



A New Assisted Living Environment

What to Expect During an Assisted
Living Facility Life Safety Code Survey

Introduction



Michael Mireau is one of Minnesota's top state-licensed physical environment subject matter experts. He was responsible for creating the assisted living physical environment program and the Minnesota Department of Health team that oversees plan reviews, inspections, and surveys. He has been a licensed architect in Minnesota since 2013 and was the first-ever architect hired by the Minnesota Department of Health. He is passionate about ensuring Minnesota care providers successfully develop and maintain physical environments that enable health, safety, and well-being for those they serve.



Objectives

- Recognize the Life Safety Code requirements included in Minnesota's Assisted Living Licensure law.
- Extrapolate the possible physical environment citations that may occur during a Life Safety Code survey.
- Differentiate the Life Safety Code survey differences between assisted living facilities and assisted living facilities with dementia care.
- Identify possible immediate correction citations and fines.

What are we all doing here today?

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- 144D – Housing with Services (HWS)
 - No physical environment components for license
 - Still had to comply with MN State Building Code for construction
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- 144G – Assisted Living Licensure
 - Signed into law in 2019
 - Physical environment components
 - Enforced since 8/1/2021
 - 2070 existing HWS licenses migrated to new AL licenses. (Conversions)
 - 600+ new facilities since 8/1/2021
 - Review law posted on Revisor's website
 - <https://www.revisor.mn.gov/statutes/cite/144G/pdf>



ALF vs. ALFDC

- **ALF** – *Assisted Living Facility*
 - a facility that provides sleeping accommodations and assisted living services to one or more adults.
- **ALFDC** – *Assisted Living Facility with Dementia Care*
 - a licensed assisted living facility that is advertised, marketed, or otherwise promoted as providing specialized care for individuals with Alzheimer's disease or other dementias. A secured dementia care unit must be licensed as an ALFDC

CONVERSION VS. PROVISIONALS

Conversion (Converted from HWS to new AL License):

- ALF or ALFDC
- Already have an HFID
- Time period to convert is passed.
- Roughly 2070 facilities conversion facilities.

Provisional (new license after 8/1/21):

- PALF or PALFDC
- Issued an HFID after completing an application
- Every new ALF or ALFDC moving forward

144G.191 – BUILDING PERMIT APPLICATION BEFORE 8/1/2021

“Grandfathering” in of new construction with building permit application prior to 8/1/2021

144G.191 ASSISTED LIVING FACILITY LICENSING IMPLEMENTATION; TRANSITION PERIOD FOR CURRENT PROVIDERS.

Subd. 2. New construction; building permit.

- (a) All prospective assisted living facility license applicants seeking a license and having new construction who have submitted a complete building permit application to the appropriate building code jurisdiction on or before July 31, 2021, may meet construction requirements in effect when the building permit application was submitted.
- (b) All prospective assisted living facility license applicants seeking a license for new construction who submit a complete building permit application to the appropriate building code jurisdiction on or after August 1, 2021, must meet the requirements of section 144G.45.
- (c) For the purposes of paragraph (a), in areas of jurisdiction where there is no building code authority, a complete application for an electrical or plumbing permit is acceptable in lieu of the building permit application.
- (d) For the purposes of paragraph (a), in jurisdictions where building plan review applications are separated from building permit applications, a submitted complete application for plan review is acceptable in lieu of the building permit application.

144G.191 – BUILDING PERMIT APPLICATION BEFORE 8/1/2021

“Grandfathering” in of new construction with building permit application prior to 8/1/2021

- Yes, you are a provisional ALF or ALFDC license, **BUT**
 - You will get a Conversion survey (144G.45, subd. 1-3 & 144G.81 subd. 1)
 - You will **NOT** get a Life Safety Code survey.
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- Most facilities in this situation have already started construction.
 - Highly unlikely that you may still be in this situation.
 - To qualify, you needed to submit a digital paper trail showing the submitted application to a local jurisdiction dated prior to 8/1/2021.

The Engineering Services Team

- Healthcare Team (Does not survey)
 - 4 employees (Rex, Ben, Fernando & Frances)
 - Hospitals, nursing homes, SLF's, etc.
- **Assisted Living Team**
 - 9 employees
 - 2 plan reviewers (Christian & **Tim**)
 - **7 surveyors** (Soo young, Cathy, Stephanie, Sharon, Terry, Nathan, Michelle)



<https://www.health.state.mn.us/facilities/regulation/engineering/index.html>

Q - How do I know if I will be getting an assisted living Life Safety Code survey?

The Submittal/Plan Review Process

STATUTE LANGUAGE – 144G.45, SUBD. 6

Subd. 6. **New construction; plans.**

(a) For all new licensure and construction beginning on or after August 1, 2021, the following must be provided to the commissioner:

(1) architectural and engineering plans and specifications for new construction must be prepared and signed by architects and engineers who are registered in Minnesota. Final working drawings and specifications for proposed construction must be submitted to the commissioner for review and approval;

(2) final architectural plans and specifications must include elevations and sections through the building showing types of construction, and must indicate dimensions and assignments of rooms and areas, room finishes, door types and hardware, elevations and details of nurses' work areas, utility rooms, toilet and bathing areas, and large-scale layouts of dietary and laundry areas. Plans must show the location of fixed equipment and sections and details of elevators, chutes, and other conveying systems. Fire walls and smoke partitions must be indicated. The roof plan must show all mechanical installations. The site plan must indicate the proposed and existing buildings, topography, roadways, walks and utility service lines; and

STATUTE LANGUAGE – 144G.45, SUBD. 6

(3) final mechanical and electrical plans and specifications must address the complete layout and type of all installations, systems, and equipment to be provided. Heating plans must include heating elements, piping, thermostatic controls, pumps, tanks, heat exchangers, boilers, breeching, and accessories. Ventilation plans must include room air quantities, ducts, fire and smoke dampers, exhaust fans, humidifiers, and air handling units. Plumbing plans must include the fixtures and equipment fixture schedule; water supply and circulating piping, pumps, tanks, riser diagrams, and building drains; the size, location, and elevation of water and sewer services; and the building fire protection systems. Electrical plans must include fixtures and equipment, receptacles, switches, power outlets, circuits, power and light panels, transformers, and service feeders. Plans must show location of nurse call signals, cable lines, fire alarm stations, and fire detectors and emergency lighting.

(b) Unless construction is begun within one year after approval of the final working drawing and specifications, the drawings must be resubmitted for review and approval.

(c) The commissioner must be notified within 30 days before completion of construction so that the commissioner can make arrangements for a final inspection by the commissioner.

(d) At least one set of complete life safety plans, including changes resulting from remodeling or alterations, must be kept on file in the facility

NEW CONSTRUCTION/SUBMITTAL SUMMARY

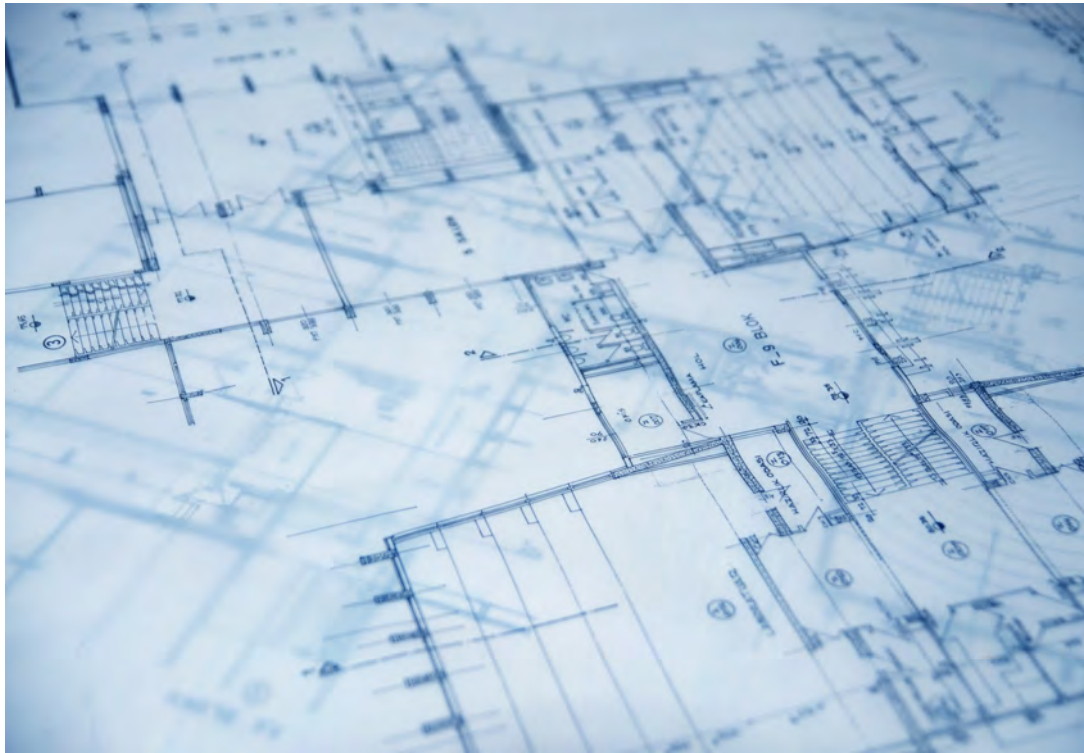
144G.45, SUBD. 6

- For ALFs AND ALFDCs
 - New licenses
 - New construction
 - Renovations, remodels, etc.
 - Not replace in kind or general maintenance
- Need to be signed by an architect if more than 10 residents (MN Rule 1800.5900)



NEW CONSTRUCTION/SUBMITTAL SUMMARY

144G.45, SUBD. 6



- Similar drawings you will need to obtain a building permit.
- You have 1 year to start construction after approval of the drawings by MDH.
- Schedule your inspection at about the same time as substantial completion.
- Life safety plans need to be kept on file at the facility.

PROJECT SUBMITTAL PROCESS

NEW LICENSES

- Construction documents are submitted with license application
 - <https://www.health.state.mn.us/facilities/regulation/assistedliving/docs/forms/provisionalapp.pdf>
- Provider/Operator to determine who is uploading to MDH's website.
 - <https://hrdlicensing.web.health.state.mn.us/#/>
- Plan review fee is included with application.
- Should be done at same time as building permit application.



PROJECT SUBMITTAL PROCESS

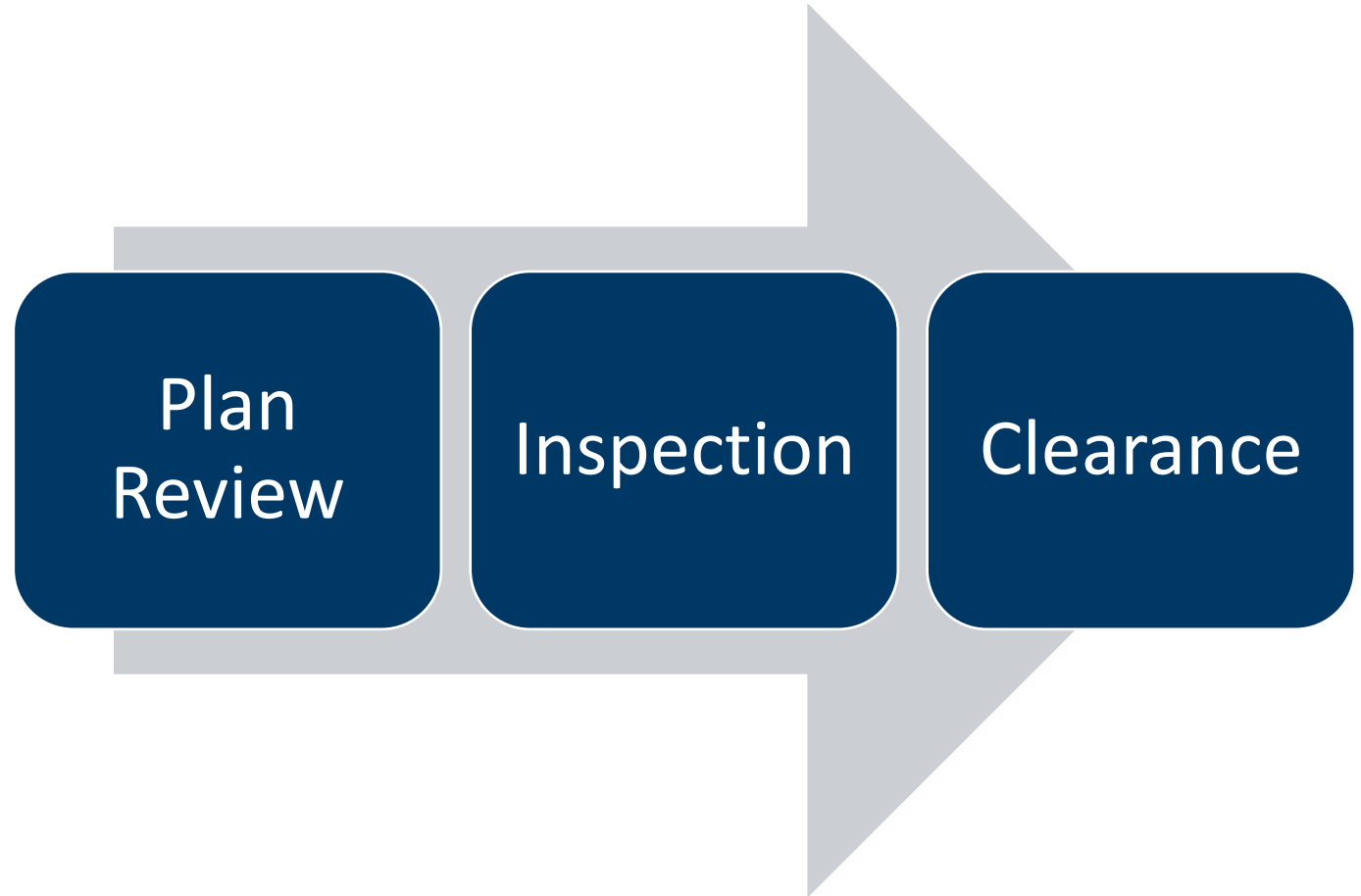
NEW CONSTRUCTION

- Submittal form:
<https://www.health.state.mn.us/facilities/regulation/engineering/docs/submittalformalf.pdf>
- Email drawings & form to:
 - health.assistedliving@state.mn.us
 - If you did a prelim review with staff, copy that person too
- NO plan review fee



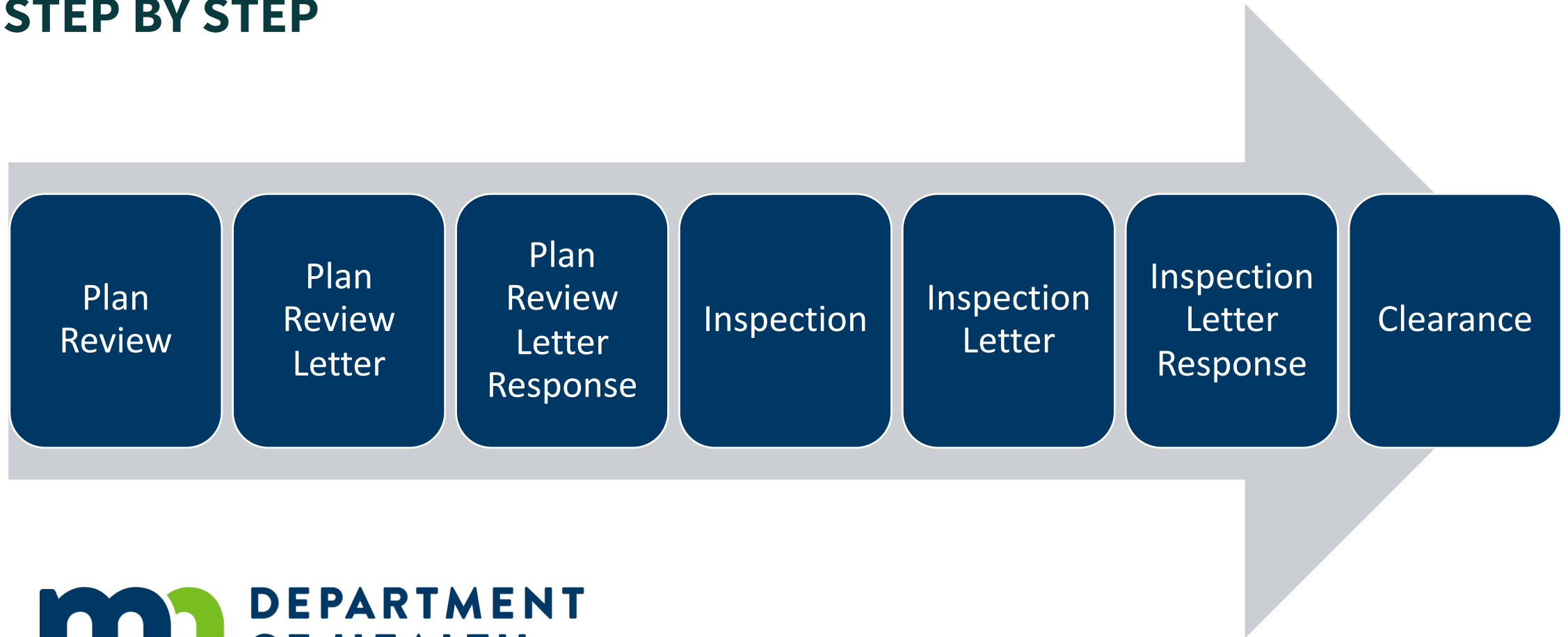
PROJECT REVIEW PROCESS

- The Same process for plan review starts after either:
 - New license application has been paid for or,
 - New construction submittal form and drawings are received



PROJECT REVIEW PROCESS

STEP BY STEP



Q - How do I know if I will be getting an assisted living Life Safety Code survey?

A – You are a 6+ resident provisional facility that submitted their application after 8/1/2021.

The Survey Process

MDH Survey Evaluators

At least 3 MDH employees are going to be in your building during a survey.

- Nurse evaluator (everything except kitchen & building)
- Food Code evaluator (kitchen used by staff only)
- Physical environment evaluator
 - Engineering Services team
 - Deputy State Fire Marshal (Contract through 7/31/2024)



Conversion Survey Components

Physical Environment Evaluator Survey Tasks

- Task 1 - Offsite Survey Preparation
- Task 2 - Entrance Conference/Onsite Prep.
- Task 3 - Orientation Tour
- Task 4 - Information Gathering
- Task 5 - Information Analysis and Decision Making
- Task 6 - Exit Conference

Possible Conversion Survey Citations

- ALF & ALFDC
 - 0770 – Site Components
 - 0780 – Smoke Alarms
 - 0790 – Fire Extinguishers
 - 0800 – Physical Environment
 - 0810 – Evacuation Plans
 - 0820 – Distinct Hazard to Life
 - 0830 – Local Laws Apply
 - 0850 – Life Safety Code ALF's (report attached similar to SFM survey form)
- Additional ALFDC
 - 2040 – Hazard Vulnerability Assessment
 - 2060 – Life Safety Code for ALFDC's (report attached similar to SFM survey form)

Most Common Physical Environment Citations

- ALF & ALFDC Possible Citations/Tags
 - 0780 – Smoke Alarms
 - 0800 – Physical Environment
 - 0810 – Evacuation Plans
- Additional ALFDC Possible Citation/Tag
 - 2040 – Hazard Vulnerability Assessment

The Life Safety Code Survey Process

STATUTE LANGUAGE – 144G.45, SUBD. 5

Subd. 5. **Assisted living facilities; Life Safety Code.**

(a) All assisted living facilities with six or more residents must meet the applicable provisions of the 2018 edition of the NFPA Standard 101, Life Safety Code, Residential Board and Care Occupancies chapter. The minimum design standard shall be met for all new licenses or new construction.

(b) If the commissioner decides to update the Life Safety Code for purposes of this subdivision, the commissioner must notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health care and public safety of the planned update by January 15 of the year in which the new Life Safety Code will become effective. Following notice from the commissioner, the new edition shall become effective for assisted living facilities beginning August 1 of that year, unless provided otherwise in law. The commissioner shall, by publication in the State Register, specify a date by which facilities must comply with the updated Life Safety Code. The date by which facilities must comply shall not be sooner than six months after publication of the commissioner's notice in the State Register.

LIFE SAFETY CODE STATUTE SUMMARY

144G.45, SUBD. 5

- 2018 NFPA 101 Life Safety Code.
- Chapter 32 – Residential Board and Care Occupancies.
- New licensed OR new construction for 6+ resident facilities.
- MDH Commissioner can update the required version.



LIFE SAFETY CODE DURING A **SMALL ALF** SURVEY

144G.45, SUBD. 5

- Tag 0850
 - Small facilities (6-16)
 - Most likely an R-4 occupancy per MNSBC
 - What's different from the license inspection or previous survey?



LIFE SAFETY CODE DURING A **SMALL ALF** SURVEY

144G.45, SUBD. 5



- Is the means of egress free of obstructions?
- Secondary egress?
 - Egress windows required?
- Hazard rooms?
- Combustible load?
- Rated walls maintained?

LIFE SAFETY CODE DURING A **SMALL ALF** SURVEY

144G.45, SUBD. 5

- Are the systems working?
 - Fire alarm
 - Other smoke detection
 - Carbon monoxide
 - Sprinkler
- Have the systems been tested & maintained?
 - Binder?



LIFE SAFETY CODE DURING A **LARGE ALF** SURVEY

144G.45, SUBD. 5

- Tag 0850
 - Large facilities (17+)
 - Most likely an I-1 occupancy per MNSBC
 - What's different from the license inspection or previous survey?



LIFE SAFETY CODE DURING A **LARGE ALF** SURVEY

144G.45, SUBD. 5



- Is the means of egress free of obstructions?
- Means of Egress integrity
- Hazardous rooms?
- Combustible load?
- Rated walls maintained?
- Rated doors maintained?

LIFE SAFETY CODE DURING A **LARGE ALF** SURVEY

144G.45, SUBD. 5

- Are the systems working?
 - Fire alarm
 - Other smoke detection
 - Carbon monoxide
 - Sprinkler
- Have the systems been tested & maintained?
 - Binder?



Possible Conversion Survey Citations

- ALF & ALFDC
 - 0770 – Site Components
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- Additional ALFDC
 - 2040 – Hazard Vulnerability Assessment
 - 2060 – Life Safety Code for ALFDC's (report attached similar to SFM survey form)

STATUTE LANGUAGE – 144G.81, SUBD. 3

Subd. 3. Assisted living facilities with dementia care and secured dementia care unit; Life Safety Code.

(a) All assisted living facilities with dementia care and a secured dementia care unit must meet the applicable provisions of the 2018 edition of the NFPA Standard 101, Life Safety Code, Healthcare (limited care) chapter. The minimum design standards shall be met for all new licenses or new construction.

(b) If the commissioner decides to update the Life Safety Code for purposes of this subdivision, the commissioner must notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health care and public safety of the planned update by January 15 of the year in which the new Life Safety Code will become effective. Following notice from the commissioner, the new edition shall become effective for assisted living facilities with dementia care and a secured dementia care unit beginning August 1 of that year, unless provided otherwise in law. The commissioner shall, by publication in the State Register, specify a date by which these facilities must comply with the updated Life Safety Code. The date by which these facilities must comply shall not be sooner than six months after publication of the commissioner's notice in the State Register.

LIFE SAFETY CODE STATUTE SUMMARY

144G.81, SUBD. 3

- 2018 NFPA 101 Life Safety Code.
- Chapter 18 – Healthcare Occupancies
 - Limited-Care requirements
- New licensed OR new construction.
- MDH Commissioner can update the required version.



LIFE SAFETY CODE DURING AN **ALFDC** SURVEY

144G.81, SUBD. 3

- Tag 2060
 - All ALFDCs no matter of size
 - Most likely an I-2 occupancy per MNSBC
 - What's different from the license inspection or previous survey?



LIFE SAFETY CODE DURING AN **ALFDC** SURVEY

144G.81, SUBD. 3

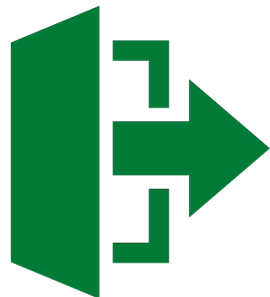


- Is the means of egress free of obstructions?
- Means of Egress integrity
- Hazardous rooms?
- Combustible load?
- Rated walls maintained?
- Rated doors maintained?

LIFE SAFETY CODE DURING AN **ALFDC** SURVEY

144G.81, SUBD. 3

- Locking situation?
- Is there a secured unit?
- Separation from adjacent occupancies?
- Delayed egress?



LIFE SAFETY CODE DURING AN **ALFDC** SURVEY

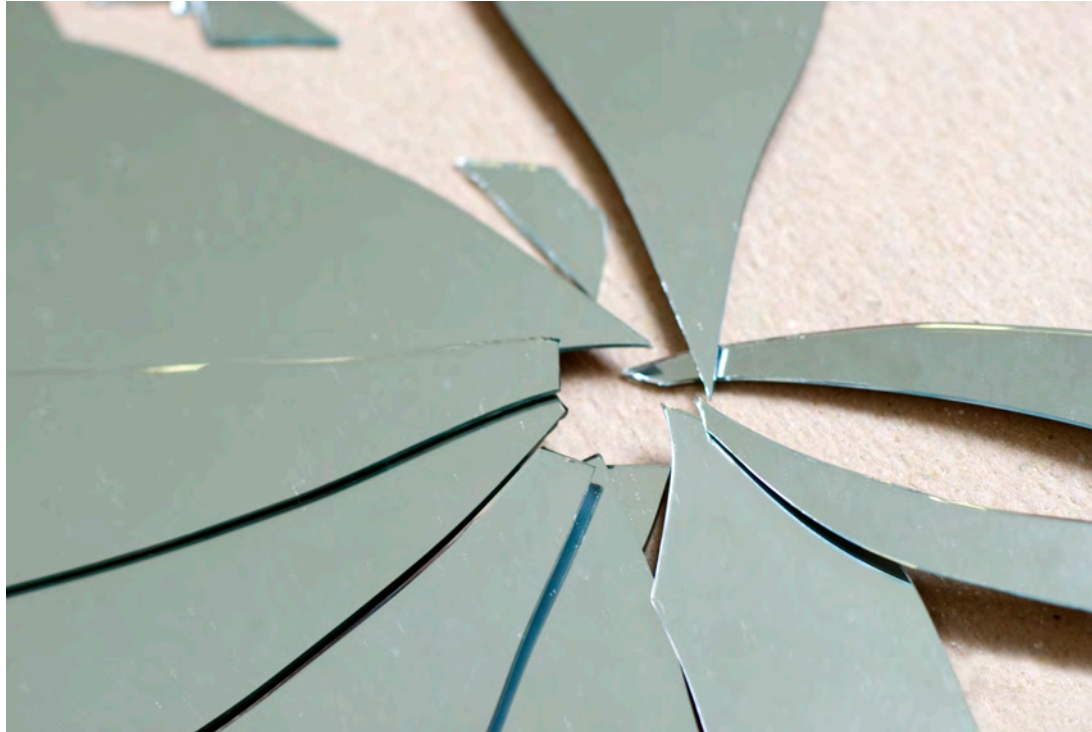
144G.81, SUBD. 3

- Are the systems working?
 - Fire alarm
 - Other smoke detection
 - Carbon monoxide
 - Sprinkler
- Have the systems been tested & maintained?
 - Binder?



Immediate Corrections

IMMEDIATE CORRECTIONS TO AVOID



- 0820 – “Conversion” Facilities
Distinct Hazard
- 0850 – Small & Large ALF (LSC)
- 2060 – ALFDC (LSC)
- \$3,000 fine issued

IMMEDIATE CORRECTIONS TO AVOID

144G.45, SUBD. 2



- Tag 0820
 - Furnace or A/C not working (emergency preparedness)
 - Egress windows
 - Exposed broken glass
 - Construction project not separated from residents

IMMEDIATE CORRECTIONS TO AVOID

144G.45, SUBD. 5

- Tag 0850
 - Egress windows
 - Construction project not separated from residents
 - Rated walls & doors not maintained?



IMMEDIATE CORRECTIONS TO AVOID

144G.81, SUBD. 3



- Tag 2060
 - Construction project not separated from residents
 - Rated walls & doors not maintained?
 - Others similar to SFM surveys

Objectives Review

- Recognize the Life Safety Code requirements included in Minnesota's Assisted Living Licensure law.
- Extrapolate the possible physical environment citations that may occur during a Life Safety Code survey.
- Differentiate the Life Safety Code survey differences between assisted living facilities and assisted living facilities with dementia care.
- Identify possible immediate correction citations and fines.

How can The Source make you successful?

- By saving you time and money!
 - Existing facility services:
 - Mock Surveys
 - Inspections/Facility Assessments
 - Plan of corrections
 - AHJ Communications
 - Education/Training
 - CHOW Services
 - New facility services:
 - License application help
 - Submittal assistance
 - Plan reviews
 - Pre-inspections
 - AHJ communications and tracking
 - Education/Training
- Teams we work with:
 - Providers, Architects, Developers, Contractors, Investors, or Banks

A special Thank you!

- Bauer Design Build
- Kaas Wilson Architects
- Minnesota Healthcare Engineers Association

Questions?

Contact Info

Mobile: 218-349-5506

Email: michael@thesource-alc.com

www.thesource-alc.com

