

Registered for order

FRIDAY, OCTOBER 28, 1977  
PART III



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DEPARTMENT OF  
HEALTH,  
EDUCATION, AND  
WELFARE

Public Health Service



HOSPITAL AND MEDICAL  
FACILITIES

Standards of Construction and  
Equipment

[ 4110-83 ]

DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE

Public Health Service

[ 42 CFR Part 124 ]

STANDARDS OF CONSTRUCTION AND  
EQUIPMENT FOR HOSPITAL AND MEDI-  
CAL FACILITIES

## Notice of Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Proposed rules.

**SUMMARY:** Section 1602(2) of the Public Health Service Act (42 U.S.C. 3000-1(2)) requires the Secretary of Health, Education, and Welfare to prescribe "general standards of construction, modernization, and equipment" for medical facilities projects assisted under Title XVI of the Act. The rules proposed below would establish such standards. Public comment is solicited.

**DATE:** Comments must be received on or before December 12, 1977.

**ADDRESS:** Send comments on the proposed rule in duplicate to: Director, Office of Policy Coordination, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6870.

**FOR FURTHER INFORMATION CONTACT:**

Harry P. Cain II, Ph. D., Director, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish a new Subpart B of Part 124 of Title 42, Code of Federal Regulations.<sup>1</sup> The new Subpart B, entitled "Standards for Construction, Modernization and Equipment," will implement section 1602(2) of the Public Health Service Act (42 U.S.C. 3000-1(2)), which requires the Secretary to prescribe general standards of construction, modernization and equipment for all facilities assisted under Title XVI of the Act.

The proposed rules closely resemble those published under Title VI of the Act, as 42 CFR Part 53, Subpart K. Like Subpart K, the proposed Subpart B incorporates by reference a technical publication which sets forth in detail specific construction and equipment standards. The technical publication referred to in

<sup>1</sup> Although no Part 124 of 42 CFR presently exists, it is anticipated that the regulations implementing section 1625 of the Act, to be issued shortly, will establish the Part.

the proposed rule in a proposed revision of the document referenced in Subpart K, "Minimum Requirement of Construction and Equipment for Hospital and Medical Facilities," DHEW Publication No. (HRA) 74-4000. The major revisions of the standards set forth in HRA 74-4000 will be as follows:

1. Section 1.2A of HRA 74-4000 is revised to clarify special design features to meet the needs of the handicapped (patients, staff, and visitors). This section is in addition to other requirements that may be issued by the Department.

2. Energy conservation features are emphasized, including reference to ASHRAE Standard No. 90-75 or equivalent standards, and certain mechanical requirements are revised.

3. The importance of adequate program narrative is stressed.

4. Section 7.28(6) of HRA 74-4000 is clarified to require 3' x 8' doors for rooms needing access for beds but allow 2' x 10' doors for rooms requiring access only by wheelchairs or stretchers.

5. Where local codes prohibit the use of recirculated air in operating rooms and require an all-outside air system, the number of air changes required by these revised construction requirements for operating rooms is reduced from 25 to 15.

6. Water temperature required for laundry is reduced from 180 degrees to 160 degrees F. to emphasize energy conservation.

7. Attention is called to the potential explosive hazard created by the reaction of sodium azide solutions with copper or lead such as might occur in certain laboratory drain lines.

8. In order to reduce costs in required building areas, public corridors in outpatient areas may be as narrow as 5' x 0", except where it may be necessary to transport patients in beds.

9. A new section is added establishing standards for small primary health care centers (frequently called "neighborhood" or "storefront" centers) because these centers have become eligible for funding under section 1604(b)(2) of the Act.

10. The present section covering general outpatient facilities has been clarified to avoid, whenever possible, having these facilities classified as hospitals for purposes of code requirements.

11. A new section is added to cover surgical facilities used primarily for performance of surgical procedures on an outpatient basis, whether integrated within an existing hospital or located in a separate freestanding structure.

Requests for copies of the proposed document containing these revisions should be directed to the Director of the Office of Policy Coordination at the above address. The proposed document will also be available for public inspection at the above address during regular business hours.

Interested persons are invited to submit written comments, suggestions, or objections to the proposed rules to the Director of the Office of Policy Coordination on or before December 12, 1977. All comments received in timely response to this Notice will be considered and will be available for public inspection at the above address during regular business hours.

It is therefore proposed to amend 42 CFR Part 124 by adding a new Subpart B as set forth below.

**NOTE.**—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: August 22, 1977.

JULIUS B. RICHMOND,  
Assistant Secretary for Health.

Approved: October 17, 1977.

JOSEPH A. CALIFANO, JR.,  
Secretary.

Subpart B of 42 CFR Part 124 is added, to read as follows:

**Subpart B—Standards of Construction,  
Modernization, and Equipment**

| Sec.   |   |
|--------|---|
| 124.10 | Applicability.                              |
| 124.11 | General requirements.                       |
| 124.12 | Conformity to State and local requirements. |
| 124.13 | Equipment.                                  |

**AUTHORITY:** Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 1602(2) of the Public Health Service Act, 88 Stat. 2258 (42 U.S.C. 3000-1(2)).

**§ 124.10 Applicability.**

The provisions of this subpart apply to all applications for construction, modernization, or conversion assistance under this part.

**§ 124.11 General requirements.**

Plans and specifications for each project submitted to the Secretary of Health, Education, and Welfare shall be prepared in accordance with "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. (HRA) 77-\_\_\_\_), which is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Division of Facilities Development, Bureau of Health Planning and Resources Development, Health Resources Administration, Department of Health, Education, and Welfare or to the Department's regional offices as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed therein if he is satisfied that the purposes of such requirements have been fulfilled.

**§ 124.12 Conformity to State and local requirements.**

The design and construction covered by the plans and specifications must conform to the applicable State and local laws, codes, and ordinances and to the approved State medical facilities plan. The plans and specifications must be complete and adequate for contract purposes and, except for projects assisted under section 1625 of the Act, have the approval and recommendation of the State health planning and development agency designated under section 1521 of the Act.

**§ 124.13 Equipment.**

Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

[FR Doc 77-31051 Filed 10-27-77; 8:45 am]