

Twin City Healthcare Engineers Association

New Physical Environment Requirements for Assisted Living

Lunch and Learn

Thursday, March 18, 11:30am – 12:30pm

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Minimum Site, Physical Environment and Safety Requirements with the New Assisted Living Licensure

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<https://www.health.state.mn.us/assistedliving>

<https://www.health.state.mn.us/facilities/regulation/engineering/index.html>

New Law Passed, Assisted Living

- Law passed in 2019 legislative session
- This presentation goes through physical environment portion of law
 - Not all-inclusive of law. Paraphrased and summarized to provide more clarity
- Review law posted on Revisor's website
 - <https://www.revisor.mn.gov/statutes/cite/144G/pdf>
 - <https://www.revisor.mn.gov/laws/2020/7/1/laws.6.17.0#laws.6.17.0>

Basic Requirements for Assisted Living Facilities

- Public utilities (or approved systems) must be available and working
- Accessible to fire department services and emergency medical services
- Sufficient natural drainage and not subject to flooding
- All-weather roads and walks must be provided within the lot lines to primary entrance
- Location must include space for outdoor activities for residents

Fire Protection and Physical Environment

- Smoke alarms
- Fire extinguishers
- Fire drills
- Physical environment maintained in a state of good repair
- Existing construction, elements or system cannot be a hazard to life

Fire Protection and Physical Environment

Each assisted living facility must comply with the State Fire Code in Minnesota Rules, chapter 7511, and:

For dwellings or sleeping units, as defined in the State Fire Code:

- (i) provide smoke alarms in each room used for sleeping purposes;
- (ii) provide smoke alarms outside each separate sleeping area in the immediate vicinity of bedrooms;
- (iii) provide smoke alarms on each story within a dwelling unit, including basements, but not including crawl spaces and unoccupied attics;
- (iv) where more than one smoke alarm is required within an individual dwelling unit or sleeping unit, interconnect all smoke alarms so that actuation of one alarm causes all alarms in the individual dwelling unit or sleeping unit to operate; and
- (v) ensure the power supply for existing smoke alarms complies with the State Fire Code, except that newly introduced smoke alarms in existing buildings may be battery operated;

Fire Protection and Physical Environment (cont)

- Install portable fire extinguishers having a minimum 2-A:10-B:C rating within Group R-3 occupancies, as defined by the State Fire Code, located so that the travel distance to the nearest fire extinguisher does not exceed 75 feet, and maintained in accordance with the State Fire Code;

Fire Protection and Physical Environment (cont)

Each assisted living facility shall develop and maintain fire safety and evacuation plans. The plans shall include but are not limited to:

- location and number of resident sleeping rooms;
- employee actions to be taken in the event of a fire or similar emergency;
- fire protection procedures necessary for residents; and
- procedures for resident movement, evacuation, or relocation during a fire or similar emergency including the identification of unique or unusual resident needs for movement or evacuation.
- Employees of assisted living facilities shall receive training on the fire safety and evacuation plans upon hiring and at least twice per year thereafter.
- Fire safety and evacuation plans shall be readily available at all times within the facility.
- Residents who are capable of assisting in their own evacuation shall be trained on the proper actions to take in the event of a fire to include movement, evacuation, or relocation. The training shall be made available to residents at least once per year.
- Evacuation drills are required for employees twice per year per shift with at least one evacuation drill every other month. Evacuation of the residents is not required. Fire alarm system activation is not required to initiate the evacuation drill.

Fire Protection and Physical Environment (cont)

- The physical environment is kept in a continuous state of good repair and operation
- Any existing elements that an authority having jurisdiction deems a distinct hazard to life must be corrected.

Local Laws Apply

- Assisted living facilities shall comply with all applicable state and local governing laws, regulations, standards, ordinances and codes for fire safety, building and zoning requirements

Design Requirements

After August 1, 2021, the following design standard shall be met for all new licenses and new construction,

- **Applicable chapters of the FGI. In addition to the guidelines, assisted living facilities shall provide the option of a bath in addition to a shower for all residents**
- **Residential Board and Care Chapters of NFPA 101**

Additional Requirements for Assisted Living w/Dementia

- A hazard vulnerability assessment or safety risk must be performed on and around the property. The hazards indicated on the assessment must be assessed and mitigated to protect the residents from harm;
- Facility shall be protected throughout by an approved supervised automatic sprinkler system by August 1, 2029.
- Fire drills shall be conducted in accordance with 144G.45
- In addition to the FGI, Assisted Living with Dementia must comply with the Life Safety Code, healthcare (limited care) chapter for all new licenses and new construction

Construction Requirements When Building Under Construction Through August 1, 2021

New construction; building permit.

(a) All prospective assisted living facility license applicants seeking a license and having new construction who have submitted a complete building permit application to the appropriate building code jurisdiction on or before July 31, 2021, may meet construction requirements in effect when the building permit application was submitted.

(b) All prospective assisted living facility license applicants seeking a license for new construction who submit a complete building permit application to the appropriate building code jurisdiction on or after August 1, 2021, must meet the requirements of section 144G.45.

(c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building code authority, a complete application for an electrical or plumbing permit is acceptable in lieu of the building permit application.

(d) For the purposes of paragraph (a), in jurisdictions where building plan review applications are separated from building permit applications, a submitted complete application for plan review is acceptable in lieu of the building permit application.

Emergency Preparedness

- Engineering will look at generators if you have one installed or your emergency plan requires one
- Alternate source of energy is required when the main source of power is lost someone in your building will be severely injured or die (like on life support equipment)
- Generators are used when a 'true shelter in place' model is used
- If your systems or equipment have battery backup, that allows you time to make decisions on evacuation

Questions

- For specific statute questions contact:

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Bob Dehler, 651-201-3710, robert.dehler@state.mn.us

- MDH website where we will post all questions and answers that we receive (for consistency and clarity)

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Thank you