

LICENSING ALERT

Richard H. Lee
Deputy Secretary
for Quality Assurance

March 8, 2002

Division of Drug and Alcohol Program Licensure
Licensing Alert 1-02

CHAPTER 705. PHYSICAL PLANT STANDARDS

Attached is a copy of the new physical plant standards for drug and alcohol facilities. These regulations became effective March 2, 2002. These regulations apply immediately to any facility licensed after March 2, 2002. All facilities licensed prior to March 2, 2002 must be in complete compliance with these regulations by December 2, 2002.

Section 705.5 (l) (Sleeping accommodations) states, in part, "a residential facility shall be exempt from subsections (b), (c), (e), (f) and (i) for rooms that had been used as bedrooms in facilities licensed as of March 2, 2002."

The Division of Drug and Alcohol Program Licensure must document bedroom placement and use as of the effective date of these regulations. Therefore, drug and alcohol facilities which were licensed as of March 2, 2002, for the inpatient non-hospital residential treatment and rehabilitation, inpatient non-hospital detoxification, inpatient non-hospital transitional living, and psychiatric hospital activities must submit within 15 days of the date of this Alert, blueprints or a diagram with designated bedrooms and dimensions, identifying the number of single beds and bunk beds in each room as well as the activity for which each bed is used; e.g., detoxification, rehabilitation.

The blueprints or diagrams should be addressed to the Division as follows:

Karen Conjar (Blueprints/diagram included)
Department of Health
Division of Drug and Alcohol Program Licensure
132 Kline Plaza, Suite A
Harrisburg, PA 17104

Should you have questions regarding this Alert, contact the Division of Drug and Alcohol Program Licensure at 717-783-8675.

Attachment

RULES AND REGULATIONS

Title 28--HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 701, 705, 709, 711 AND 713]

Drug and Alcohol Facilities and Services

[32 Pa.B. 1183]

The Department of Health (Department) adopts amendments to Part V (relating to drug and alcohol facilities and services) to read as set forth in Annex A.

Purpose and Background

These amendments establish updated and relevant physical plant standards for the licensure of residential and nonresidential services which protect the health and safety of clients being served in drug and alcohol programs within this Commonwealth and employees working in those facilities. These standards reduce the risk of health hazards and problems such as overcrowding, infectious diseases, rodent and other pest hazards to humans, unclean kitchen and food storage areas, and unsafe child care areas.

The Department's Division of Drug and Alcohol Program Licensure (Division) currently inspects and licenses 853 (215 residential and 638 nonresidential) drug and alcohol facilities and applies physical plant standards from Chapters 709, 711 and 713 (relating to standards for licensure of freestanding treatment facilities; standards for certification of treatment activities which are a part of a health care facility; and standards for approval of prevention and intervention activities). The Division inspects drug and alcohol facilities on at least an annual basis. There are no known local physical plant inspection procedures that are in place as a substitute for these standards.

Chapter 705 (relating to physical plant standards) has been created to replace current physical plant regulations which were found throughout Part V. Those physical plant standards as applied to drug and alcohol treatment and rehabilitation facilities and services were not consistent with current health, safety, fire and panic code requirements. They were insufficient to provide minimal health and safety protection for clients and employees. They were vague and minimal in scope. Enforcement for the protection of individuals in these facilities was difficult. The new standards will provide sufficient guidance and detail to inform facilities exactly what is expected and required. They represent a dramatic improvement in the protection of the patients and employees at the facilities, and they are clear to allow for precise and uniform enforcement.

Provisions deleted by this final-form rulemaking relating to physical plants were located in eight separate subchapters, each dealing with a different type of facility. Those provisions were, for the most part, identical. The more logical approach being applied here is to consolidate all physical plant regulations into one chapter where they can be easily referenced, and to delete the separate physical plant regulations located throughout.

Summary

This final-form rulemaking amends Part V by amending § 701.1 (relating to general definitions); deleting various sections in Chapters 709, 711 and 713. This final-form rulemaking also adds Chapter 705.

General Comments

Proposed rulemaking was published at 29 Pa.B. 5835 (November 13, 1999). A 30-day comment period was provided. The Department received comments from 17 commentators. The commentators were the Independent Regulatory Review Commission (IRRC), the Department of Public Welfare (DPW) (which provided informal comments to the Department in the Spring of 2000, after the public comment period closed), four legislators, two counties, the Pennsylvania Halfway House Association, the Philadelphia Alliance and seven providers. Some comments were identical to others and, where duplicated, are only recited once.

Many of the comments received from DPW suggested that these regulations be made consistent with 55 Pa. Code Chapter 3800 (relating to child residential and day treatment facilities). As much as possible, this consistency has been achieved.

The single most commented upon item was in proposed § 705.5(b) (relating to sleeping accommodations). This subsection requires that each facility maintain certain minimum square footage requirements for resident bedrooms. The main concern expressed by facilities is that the proposed square footage requirements would impose substantial burdens on facilities to the extent that significant costs would be incurred in achieving compliance. They commented further that, in the absence of compliance,

a significant number of beds would be lost, resulting in significant revenue losses and the ultimate closing of facilities.

The Department has considered these comments, and after consultation with the staff of IRRC and the Senate Committee on Public Health and Welfare and the House Committee on Health and Human Services, the Department has agreed to exempt rooms that had been used as bedrooms prior to the effective date of this final-form rulemaking in currently licensed facilities from the square footage per resident and the maximum number of residents per bedroom requirement. Therefore, rooms used as bedrooms as of the effective date of these final-form regulations will be exempted from this requirement. After the effective date of these final-form regulations, additional beds and additional or replacement bedrooms shall be subject to this requirement.

Finally, the Department consulted with the Department of Labor and Industry (L & I) regarding the Pennsylvania Construction Code Act (code) (35 P. S. §§ 7210.101--7210.1103) and regulations to be adopted with that code. It is anticipated that L & I's proposed regulations will be published soon. If an inconsistency is identified after the L & I regulations are issued in final-form, the Department will review its regulations at that time and determine whether amendments are necessary.

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. Definitions

Section 701.1 defines the types of facilities used in these regulations. No comments addressing this section were received. This section is adopted as proposed.

CHAPTER 705. PHYSICAL PLANT STANDARDS

This chapter addresses the standards for physical plant for residential and nonresidential facilities. Most of the comments that were made to Subchapter A (relating to residential facilities) were also made to Subchapter B (relating to nonresidential facilities). Rather than repeat the comments and the Department's response to them, the Department will address the parallel regulations simultaneously and provide one response to similar comments applicable to both sections.

Section 705.1. General requirements for residential facilities; Section 705.21. General requirements for nonresidential facilities.

These sections establish general requirements for all facilities.

Comment: The preamble and proposed subsection (c) discuss licensure of facilities. However, licensure is not included in the general requirements. The regulations should be amended to include a cross reference to existing requirements for licensure found in §§ 709.11--709.18.

Response: The Department agrees with this comment and has amended these sections to include a specific reference to the licensure requirements in Chapter 709.

Sections 705.2 and 705.22. Building exterior and grounds.

These sections deal with maintenance of the outside and grounds of all facilities.

Comment: The reference in paragraph (1) to playgrounds is not applicable.

Response: The Department disagrees with this comment. Often facilities admit women for treatment who have children. These children

stay with their mothers. Thus, some residential facilities do have children and provide playground equipment for those children. Paragraph (1) does state that compliance is required "when applicable."

Comments: Paragraph (2) requires grounds of the facility to be in "good condition." The phrase "good condition" is unclear. The Department should either add specific requirements for the grounds or delete the requirement that the grounds be in good condition.

The Department should use general and measurable words such as "free from hazards."

Response: The Department agrees with these comments. The unclear language has been deleted and replaced with general and measurable language.

Comments: Paragraph (4) requires removal of garbage "on a regular basis, at least once a week." The phrase "on a regular basis" is unnecessary and should be deleted.

The Department should use general and measurable words such as "trash outside the facility shall be kept in closed receptacles that prevent the penetration of insects and rodents."

Response: The Department agrees with these comments and has amended the paragraphs accordingly.

Section 705.3. Living rooms and lounges.

This section provides for minimum comfort standards in living spaces in residential facilities.

Comments: Proposed paragraph (1) is vague. The Department should delete "appropriately furnished" and "which creates a relaxed and comfortable atmosphere" or use standards that can be clearly understood and enforced.

The Department should use general and measurable words such as "accommodate number of people" and "free from hazard."

Response: The Department agrees with these comments and has amended the section accordingly.

Sections 705.4 and 705.23. Counseling areas.

These sections deal with providing for appropriate space and privacy for counseling.

Comments: The phrase "adequate space" in paragraph (1) is unclear. The Department should delete the term or use a standard that can be clearly understood and enforced.

Paragraph (2) is unclear. The Department should delete "comfortable furnishings" and "which are appropriate for the intended purpose" or use standards that can be clearly understood and enforced.

The term "sufficient" in paragraph (3) is not measurable.

The Department should clarify that there should not be excessive noise that disturbs counseling sessions in paragraph (4).

Response: The Department agrees with these comments and has amended these sections accordingly.

Section 705.5. Sleeping accommodations.

This section establishes minimal adequate safety standards for sleeping quarters in residential facilities.

Comment. Reference should be made to the various provisions of 55 Pa. Code § 3800.102 (relating to child bedrooms).

Response. This section has been rewritten to be consistent with DPW regulations.

Comment. Subsection (a) has several vague requirements. Paragraph (1) requires bed frames to be of "solid construction" and "sized appropriately to the needs of the resident." Paragraphs (2) and (3) use the term "comfortable." The Department should delete these phrases, or use standards that can be clearly understood and enforced.

Response. This subsection is rewritten as suggested. Paragraphs (2) and (3) were combined, as were paragraphs (4) and (5). The word "comfortable" has been deleted in several paragraphs.

Comments: Subsection (b) requires facilities to provide a minimum of 60 square feet of bedroom space per bed (including space occupied by furniture) for each resident sharing a room and a minimum of 80 square feet for single bedrooms. The square footage requirement is unreasonable. The Department should reconsider the impact of this provision. This requirement could cause facilities to eliminate beds and lose significant income.

The Department states that existing facilities would be exempted from certain requirements which might impose costs too great for them to absorb and continue to function effectively. The Department should explain the following:

* The need for this requirement and why the square footage requirements are not included with the "grandfather" exemptions in § 705.1(c).

* How many currently licensed facilities would not meet the requirement in subsection (b) based on their current population.

* How many beds would be lost to existing facilities and how much income these facilities would lose as a result of the proposed square footage requirements.

A significant number of long standing programs will be adversely affected by the 60 square feet per resident requirement.

The "retrofit or close" effect of this section would be very hurtful, especially in the area of women's and children's services.

The listed dimensions would create a conflict in the ability of licensed facilities to serve persons due to limitations of existing bedrooms in terms of floor space and ceiling height.

In requiring a minimum of 60 square feet of space per bed, subsection (b) does not exempt existing facilities. If these regulations are made effective, some facilities would be unable to meet the requirement. The population of these facilities would be reduced. These facilities have been licensed for a certain number of residents. This regulation conflicts with the current licensing capacity of the facility. This regulation would decrease the number of available treatment beds within this Commonwealth. Those facilities operating at less capacity would have increased per diem costs. In essence, it would cost more per day to treat an individual and fewer individuals will receive treatment at the same costs to the Commonwealth as before these regulations.

In the case of facilities serving women with children, where the children are residents with their addicted mother, it is often clinically appropriate to have the children in the bedroom with the mothers, thus increasing the number of individuals in excess of four. The standard would result in future programs that serve women with children being forced to provide bedrooms which would accommodate fewer than four women residents because the children would have to be counted in the bedroom number. This regulation would result in higher cost of construction which could not be adequately reimbursed through a fee for service arrangement.

These regulations result in the decommissioning of available beds, thereby decreasing the availability of treatment services to those in need.

While available beds would decrease, the per diem costs of each bed would increase proportionately. Replacing these beds would be difficult, if not impossible. Zoning for drug and alcohol facilities has become more difficult each year. In some cities and townships, the establishment of a drug and alcohol facility is impossible. When zoning is permitted, it is usually in neighborhoods with older buildings making renovations very expensive.

A 110 square foot space with a bunk bed would only accommodate one resident. This site would cause some programs to reduce their population to a point where they would no longer be able to financially support themselves.

The 60 square feet space requirement will place a severe hardship on many existing treatment facilities and halfway houses. Most nonprofit organizations operate under stringent budget constraints. When they are forced to eliminate beds to meet space standards, the loss in revenue will force many to reduce staff, placing further limits on treatment availability. The loss of only a few beds could force small agencies to close. Existing

agencies should be grandfathered, permitting them to continue utilizing current sleeping accommodations.

The American Correctional Association (ACA) Standards for Adult Community Residential Services' sleeping accommodations requirement is 25 square feet of unencumbered space per client, a lower space requirement than that proposed in this section. When the number of clients (beds) must be reduced, staff must be terminated and treatment capability is reduced, stressing an already taxed system.

The space requirements contained in the proposed standard would have a tremendous impact on the public treatment system and result in significantly increased costs. For programs that utilize bunk beds, the requirement would be excessive. The requirement will result in the loss of beds, thus increasing rates.

Sixty square feet per person will negatively affect programs to the extent of severely limiting total treatment capability accessible to publicly funded clients.

Response: Bedrooms containing beds included in the licensed capacity of facilities licensed as of the effective date of this regulation will be exempted from the requirement relating to square footage per resident. This exemption will not apply to new bedrooms if a facility expands its capacity or renovates to relocate or add bedrooms. Also, this exemption will not apply if the facility relocates or rebuilds. The square footage requirements have been reduced from 80 square feet to 70 square feet for individuals occupying a single bedroom. Wording has been added to reduce the square footage requirements when bunk beds are used from 60 square feet per person to 50 square feet per person. In essence, this allows for two people, with beds, dressers, chairs and anything else they might have, to share a 10 foot by 10 foot room.

This regulation will not affect programs with women and children. Children will not be considered residents for the purpose of calculating the square feet of bedroom floor space required per resident or the maximum number of residents per bedroom.

Similar standards established in other states were reviewed in formulating this subsection. The standard for a majority of states is consistent with this regulation. The following are some examples: New Jersey requires 70 square feet of clear floor space for single occupancy and a minimum of 50 square feet of clear floor space per patient, with 3 feet of clear space between and at the foot of beds. Rhode Island requires 85 square feet for single occupancy and 60 square feet per person for multiple occupancy. Montana requires 100 square feet for single occupancy and 80 square feet per person with no more than 4 persons per room. New York requires 100 square feet exclusive of closet space for single occupancy and 80 square feet per person with a maximum of four persons per room, with an exception of 60 square feet per person for alcohol treatment of less than 5 days.

Subsection (c) is rewritten as suggested.

Subsection (d) is combined with subsection (b) as suggested.

No comment was received on subsections (e)--(h). They have been relettered (d)--(g). The former subsection (f), now subsection (e), has been rewritten for clarification.

Subsection (h) is new, based on suggestions from commentators.

Subsection (i) applies to bedrooms, not the entire facility.

Comments: Subsection (j) should more directly state its requirements, such as "Bedrooms located in a basement shall meet the following requirements: . . ."

Paragraph (1) uses the vague term "appropriate." The Department should delete this term.

Paragraph (3) requires two basement exits "each located reasonably remote from the other in a manner to reduce the possibility that both will be blocked in an emergency situation." It is unclear how a facility would comply with this phrase. The Department should amend this language to more clearly state its intent.

Response: This subsection has been rewritten as recommended.

Other change: The Department added subsection (h) (relating to bedroom windows) based on a recommendation that these regulations be consistent with 55 Pa. Code Chapter 3800. Facilities licensed prior to the effective date of these regulations shall be exempt from this provision.

Sections 705.6 and 705.24. Bathrooms.

These sections provide standards for bathrooms in residential and nonresidential facilities.

Comment: In § 705.6(3), the Department should delete "adequate" and "to meet the needs of the residents" or provide a more definitive standard.

Response: The Department agrees with this comment and has amended this paragraph. This section also now sets a measurable standard for the temperature of hot water.

Comment: In § 705.6 there is no mention of toiletry items and nonslip surfaces.

Response: The Department agrees with this comment and has added a provision regarding slip-resistant surfaces for bathtubs and showers in paragraph (4).

Comments: Section 705.24(1) requires bathrooms to be "conveniently located throughout the facility." It is unclear what the phrase "conveniently located throughout the facility" means. The Department should amend this language to state a more definitive standard.

Section 705.24(1) uses the term "lavatories." Paragraph (3) uses the phrase "toilet and washrooms." For consistency, the Department should use the term "bathrooms" in those paragraphs.

Response: The Department agrees with these comments. The vague unclear language has been deleted and the words and phrases have been changed to be consistent throughout. This section also now sets a measurable standard for the temperature of hot water.

Sections 705.7 and 705.25. Food service.

These sections provide for health and safety standards in food preparation areas for all facilities.

Comment: The term "adequate" in paragraph (1) is vague and should be deleted.

Response: The Department agrees with this comment and has revised the paragraph accordingly.

Comment: "Food preparation areas" should be added to paragraph (3).

Response: The Department agrees and has added the language.

Comment: "Cleanable" should be deleted from paragraph (4).

Response: The Department agrees and has deleted the word.

Comment: The term "properly" in paragraph (5) is vague. Similar requirements in 55 Pa. Code § 3800.104(e) (relating to kitchen areas) specify that cold food must be stored at or below 40°F, hot food at or above 140°F, and frozen foods at or below 0°F. The Department should consider including specific temperature storage requirements in the final-form regulations.

Response: The Department agrees with this comment and has adopted those standards.

Other changes: The Department deleted the words "and dining" from paragraph (7) because this section relates to food preparation areas only and not dining areas. Also, this section has been renamed "food service" to take into account situations when food is prepared and cooked for residents in other than traditional kitchen areas. This section allows for facilities to contract with food vendors or caterers for food service to their residents. In those cases, this section's requirements pertaining to an onsite food preparation area or central food preparation area would not apply. This section also provides for a facility to be served by a single, central food preparation area. This includes "campus-type" arrangements where several residential facilities exist in close proximity and food is prepared within one of the buildings or in an adjacent central "dining hall" area on the campus. This also includes multiple facilities where food is delivered to one or more facilities within a certain geographic area from a central food preparation area operated by the facility either at one of the residential facilities or at a separate location.

For nonresidential facilities, food service is not required. When food service is provided, it may be provided by onsite or central areas, or by contractual arrangements with vendors or caterers.

The health requirements relating to food service, storage, preparation and safety apply to residential and nonresidential facilities only if the facility operates an onsite food preparation area or a central food preparation area.

Sections 705.8 and 705.26. Heating and cooling.

These sections deal with temperature standards in all facilities.

Comments: As written, paragraph (1) would require all facilities to have air conditioning to maintain an indoor temperature of no more than 90°F.

Do all facilities have air conditioning and is the use of fans excluded? The Department should allow for fans or explain the need for this requirement.

Response: The Department agrees with these comments. The language has been revised to require some type of mechanical ventilation whenever the indoor temperature exceeds 90°F.

Comment: Paragraph (2) appears to apply to portable (nonkerosene) electric heaters that have already received approval by Federal regulators concerning their safety. Facilities in older buildings, where heating is generally adequate, still may have certain areas that require supplemental heaters to ensure appropriate temperatures are consistently maintained, especially on very cold or windy days. The requirement to ensure that supplemental heating devices are permanently mounted could cause facilities to incur great expense. Also, in some cases, they are prohibited by landlords.

Response: The Department understands these concerns. Nevertheless, it is of great concern to the Department that portable, unsecured heating devices pose a very high risk of fire. Protecting the health and safety of patients and staff outweighs permitting these devices. Furthermore, this provision is consistent with 55 Pa. Code Chapter 3800.

Finally, these facilities are licensed only by State authority. There is no Federal regulation of drug and alcohol treatment facilities. Therefore, it is unclear what the commentator means when it states that "Federal regulators" have approved these devices for use in licensed facilities. That a particular device has received some type of "safety" approval by a Federal agency is irrelevant for the purposes herein.

Sections 705.9 and 705.27. General safety and emergency procedures.

These sections deal with general safety and emergency procedures.

Comments: Paragraph (4) requires each facility to "provide written procedures for staff and residents to follow in case of an internal or external emergency or disaster." The difference between an "emergency" and a "disaster" is unclear. Furthermore, paragraph (4) refers to "emergencies" and paragraph (5) refers to "fire, or other disaster situations." If there is a distinction between an "emergency" and a "disaster," the Department should define these terms in § 701.1. If there is no distinction, the Department should use a single term consistently.

Paragraph (4) requires the written procedures to be developed with assistance from "qualified fire and safety personnel." To improve clarity, the Department should specify the credentials necessary to be considered "qualified fire and safety personnel." The Department should clarify who reviews the procedures and when the review is conducted.

Paragraph (4)(ii) is lengthy and unclear. The requirements should be listed separately. Also, transfer and evacuation procedures should address situations when the residents are impaired by drugs or alcohol.

The regulatory meaning of "internal or external" emergency is the same and these words should be deleted.

Response: The Department agrees with these comments. Paragraph (4) has been rewritten as suggested to enhance clarity and eliminate vagueness.

Comment: In paragraph (5), all reportable incidents should fall into this category to make it more comprehensive and global.

Response: This is the only mandatory reportable incident provision. At some time in the future, the Department may amend the general licensure requirements to include a reportable incidents section and move the requirements of paragraph (5). The Department has not amended this paragraph based upon the comment.

Sections 705.10 and 705.28. Fire safety.

These sections deal with fire safety.

Comments: Subsection (a)(1)(ii) requires facilities to maintain two exits on every floor. Each exit is to be "remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation." If the intent of subsection (a)(1)(ii) is to prevent everyone from crowding one exit in an emergency, the Department could specify the number of exits required in relation to the number of occupants per floor in residential facilities. The Department could also specify the minimum distance required between exits. Finally, the phrase "reasonably ensure" is vague and should be deleted.

In §§ 705.10(a)(1)(iii) and 705.28(a)(1)(iv), the term "guards" is vague. The Department should define this term or use another term that more clearly indicates what is required on stairs, ramps, balconies and landings.

Response: The Department agrees with these comments. These subparagraphs have been rewritten and §§ 705.10(a)(1)(iv) and 705.28(a)(1)(v) have been deleted, as appropriate, to provide clarity.

Comments: Subsection (b) requires the facility to "maintain" smoke detectors and fire alarms, but does not state how quickly a malfunctioning alarm must be repaired. Section 3800.130(g) (relating to smoke detectors and fire alarms) of DPW's regulations require repairs to be made within 48 hours of when the smoke detector or fire alarm is discovered to be inoperable. Subsection (b) should specify that if the smoke detectors or fire alarms are inoperable, repairs must be completed within a specific timeframe.

Refer to 55 Pa. Code § 3800.130(b), (f) and (g).

Response: The Department agrees with these comments and has amended the subsection to be consistent with the previously referenced provisions.

Comments: Subsection (c)(4) requires facilities to instruct all staff and residents in the use of fire extinguishers. The primary responsibility of a resident in the case of a fire is to sound the alarm and then to get out. Instructing a resident in the use of a fire extinguisher implicitly requires a resident to use a fire extinguisher and may place the resident at risk. The Department should reconsider the requirement for residents to be instructed in the use of fire extinguishers.

This subsection should specify that if the fire extinguisher is inoperable, repairs shall be completed within a specific timeframe.

Response: The Department agrees with these comments and has revised this subsection accordingly.

Comments: Fire drills should be conducted quarterly or semiannually.

Subsection (d)(1) requires a fire drill to be conducted every 60 days. Since the duration of treatment for some residents and clients of nonresidential facilities may be less than 60 days, the Department should consider more frequent fire drills. Alternatively, the Department could require individual fire drill instruction for new residents. The Department should also define "special incidents."

Subsection (d)(2) requires fire drills to be conducted at different times of the day and night. However, the regulation does not specifically require any drills to be conducted during sleeping hours. The Department should consider periodically requiring fire drills during sleeping hours.

Subsection (d)(3) requires that personnel on all shifts be "trained to perform assigned tasks during emergencies." The Department should clarify what is included in the training and when the training must occur.

Refer to 55 Pa. Code § 3800.132 (relating to fire drills).

Response: The Department agrees with these comments regarding monthly fire drills. It has adopted appropriate language.

Sections 705.11 and 705.29. Child care.

These sections establish safety provisions for child care in all facilities.

Comment: Paragraph (1)(ii) requires access to "suitable recreational equipment." The term "suitable" is vague and should be deleted or replaced with more specific requirements.

Response: The Department agrees and has deleted the word "suitable."

Comments: Rather than security screens, would safety locks suffice in certain circumstances?

Paragraph (2)(ii) requires safety screens for all windows. This requirement appears to be unnecessary for windows that do not open. The Department should revise this requirement to apply to all operable windows.

Paragraph (2)(iii) requires protective caps for each electrical outlet within reach of small children. How is "small" defined? Basically, a child can reach all outlets. Because of the ambiguity of the language, the Department should delete the phrase "within reach of small children" from these paragraphs.

Paragraph (2)(iv) requires facilities to secure storage areas where "potentially dangerous" substances are kept. The Department should delete the phrase "potentially dangerous" or define it so that it can be clearly understood and enforced.

Response: The Department agrees with these comments and has reworded these paragraphs accordingly.

Rescinded Sections

The Department is rescinding the various sections relating to physical plant regulations scattered throughout Part V. The physical plant sections

which are rescinded are those in Chapter 709, Subchapters C and G, Chapter 711, Subchapter C--G and Chapter 713, Subchapter C.

Fiscal Impact

There will be some fiscal impact on the drug and alcohol treatment facilities. Due to "grandfathering" provisions, no existing licensed facilities will be required to reduce the number of currently licensed beds. The majority of licensed facilities (638 outpatient) will not be affected at all by these final-form regulations relative to sleeping accommodations.

The remainder of the final-form regulations received little or no comment, indicating that the vast majority of facilities believe that the regulations are appropriate and are already in compliance with them or consider compliance to be achievable at little additional cost.

These final-form regulations will have minimal fiscal impact on the Department. At most, Department staff might be required to spend additional time at each facility. Field representatives inspected physical plants under the previous regulations. The general scope of the inspection, though for the most part not enforceable under the previous regulations, included most of what is now regulated. Where staff could previously only make suggestions to facilities on how to improve health and safety, they can now enforce regulations to make real and substantive health and safety improvements. The net increase in Commonwealth costs in terms of staff inspection time, however, will be negligible.

Paperwork Requirements

A system for inspection of facilities is currently in place. It is anticipated that new inspection forms will be created to replace current forms. The net increase in paperwork is expected to be minimal.

Effective Date/Sunset Date

These final-form regulations are effective upon publication in the *Pennsylvania Bulletin*. For currently licensed facilities, compliance with these final-form regulations will be required within 9 months after they become effective. For any facility that has applied for licensure but has not yet been licensed prior to the effective date of these final-form regulations and for any facility that applies for licensure after the effective date of these final-form regulations, compliance will be required as part of the licensure process. No sunset date has been established. The Department will review and monitor the effectiveness of these regulations on a continuing basis.

Statutory Authority

Statutory authority for this final-form rulemaking is found in Articles IX and X of the Public Welfare Code (62 P. S. §§ 901--922 and 1051--1059), which require regulations for adequate and proper provisions for: (i) fire prevention; (ii) water supply and sewage disposal; (iii) sanitation; (iv) lighting and heating; (v) ventilation; (vi) safety; (vii) equipment; (viii) bed space; (ix) recordkeeping; and (x) humane care, and which authorize and empower the Department to adopt regulations establishing minimum standards for building, equipment, operation, care, program and services and for the issuance of licenses, as transferred to the Department by Reorganization Plan Number 2 of 1977 (71 P. S. § 751-25); and Reorganization Plan Number 4 of 1981 (71 P. S. § 751-31) and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101--1690.114), which gives the Department the power to promulgate rules and regulations necessary to carry out the provisions of the act.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 1999, the Department submitted a copy of the proposed rulemaking published at 29 Pa.B. 5835 to IRRC and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered comments from IRRC, the Committees and the public.

On September 13, 2001, the Department requested that the regulations be tolled in accordance with section 5.1(g)(1) of the Regulatory Review Act (71 P. S. § 745.5a(g)(1)) to consider revisions recommended by IRRC. IRRC did not object to tolling. The Department submitted the revised regulations to the Committees and to IRRC for their review on October 15, 2001.

On October 23, 2001, the Committees notified IRRC that they disapproved the regulations. On October 29, 2001, the Department withdrew the final-form regulations to make changes to the regulations to satisfy the concerns of the Committees. The Department resubmitted the revised final-form regulations to the Committees and to IRRC for their review on November 14, 2001.

These final-form regulations were deemed approved by the House Health and Human Services Committee and the Senate Public Health and Welfare Committee on December 4, 2001. IRRC met on December 6, 2001, and approved the final-form regulations in accordance with section 5.1(e) of the Regulatory Review Act. The Office of Attorney General approved the regulations on February 14, 2002.

Contact Person

Questions regarding these final-form regulations may be submitted to John C. Hair, Director, Bureau of Community Program Licensure and Certification, Department of Health, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665. Persons with disabilities may submit questions in alternative formats such as by audio tape or Braille. Speech or learning impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons with disabilities who would like to obtain this document in an alternative format (such as, large print, audio tape or Braille) may contact John Hair so that necessary arrangements may be made.

Findings

The Department finds that:

(1) Public notice of intention to adopt the regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law.

(3) The adoption of the final-form regulations is necessary and appropriate.

Order

The Department, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 28 Pa. Code Part V, are amended by amending § 701.1; by adding §§ 705.1--705.11 and 705.21--

705.29; and by deleting §§ 709.27, 709.74, 711.45, 711.57, 711.67, 711.77, 711.88 and 713.27, to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of Health shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as required by law.

(c) The Secretary of Health shall submit this order, Annex A and a Regulatory Analysis Form to IRRC, the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare for their review and action as required by law.

(d) The Secretary of Health shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(e) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

(1) For currently licensed facilities, compliance will be required by December 2, 2002.

(2) For any facility that applies for licensure after March 2, 2002, compliance will be required as part of the licensure process.

(3) For any facility that has applied for licensure before March 2, 2002, but is not licensed until after March 2, 2002, compliance will be required as part of the licensure process.

ROBERT S. ZIMMERMAN, Jr.,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 31 Pa.B. 6998 (December 22, 2001).)

Fiscal Note: Fiscal Note 10-154 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 28. HEALTH AND SAFETY

PART V. DRUG AND ALCOHOL FACILITIES AND SERVICES

CHAPTER 701. GENERAL PROVISIONS

Subchapter A. DEFINITIONS

§ 701.1. General definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Nonresidential facility--A facility that does not provide sleeping accommodations and provides one or more of the following activities: outpatient, partial hospitalization, intake, evaluation or referral activities.

* * * * *

Residential facility--An inpatient, nonhospital facility or inpatient freestanding psychiatric hospital that provides sleeping accommodations and provides one or more of the following activities: residential treatment

and rehabilitation services, transitional living services or short-term detoxification services, 24 hours a day.

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CHAPTER 705. PHYSICAL PLANT STANDARDS

Subch

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- A. RESIDENTIAL FACILITIES**
- B. NONRESIDENTIAL FACILITIES**

Subchapter A. RESIDENTIAL FACILITIES

Sec.

- 705.1. General requirements for residential facilities.
- 705.2. Building exterior and grounds.
- 705.3. Living rooms and lounges.
- 705.4. Counseling areas.
- 705.5. Sleeping accommodations.
- 705.6. Bathrooms.
- 705.7. Food service.
- 705.8. Heating and cooling.
- 705.9. General safety and emergency procedures.
- 705.10. Fire safety.
- 705.11. Child care.

§ 705.1. General requirements for residential facilities.

The residential facility shall:

- (1) Hold a license under Chapter 709 (relating to standards for licensure of freestanding treatment facilities) or a certificate under Chapter 711

(relating to standards for certification of treatment activities which are part of a health care facility).

(2) Have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.

(3) Comply with applicable Federal, State and local laws and ordinances.

§ 705.2. Building exterior and grounds.

The residential facility shall:

(1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.

(2) Keep the grounds of the facility clean, safe, sanitary and in good repair at all times for the safety and well-being of residents, employees and visitors. The exterior of the building and the building grounds or yard shall be free of hazards.

(3) Keep exterior exits, stairs and walkways lighted at night.

(4) Store all trash, garbage and rubbish in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it, at least once every week.

§ 705.3. Living rooms and lounges.

The residential facility shall contain at least one living room or lounge for the free and informal use of clients, their families and invited guests. The facility shall maintain furnishings in a state of good repair.

§ 705.4. Counseling areas.

The residential facility shall:

- (1) Maintain space for both individual and group counseling sessions.
- (2) Maintain counseling areas with furnishings which are in good repair.
- (3) Ensure privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.
- (4) Locate counseling areas so that noise does not disturb or interfere with counseling sessions.

§ 705.5. Sleeping accommodations.

(a) In each residential facility bedroom, each resident shall have the following:

- (1) A bed with solid foundation and fire retardant mattress in good repair.
- (2) A pillow and bedding appropriate for the temperature in the facility.
- (3) A storage area for clothing.

(b) Each shared bedroom shall have at least 60 square feet of floor space per resident measured wall to wall, including space occupied by furniture. When bunk beds are used, each bedroom shall have at least 50 square feet of floor space per resident measured wall to wall. Bunk beds shall afford enough space in between each bed and the ceiling to allow a resident to sit up in bed. Bunk beds shall be equipped with a securely attached ladder capable of supporting a resident. Bunk beds shall be

equipped with securely attached railings on each open side and open end of the bunk. The use of bunk beds shall be prohibited in detoxification programs. Each single bedroom shall have at least 70 square feet of floor space per resident measured wall to wall, including space occupied by furniture.

(c) No more than four residents may share a bedroom.

(d) When calculating the square feet of bedroom floor space under subsection (b) or the number of residents per bedroom under subsection (c), children occupying a bedroom with an adult family member or guardian may not be included as residents.

(e) Each bedroom shall have direct access to a corridor or external exit.

(f) A bedroom may not be used as a means of egress from or access to another part of the facility.

(g) Sole entrances to stairways or basements may not be located in a resident's bedroom.

(h) Each bedroom shall be ventilated by operable windows or have mechanical ventilation.

(i) Each bedroom shall have a window with a source of natural light.

(j) A residential facility shall prohibit smoking and use of candles in bedrooms.

(k) Bedrooms located in a basement shall meet the following requirements:

(1) The bedroom shall have wall, floor and ceiling coverings such as tile, linoleum, paneling or dry wall.

(2) The bedroom shall have a protective fire wall between the residents and any furnace.

(l) A residential facility shall be exempt from subsections (b), (c), (e), (f) and (i) for rooms that had been used as bedrooms in facilities licensed as of March 2, 2002. If a facility expands its capacity or renovates to relocate or add bedrooms, this exemption does not apply to the new bedrooms. If the facility relocates or rebuilds, this exemption does not apply.

§ 705.6. Bathrooms.

The residential facility shall:

(1) Provide bathrooms to accommodate staff, residents and other users of the facility.

(2) Provide a sink, a wall mirror, an operable soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom.

(3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.

(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains. There shall be slip-resistant surfaces in all bathtubs and showers.

(5) Ventilate toilet and wash rooms by exhaust fan or window.

(6) Provide toilet paper at each toilet at all times.

(7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

§ 705.7. Food service.

(a) A residential facility shall provide meals to residents through onsite food preparation areas, a central food preparation area or contractual arrangements with vendors or caterers.

(b) A residential facility may operate a central food preparation area to provide food services to multiple facilities or locations. A residential facility that operates an onsite food preparation area or a central food preparation area shall:

(1) Have a food preparation area with a refrigerator, a sink, a stove, an oven and cabinet space for storage.

(2) Clean and disinfect food preparation areas and appliances following each prepared meal.

(3) Clean all eating, drinking and cooking utensils and all food preparation areas after each usage and store the utensils in a clean enclosed area.

(4) Ensure that storage areas for foods are free of food particles, dust and dirt.

(5) Keep cold food at or below 40°F, hot food at or above 140°F, and frozen food at or below 0°F.

(6) Store all food items off the floor.

(7) Prohibit pets in the food preparation area.

(8) Prohibit smoking in food preparation areas.

§ 705.8. Heating and cooling.

The residential facility:

(1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65°F in the winter. When indoor temperatures exceed 90°F, mechanical ventilation such as fans or air conditioning shall be used.

(2) May not permit in the facility heaters that are not permanently mounted or installed.

§ 705.9. General safety and emergency procedures.

The residential facility shall:

(1) Be free of rodent and insect infestation.

(2) Require that pets housed in the residential facility are cared for in a safe and sanitary manner.

(3) Limit smoking to designated smoking areas.

(4) Provide written procedures for staff and residents to follow in case of an emergency which shall include provisions for:

(i) The evacuation and transfer of residents and staff to a safe location.

(ii) Assignments of staff during emergencies.

(iii) The evacuation and transfer of residents impaired by alcohol or other drugs.

(5) Notify the Department within 48 hours of a fire, other disaster or situation which affects the continuation of services.

§ 705.10. Fire safety.

(a) *Exits.*

(1) The residential facility shall:

(i) Ensure that stairways, hallways and exits from rooms and from the residential facility are unobstructed.

(ii) Maintain a minimum of two exits on every floor, including the basement, that are separated by a minimum distance of 15 feet.

(iii) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18-inch drop with a well-secured railing.

(iv) Clearly indicate exits by the use of signs.

(v) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) *Smoke detectors and fire alarms.* The residential facility shall:

(1) Maintain a minimum of one operable, automatic smoke detector on each floor, including the basement and attic.

(2) On floors with resident bedrooms, maintain a smoke detector which shall be located within 15 feet of each bedroom door. On floors with no resident bedrooms, the smoke detection device shall be located in a common area or hallway. All detection devices shall be interconnected.

(3) Repair inoperable smoke detectors or fire alarms within 48 hours of the time the detector or alarm is found to be inoperative.

(4) Maintain a manual fire alarm system that is audible throughout the facility in a residential facility where four or more residents reside.

(5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(6) Maintain all smoke detectors and fire alarms so that each person with a hearing impairment will be alerted in the event of a fire, if one or more residents or staff persons are not able to hear the smoke detector or fire alarm system.

(c) *Fire extinguisher.* The residential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating, which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, the residential facility shall maintain an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher shall meet the requirement of one portable fire extinguisher for a 2,000 square foot area.

(ii) The extinguisher shall be located near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. If a fire extinguisher is found to be inoperable, it shall be replaced or repaired within 48 hours of the time it was found to be inoperable.

(4) Instruct all staff in the use of the fire extinguishers upon staff employment. This instruction shall be documented by the facility.

(d) *Fire drills.* The residential facility shall:

(1) Conduct unannounced fire drills at least once a month.

(2) Conduct fire drills during normal staffing conditions.

(3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.

(4) Maintain a written fire drill record including the date, time, the amount of time it took for evacuation, the exit route used, the number of persons in the facility at the time of the drill, problems encountered and whether the fire alarm or smoke detector was operative.

(5) Conduct a fire drill during sleeping hours at least every 6 months.

(6) Prepare alternate exit routes to be used during fire drills.

(7) Conduct fire drills on different days of the week, at different times of the day and night and on different staffing shifts.

(8) Set off a fire alarm or smoke detector during each fire drill.

(9) Prohibit the use of elevators during a fire drill or a fire.

§ 705.11. Child care.

When a residential facility admits children for services or for custodial care, the following requirements apply:

(1) *Building exterior and grounds.* The residential facility shall:

(i) Fence off or have natural barriers to protect children from all areas determined to be unsafe including steep grades, cliffs, open pits, swimming pools, high voltage boosters or roads.

(ii) Provide access to outdoor recreational space and recreational equipment.

(2) *Interior space.* The residential facility shall:

(i) Provide an interior play area which meets the developmental and recreational needs of the children in care.

(ii) Maintain security screens or safety locks for all operable windows.

(iii) Maintain protective caps over each electrical outlet.

(iv) Secure all hazardous and poisonous substances and materials with safety latches or locks.

Subchapter B. NONRESIDENTIAL FACILITIES

Sec.

705.21. General requirements for nonresidential facilities.

705.22. Building exterior and grounds.

705.23. Counseling on activity areas and office space.

705.24. Bathrooms.

705.25. Food service.

705.26. Heating and cooling.

705.27. General safety and emergency procedures.

705.28. Fire safety.

705.29. Child care.

§ 705.21. General requirements for nonresidential facilities.

The nonresidential facility shall:

(1) Hold a license under Chapter 709 (relating to standards for licensure of freestanding treatment facilities), a certificate under Chapter 711 (relating to standards for certification of treatment activities which are part of a health care facility) or approval under Chapter 713 (relating standards of prevention and intervention activities).

(2) Have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.

(3) Comply with applicable Federal, State and local laws and ordinances.

§ 705.22. Building exterior and grounds.

The nonresidential facility shall:

(1) Maintain all structures, fences and playground equipment, when applicable, on the grounds of the facility so as to be free from any danger to health and safety.

(2) Keep the grounds of the facility clean, safe, sanitary and in good repair at all times for the safety and well being of clients, employees and visitors. The exterior of the building and the building grounds or yard shall be free of hazards.

(3) Keep exterior exits, stairs and walkways lighted at night if in use.

(4) Store all trash, garbage and rubbish in noncombustible, covered containers that prevent the penetration of insects and rodents, and remove it at least once every week.

§ 705.23. Counseling or activity areas and office space.

The nonresidential facility shall:

- (1) Maintain space for both individual and group counseling sessions.
- (2) Maintain counseling areas with furnishings which are in good repair.
- (3) Ensure privacy so that counseling sessions cannot be seen or heard outside the counseling room. Counseling room walls shall extend from the floor to the ceiling.
- (4) Locate counseling areas so that noise does not disturb or interfere with counseling sessions.

§ 705.24. Bathrooms.

The nonresidential facility shall:

- (1) Provide bathrooms to accommodate staff, clients and other users of the facility.
- (2) Provide a sink, a wall mirror, an operable soap dispenser, and either individual paper towels or a mechanical dryer in each bathroom.
- (3) Have hot and cold water under pressure. Hot water temperature may not exceed 120°F.
- (4) Provide privacy in toilets by doors.
- (5) Ventilate bathrooms by exhaust fan or window.
- (6) Provide toilet paper at each toilet at all times.
- (7) Maintain each bathroom in a functional, clean and sanitary manner at all times.

§ 705.25. Food service.

A nonresidential facility may provide meals to clients through onsite food preparation areas, a central food preparation area or contractual arrangements with vendors or caterers. A nonresidential facility which operates an onsite food preparation area or a central food preparation area shall:

(1) Have a food preparation area with a refrigerator, a sink, a stove, an oven and cabinet space for storage.

(2) Clean and disinfect food preparation areas and appliances following each prepared meal.

(3) Clean all eating, drinking and cooking utensils and all food preparation areas after each usage and store the utensils in a clean enclosed area.

(4) Ensure that storage areas for foods are free of food particles, dust and dirt.

(5) Keep cold food at or below 40°F, hot food at or above 140°F, and frozen food at or below 0°F.

(6) Store all food items off the floor.

(7) Prohibit pets in the food preparation area.

(8) Prohibit smoking in food preparation areas.

§ 705.26. Heating and cooling.

The nonresidential facility:

(1) Shall have a heating and cooling ventilation system that is adequate to maintain an indoor temperature of at least 65°F in the winter. When indoor temperatures exceed 90°F, mechanical ventilation such as fans or air conditioning shall be used.

(2) May not permit in the facility heaters that are not permanently mounted or installed.

§ 705.27. General safety and emergency procedures.

The nonresidential facility shall:

(1) Be free of rodent and insect infestation.

(2) Require that pets which are housed in a nonresidential facility be cared for in a safe and sanitary manner.

(3) Limit smoking to designated smoking areas.

(4) Provide written procedures for staff and clients to follow in case of an emergency which shall include provisions for:

(i) The evacuation and transfer of clients and staff to a safe location.

(ii) Assignments of staff during emergencies.

(5) Notify the Department within 48 hours of a fire, other disaster or situation which affects the continuation of services.

§ 705.28. Fire safety.

(a) *Exits.*

(1) The nonresidential facility shall:

(i) Ensure that stairways, hallways and exits from rooms and from the nonresidential facility are unobstructed.

(ii) Maintain a minimum of two exits on every floor, including the basement, that are separated by a minimum distance of 15 feet.

(iii) Maintain each ramp, interior stairway and outside steps exceeding two steps with a well-secured handrail and maintain each porch that has over an 18 inch drop with a well-secured railing.

(iv) Clearly indicate exits by the use of signs.

(v) Light interior exits and stairs at all times.

(2) Portable ladders and rope escapes are not considered exits, but may be used in addition to standard exits.

(b) *Smoke detectors and fire alarms.* The nonresidential facility shall:

(1) Maintain a minimum of one operable automatic smoke detector on each floor, including the basement and attic.

(2) Place the smoke detector in a common area or hallway. All detection devices shall be interconnected.

(3) Repair inoperable smoke detectors or fire alarms within 48 hours of the time the detector or alarm is found to be inoperative.

(4) Maintain a manual fire alarm system that is audible throughout the facility.

(5) Maintain automatic smoke detectors and fire alarms of a type approved by the Department of Labor and Industry or by the Underwriters Laboratories.

(c) *Fire extinguishers.* The nonresidential facility shall:

(1) Maintain a portable fire extinguisher with a minimum of an ABC rating which shall be located on each floor. If there is more than 2,000 square feet of floor space on a floor, there shall be an additional fire extinguisher for each 2,000 square feet or fraction thereof.

(2) Maintain at least one portable fire extinguisher with a minimum of an ABC rating in each kitchen.

(i) This fire extinguisher shall meet the requirements of one portable fire extinguisher for a 2,000 square foot area.

(ii) The extinguisher shall be located near an exit and away from the cooking area.

(3) Ensure fire extinguishers are inspected and approved annually by the local fire department or fire extinguisher company. The date of the inspection shall be indicated on the extinguisher or inspection tag. If a fire extinguisher is found to be inoperable, it shall be replaced or repaired within 48 hours of the time it was found to be inoperable.

(4) Instruct staff in the use of the fire extinguisher upon staff employment. This instruction shall be documented by the facility.

(d) *Fire drills.* The nonresidential facility shall:

(1) Conduct unannounced fire drills at least once a month.

(2) Conduct fire drills during normal staffing conditions.

(3) Ensure that all personnel on all shifts are trained to perform assigned tasks during emergencies.

- (4) Maintain a written fire drill record including the date, item, the amount of time it took for evacuation, the exit route used, the number of persons in the facility at the time of the drill, problems encountered and whether the fire alarm or smoke detector was operative.
- (5) Prepare alternate exit routes to be used during fire drills.
- (6) Conduct fire drills on different days of the week, at different times of the day and on different staffing shifts.
- (7) Set off a fire alarm or smoke detector during each fire drill.
- (8) Prohibit the use of elevators during a fire drill or a fire.

§ 705.29. Child care.

When a nonresidential facility admits children for services or for custodial care, the following requirements apply:

- (1) *Building exterior and grounds.* The nonresidential facility shall:
 - (i) Fence off or have natural barriers to protect children from all areas determined to be unsafe including steep grades, open pits, swimming pools, high voltage boosters or roads.
 - (ii) Provide access to outdoor recreational space and recreational equipment.
- (2) *Interior space.* The nonresidential facility shall:
 - (i) Provide an interior play area which meets the developmental and recreational needs of the children in care.
 - (ii) Maintain security screens or safety locks for all operable windows.

- (iii) Maintain protective caps over each electrical outlet.
- (iv) Secure all hazardous and poisonous substances and materials with safety latches or locks.

**CHAPTER 709. STANDARDS FOR LICENSURE OF
FREESTANDING TREATMENT FACILITIES**

**Subchapter C. GENERAL STANDARDS FOR FREESTANDING
TREATMENT ACTIVITIES**

§ 709.27. (Reserved).

**Subchapter G. STANDARDS FOR INPATIENT NONHOSPITAL
ACTIVITIES--TRANSPORTATION LIVING FACILITIES (TLFs)**

§ 709.74. (Reserved).

**CHAPTER 711. STANDARDS FOR CERTIFICATION OF
TREATMENT ACTIVITIES WHICH ARE A PART OF A HEALTH
CARE FACILITY**

**Subchapter C. STANDARDS FOR INTAKE EVALUATION AND
REFERRAL ACTIVITIES**

§ 711.45. (Reserved).

**Subchapter D. STANDARDS FOR INPATIENT NONHOSPITAL
ACTIVITIES--RESIDENTIAL TREATMENT AND
REHABILITATION**

§ 711.57. (Reserved).

**Subchapter E. STANDARDS FOR INPATIENT NONHOSPITAL
ACTIVITIES--SHORT-TERM DETOXIFICATION**

§ 711.67. (Reserved).

**Subchapter F. STANDARDS FOR INPATIENT NONHOSPITAL
ACTIVITIES--TRANSITIONAL LICENSING FACILITIES (TLFs)**

§ 711.77. (Reserved).

**Subchapter G. STANDARDS FOR PARTIAL HOSPITALIZATION
ACTIVITIES**

§ 711.88. (Reserved).

**CHAPTER 713. STANDARDS FOR APPROVAL OF
PREVENTION AND INTERVENTION ACTIVITIES**

**Subchapter C. GENERAL STANDARDS FOR PREVENTION
AND INTERVENTION ACTIVITIES**

§ 713.27. (Reserved).

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