have to get similar certifications for their employees from different state and local agencies. For example, technicians at [SunWest Engineering Constructors](#), a Pomona company that builds, maintains and inspects fuel systems, must hold some 15 government certifications, on top of company-required ones. CEO Pamela Lawrence says she spends \$3,000 a year to keep each employee in compliance with state regulations.

CalAsian [Chamber CEO Pat Fong Kushida](#) says the cost of complying with regulations is rising because there are so many being enforced by so many jurisdictions – and the burden is falling heavily on small businesses that are the key to economic recovery.

Understandably, the [Legislature](#) is focused on the short-term [budget deficit](#). But for California's long-term health, a serious effort at regulatory reform is an absolute must.