

Minnesota Health Care Engineers Association

Physical Environment Requirements and Survey Process for 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>

Organizational Changes in Engineering

- Bob manages engineer team and in addition manages Health Occupations and Mortuary Science
 - Ben Zwart – Supervisor for healthcare engineers
 - Michael Mireau – Supervisor for assisted living engineers
 - Debbie Thao – Supervisor for Health Occupations and Mortuary Science

For this group, if you have a hosp/NH issue, call Ben. If you have an AL issue, call Michael

Learning Objectives

- Discuss physical plant and fire safety requirements included in Minnesota's Assisted Living Licensure law and review recent legislative updates.
- Become familiar with the survey findings for conversion assisted living facilities and assisted living facilities with dementia care.
- Become aware of design requirements for new licenses

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>

Licensure Categories and Survey Frequency

- Two licensure categories
 - Assisted Living
 - Assisted Living with Dementia
- Surveys once every two years (for conversion facilities)
 - Engineering will survey for physical environment (not SFM)
 - Engineering will coordinate with health teams on survey

Basic Site Requirements

144G.45, Subd. 1

- 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

Basic Site Requirements

144G.45, Subd. 1 – during survey

- Tag 0770
- Sidewalks provided, but not maintained creating tripping hazards
- During winter, walks not cleared
- Water in basement

Fire Protection and Physical Environment.

144G.45, Subd. 2

- Smoke alarms
- Fire extinguishers
- Evacuation 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.

144G.45, Subd. 2 (Cont.)

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.

144G.45, Subd. 2 – during survey

- Tag 0780
- Smoke alarms missing, tampered with or not interconnected when needed to be
- Smoke alarms NOT smoke detectors

Fire Protection and Physical Environment.

144G.45, Subd. 2 (Cont.)

- Install and maintain portable fire extinguishers in accordance with the State Fire Code.
- 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.

144G.45, Subd. 2 – during survey

- Tag 0790
- Fire extinguishers missing or not maintained

Fire Protection and Physical Environment.

144G.45, Subd. 2 (Cont.)

- The physical environment is kept in a continuous state of good repair and operation

Fire Protection and Physical Environment.

144G.45, Subd. 2 – during survey

- Tag 0800
- Water damage, mold, peeling paint
- Sticky exit doors

Fire Protection and Physical Environment.

144G.45, Subd. 2 (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.

144G.45, Subd. 2 – during survey

- Tag 0810
- Confusing or missing exit plans/diagrams
- Confusing or missing evacuation policy/procedure for staff
- Fire drills not occurring or not documented
- No training for residents who are capable of assisting in their own evacuation

Fire Protection and Physical Environment.

144G.45, Subd. 2 (Cont.)

- Any existing elements that an authority having jurisdiction deems a distinct hazard to life must be corrected.

Fire Protection and Physical Environment.

144G.45, Subd. 2 – during survey

- Tag 0820
- Exposed electrical wires
- Sharp objects
- Furnace or A/C not working (emergency preparedness)

Local Laws Apply

144G.45, Subd. 3

- 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.

Local Laws Apply

144G.45, Subd. 3 – during survey

- Tag 0830
- Made as observations
 - Fire Code issues:
 - Sprinkler systems not installed correctly
 - Plumbing code

Additional Dementia Care Requirements

144G.81, Subd. 1

An assisted living facility with dementia care that has a secured dementia care unit must meet the requirements of section [144G.45](#) and the following additional requirements:

- (1) 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; and
- (2) the facility shall be protected throughout by an approved supervised automatic sprinkler system by August 1, 2029.

Additional Dementia Care Requirements

144G.81, Subd. 1 – during survey

- Tag 2040
- HVA's must identify & mitigate the risks.
 - Not identified all risks on & around the facility
 - Missing risk mitigations (policy)
- Not tagging item (2) until after August 1, 2029

Additional Dementia Care Requirements

144G.81, Subd. 2

- Subdivision 2 (evacuation plans) was repealed during the 2020 7th Special Session

Additional Dementia Care Requirements

144G.81, Subd. 2 – during survey

- Evac. plans should comply with 144G.45, Subd. 2
- * For future new construction that must comply with 2018 LSC – Evac plans still comply with 144G.45, Subd. 2.

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
- Residential Board and Care Chapters of NFPA 101

Design Requirements, FGI

- All assisted living facilities with six or more residents must meet the provisions relevant to assisted living facilities in the 2018 edition of the Facility Guidelines Institute “Guidelines for Design and Construction of Residential Health, Care and Support Facilities” and of adopted rules. In addition to the guidelines, **assisted living facilities shall provide the option of a bath in addition to a shower for all residents**

Assisted Living Facilities; Life Safety Code

- All assisted living facilities with six or more residents must meet the applicable provisions of the 2018 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care Occupancies chapter

Additional Design Requirements for Assisted Living w/Dementia

- 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

Variations or waivers

- A facility may request that the commissioner grant a variance or waiver from the provisions of this section. A request for a waiver must be submitted to the commissioner in writing
 - Specific requirement
 - Reason for request
 - Alternative measures
 - Length of time for waiver

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:
Bob Dehler, 651-201-3710, robert.dehler@state.mn.us
Michael Mireau, 651-201-3712, michael.mireau@state.mn.us
- Email specific questions on Assisted Living and Assisted Living with Dementia Care:
health.assistedliving@state.mn.us
MDH Assisted Living website where we will post all questions and answers that we receive (for consistency and clarity)
<https://www.health.state.mn.us/assistedliving>



Thank you