Dear Stakeholders:

If you have comments on this regulatory proposal, please submit them in writing by Friday, April 5. 2013 by e-mail to laurie.schoder@state.co.us or by fax to 303-753-6214. If you have questions, please call Laurie Schoder at 303-692-2832. Changes are highlighted in vellow.

## 1 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT 2 **Health Facilities Regulation Division** 3 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER VIII - FACILITIES FOR 4 PERSONS WITH DEVELOPMENTAL DISABILITIES 5 6 CCR 1011-1 Chap 08 6 7 Section 1 - Statutory Authority and Applicability 8 1.1 The statutory authority for the promulgation of these rules is set forth in section 25-1.5-103 and 25-3-9 101, et seq., C.R.S. 10 1.2 A facility for the developmentally disabled, as defined herein, shall comply with all applicable federal 11 and state statutes and regulations, including, but not limited to, the following: 12 (A) This Chapter VIII as it applies to the type of facility licensed. 13 (B) 6 CCR, 1011-1, Chapter II, General Licensure Standards, unless otherwise modified herein. 14 1.3 These regulations incorporate by reference (as indicated within) materials originally published 15 elsewhere. Such incorporation does not include later amendments to or editions of the referenced 16 material. The Department of Public Health and Environment maintains copies of the complete text 17 of the incorporated materials for public inspection during regular business hours, and shall 18 provide certified copies of the incorporated material at cost upon request. Information regarding 19 how the incorporated material may be obtained or examined is available from: 20 **Division Director** 21 Health Facilities and Emergency Medical Services Division 22 Colorado Department of Public Health and Environment 23 4300 Cherry Creek Drive South 24 Denver, CO 80246 25 Phone: 303-692-2800 26 Copies of the incorporated materials have been provided to the State Publications Depository and 27 Distribution Center, and are available for interlibrary loan. Any incorporated material may be 28

examined at any state publications depository library.

1	Section 2 – Definitions
2	
3 4 5 6 7 8	2.8 Plan Review - review by the Department, or its designee, of new construction or remodeling plans to ensure that the facility will maintain compliance with the applicable National Fire Protection Association (NFPA) Life Safety Code and this Chapter VIII. Plan review consists of the analysis of construction plans and onsite inspections, where warranted. For the purposes of the National Fire Protection Association requirements, the Department is the authority having jurisdiction for state licensure.
9 10	2.98 Resident – an individual admitted to and receiving services from a facility for persons with developmental disabilities.
11	
12	Section 20 – Fire Safety RESERVED
13 14	20.1 Each facility for persons with developmental disabilities shall be compliant with the National Fire Protection Association (NFPA) 101, Life Safety Code (2000), which is incorporated by reference.
15 16	20.2 Intermediate Care Facilities for Persons with Developmental Disabilities shall meet the following Life Safety Code requirements:
17 18 19 20	(A) A facility initially licensed before March 11, 2003, shall meet Chapter 19, Existing Health Care Occupancies or Chapter 33, Existing Residential Board and Care Occupancies, NFPA 101 (2000). The applicability of Chapter 19 or Chapter 33 shall be based upon the self-preservation capability of as few as one resident.
21 22 23 24	(B) A facility initially licensed on or after March 11, 2003, shall meet Chapter 18, New Health Care Occupancies or Chapter 32, New Residential Board and Care Occupancies, NFPA 101 (2000). The applicability of Chapter 18 or Chapter 32 shall be based upon the self-preservation capability of as few as one resident.
25 26	(C) For any facility that undergoes remodeling on or after October 1, 2003, the following shall apply:
27 28 29 30	(-1) If the facility is deemed a health care occupancy and the remodel involves a modification of more than 50 percent of the smoke compartment or moth than 4, 500 square feet, the entire smoke compartment shall be renovated to meet Chapter 18, NFPA 101 (2000).
31 32 33	(2) If the facility is deemed a board and care occupancy, additions or remodeling involving more than 25 percent of the habitable floor space shall meet Chapter 32, NFPA 101 (2000).
34 35	20.3 Community Residential Facilities for Persons with Developmental Disabilities shall meet the following Life Safety Code requirements:
36 37	(A)—A facility initially licensed before July 1, 2009, shall meet Chapter 33, Existing Residential Board and Care Occupancies, NFPA 101 (2000).
38 39	(B) A facility initially licensed on or after July 1, 2009, shall meet Chapter 32, New Residential Board and Care Occupancies, NFPA 101 (2000).

2	(C) A facility initially licensed on or after May 1, 2011 shall comply with paragraph (B) above and meet the following additional requirements:
3 4 5	(1) Notwithstanding Chapter 32 provisions to the contrary, provide an accessible means of egress to the public right of way that is compliant with Chapter 7, Means of Egress, NFPA 101 (2000), and
6 7	(2) Install and maintain in good repair a carbon monoxide detector and alarm within 15 feet of the entrance to each sleeping room.
8 9	(D) Additions or remodeling involving more than 25 percent of the habitable floor space shall meet Chapter 32, NFPA 101 (2000).
10	20.4 Notwithstanding NFPA 101, Life Safety Code provisions to the contrary:
11 12	(A) When differing fire safety standards are imposed by federal, state, or local jurisdictions, the facility shall comply with the standards that are the most stringent.
13 14	(B) Any story containing an exterior door or an exterior window that opens to grade level shall be counted as a story.
15 16	(C) Licensed facilities shall be separated from unlicensed contiguous occupancies by an occupancy separation with a fire resistance rating of not less than two hours.
17	Section 21 – Plan Review and Applicable Fees COMPLIANCE WITH FGI GUIDELINES
18 19 20	21.1 Each facility subject to a construction plan review, as specified below, shall comply with 6 CCR 1011-1, Chapter II, Part 1 concerning the submission of construction plans/documents and completion of the plan review process.
21 22 23 24	21.2 Plan review and fees are required as listed below. If the facility has been approved by the Department to use more than one building for the direct care of residents on its campus, each building is subject to the applicable base fee plus square footage costs. Fees are nonrefundable and shall be submitted prior to the Department initiating a plan review for a facility.
25	21.3 Plan review for Initial Licensure, Additions and Relocations
26 27	Plan review includes new facility construction and new occupancy of existing structures and shall apply to the following:
28 29	(A) Applications for an initial license, when such initial license is not a change of ownership and the application is submitted on or after July 1, 2009.
30 31 32	(B) Additions of previously uninspected or unlicensed square footage to an existing occupancy and the building permit for such addition is issued on or after July 1, 2009 or if no permit is required by the local jurisdiction, construction began on or after July 1, 2009.
33 34 35	(C) Relocation of a currently licensed facility in whole or in part to another physical plant, where the occupancy date occurs on or after July 1, 2009. Such relocations shall meet either Chapter 18 or Chapter 32, NFPA 101 (2000).
36	21.4 Plan Review Fees for Initial Licensure, Addition, or Relocation
37 38	(A) For facilities that are deemed health care occupancies: A base fee of \$2,500, plus square footage costs as shown in the table below.

<mark>Square Footage</mark>	<del>Cost per Square Foot</del>	<del>Explanatory Note</del>
<del>0-25,000 sq. ft.</del>	<del>\$0.10</del>	This is the cost for the first 25,000 sq. ft. of any
<del>25,001+ sq. ft.</del>	<del>\$0.01</del>	plan submitted.  This cost is applicable to the additional square footage over 25,000 sq.
		<del>ft.</del>

(B) For facilities that are deemed board and care occupancies: A base fee of \$2,300, plus square footage costs as shown in the table below.

<mark>Square Footage</mark>	<del>Cost per Square Foot</del>	<mark>Explanatory Note</mark>
<del>0-25,000 sq. ft.</del>	<del>\$0.10</del>	This is the cost for the first 25,000 sq. ft. of any plan submitted.
<del>25,001+ sq. ft.</del>	<del>\$0.01</del>	This cost is applicable to the additional square footage over 25,000 sq.

## 21.5 Plan Review for Remodeling

- (A) Plan review for remodeling shall be submitted when the application for the building permit from the local authority having jurisdiction is dated on or after July 1, 2009, or if no permit is required by the local jurisdiction, construction began on or after July 1, 2009.

  Remodeling includes, but is not limited to:
  - (1) Alteration, in patient sleeping areas, of a structural element subject to Life Safety Code standards, such as egress door widths and smoke or fire resisting walls.
  - (2) Relocation, removal or installation of walls that result in alteration of 25% or more of the existing habitable square footage or 50% or more of a smoke compartment.
  - (3) Conversion of existing space to resident sleeping areas.
  - (4) Changes to egress components, specifically the alteration of a structural element, relocation, or addition of an egress component. Examples of egress components include, but are not limited to, corridors, stairwells, exit enclosures, and points of refuge.
  - (5) Installation of any new sprinkler systems or the addition, removal or relocation of 20 or more sprinkler heads.
  - (6) Installation of any new fire alarm system, or addition, removal or relocation of 20 or more fire alarm system appliances including, but not limited to, pull stations, detectors and notification devices.
  - (7) Installation, removal or renovation of any kitchen hood suppression system.

(8) Essential electrical system: replacement or addition of a generator or transfer switch. 1 23 However, replacement of either the generator or transfer switch with one having the same exact performance specifications is considered maintenance and not 4 subject to plan review. 5 (9) Alteration of an existing area of the facility into a resident services area that restricts 6 resident egress through the use of locking devices. In addition to construction 7 plans, the following information shall also be submitted: 8 (a) Cut sheets and sequence operations for locking devices for egress and 9 egress access doors. (b) Location of locked egress and egress access doors. 10 11 (c) If applicable, how the fencing or other enclosure around the secured outdoor 12 area designed to prevent elopement will be installed such that it protects 13 the safety and security of the residents. 14 21.6 Plan Review Fees for Remodeling

(A) For facilities that are health care occupancies: A base fee of \$2,000, plus square footage costs as shown in the table below.

Square Footage	<del>Cost per Square Foot</del>	<mark>Explanatory Note</mark>
<del>0-20,000 sq. ft.</del>	<del>\$0.08</del>	This is the cost for the first 20,000 sq. ft. of any plan submitted.
<del>20,001+ sq. ft.</del>	<del>\$0.01</del>	This cost is applicable to the additional square footage over 20,000 sq. ft.

15

16

17

20

21

22 23

24

25

26

27

18 (B) For facilities that are board and care occupancies: A base fee of \$1,800, plus square footage costs as shown in the table below.

<del>Square Footage</del>	<del>Cost per Square Foot</del>	<mark>Explanatory Note</mark>
<del>0-20,000 sq. ft.</del>	<del>\$0.08</del>	This is the cost for the first 20,000 sq. ft. of any plan submitted.
<del>20,001+ sq. ft.</del>	<del>\$0.01</del>	This cost is applicable to the additional square footage over 20,000 sq. ft.

21.71 The "Guidelines for Design and Construction of Health Care Facilities" (2006 Edition), American Institute of Architects (AIA) may be used by the Department in resolving health, building and life safety issues for construction initiated or systems installed on or after July 1, 2009. The AIA Guidelines are hereby incorporated by reference. THE DEPARTMENT SHALL RELY ON THE GUIDELINES FOR DESIGN AND CONSTRUCTION FOR HEALTH CARE FACILITIES, (2010 EDITION), FACILITY GUIDELINES INSTITUTE (FGI) IN RESOLVING PHYSICAL PLANT HEALTH AND SAFETY ISSUES FOR CONSTRUCTION INITIATED OR SYSTEMS INSTALLED

1 2 3 4	ON OR AFTER JULY 1, 2013. THE <i>GUIDELINES FOR DESIGN AND CONSTRUCTION FOR HEALTH CARE FACILITIES</i> , (2010 EDITION), FACILITY GUIDELINES INSTITUTE (FGI) IS HEREBY INCORPORATED BY REFERENCE AND DOES NOT INCLUDE ANY LATER AMENDMENTS TO OR EDITIONS OF THE GUIDELINES.
5	Section 22 – Physical Environment
6	
7 8	22.3 All exterior areas shall be safely maintained to protect against environmental hazards including, but not limited to, the following:
9	(A) Exterior premises shall be kept free of high weeds and grass, garbage and rubbish.
10 11	(B) Grounds shall be maintained to prevent hazardous slopes, holes, snow, ice or other potential hazards.
12 13	(C) Porches and exterior staircases of three (3) or more steps shall have handrails. Staircases and porches shall be kept in good repair.
14	
15	22.5 Electrical equipment/devices
16 17	<ul> <li>(A) RESERVED Extension cords and multiple use electrical sockets shall not be used in resident bedrooms.</li> </ul>
18	(B) RESERVED Power strips are permitted throughout the facility with the following limitations:
19 20	(1) The power strip shall be equipped with factory installed over-current protection in the form of a circuit breaker or fuse.
21	(2) The power strip shall have a UL (Underwriters Laboratories) label.
22	(3) The power strips cannot be linked together when used.
23	(4) Extension cords cannot be utilized in conjunction with a power strip.
24	(5) Power strips must be equipped with six or less simplex receptacles.
25	(6) Use shall be restricted to one power strip per resident per bedroom.
26 27 28	(C) A heating pad or electric blanket shall not be used in a resident room without both staff supervision and documentation that the administrator believes the resident to be capable of appropriate and safe use.
29 30	(D) Electric or space heaters shall not be permitted within resident bedrooms and may only be used in common areas of the facility if owned, provided, and maintained by the facility.
31	