

# PROPOSED RULEMAKING

## DEPARTMENT OF HEALTH

### [28 PA. CODE CHS. 701, 705, 709, 711 AND 713] Drug and Alcohol Facilities and Services

The Department of Health (Department) proposes to amend physical plant standards for the licensure of residential and nonresidential services under Articles IX and X of the Public Welfare Code (62 P. S. §§ 901—922, 1001—1031 and 1051—1059) and the Pennsylvania Drug and Alcohol Abuse Control Act (71 P. S. §§ 1690.101—1690.114).

The Department proposes to replace and revise physical plant standards by adopting Chapter 705 (relating to physical plant standards for residential services), amending § 701.1 (relating to general definitions) and 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.

#### *Purpose of the Proposed Rulemaking*

The purpose of these proposed amendments is to establish current physical plant standards for the licensure of residential and nonresidential services to protect the health and safety of clients being served in drug and alcohol programs within this Commonwealth and employes working in those facilities. These standards would 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) inspects 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 is being created to replace current physical plant regulations which are found throughout Part V. Existing physical plant regulations as applied to drug and alcohol treatment and rehabilitation facilities and services are not consistent with current health, safety, fire and panic code requirements. They are insufficient to provide minimal health and safety protection for clients and employes.

Currently, regulations relating to physical plants are located in eight separate subchapters, each dealing with a different type of facility. These regulations are, for the most part, identical. A more logical approach is to consolidate all physical plant regulations into one chapter where they can be easily referenced, and delete the separate physical plant regulations located throughout.

A draft of the proposed rulemaking was sent to over 900 entities on the Division's general mailing list. This list includes all drug and alcohol treatment providers, various drug and alcohol related associations and various State departments including the Department of Public Welfare and the Department of Labor and Industry. Only six comments were received. One was from a shelter provider. The Department no longer licenses shelters. The other comments were generally favorable.

#### *Requirements of the Proposed Rulemaking*

##### *A. Residential facilities.*

*Section 705.1. General requirements for inpatient nonhospital facilities (residential treatment and rehabilitation).*

This section would establish general requirements for all inpatient nonhospital facilities (residential facilities). A definition of "residential facilities" is added to § 701.1. This section would require that all residential facilities obtain a certificate of occupancy from the Department of Labor and Industry or its local equivalent and would also require compliance with other applicable Federal, State and local laws. It would exempt existing residential facilities from provisions of the proposed rulemaking which are considered to be too burdensome to impose on facilities already in operation, because they could require very extensive capital expenditures or structural additions or changes.

Existing residential facilities would be exempt from certain requirements related to sleeping accommodations. Residential facilities which currently have "dormitory style" rooms for residents would not be required to construct walls and build extra doors to satisfy the requirement that no more than four residents sleep in one bedroom. Many residential facilities currently have as many as 20 residents sleeping in one large dormitory style room. For them to comply with the proposed § 705.5(c) (relating to sleeping accommodations) requirement that no more than four residents sleep in one bedroom, could possibly require large scale construction. In fact, compliance might not be feasible at all in some cases. The minimum square feet requirements of proposed § 705.5(b) would have to be maintained, however, which might require the reduction of the number of residents in these large rooms in some cases.

Existing facilities would also be exempt from proposed § 705.5(e) and (f). Some residential facilities have a floor plan whereby two bedrooms are situated one in front of the other so that passing through the front bedroom is the only way to reach the second bedroom. Likewise, the second bedroom can only access the front bedroom and does not have direct access to a hallway. These situations need to be exempt because to enforce requirements that a bedroom may not be used as a regular means of egress or that it have a direct access to a corridor or external exit, could require major construction at an existing residential facility or, if not feasible at all, would cause a second bedroom to go unused.

##### *Section 705.2. Building exterior and grounds.*

This section would provide for the maintenance of the outside of the residential facility and the grounds around the premises. Compliance would promote safe and secure facilities. Residential facilities would be required to be kept hazard-free from things such as the accumulation of debris or snow or ice at locations where they would pose threats to clients and employes and their children. Minimal sanitation requirements would be imposed relating to the accumulation and removal of garbage and rubbish.

##### *Section 705.3. Living rooms and lounges.*

This section would provide for minimum comfort in living spaces outside the counseling rooms and bedrooms. Some residential facilities have no living space or provide living spaces that are cold, unpainted and furnished with

only a few items of furniture, some of which are broken or worn to the point of being nonfunctional. This section would require a living space atmosphere in which clients can maintain their dignity while relaxing in their free time.

*Section 705.4. Counseling areas and office space.*

This section would replace and revise current standards in §§ 709.27, 711.45, 711.57, 711.67, 711.77, 711.88 and 713.27, relating to office space, counseling areas, activity areas and interview areas. The current regulations only provide that facilities have counseling areas. Counseling areas are often cramped and uncomfortable. Also, in some residential facilities, the contents or occupants of counseling rooms can be seen from outside the area, and discussions can be heard from outside the rooms. These situations compromise client confidentiality which is absolutely crucial to the provision of drug and alcohol abuse treatment services. These minimal provisions would prohibit these conditions and significantly improve the ability to maintain client confidentiality.

*Section 705.5. Sleeping accommodations.*

This section would provide for minimal adequate comfort, space and storage for clients to maintain their personal items, and provide for safe and comfortable sleeping arrangements at residential facilities. It would also provide for a certain amount of privacy, in that only four clients would be permitted in one bedroom. It would also prohibit bedrooms from being used as hallways to other rooms. Sleeping accommodations are woefully poor in many residential facilities. Often clients feel dehumanized while residing in open, crowded, uncomfortable quarters.

*Section 705.6. Bathrooms.*

This section would vastly upgrade the health and safety requirements for bathrooms and lavatories within residential facilities. The only existing requirement is that residential facilities are required to have provisions for lavatories. There are no standards or guidelines regarding sanitation, ventilation or even whether hot and cold water is required. As a result, the conditions of bathrooms and lavatories in some residential facilities are unsanitary and pose significant threats to the health and safety of residents. This section would impose minimal standards for the benefit of both clients and employees of the regulated facilities.

*Section 705.7. Kitchens.*

This section would provide for the maintenance of safe and sanitary food preparation, storage and serving areas. The current regulations, §§ 709.27, 711.45, 711.57, 711.67, 711.77 and 711.88, only require the provision of food service areas. They impose no requirements relative to proper food handling, preparation and storage. This section would raise standards to a minimal level to improve and protect the health and well-being of persons preparing and consuming food at residential facilities.

*Section 705.8. Heating and cooling.*

This section would assure minimum temperature standards in residential facilities. Many residential facilities are in disrepair, and lack adequate heating, cooling or ventilation controls. During various seasons throughout the year the temperatures in these facilities may be far outside the temperature range proposed in this section.

*Section 705.9. General safety and emergency procedures.*

This section would set forth general provisions for basic safety of clients and employees, and for emergency proce-

dures. It would require smoking areas to be designated. It would require that pets be cared for in a safe and sanitary manner. It also would require that each residential facility have procedures in place in the event of emergencies and disasters. Finally, it would require that the facility provide notice to the Department within 48 hours of any incident which would disrupt services.

*Section 705.10. Fire safety.*

This section would provide the necessary detail and guidance for fire safety. Current §§ 709.27, 711.45, 711.57, 711.67, 711.77, 711.88 and 713.27, only require that a residential facility have provisions for fire escapes, emergency exits, fire extinguishers and fire drills. No other guidance is provided. These missing details leave facilities unsure as to how to comply; thus, often this results in no compliance at all. The lack of detail also leaves the Department with no standards to uniformly enforce, and permits the continuation of unsafe and hazardous conditions. This section would specify minimum requirements residential facilities need to meet regarding these important safety features, and it would enable uniformity in compliance and enforcement across this Commonwealth.

*Section 705.11. Child care.*

This section would address subject matter not addressed in the current regulations. It would require minimal safety standards relating to child care, some or all of which have been found to be lacking at various residential facilities throughout this Commonwealth. Based on conditions of various facilities throughout this Commonwealth, it was determined that minimal standards were required for residential facilities which admit children for services or custodial care while parents are receiving services. One example of a current problem is that in several facilities children can gain access to windows which lack any type of protection to prevent accidental falls. Currently, facilities are not required to provide even basic, minimal safety protection for children. The potential risks could be fatal.

*B. Nonresidential facilities.*

*Sections 705.21—705.29. Physical plant standards for nonresidential facilities.*

These sections would parallel the physical plant standard regulations for residential facilities. The differences are that these sections would impose no provisions for sleeping accommodations since no overnight admissions occur in nonresidential (outpatient) facilities. A definition of "nonresidential facilities" is added to § 701.1. Also, there would be no provisions for living rooms since again, clients do not stay in these facilities. Clients are only present during the time they are receiving services on an outpatient basis. The provisions regarding bathrooms would be slightly different, since showers and bathtubs are not required for outpatient services.

*Affected Persons*

All staff, clients and children who are at the regulated facilities would be affected. More than 60,000 individuals would benefit from the added protections provided by these amended regulations.

*Fiscal Impact*

The proposed amendments to the physical plant requirements would have some initial fiscal impact which would be borne by the drug and alcohol facilities. Once in compliance, however, annual maintenance costs would be minimal. There would be no measurable costs imposed

upon local or State government. Existing facilities would be exempted from certain requirements which might impose costs too great for them to absorb and continue to function effectively.

*Paperwork Requirements*

There would be no measurable increase in paperwork since a paperwork system for licensing drug and alcohol facilities is already in place. The current licensure forms would require slight modification to account for the regulatory changes.

*Effective Date*

The proposed rulemaking will become effective immediately upon publication as final rulemaking.

*Sunset Date*

No sunset date is necessary. The Department will monitor the appropriateness of these regulations on a continuing basis.

*Statutory Authority*

The authority for this proposal is Articles IX and X of the Public Welfare Code (relating to the licensure of facilities) as transferred to the Department of Health by Reorganization Plan Number 2 of 1977 (71 P. S. § 751-25) (relating to the transfer of drug and alcohol facility licensure authority from the Department of Public Welfare to the Governor's Council on Drug and Alcohol Abuse), and Reorganization Plan under section 4 of 1981 (71 P. S. § 751-31) (relating to the transfer of the powers and duties of the Governors Council on Drug and Alcohol Abuse to the Department of Health) and the Pennsylvania Drug and Alcohol Abuse Control Act (relating to the control, prevention, treatment and rehabilitation aspects of drug and alcohol abuse problems).

*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 amendments to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days after expiration of the review period granted to the Standing Committees. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Department, the General Assembly and the Governor, of objections raised.

*Contact Person*

Interested persons are invited to submit all comments, suggestions or objections regarding the proposal 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, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons with a disability who wish to submit comments, suggestions or objections regarding the proposed amendments may do so by using V/TT (717)

783-6514 for speech or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT]. Persons who require an alternative format of this document may contact John Hair so that necessary arrangements may be made.

DANIEL F. HOFFMANN,  
*Secretary*

**Fiscal Note:** 10-154. No fiscal impact; (8) recommends adoption.

**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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(*Editor's Note:* The following chapter is new. It has been printed in regular type to enhance readability.)

**CHAPTER 705. PHYSICAL PLANT STANDARDS**

**RESIDENTIAL SERVICES**

- |         |   |
|---------|---|
| Sec.    |   |
| 705.1.  | General requirements for inpatient nonhospital facilities (residential treatment and rehabilitation). |
| 705.2.  | Building exterior and grounds.  |
| 705.3.  | Living rooms and lounges.   |
| 705.4.  | Counseling areas and office space.  |
| 705.5.  | Sleeping accommodations.  |
| 705.6.  | Bathrooms.  |
| 705.7.  | Kitchens.   |
| 705.8.  | Heating and cooling.  |
| 705.9.  | General safety and emergency procedures.  |
| 705.10. | Fire safety.  |
| 705.11. | Child care.   |

**PHYSICAL PLANT STANDARDS FOR NONRESIDENTIAL SERVICES**

- |         |   |
|---------|---|
| 705.21. | General requirements for nonresidential treatment facilities. |
| 705.22. | Building exterior and grounds.                                |
| 705.23. | Counseling or activity areas and office space.                |
| 705.24. | Bathrooms.  |
| 705.25. | Kitchens.   |
| 705.26. | Heating and cooling.  |
| 705.27. | General safety and emergency procedures.                      |
| 705.28. | Fire safety.  |
| 705.29. | Child care.   |

**RESIDENTIAL SERVICES****§ 705.1. General requirements for inpatient non-hospital facilities (residential treatment and rehabilitation).**

(a) The residential facility shall comply with applicable Federal, State and local laws and ordinances.

(b) The residential facility shall have a certificate of occupancy from the Department of Labor and Industry or its local equivalent.

(c) A residential facility licensed prior to \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of adoption of this proposal.) is exempt from § 705.5(c), (e) and (f) (relating to sleeping accommodations).

**§ 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 danger to health and safety.

(2) Keep the grounds of the facility in good condition and shall ensure that the grounds are free from any hazard to health and safety.

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

(4) Store securely all garbage and rubbish in noncombustible, covered containers and remove it on a regular basis, at least once every week.

**§ 705.3. Living rooms and lounges.**

The residential facility shall:

(1) Contain at least one appropriately furnished living room or lounge which creates a relaxed and comfortable atmosphere for the free and informal use of clients and their families.

(2) Maintain furnishings in a state of good repair.

**§ 705.4. Counseling areas and office space.**

The residential facility shall:

(1) Maintain adequate space for both individual and group counseling sessions.

(2) Maintain counseling areas with comfortable furnishings which are appropriate for the intended purpose and which are in good repair.

(3) Ensure sufficient 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) Provide office space, including clerical space, separate and apart from counseling areas and which will not present a distraction or interference to counseling.

**§ 705.5. Sleeping accommodations.**

(a) In bedrooms, a residential facility shall furnish the following for each resident:

(1) A bed frame of solid construction and sized appropriately to the needs of the resident.

(2) A clean, comfortable mattress and foundation in good repair.

(3) A clean, comfortable pillow.

(4) Bed covering appropriate for climate.

(5) A chest of drawers.

(6) Closet or wardrobe space with clothing racks and shelves accessible to the resident.

(b) For each resident sharing a bedroom, the residential facility shall provide a minimum of 60 square feet of bedroom space per bed, including space occupied by furniture. For each resident occupying a single bedroom, the facility shall have a minimum of 80 square feet of bedroom space, including space occupied by furniture.

(c) No more than four residents may sleep in one bedroom.

(d) When a residential facility uses bunk beds, each mattress shall be positioned to allow each occupant to sit up in bed.

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

(f) A bedroom may not be used as a regular means of egress.

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

(j) A residential facility may locate bedrooms in the basement if the following criteria are met:

(1) The bedroom shall have appropriate 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.

(3) There shall be a minimum of two independent and accessible exits from the basement, each located reasonably remote from the other in a manner to reduce the possibility that both will be blocked in an emergency situation.

**§ 705.6. Bathrooms.**

The residential facility shall:

(1) Provide a bathroom containing one sink, one flush toilet and one bathtub or shower for every eight residents.

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

(3) Provide an adequate supply of hot and cold running water to meet the needs of the residents in each bathroom.

(4) Provide privacy in toilets by doors, and in showers and bathtubs by partitions, doors or curtains.

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

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

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

**§ 705.7. Kitchens.**

The residential facility:

(1) Shall have at least one kitchen with a refrigerator, a sink, a stove, an oven and adequate cabinet space for storage needs.

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

(3) Shall thoroughly clean all eating, drinking and cooking utensils after each usage and store the utensils in a clean enclosed area.

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

(5) Shall properly refrigerate or store in closed or sealed containers which are labeled by content and date of preparation, all prepared food items.

(6) Shall store all food items off the floor.

(7) May not permit pets in the kitchen and dining areas.

(8) Shall prohibit smoking in kitchen 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 and no more than 90°F in the summer.

(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 internal or external emergency or disaster.

(i) These procedures shall be developed with the assistance of qualified fire and safety personnel.

(ii) Procedures shall also include provisions for the transfer of residents and staff to a safe location within the residential facility for the evacuation of residents and staff when necessary, and for 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.

#### § 705.10. 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 at least two independent and accessible exits on every floor, each located remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation.

(iii) Provide guards to prevent falls from the open sides of stairs, ramps, balconies and stair landings higher than 30 inches above the floor or grade below.

(iv) Provide a hand railing on each stairway.

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

(vi) 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 automatic smoke detector on each floor, including the basement and attic.

(2) On floors with resident bedrooms, maintain a smoke detection device which shall be located outside the bedrooms. 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) Maintain a manual fire alarm system that is audible throughout the facility in a residential facility where four or more residents reside.

(4) 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 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 paragraph (1), for at least one portable fire extinguisher for a 2,000 square foot area.

(ii) A residential facility shall place the fire extinguisher in the kitchen area 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.

(4) Instruct all staff and residents in the use of the fire extinguishers upon resident admission or staff employment. This instruction shall be documented by the residential facility.

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

(1) Conduct a fire drill every 60 days. The residential facility shall keep a written record of the date, hypothetical location of the fire, amount of time it took for evacuation, the number of staff and residents participating in the fire drill and comments regarding special incidents.

(2) Conduct fire drills at different times of the day and night. Hypothetical locations of the fire shall be different for each drill.

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

#### § 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 for 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 suitable 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 for all windows.

(iii) Maintain protective caps over each electrical outlet within reach of small children.

(iv) Secure all storage areas where potentially dangerous substances are kept with safety latches or locks.

#### **NONRESIDENTIAL SERVICES**

##### **§ 705.21. General requirements for nonresidential treatment facilities.**

The nonresidential facility shall:

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

(2) Comply with other 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 danger to health and safety.

(2) Keep the grounds of the facility in good condition and ensure that the grounds are free from any hazard to health and safety.

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

(4) Store securely all garbage and rubbish in noncombustible, covered containers, and remove it on a regular basis, at least once every week.

##### **§ 705.23. Counseling or activity areas and office space.**

The nonresidential facility shall:

(1) Maintain adequate space for both individual and group counseling sessions.

(2) Maintain counseling areas with comfortable furnishings which are appropriate for the intended purpose and which are in good repair.

(3) Ensure sufficient 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) Provide office space, including clerical space, separate and apart from counseling areas and which will not present a distraction or interference to counseling.

##### **§ 705.24. Bathrooms.**

The nonresidential facility shall:

(1) Provide lavatories which are conveniently located throughout the facility.

(2) Maintain lavatory facilities in a functional, clean and sanitary manner.

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

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

(5) Furnish each bathroom with a sink, wall mirror, a soap dispenser, and either individual paper towels or a mechanical dryer.

(6) Provide privacy in toilets by doors.

##### **§ 705.25. Kitchens.**

The nonresidential facility providing meals to clients:

(1) Shall have at least one kitchen with a refrigerator, a sink, a stove, an oven and adequate cabinet space for storage needs.

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

(3) Shall thoroughly clean all eating, drinking and cooking utensils after each usage and store the utensils in a clean enclosed area.

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

(5) Shall properly refrigerate or store in closed or sealed containers which are labeled by content and date of preparation all prepared food items.

(6) Shall store food items off the floor.

(7) May not permit pets in the kitchen and dining areas.

(8) Shall prohibit smoking in kitchen 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 and no more than 90°F in the summer.

(2) May not permit in the nonresidential 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 internal or external emergency or disaster.

(i) These procedures shall be developed with the assistance of qualified fire and safety personnel.

(ii) Procedures shall also include provisions for the evacuation of buildings or for the transfer of clients and staff to a safe location within the building, and for assignments of staff during emergencies.

(5) Notify the Division of Drug and Alcohol Program Licensure 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 at least two independent and accessible exits on every floor, each located remote enough from the other to reasonably ensure that both will not be blocked in an emergency situation.

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

(iv) Provide guards to prevent falls from the open sides of stairs, ramps, balconies and stair landings higher than 30 inches above the floor or grade below.

(v) Provide a hand railing for each stairway.

(vi) 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 automatic smoke detector on each floor, including the basement and attic.

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

(3) 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 meets 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.

(4) Instruct the 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 a fire drill every 60 days. The nonresidential facility shall keep a written record of the date, hypothetical location of fire, amount of time it took for evacuation, the number of staff and residents participating in the fire drill and comments regarding special incidents.

(2) Conduct fire drills at different times of the day and night. Hypothetical locations of the fire shall be different for each drill.

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

**§ 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 for 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 suitable 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 for all windows.

(iii) Maintain protective caps over each electrical outlet within reach of small children.

(iv) Secure all storage areas where any potentially dangerous substances are kept with safety latches or locks.

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

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

§ 709.27. [ Physical plant ] (Reserved).

[ The project shall have provisions for the following requirements:

(1) Counseling areas.

(2) Office space.

(3) Lavatories.

(4) Fire escapes/emergency exits.

(5) Fire extinguishers.

(6) Fire drills.

(7) General maintenance.

(8) Food service areas, if applicable.

(9) Disaster plan.

(10) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.

(11) Compliance with applicable local ordinances and regulations. ]

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

§ 709.74. [ Physical plant ] (Reserved).

[ The transitional living facilities need not comply with § 709.27 (relating to physical plants), but shall make provisions for activity areas. ]

**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. [ Physical plant ] ( Reserved).

[ When the project is not physically located with a health care facility, it shall be site visited annually for the following requirements:

(1) Interview areas.

(2) Office space.

(3) Lavatories.

(4) Fire escapes/emergency exits.

(5) Fire extinguishers.

(6) General maintenance.

(7) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.

**(8) Compliance with applicable local ordinances or regulations. ]**

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

§ 711.57. [ Physical plant ] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations. ]

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

§ 711.67. [ Physical plant ] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with applicable local ordinances and regulations. ]

**Subchapter F. STANDARDS FOR INPATIENT  
NONHOSPITAL ACTIVITIES—TRANSITIONAL  
LIVING FACILITIES (TLFS)**

§ 711.77. [ Physical plant ] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Activity areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.

**(8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.**

**(9) Compliance with local applicable ordinances and regulations. ]**

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

§ 711.88. [ Physical plant ] (Reserved).

[When the project is not physically located within a health care facility, it shall be site visited annually for the following requirements:

- (1) Counseling areas.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) General maintenance.
- (7) Food service areas, if applicable.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with local applicable ordinances and regulations. ]

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

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

§ 713.27. [ Physical plant ] (Reserved).

[The project shall have provisions for the following requirements:

- (1) Activity or counseling area.
- (2) Office space.
- (3) Lavatories.
- (4) Fire escapes/emergency exits.
- (5) Fire extinguishers.
- (6) Disaster plan.
- (7) General maintenance.
- (8) Certificate of Occupancy from the Department of Labor and Industry or its equivalent.
- (9) Compliance with local ordinances or regulations. ]

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