

APA-1  
6/93

**TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION**

Control 420 Department or Agency Alabama Department of Public Health

Rule Number 420-5-4-.08  
Rule Title Physical Facilities

       New XXX Amend        Repeal        Adopt by Reference

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

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

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

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

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

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

Does the proposed rule have an economic impact? No

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

**Certification of Authorized Official**

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

Signature of Certifying Officer  Date 5/20/15

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

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

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-5-4-.08 Physical Facilities

INTENDED ACTION: To Amend

SUBSTANCE OF PROPOSED ACTION: To replace the incorrect term "group homes" with the correct classification "assisted living facilities".

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

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

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

  
\_\_\_\_\_  
P. Brian Hale, Agency Secretary

Physical Facilities.

(1) Administrative Facilities. Each assisted living facility shall provide office space(s) or administrative office(s).

(a) As a minimum, the administrative office(s) shall be provided with a desk, file cabinet, and related office equipment and supplies.

(b) Congregate assisted living facilities shall provide separate rooms for administrative and office purposes.

(c) Communication Facilities. Each assisted living facility shall have an adequate number of telephones to summon help in case of fire or other emergency, and these shall be located so as to be quickly accessible from all parts of the building.

(d) Fire Protection Arrangements. The facility shall have arrangements for fire protection with the nearest available fire department for assistance in case of fire. Each facility shall have a monitoring service for its fire alarm system.

(e) Center Staff Station. New Group and Congregate facilities, and existing Group and Congregate facilities that are enlarged or renovated to accommodate bed increases, shall have a centrally located staff station with call for assistance and fire alarm system annunciation panels.

(2) Physical facilities (Drugs and Medicines).

(a) Medicine Storage. There shall be a medicine cabinet or storage area in the facility for safekeeping of individual medicine and drugs. The medicine storage area shall:

1. Be provided with lock and key and be kept locked when not being used.

2. Have adequate storage space with shelving.

3. Be adequately lighted with artificial illumination.

(b) Refrigerator. A refrigerator, capable of being secured, and dedicated to medicine and drug storage, shall be required for medicines and drugs which must be refrigerated.

(3) Resident's Physical Facilities

(a) All resident bedrooms shall have an outside window

and shall not be below grade. Window areas shall not be less than one-eighth of the floor area, unless proper lighting, ventilation and air-conditioning are provided. All assisted living facilities submitted for plan review on or after October 5, 2001 shall ensure that each resident bedroom has at least one outside window with a minimum of 20 feet of clear space to any structure, measured perpendicularly. A peripheral view of the exterior shall be provided from newly constructed bedrooms.

(b) Residents bedrooms shall be located so as to minimize the entrance of odors, noise, and other nuisances.

(c) Residents bedrooms shall be directly accessible to a main corridor or through no more than one intervening sitting room within the bedroom suite. In no case shall a resident bedroom be used for access to another resident room.

(d) Group and Congregate resident bedrooms shall be individually and consistently identified, (numbered, lettered, or named).

(e) Bedroom Size. As a minimum, floor area shall be as follows:

1. Private bedroom without sitting area: 80 square feet. Double bedroom without sitting area: 130 square feet.

2. Private bedroom with sitting area: 160 square feet. Double bedroom with sitting area: 200 square feet.

3. Bedrooms shall accommodate no more than two residents.

4. Facilities licensed prior to December 25, 1991 are exempt.

(f) Bedroom furnishings. The resident has the right to furnish his or her room as he or she so chooses, within the facility's guidelines. If the facility offers to provide some or all of the furniture, as a minimum, bedrooms shall contain the following for each resident:

1. A suitable built-in clothes closet or wardrobe with shelving space and clothing pole.

2. A bed with good springs and mattress and sufficient clean bedding. In no case shall a cot or rollaway bed be provided for residents.

3. A dresser or chest of drawers.

4. A bedside table and bed lamp.
5. At least one comfortable chair, preferably an armchair or rocker.
6. Window shades, venetian blinds, or other suitable provisions for closing the view from the window.
7. Adequate number of electrical outlets shall be provided. Extension cords, U.L. approved with overload protection capability may be used for light duty appliances and shall not pose a hazard to residents.
8. A mirror in the bedroom or bedroom suite, unless contraindicated by a resident's condition.

(g) Toilet and Bathing Facilities. As a minimum, the following toilet and bathing facilities shall be provided.

1. For all residents' bedrooms, which do not have adjoining toilet and bathing facilities, plumbing fixtures shall be provided within the resident sleeping area according to the following ratio:

- (i) Bathtubs or showers 1 per 8 beds
- (ii) Lavatories 1 per 6 beds
- (iii) Toilets 1 per 6 beds

2. When a semi-private bedroom is provided, the facility shall provide a means of privacy for dressing and bathing. When common area bathrooms are provided, there shall be separation by partitions, curtains or screens to provide for privacy in the baths and toilets.

3. Non-skid mats or equal surface treatment and safety hand grips or grab bars shall be provided in tubs, showers and at each toilet fixture. Grab bars shall be installed in new Group and Congregate facilities to conform to the currently adopted building code.

(h) All essential mechanical, electrical and resident care equipment shall be clean and maintained in safe operating condition.

(i) Bed and bath linens shall be clean and in good condition.

(j) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior shall be

provided.

(4) Food Service Facilities.

(a) Floors. Floors in food service areas shall be of such construction as to be easily cleaned, sound, smooth, non-absorbent, without cracks or crevices, and shall be provided with approved and conveniently located facilities for the disposal of floor wash water.

(b) Walls and Ceilings. Walls and ceilings of food service areas shall be of tight and substantial construction, and smoothly finished. The walls and ceilings shall be without horizontal ledges and shall be washable up to the highest level reached by splash and spray. Roofs and walls shall be maintained free of leaks. All openings to the exterior shall be provided with doors or windows which prevent the entrance of rain or dust during inclement weather.

(c) Screens or Outside Openings. Openings to the outside shall be effectively screened, or suitable provisions made equal to screening (such as fly fans). Screen doors shall be equipped with self-closing devices.

(d) Lighting. The kitchen, dishwashing area and the dining room shall have adequate light.

(e) Ventilation. Vent/exhaust hoods, vented to the outdoors, shall be provided over cooking surfaces to aid in removing cooking odors. Existing recirculating vent hoods in Family facilities may remain in use when filters are cleaned or replaced regularly to prevent excess grease accumulation. Group ~~Homes~~ assisted living facilities with residential stoves may use a residential hood sized for the stove. Commercial exhaust hoods shall be installed when commercial cooking equipment is used. Congregate facilities shall use a commercial exhaust hood system.

(f) Employee Toilet Facilities. Toilet rooms, if provided, shall not open directly into any room or space in which food is prepared, stored, displayed, or served, nor into any room in which utensils are washed or stored. Toilet rooms shall include a lavatory and shall be well lighted and ventilated.

(g) Handwashing Facilities. Each Group and Congregate assisted living facility shall provide a hand washing lavatory in the kitchens which shall be equipped with a soap dispenser and a supply of soap, disposable towels, and hot and cold running water through a mixing valve or combination faucet. The use of a common towel and common bar soap is prohibited. Hands shall not be washed in sinks where food is prepared. Existing Group and Congregate facilities that enlarge or renovate kitchens, shall

install a hand wash sink.

(h) Refrigeration Facilities. Adequate refrigeration facilities, automatic in operation for the storage of perishable foods shall be provided. ~~If it is impractical to provide~~ separate refrigeration for perishables, the refrigeration shall be maintained at 41 degrees F or less. All refrigerators shall be provided with thermometers. All refrigerators shall be kept clean.

(i) Equipment and Utensil Construction. Equipment and utensils, except single service utensils, shall be so constructed as to be easily cleaned and shall be kept in good repair. No cadmium plated, lead, or readily corrodible utensils or equipment shall be used.

(j) Separation of Kitchen from Resident Rooms and Sleeping Quarters. Any room used for sleeping quarters shall be separated from the food service area by a solid wall with no direct openings. Sleeping accommodations shall not be permitted within the food service area.

(k) Clean Rooms. Floors, walls and ceilings of rooms in the food service area shall be clean and free of an accumulation of rubbish, dust, grease, dirt, etc.

(l) Clean Equipment. Equipment in the food service area shall be clean and free of dust, grease, dirt, etc.

(m) Clean Counters, Tables, Tablecloths, and Napkins. Tables and counters, which are used for food service, shall be kept clean. Tablecloths and cloth napkins shall be laundered after each use.

(n) Location and Space requirements. Food service facilities shall be located in a specifically designated area and shall include the following rooms and space: kitchen, dishwashing, food storage, and dining room.

(o) Equipment. Minimum equipment in the kitchen shall include the following:

1. Range. In a Family or Group assisted living facility a residential use range is permitted. A Congregate assisted living facility shall have a heavy-duty, range suitable for institutional use with double oven, or equivalent.

2. Refrigerator. A Family or Group assisted living facility may use a residential refrigerator. A Congregate assisted living facility shall have a heavy duty refrigerator suitable for institutional use.

3. Fire extinguisher, 5 pound type BC for residential hoods and K type for commercial hoods.

4. A three-compartment sink with a booster heater or chemical sanitizing system for the third compartment shall be provided in Congregate assisted living facilities.

5. Garbage cans with cover.

6. Dishwashing. The dishwashing equipment for family and group assisted living facilities shall be either residential type using cold water sanitizers or commercial type with a booster water heater. Dishwashing equipment for all Congregate assisted living facilities shall be commercial type using a booster water heater or an automatic dispensing sanitizing chemical system.

(p) Food Storage. A well-ventilated, cool food storage room, pantry or cabinets shall be provided. Adequate shelving, bins, suitable cans, and raised platforms shall be provided and kept clean. Perishable food shall be stored at least six inches above the floor. The storeroom shall be of such construction as to prevent the invasion of rodents and insects, the seepage of dust and water, leakage, or any other source of contamination.

(q) Dining Room. A resident dining room, or rooms, shall be provided which is large enough to seat not less than 100% of the bed capacity.

(r) Water Heating Equipment. Equipment for heating an ample supply of water, under pressure, for all washing purposes shall be provided. Hot water shall be piped to all hand-washing facilities, and to each compartment of all dishwashing and laundry sinks. Water heaters shall be automatic type.

(5) Recreational.

(a) Living and Recreational Room(s). Each assisted living facility shall provide adequate living and recreational room(s) for group activities, and for social events, such as holiday celebrations, without crowding. The following shall be included:

1. Small living room(s) of a personal or family type so that residents may read or visit with relatives and friends in private. This requirement may be met when private bedrooms are large enough for use as small sitting rooms and are furnished for this use. Furniture for small living rooms and sitting spaces in bedrooms shall include comfortable chairs, tables, and lamps of



good repair and clean.

2. Central living or recreational room in which group activities can take place. This requirement may be met by combining the resident dining room with a central living or recreational room.

(i) The usual type of small family dwelling which has a central living room, dining room, and den or enclosed sun porch, may meet the requirements in facilities classified as Family assisted living facilities.

(ii) Living and recreational room shall be furnished according to the activities offered. Furniture shall include comfortable chairs, tables, and lamps of good repair and clean.

(b) Yards and Gardens. Each assisted living facility shall provide safe space for outside activities.

(c) Hobbies or Leisure Activities. Each assisted living facility shall provide adequate space(s) for hobbies and leisure activities.

**Author:** Victor Hunt

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

**History:** Filed November 20, 1991. **Repealed and New Rule:** Filed October 18, 2001; effective November 22, 2001. **Amended:** Filed June 23, 2004; effective July 28, 2004. **Amended:** Filed March 21, 2007; effective April 25, 2007. **Amended:** Filed September 22, 2008; effective October 27, 2008.