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**TITLE 410 INDIANA STATE DEPARTMENT OF
HEALTH**

Proposed Rule
LSA Document #03-90

DIGEST

Amends 410 IAC 16.2-3.1-19 and 410 IAC 16.2-8-1 to update the requirement for the Life Safety Code for health facilities. Effective 30 days after filing with the secretary of state.

410 IAC 16.2-3.1-19

410 IAC 16.2-8-1

SECTION 1. 410 IAC 16.2-3.1-19 IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-3.1-19 Environment and physical standards

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28-5-1

Sec. 19. (a) The facility must be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel, and the public.

(b) The facility must meet the applicable provisions of the ~~1985~~ **2000** edition of the Life Safety Code of the National Fire Protection Association, which is incorporated by reference. This section applies to all facilities initially licensed on or after the effective date of this rule.

(c) Each facility shall comply with fire and safety standards, including the applicable rules of the state fire prevention and building safety commission (675 IAC) where applicable to health facilities.

(d) An emergency electrical power system must supply power adequate at least for lighting all entrances and exits, equipment to maintain the fire detection, alarm, and extinguishing systems, and life support systems in the event the normal electrical supply is interrupted.

(e) When life support systems are used, the facility must provide emergency electrical power with an emergency generator that is located on the premises.

(f) The facility must provide a safe, functional, sanitary, and comfortable environment for residents, staff, and the public. The facility must do the following:

- (1) Establish procedures to ensure that water is available to essential areas when there is a loss of normal water supply.
- (2) Have adequate outside ventilation by means of windows or mechanical ventilation, or a combination of the two (2).
- (3) Equip corridors with firmly secured handrails.
- (4) Maintain an effective pest control program so that the facility is free of pests and rodents.
- (5) Provide a home-like environment for residents.

(g) Personnel shall handle, store, process, and transport linen in a manner that prevents the spread of infection as follows:

- (1) Soiled linens shall be securely contained at the source where it is generated and handled in a manner that protects workers and precludes contamination of clean linen.
- (2) Clean linen from a commercial laundry shall be delivered to a designated clean area in a manner that prevents contamination.
- (3) When laundry chutes are used to transport soiled linens, the chutes shall be maintained in a clean and sanitary state.

(4) Linens shall be maintained in good repair.

(5) The supply of clean linens, washcloths, and towels shall be sufficient to meet the needs of each resident. The use of common towels, washcloths, or toilet articles is prohibited.

(h) The facility must provide comfortable and safe temperature levels.

(i) Each facility shall have an adequate heating and air conditioning system.

(j) The heating and air conditioning systems shall be maintained in normal operating condition and utilized as necessary to provide comfortable temperatures in all resident and public areas.

(k) Resident rooms must be designed and equipped for adequate nursing care, comfort, and full visual privacy of residents.

(l) Requirements for bedrooms must be as follows:

(1) Accommodate no more than four (4) residents.

(2) Measure at least eighty (80) square feet per resident in multiple resident bedrooms and at least one hundred (100) square feet in single resident rooms.

(3) A facility initially licensed prior to January 1, 1964, must provide not less than sixty (60) square feet per bed in multiple occupancy rooms. A facility initially licensed after January 1, 1964, must have at least seventy (70) square feet of usable floor area for each bed. Any facility that provides an increase in bed capacity with plans approved after December 19, 1977, must provide eighty (80) square feet of usable floor area per bed.

(4) Any room utilized for single occupancy must be at least eight (8) feet by ten (10) feet in size with a minimum ceiling height of eight (8) feet. A new facility, plans for which were approved after December 19, 1977, must contain a minimum of one hundred (100) square feet of usable floor space per room for single occupancy.

(5) Have direct access to an exit corridor.

(6) Be designed or equipped to assure full visual privacy for each resident in that they have the means of completely withdrawing from public view while occupying their beds.

(7) Except in private rooms, each bed must have ceiling suspended cubicle curtains or screens of flameproof or flame-retardant material, which extend around the bed to provide total visual privacy, in combination with adjacent walls and curtains.

(8) Have at least one (1) window to the outside with an area equal to one-tenth ($\frac{1}{10}$) of the total floor area of such rooms, up to eighty (80) square feet per bed for rooms occupied by more than one (1) person and one hundred (100) square feet for single occupancy.

(9) Have a floor at or above grade level. A facility whose plans were approved before the effective date of this rule may use rooms below ground level for resident occupancy if the floors are not more than three (3) feet below ground level.

(m) The facility must provide each resident with the following:

(1) A separate bed of proper size and height for the convenience of the resident.

(2) A clean, comfortable mattress.

(3) Bedding appropriate to the weather, climate, and comfort of the resident.

(4) Functional furniture and individual closet space in the resident's room with clothes racks and shelves accessible to the resident and appropriate to the resident's needs, including the following:

(A) A bedside cabinet or table with hard surface, washable top.

(B) A clothing storage closet (which may be shared), including a closet rod and a shelf for clothing, toilet articles, and other personal belongings.

(C) A cushioned comfortable chair.

(D) A reading or bed lamp.

(E) If the resident is bedfast, an adjustable over-the-bed table or other suitable device.

(5) Each resident room shall have clothing storage, which includes a closet at least two (2) feet wide and two (2) feet deep, equipped with an easily opened door and a closet rod at least eighteen (18) inches long of adjustable height to provide access by residents in wheelchairs. The closet should be tall enough that clothing does not drag on the floor and to provide air circulation. A dresser, or its equivalent in shelf and drawer space equal to a dresser with an area of at least four hundred thirty-two (432) square inches, equipped with at least two (2) drawers six (6) inches deep to provide for clothing, toilet articles and other personal belongings shall also be provided.

(n) Each resident room must be equipped with or located near toilet or bathing facilities such that residents who are independent in toileting, including chair-bound residents, can routinely have access to a toilet on the unit. As used in this subsection, "toilet facilities" means a space that contains a lavatory with mirror and a toilet. Bathing and toilet facilities shall be partitioned or completely curtained for privacy and mechanically ventilated. Toilets, bath, and shower compartments shall be separated from rooms by solid walls or partitions that extend from the floor to the ceiling.

(o) Bathing facilities for residents not served by bathing facilities in their rooms shall be provided as follows:

Residents	Bathtubs or Showers
3 to 22	1
23 to 37	2
38 to 52	3
53 to 67	4
68 to 82	5
83 to 97	6

Portable bathing units may be substituted for one (1) or more of the permanent fixtures with prior approval of the division.

(p) Toilet facilities shall be provided as set out in the building code at the time the facility was constructed. This section applies to facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984. At least one (1) toilet and lavatory shall be provided for each eight (8) residents. At least one (1) toilet and one (1) lavatory of the appropriate height for a resident seated in a wheelchair shall be available for each sex on each floor utilized by residents.

(q) Toilet rooms adjacent to resident bedrooms shall serve no more than two (2) resident rooms or more than eight (8) beds.

(r) Hot water temperature for all bathing and hand washing facilities shall be controlled by automatic control valves. Water temperature at point of use must be maintained between one hundred (**100**) degrees Fahrenheit (~~+100°F~~) and one hundred twenty (**120**) degrees Fahrenheit. (~~+120°F~~).

(s) Individual towel bars shall be provided for each resident.

(t) All bathing and shower rooms shall have mechanical ventilation.

(u) The nurses' station must be equipped to receive resident calls through a communication system from the following:

- (1) Resident rooms.
- (2) Toilet and bathing facilities.
- (3) Activity, dining, and therapy areas.

(v) The facility must provide sufficient space and equipment in dining, health services, recreation, and program areas to enable staff to provide residents with needed services as required by this rule and as identified in each resident's care plan.

(w) Each facility shall have living areas with sufficient space to accommodate the dining, activity, and lounge needs of the residents and to prevent the interference of one (1) function with another as follows:

- (1) In a facility licensed prior to June 1970, the lounge area, which may also be used for dining, shall be a minimum of ten (10) square feet per bed.
- (2) In a facility licensed since June 1970, total dining, activity, and lounge area shall be at least twenty (20) square feet per bed.
- (3) Facilities for which construction plans are submitted for approval after 1984, the total area for resident dining, activity, and lounge purposes shall not be less than thirty (30) square feet per bed.
- (4) Dining, lounge, and activity areas shall be:
 - (A) readily accessible to wheelchair and ambulatory residents; and
 - (B) sufficient in size to accommodate necessary equipment and to permit unobstructed movement of wheelchairs, residents, and personnel responsible for assisting, instructing, or supervising residents.
- (5) Dining tables of the appropriate height shall be provided to assure access to meals and comfort for residents seated in wheelchairs, geriatric chairs, and regular dining chairs.

(x) Room-bound residents shall be provided suitable and sturdy tables or adjustable over-bed tables or other suitable devices and

chairs of proper height to facilitate independent eating.

(y) Facilities having continuing deficiencies in the service of resident meals directly attributable to inadequacies in the size of the dining room or dining areas shall submit a special plan of correction detailing how meal service will be changed to meet the resident's needs.

(z) A comfortably furnished resident living and lounge area shall be provided on each resident occupied floor of a multistory building. This lounge may be furnished and maintained to accommodate activity and dining functions.

(aa) The provision of an activity area shall be based on the level of care of the residents housed in the facility. The facility shall provide the following:

- (1) Equipment and supplies for independent and group activities and for residents having special needs.
- (2) Space to store recreational equipment and supplies for the activities program within or convenient to the area.
- (3) Locked storage for potentially dangerous items, such as scissors, knives, razor blades, or toxic materials.
- (4) In a facility for which plans were approved after December 19, 1977, a rest room large enough to accommodate a wheelchair and equipped with grab bars located near the activity area.

(bb) Maintain all essential mechanical, electrical, and resident care equipment in safe operating condition. Each facility shall establish and maintain a written program for maintenance to ensure the continued upkeep of the facility.

(cc) The facility must provide one (1) or more rooms designated for resident dining and activities. These rooms must:

- (1) be well-lighted with artificial and natural lighting;
- (2) be well-ventilated, with nonsmoking areas identified;
- (3) be adequately furnished with structurally sound furniture that accommodates residents' needs, including those in wheelchairs; and
- (4) have sufficient space to accommodate all activities.

(dd) Each facility shall have natural lighting augmented by artificial illumination, when necessary, to provide light intensity and to avoid glare and reflective surfaces that produce discomfort and as indicated in the following table:

Minimum Average Area	Foot-Candles
Corridors and interior ramp	15
Stairways and landing	20
Recreation area	40
Dining area	20
Resident care room	20
Nurses' station	40
Nurses' desk for charts and records	60
Medicine cabinet	75
Utility room	15
Janitor's closet	15
Reading and bed lamps	20
Toilet and bathing facilities	20
Food preparation surfaces and utensil washing facilities	70

(ee) Each facility shall have a policy concerning pets. Pets may be permitted in a facility but shall not be allowed to create a nuisance or safety hazard. Any pet housed in a facility shall have periodic veterinary examinations and required immunizations in accordance with state and local health regulations.

(ff) For purposes of IC 16-28-5-1, a breach of:

- (1) subsection (a) is an offense;
- (2) subsection (b), (c), (d), (e), (f), (g), (h), (i), (j), (r), (u), or (bb) is a deficiency; and
- (3) subsection (k), (l), (m), (n), (o), (p), (q), (s), (t), (v), (w), (x), (z), (aa), (cc), (dd), or (ee) is a noncompliance.

(Indiana State Department of Health; 410 IAC 16.2-3.1-19; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1543, eff Apr 1, 1997; readopted

filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234)

SECTION 2. 410 IAC 16.2-8-1 IS AMENDED TO READ AS FOLLOWS:

410 IAC 16.2-8-1 Incorporation by reference

Authority: IC 16-28-1-7; IC 16-28-1-12

Affected: IC 16-28

Sec. 1. (a) When used in this article, references to the publications in this subsection shall mean the version of that publication listed below. The following publications are hereby incorporated by reference:

- (1) National Fire Protection Association (NFPA) 101, Life Safety Code Handbook (~~1985~~ (2000 Edition). Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box ~~99101~~, **9101**, Quincy, Massachusetts 02269-9904.
- (2) 42 CFR 493 (October 1, 1995 Edition).
- (3) 42 CFR 483.75(e)(1) (October 1, 1995 Edition).

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. All incorporated material is available for public review at the Indiana state department of health. (*Indiana State Department of Health; 410 IAC 16.2-8-1; filed Jan 10, 1997, 4:00 p.m.: 20 IR 1588, eff Apr 1, 1997; errata filed Apr 10, 1997, 12:15 p.m.: 20 IR 2415; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 22, 2003 at 2:00 p.m., at the Indiana State Department of Health, 2 North Meridian Street, Rice Auditorium, Indianapolis, Indiana the Indiana State Department of Health will hold a public hearing on proposed amendments of 410 IAC 16.2-3.1-19 and 410 IAC 16.2-8-1 to update the requirement for the Life Safety Code for health facilities. Copies of these rules are now on file at the Health Care Regulatory Services Commission at the Indiana State Department of Health, 2 North Meridian Street and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gregory A. Wilson, M.D.
State Health Commissioner
Indiana State Department of Health