

APA-1  
6/93

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-5-4-.12

Rule Title Physical Plant

       New XXX Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NA


Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer  Date 5/20/15

**FORM APA2**  
**11/96**

**STATE BOARD OF HEALTH**  
**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-5-4-.12 Physical Plant

INTENDED ACTION: To Amend

SUBSTANCE OF PROPOSED ACTION: To eliminate redundant wording.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. on June 16, 2015, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe St., Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on July 3, 2015. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Ray Sherer, Division of Provider Services, Department of Public Health, P.O. Box 303017, Montgomery, Alabama 36130-3017.  
Telephone number: (334) 206-5175.



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P. Brian Hale, Agency Secretary

**420-5-4-.12      Physical Plant.**

(1)            General.

(a)            Building Classification.

1.            Family assisted living facilities shall be planned to serve the types of residents to be admitted and shall comply with the Life Safety Code chapter for One- and Two-Family Dwellings, and shall comply with sections (1), (2), (3), and (4) of AAC Rule 420-5-4-.12.

2.            Group assisted living facilities shall be planned to serve the residents to be admitted and shall comply with Section (1), (2), (3), and (5) of AAC Rule 420-5-4-.12.

3.            Congregate assisted living facilities shall be planned to serve the residents to be admitted and shall comply with Sections (1), (2), (3), (6) of AAC Rule 420-5-4-.12.

4.            Renovation within the exterior walls of an assisted living facility shall in no case be of such nature as to lower the character of the structure below the applicable building requirements for the classification of license held by the assisted living facility.

5.            Dually Licensed Facility.

(i)            For the purposes of meeting physical facility and building code requirements, a building housing both a regular assisted living facility and a specialty care assisted living facility shall be classified as a Group or Congregate facility in accordance with the combined licensed bed capacities of both facilities. For the purposes of meeting resident care and administrative requirements, the specialty care assisted living facility and the regular assisted living facility shall be separately considered, and each shall be classified as a Congregate facility or a Group facility in accordance with the licensed bed capacity of each, and the determination shall not be based on their combined bed capacity. Resident care and administrative requirements are found in sections 420-5-4-.01 through 420-5-4-.07 of these rules, and in sections 420-5-20-.01 through 420-5-20-.07 of the specialty care assisted living facility rules. Physical facility and building code requirements are found in sections 420-5-4-.08 and higher of these rules, and in sections 420-5-20-.08 and higher of the specialty care assisted living facility rules.

(ii)            When a facility has a portion of a building licensed for Specialty Care residents, instead of the entire facility, the sleeping, bathing, dining and activity areas shall

be in a distinct and separate unit within the building, certified for specialty care assisted living. Administrative, kitchen and service areas may be shared between the two licensed portions.

(b) Location. All assisted living facilities established or constructed shall be located so that they are free from undue noises, smoke, dust, or foul odors. New assisted living facilities shall be located at least 1,000 feet, from open areas, or 500 feet when separated by a boarded six feet high fence used to baffle any noise, from railroads, freight yards, or disposal plants. This rule shall not prevent enlargement or expansion of existing assisted living facilities.

(c) Local Restrictions. The location and construction of all assisted living facilities shall comply with local zoning, building, and fire ordinances. Evidence to this effect, signed by local fire, building, or zoning officials, may be required as a condition of licensure. If a facility is to be located in an area that does not have any zoning, building or fire authority review, a letter stating such shall be obtained from the local county commission through official board action or from the office of the probate judge.

(d) Assisted living facilities shall be located on publicly maintained streets or roads, and connected with driveways which shall be kept passable at all times.

(e) Occupancy. No part of an assisted living facility may be rented, leased, or used for any commercial purpose not reasonably necessary or related to the services the facility is licensed to provide. The Department shall approve all plans for occupancy.

(f) Basements. The basement shall be considered as a story if it meets criteria established by the codes for a story.

(2) Submission of Plans and Specifications.

(a) New Facilities, Additions, and Alterations. Plans and specifications shall be submitted for review and approval to the ~~Alabama Department of Public Health~~, for any building that is intended to contain an assisted living facility, and for additions and alterations to existing facilities. Submissions shall be in accordance with Alabama Administrative Code ~~Rule~~ Chapter 420-5-22, "Submission of Plans and Specifications for Health Care Facilities."

(3) General Building Requirements - Family, Group and Congregate.

(a) Structural Soundness and Repair. The building shall be structurally sound, free from leaks and excessive moisture, in good repair, and painted with sufficient frequency to be reasonably attractive inside and out. The interior and exterior of the building shall be kept clean and orderly.

(b) Temperature to be Maintained. The facility shall maintain a comfortable temperature. A comfortable range is between 71 - 81 degrees Fahrenheit.

(c) Lighting. Each resident's room shall have artificial light adequate for reading and other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, storerooms, kitchens, laundries, and service units shall have sufficient artificial lighting to prevent accidents and promote efficiency of service. Night lights shall be provided in all hallways, stairways, and bathrooms.

(d) Screens. All screen doors and non-stationary windows shall be equipped with tight-fitting, full-length insect screens. Screen doors shall be equipped with self-closing devices.

(e) Emergency Lighting. All assisted living facilities shall provide emergency lighting to adequately illuminate halls, corridors, kitchens, dining areas, and stairwells in case of electrical power failure. As a minimum, dry cell battery-operated lighting shall be provided to light such spaces.

(f) Floors. All floors shall be level, smooth and free of cracks and finished so that they can be easily cleaned. The basic requirement for floor finishes shall be wall-to wall with such finishes as paint, stain, sealer, carpet, sheet vinyl, vinyl tile, hard tile, or other appropriate floor finish. Floors shall be kept clean.

(g) Walls and Ceilings. All walls and ceilings shall be of sound construction with an acceptable surface and shall be kept clean and in good repair.

(h) Windows. Non-stationary windows shall be so constructed and maintained so that they fit snugly, and are capable of being opened and closed easily.

(i) Ceiling Height. Each room occupied by residents shall have a ceiling height of eight feet or more. Existing facilities with ceiling heights less than 8' shall be acceptable when the height complies with the codes.

(j) Handrails. If handrails are installed in halls or corridors, the handrails shall be mounted at 30 - 36 inches above the floor and returned to the wall at each end.

(k) Floor Levels. Any differences in floor levels shall not prevent a resident from navigating safely throughout the facility. New ramps and inclines in the path of egress, shall not be steeper than one foot of rise in twelve feet of run (1:12), existing maximum slope shall not exceed a slope of 1:10, and shall be finished with a non-slip surface and shall be provided with handrails on both sides. If a facility houses wheelchair-bound residents, it shall have ramps or inclines.

(l) Stairways. Stairways shall be well lighted, kept in good repair and have handrails. Open space under stairs shall not be used for storage purpose. All walls and doors under stairs shall meet the same fire rating as the stairwell.

(m) Doors.

1. In each new Group and Congregate facility doors of resident bathrooms connected to resident bedrooms shall swing into the bedroom.

2. Bedroom and bathroom doors may be equipped with hardware that will permit a resident to lock himself within the room, provided a master key is readily accessible for the staff at a central location.

3. Resident bedroom doors in group and congregate facilities shall be at least three feet wide. Bedroom doors in family assisted living facilities shall not be less than thirty-two inches wide.

4. Exterior egress doors shall not prevent free and unhindered egress from the facility. Delayed egress or other special locking arrangements are permitted only in specialty care assisted living facilities.

5. Exit doors swinging outward shall swing out over a landing having a minimum length and width equal to the door's width at the same level as the floor level, except existing doors shall not have more than a 4 inch step down. Exit doors of Family facilities may swing inward.

(n) Ventilation. The building shall be well-ventilated at all times to prevent accumulation of objectionable odors. Kitchens, laundries, service rooms, toilets, and bathrooms shall be ventilated by windows, gravity vents, or mechanical means as necessary to prevent offensive odors from entering other parts of the facility.

(o) Fire Extinguishers. Fire extinguishers shall be provided for each hall, kitchen, and laundry, of type and

capacity appropriate to the need.

1. Each fire extinguisher shall receive an annual inspection with maintenance, and recharging when necessary, by a fire equipment servicing representative. An annual servicing tag shall be attached to the extinguisher reflecting the name of the servicing company, representative, day, month and year of maintenance.

2. A visual inspection of each fire extinguisher shall be conducted monthly by designated staff of the facility and documented on the attached extinguisher tag by the designated staff person.

(p) Call System. Except in family facilities, a central electric or electronic call system shall be conveniently provided for each resident, usable in bedrooms and bathrooms.

(q) Manufactured homes/mobile homes are not permitted.

(r) Fireplaces and inserts, shall be inspected and cleaned annually, and shall comply with the currently adopted building code. Openings shall be protected with screens, or doors.

(s) Fire Alarm System. Where fire alarm systems are required, a corridor smoke detection system shall be installed on each floor, including areas open to the exit access corridor, to comply with NFPA 72, connected to the facility's fire alarm system. In lieu of corridor smoke detection, smoke detectors connected to the building fire alarm system may be installed in each resident's room, open areas and at smoke doors (except that corridor smoke detection shall not be deleted when its use is dictated by other requirements).

(t) Fire Alarm and Sprinkler System.

1. Fire alarm and sprinkler system outages of more than 4 hours require evacuation of the facility or the establishment of a continuous fire watch. The fire watch procedure must be coordinated with the Department and the local Fire Marshal. Outages and fire watch documentation shall be reported to the Department of ~~Public Health~~ within 12 hours or no later than the next duty day, and shall be corrected expeditiously.

2. The fire alarm system and the sprinkler system shall be inspected by licensed, trained and qualified personnel at least semiannually for compliance with the respective codes. Inspection and Testing reports shall be maintained in the facility for a period of at least 2 years.

(u) Closure of an assisted living facility for a period of thirty days or longer shall cause its license to automatically lapse. Before the facility may reopen, it must submit a new application for licensure. The new license shall not be granted until the facility has received a certificate of completion from the Department's Office of Facilities Management, ~~Alabama Department of Public Health~~. This entails plan review and building inspection in the same manner as a facility that has never been licensed. Plan review shall follow the most recent code requirements for new construction.

(v) Exit marking. In Group and Congregate facilities, a sign bearing the word "EXIT" in plain legible block letters shall be placed at each exit. Additional signs shall be placed in corridors and passageways wherever necessary to indicate the direction of exit. Letters of signs shall be at least four inches high. All exit and directional signs shall be kept clearly legible by continuous internal electric illumination and have battery back-up or emergency power.

(x) Heating, Lighting, and other Service Equipment

1. Central or individual room gas heating systems shall be of the enclosed flame type equipped with automatic flame shut-off control and shall be vented directly to the outside. Heating units of any type shall be located to avoid direct contact with any combustible material and shall be maintained in accordance with manufacturer's recommendation.

2. Open flame and portable heaters are prohibited in assisted living facilities. This does not apply to a fire place with gas logs protected as noted elsewhere in these rules.

3. Lighting shall be restricted to electricity. Electric wiring, motors, and other electrical equipment in all assisted living facilities shall be in accordance with local electrical codes and the NFPA National Electrical Code.

(4) Building Requirements-Family Assisted Living Facility.

(a) General. Family assisted living facilities shall comply with the provisions of this section. Such facilities shall be renovated to comply with the provisions of the National Fire Protection Association, Life Safety Code chapter for One-and Two-Family Dwellings, and other minimum standards of safety established by the Board.

(b) Fire Protection.



1. Fire Extinguishers. A five pound BC fire extinguisher shall be provided in the kitchen. A five pound ABC fire extinguisher shall be provided in the laundry and hall(s).

2. Smoke Detectors. Smoke detectors tied into electrical systems are required in all bedrooms, activity rooms and hallways. Detectors shall be tested monthly for local alarm activation and documented. Defective detectors shall be replaced within 24 hours.

(c) Mechanical and electrical systems shall be inspected by local building, electrical, plumbing officials, or the State Fire Marshal, or such other person(s) as the State Board of Health may request, and their recommendations relating to adequacy and safety presented to the Board.

(5) Building Requirements-Group Assisted Living Facilities.

(a) General. Group assisted living facilities licensed, construed or renovated after December 25, 1991 shall be limited to one story buildings and shall comply with the currently adopted building code and National Fire Protection Association, Life Safety Code. Facilities, or portions of facilities, built under the currently adopted codes shall comply with the *Life Safety Code* chapter for New Residential Board and Care Occupancies, Impractical Evacuation Capability (excluding NFPA 101A Alternative Approaches to Life Safety). Facilities, or portions of facilities, built under previous adopted editions of the codes shall comply with the currently adopted *Life Safety Code* chapter for Existing Residential Board and Care Occupancies, Impractical Evacuation Capability (excluding *NFPA 101A Alternative Approaches to Life Safety*).

(b) Required Fire Exits.

1. At least two exits, remote from each other and so located that there will be no dead-end corridors in excess of twenty feet, shall be provided.

2. Exits shall be so located that the distance of travel from the corridor door of any occupied room to an exit shall not exceed 100 feet.

3. Each bedroom or suite shall have at least one doorway opening directly to the outside, or to an exit corridor leading directly to the outside.

4. Exit doors shall swing to the exterior.

5. Panic hardware shall be installed on all exit

doors of facilities submitted for plan review on or after October 5, 2001. As a minimum, single action hardware is required on all exit doors of existing facilities.

(c) Corridors and Passageways. Corridors and passageways used as a means of exit, or part of a means of exit, shall be at least 36 inches wide, shall be unobstructed, and shall not lead through any room or space used for a purpose that may obstruct free passage.

(d) Smoke Barrier Separations.

1. Buildings exceeding 3,000 square feet in area shall be divided into separate areas by smoke barriers so located as to provide ample space on each side for approximately one half the beds. Smoke barriers shall have a fire-resistive rating of not less than one hour or minimum one half hour for existing sprinkled facilities.

2. Doors provided in smoke barriers shall be smoke-resistive, so installed that they may normally be kept in the open position, but will close automatically upon fire alarm activation.

3. Duct penetrations in smoke barriers shall be properly protected with smoke dampers.

4. Penetrations of smoke barriers with wiring, conduits, pipes, etc., shall be sealed to maintain the fire and smoke rating.

(6) Building Requirements - Congregate Assisted Living Facility.

(a) General. Congregate assisted living facilities licensed, constructed or renovated under the currently adopted codes shall comply with the building code and the *Life Safety Code* chapter for New Residential Board and Care Occupancies, Impractical Evacuation Capability, thereby requiring compliance with the requirements for limited care facilities in the "New Health Care Occupancies" Chapter of the *Life Safety Code* (excluding *NFPA 101A, Alternative Approaches to Life Safety*). Facilities, or portions of facilities, built under previously adopted editions of the codes shall comply with the currently adopted *Life Safety Code* chapter for Existing Residential Board and Care Occupancies, Impractical Evacuation Capability, thereby requiring compliance with the requirements for limited care facilities in the "Existing Health Care Occupancies" Chapter for the *Life Safety Code* (excluding *NFPA 101A Alternative Approaches to Life Safety*).

(b) Exit doors. Panic hardware shall be installed on all exit doors.

(c) Corridors and Passageways. Corridors and passageways shall be unobstructed and shall not lead through any room or space used for a purpose that may obstruct free passage.

(d) In new construction, the temperature of hot water accessible to residents shall be automatically regulated by tempering valves and a circulating pump system, unless the water heater is dedicated to resident use.

(e) Utility rooms shall be provided for each floor of Congregate assisted living facilities. The following equipment shall be provided:

1. Paper towel holder with an adequate supply of paper towels;
2. Wall cabinet or shelves;
3. Table or counter;
4. Soap dispenser with soap;
5. Sink - counter top, wall or floor mounted; and
6. Space and facilities for cleaning equipment and supplies.

**Author:** Victor Hunt

**Statutory Authority:** Code of Ala. 1975, §§22-21-20, et seq.

**History:** Filed November 20, 1991. **Amended:** Filed February 20, 1997; effective March 27, 1997. **Repealed and New**

**Rule:** Filed October 18, 2001; effective November 22, 2001.

**Amended:** Filed June 18, 2002; effective July 23, 2002. **Amended:** Filed June 23, 2004; effective July 28, 2004. **Amended:** Filed June 21, 2006; effective July 26, 2006. **Amended:** Filed September 22, 2008; effective October 27, 2008.