

CHA Talking Points

New Approach to Hospital Seismic Law Protects Communities' Access to Care

1. Disaster preparedness is a way of life for California hospitals.

- California's hospitals are a critical part of the state's disaster response system — working collaboratively with first responders, public safety officials, other health care providers, and local, state, and federal agencies — to ensure people are safe whenever disaster strikes.
- Hospitals devote extensive time and resources toward planning and training to ensure necessary medical care is uninterrupted during and after a disaster. Recent history demonstrates this well. During the past few years, California has faced an unprecedented series of disasters — wildfires, mudslides, earthquakes, and floods — and during each of these events, hospitals have heroically cared for their patients and their communities.
- Hospitals must comply with a host of state and federal laws and regulations governing disaster preparedness — including standards set by the Centers for Medicare & Medicaid Services (CMS), Title 22 of the California Code of Regulations, and the National Fire Protection Association, as well as by accrediting organizations such as The Joint Commission.
- Under these requirements, every hospital must have a comprehensive Emergency Operations Plan that identifies known potential risks and outlines appropriate mitigation strategies. These plans, which must be updated and reviewed **annually** by CMS, spell out detailed policies and procedures for ensuring safe patient care following a disaster — including the ability to operate for 24 hours post-disaster (with a plan to access 96 hours of back-up power if needed) and the process for safely evacuating patients, if necessary.
- Hospitals also are required to conduct simulation disaster exercises at least twice a year, which ensure all staff are well-trained and ready to respond when disaster strikes.

2. California's hospitals also comply with the nation's strictest hospital building requirements — ensuring that every hospital building in the state remains standing after an earthquake.

- Safety is the highest priority for hospitals. California hospitals have invested decades of work to upgrade or replace facilities to ensure that patients, employees, and visitors will be safe when the next earthquake strikes.
- Today, 95% of all hospital buildings meet this life-safety standard. And by 2025, all hospital buildings will be able to withstand a major earthquake.

3. Now that our buildings are safe, it's time to turn our attention to how we will care for patients during and after an earthquake.

- Hospitals have an unwavering commitment to care for patients following a disaster. However, even after a disaster, not every patient needs to be cared for at a hospital. In many cases, evacuating patients out of the disaster zone may be necessary for their safety.
- While hospitals are already required to have 24 hours of back-up power and a plan for access to 96 hours of standby power, it's not likely that they will be able to fully function after three days if the damage in the broader community is severe.
- Current law requires hospital buildings that provide acute care patient services in California to be **"fully operational"** after a major earthquake by January 1, 2030. Hospitals that don't meet this deadline will be forced to close.
- This means the very law intended to ensure people have access to care after an earthquake may, in fact, force some hospitals to shutter even before the next earthquake occurs.

4. CHA-sponsored SB 758 would give hospitals the operational flexibility needed to tailor post-disaster care to their communities' unique needs.

- SB 758 (Portantino, D-La Cañada) would will refocus the "fully operational" standard to the physical areas of the hospital where emergency medical services — including necessary surgical and recovery care — will be provided for 72 hours following an earthquake.

5. We must strike a balance between ensuring that victims of a disaster have rapid access to life-saving care, while also keeping overall health care costs more affordable.

- The RAND Corporation last year completed its third comprehensive look at California's hospital seismic mandate since 2002. Like the two previous studies, this report confirms the enormous cost of meeting the seismic requirements — estimated to be up to \$143 billion if every hospital building has to be rebuilt. The price tag is even higher when you factor in financing and other costs. These are funds that otherwise could be used for patient care.
- More than half of all California's hospitals will face significant financial hardship if the current outdated seismic safety requirements are not updated. Today, one-third of hospitals operate in the red. That number could swell to more than 50% if the 2030 seismic standards are not modified, leaving many communities across the state with reduced access to care.
- Everyone today is concerned about the affordability of health care — and rightly so. Controlling health care costs is vital. By taking a more reasonable approach to the seismic law, lawmakers can help make hospital care more affordable in the Golden State.