

CHAPTER 24-2.5 AUTHORITY HAVING JURISDICTION

24-2.5.1 PURPOSE..... 1
24-2.5.2 SCOPE..... 1
24-2.5.3 DEFINITIONS..... 1
24-2.5.4 BACKGROUND..... 2
24-2.5.5 PROCEDURES..... 4
APPENDIX A - OEHE DIRECTOR'S MEMORANDA 5

24-2.5.1 PURPOSE

This chapter is to designate the Authority Having Jurisdiction (AHJ) for the Indian Health Service (IHS) healthcare facilities construction activities.

24-2.5.2 SCOPE

This chapter applies to new IHS construction, renovation, and/or alteration of existing buildings associated with a healthcare program regardless of the function of the building, i.e., patient care, administration, boiler plant, personnel quarters.

24-2.5.3 DEFINITIONS

A. Authority Having Jurisdiction - The Authority Having Jurisdiction is the official responsible for code interpretation and implementation. In this chapter, "Authority Having Jurisdiction" is used in two ways. In a specific sense, the AHJ refers to the official(s) legally designated, by the Director, IHS, to formally issue written interpretation(s) of the codes for the Agency. The AHJ for the Agency, as part of its code interpretation responsibilities, shall evaluate and make the determinations on equivalencies, variances, and waivers. All decisions by the designated AHJ for the Agency shall be final and binding for the Agency. When AHJ is used in this manner, it will be qualified by the phrase "for the Agency."

Authority Having Jurisdiction also refers, in a more general sense, to an official designated to interpret and implement codes for Area Offices and the Division of Engineering Services (DES), but who does not have authority to issue interpretations of code that are binding on the IHS.

B. Code - Any nationally-recognized code, standard, or guideline.

C. Enforcement - The act of verifying full compliance with the latest applicable edition of code and/or interpretation of the

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ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME III - HEALTHCARE FACILITIES DESIGN AND CONSTRUCTION
PART 24 - CONSTRUCTION GUIDELINES

AHJ for the Agency. Lack of compliance triggers an immediate written citation by the enforcing official. The citation requires correction of the deficiency to comply with the Agency position on the code in effect.

- D. Equivalency - Compliance with the intent of a code in a manner that other authorized qualified interpreting officials would concur is equivalent to the code requirement or surpasses the intent of the code.
- E. HFAC - Health Facilities Advisory Committee
- F. Implementation - The act of applying code requirements as understood by the user.
- G. Interpretation - The act of making judgment(s) when code requirements are called into question. Interpretation of a code requires a thorough knowledge that can only be acquired through specialized training and experience.
- H. Variance(s) - The act of making judgment(s) that the requirements of a code will not be implemented and, instead, another means will be utilized which is not equal to the code intent.
- I. Waiver - The act of making judgment(s) that the requirements of an applicable code will not be implemented in a particular situation.

24-2.5.4 BACKGROUND

- A. Code Usage - Codes are utilized by the IHS when determining the requirements for new construction as well as renovations, alterations, modernizations to, and replacement of existing real and/or personal property. When requirements are determined and implemented into construction of facilities, procurement of equipment, repairs, and/or maintenance of the structure or equipment there is a need to periodically review or monitor these requirements. To assure compliance with code, IHS conducts periodic surveys at its facilities. Codes in place at the beginning of construction, installation, or renovation will apply to the completed work until it is replaced or until the code in effect is superseded by Federal law.
- B. Code Compliance - Maintaining compliance with codes involves a three step process, as follows:

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ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME III - HEALTHCARE FACILITIES DESIGN AND CONSTRUCTION
PART 24 - CONSTRUCTION GUIDELINES

(1) Implementation

IHS staff (i.e., Division of Engineering Services, Area Facilities Engineers, Safety Officers) implement codes when making decisions on new and replacement construction, on renovation of structures and equipment, and/or on maintenance and repair of personal and real property.

(2) Enforcement

The Safety Officer at an installation generally enforces safety-related requirements through periodic documented inspections.

Accreditation bodies (i.e., Joint Commission on Accreditation of Hospital Organizations) enforce life safety requirements of the structure through periodic reviews during accreditation surveys.

(3) Interpretation

On rare instances during design and construction, implementation of codes requires that judgments be made when a code is not clear on an application. At such time, a formal interpretation of the code on the specific application is required by the AHJ for the Agency.

As stated in the OEHE Director's memoranda of August 19, 1996 and February 9, 2004, in Appendix A, interpretation of codes rests solely with the AHJ for the Agency. This authority, from the Director, is delegated to the Director Division of Engineering Services (DES).

- C. Responsibilities - The OEHE Director's memorandum, of February 9, 2004, in Appendix A, states that the evaluation of construction situations, implementation, and enforcement of the codes is reserved to the office directly responsible for the management of projects. When construction is managed by the Area Office, the Area Office shall be the AHJ with responsibility for evaluating, implementing, and enforcing the codes. When construction is managed by the DES, the DES shall be the AHJ with responsibility for evaluating, implementing, and enforcing the codes. Jurisdictional responsibility, in these cases, does not include authority to develop final written code interpretation applicable to all of IHS, but it does extend to all other applications of construction and life safety code enforcement, including tasks such as shop drawing approval.

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ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME III - HEALTHCARE FACILITIES DESIGN AND CONSTRUCTION
PART 24 - CONSTRUCTION GUIDELINES

Responsibility for code interpretation for the IHS rests with The AHJ for the Agency, which is a joint committee, consisting of the Director DES-Seattle and the Deputy Director DES-Dallas. The AHJ for the Agency will resolve conflicts between codes, differing interpretations of code requirements, or conflicts between IHS criteria and a code. This joint committee shall provide final written code interpretation for the Agency. The joint committee's decisions shall be binding on all applicable work. These decisions shall be appropriately disseminated.

24-2.5.5 PROCEDURES

A.. Interpretation Requestor(s) - Any employee in the IHS may submit a request for code interpretation through the appropriate jurisdiction's DES Director.

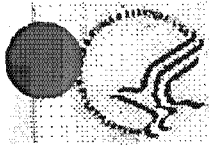
Interpretation Occurrences - Any occurrence requiring an interpretation of a code in IHS shall be reviewed, concurred, and approved in writing by both Directors of Division of Engineering Services.

Role of DES staff and Consultants - DES staff or consultants may be utilized, by the committee, to assist in technical evaluation of a code interpretation.

Approved Interpretation(s) - All approved DES code interpretations shall be submitted in writing to the IHS Health Facilities Advisory Committee (HFAC) at Headquarters, Office of Environmental Health and Engineering (OEHE) for Agency archival and/or publication in the Technical Handbook for Environmental Health and Engineering, as an Agency-established interpretation. The DES office initiating the request for a code interpretation shall be responsible for forwarding the code interpretation and relevant documentation to the IHS HFAC in Headquarters.

TECHNICAL HANDBOOK FOR
ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME III - HEALTHCARE FACILITIES DESIGN AND CONSTRUCTION
PART 24 - CONSTRUCTION GUIDELINES

APPENDIX A - OEHE DIRECTOR'S MEMORANDA



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Indian Health Service
Rockville, MD 20852

FEB 09 2004

TO: Area Associate Directors
Office of Environmental Health and Engineering

FROM: Acting Director
Office of Environmental Health and Engineering

SUBJECT: Authority Having Jurisdiction Clarification

The purpose of this memo is to clarify the role and responsibilities of the Authority Having Jurisdiction (AHJ) for the Indian Health Service (IHS).

The IHS Technical Handbook, Volume III, Part 24 – Construction Guidelines, Chapter 24-2 - Applicability of Codes, Construction Codes and Standards, Section B. Definitions, (8) defines the Authority Having Jurisdiction (AHJ) as “The official(s) legally designated by the Director, Office of Environmental Health and Engineering, to formally issue written interpretation(s) codes for the agency. Decisionsshall be final and binding for the agency.”

The responsibilities of the Authority Having Jurisdiction were delegated to the Division of Engineering Services (DES) in Seattle and Dallas (August 19, 1996, OEHE Director’s memorandum). These two offices were mandated to form a joint committee to provide code interpretations.

The IHS Technical Handbook, Volume X, Part 130 – Administration and Guidelines, Chapter 130-4 Authority Having Jurisdiction, addresses the committee’s structure, responsibilities, and operating procedures. This committee is responsible to provide final formal written interpretations of the codes in response to written requests on code applications. Additionally, the AHJ, as part of its code interpretation responsibility, shall evaluate and make the determinations on equivalencies, variances, and waivers.

Generally, code compliance is the responsibility of the office that is managing the project. When the construction is managed by the Area Office, the Area Office shall be the AHJ and is responsible for evaluating, implementing, and enforcing the code relative to the application(s). Similarly, if the Division of Engineering Services (DES) is in charge of a construction project, the DES is responsible. However, in the event that a conflict arises on a code application, the office in responsible charge shall request, in writing to the Director, DES, that a formal and final written interpretation of the code be provided. This interpretation shall be the IHS position on the issue.

Bruce R. Chelikowsky
Bruce R. Chelikowsky, R.S.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Indian Health Service
Rockville, MD 20857

AUG 9 1996

TO: Directors
Engineering Services-Dallas
Engineering Services-Seattle

FROM: Acting Associate Director
Office of Environmental Health and Engineering

SUBJECT: Delegation of 'Authority Having Jurisdiction' to
Engineering Services-Dallas and Seattle

The Acting Associate Director, Office of Environmental Health and Engineering, is the current 'Authority Having Jurisdiction.' This authority assures consistency in applying various codes throughout the Indian Health Service. However, the office is too far removed from day to day management of design and construction of health care facilities and would require decisions from Headquarters staff who are not normally involved in the details of specific projects and local issues related to code interpretation; therefore, consistent with efforts to streamline and reinvent Government, I am redelegating the 'Authority Having Jurisdiction' to the Engineering Services (ES)-Dallas and Seattle. The ES Directors shall form a joint committee to resolve conflicts that arise from interpreting and applying criteria, codes, etc., in different ways, and applying different codes, criteria, guidelines, etc., in similar situations. These committee decisions shall then be binding on all applicable work and decisions shall be appropriately distributed.

This redelegation of authority is effective on the date of signature.

for 
Gary J. Hartz, P.E.

cc: All Area Directors
All Area Associate Directors, OEHE