ARTICLE 4. FIRE AND LIFE SAFETY STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES LOCATED IN APARTMENT BUILDINGS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL ILLNESS

Rule 1. Definitions

431 IAC 4-1-1 Applicability
Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 1. The definitions in this rule apply throughout this article. *(Community Residential Facilities Council; 431 IAC 4-1-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-1.5 "Apartment house" defined
Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 1.5. "Apartment house" means any building or portion thereof that contains three (3) or more dwelling units and includes residential condominiums. *(Community Residential Facilities Council; 431 IAC 4-1-1.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-2 "Community residential facility" defined
Authority: IC 12-28-4-14
Affected: IC 12-22-2-3; IC 12-28-4

Sec. 2. "Community residential facility" means a facility that provides:
(1) residential services for developmentally disabled persons in a supervised group living program as described in IC 12-11-1-1(b)(1) *[IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.]*; or
(2) residential services for mentally ill individuals in a supervised group living program as described in IC 12-22-2-3(2).
(Community Residential Facilities Council; 431 IAC 4-1-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)

431 IAC 4-1-3 "Department" defined (Repealed)

Sec. 3. *(Repealed by Community Residential Facilities Council; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1098)*

431 IAC 4-1-4 "Developmental disability" defined
Authority: IC 12-28-4-14
Affected: IC 12-7-2-61; IC 12-28-4

Sec. 4. "Developmental disability" has the meaning set out in IC 12-7-2-61. *(Community Residential Facilities Council; 431 IAC 4-1-4; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-4.3 "Division" defined

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 4.3. "Division" means:

(1) the division of disability, aging, and rehabilitative services when the rule refers to a supervised group living program for developmentally disabled individuals; and

(2) the division of mental health when the rule refers to a supervised group living program for mentally ill individuals.

(Community Residential Facilities Council; 431 IAC 4-1-4.3; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)

431 IAC 4-1-4.5 "Dwelling unit" defined

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 4.5. "Dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one (1) family or a congregate residence for ten (10) or less persons. *(Community Residential Facilities Council; 431 IAC 4-1-4.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-4.7 "Efficiency dwelling unit" defined

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 4.7. "Efficiency dwelling unit" means a dwelling unit containing only one (1) habitable room. *(Community Residential Facilities Council; 431 IAC 4-1-4.7; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-5 "Evacuation capability" defined

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 5. "Evacuation capability" means the ability of the occupants, residents, and staff, as a group, to evacuate the building. Evacuation capability is classified as follows:

(1) Prompt evacuation capability is equivalent to the capability of the general population when applying the requirements of this article.

(2) Slow evacuation is the capability of the group to evacuate the building in a timely manner, with some of the residents requiring assistance from the staff.

(3) Impractical evacuation capability occurs when the group, even with staff assistance, cannot reliably evacuate the building in a timely manner.

The evacuation capability of the residents and staff is a function of both the ability of the residents to evacuate and the assistance provided by the staff. Evacuation capability in all cases is based on the time of day or night when evacuation would be most difficult, i.e., sleeping residents or fewer staff present. *(Community Residential Facilities Council; 431 IAC 4-1-5; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-5.5 "Managed care provider" defined
Authority: IC 12-28-4-14
Affected: IC 12-7-2-127; IC 12-28-4

Sec. 5.5. "Managed care provider" has the meaning set out in IC 12-7-2-127(b). *(Community Residential Facilities Council; 431 IAC 4-1-5.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-6 "Mental illness" defined
Authority: IC 12-28-4-14
Affected: IC 12-7-2-130; IC 12-28-4

Sec. 6. "Mental illness" has the meaning set out in IC 12-7-2-130(2). *(Community Residential Facilities Council; 431 IAC 4-1-6; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-7 "Resident" defined
Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 7. "Resident" means an individual who is receiving services from and resides in a community residential facility. This term does not include any staff who may reside in the facility. *(Community Residential Facilities Council; 431 IAC 4-1-7; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-1-8 "Staff" defined
Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 8. "Staff" means a person who provides personal care services, supervision, or assistance to residents. *(Community Residential Facilities Council; 431 IAC 4-1-8; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

Rule 2. General Provisions

431 IAC 4-2-1 Scope
Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 1. (a) Community residential facilities for mentally ill individuals shall achieve a classification of prompt evacuation capability, as defined in 431 IAC 4-1-5(1), and shall comply with:

(1) the Indiana building code under the provisions of 675 IAC 13 in effect at the time of the initial application for licensure with the division; or

(2) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(b) Community residential facilities for persons with developmental disabilities shall achieve a minimum classification of

impractical evacuation capability, as defined in 431 IAC 4-1-5(3), and shall comply with:

(1) the Indiana building code under the provisions of 675 IAC 13 in effect at the time of the initial application for licensure with the division; or

(2) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(Community Residential Facilities Council; 431 IAC 4-2-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; filed May 19, 1997, 11:30 a.m.: 20 IR 2775; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)

431 IAC 4-2-2 Application

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 2. (a) The level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association, 101, Life Safety Code, 1985 Edition shall be determined by the following:

(1) For persons with developmental disabilities, the Indiana state department of health.

(2) For persons with mental illness, the division or the residential provider.

(b) On the basis of this evaluation under subsection (a), a facility shall be classified as one (1) of the following:

(1) Prompt.

(2) Slow.

(3) Impractical.

(Community Residential Facilities Council; 431 IAC 4-2-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1095; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)

Rule 3. Safety Requirements

431 IAC 4-3-1 Requirements

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 1. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills each year shall be conducted during sleeping hours.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, e.g., glass, ceramic, or metal shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A five (5) pound ABC multipurpose type extinguisher, or the equivalent, shall be located in each apartment, on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat

detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards, as defined in 675 IAC 22. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located so as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessible in case of emergency.

(r) All Class I, II, and III-A flammable liquids as defined in 675 IAC 22 shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. *(Community Residential Facilities Council; 431 IAC 4-3-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

431 IAC 4-3-2 Adoption by reference

Authority: IC 12-28-4-14
Affected: IC 12-28-4

Sec. 2. (a) Those certain documents being titled the NFPA 101, Appendix F of the Life Safety Code, 1985 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, are hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), the term "authority having jurisdiction" means the department.

(c) Publications referenced within the documents adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to these documents. *(Community Residential Facilities Council; 431 IAC 4-3-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 108; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; readopted filed Aug 22, 2008, 11:20 a.m.: 20080903-IR-431080545RFA)*

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