

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIVISION OF CHILD WELFARE LICENSING

CHILD CARING INSTITUTIONS

(By authority conferred on the department of social services by section 2 of Act No. 116 of the Public Acts of 1973, as amended, being S722.112 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 400.4101 Definitions.

Rule 101. As used in these rules:

(a) "Behavior management room" means a room or area approved for the confinement or retention of a resident. The door to the room may be equipped with a security locking device which operates by means of a key or is electrically operated and which has a key override and emergency electrical backup in case of a power failure.

(b) "Case record" means the individual file kept by an institution concerning a child who has been placed at the institution.

(c) "Chief administrator" means the person designated by the licensee as having the day-to-day responsibility for the overall administration of a child caring institution and for assuring the care, safety, and protection of residents.

(d) "Child caring institution," hereinafter referred to as "institution," means an institution as defined in section 1 of Act No. 116 of the Public Acts of 1973, as amended, being S722.111 of the Michigan Compiled Laws.

(e) "Child placing agency" means an agency as defined in section 1 of Act No. 116 of the Public Acts of 1973, as amended, being S722.111 of the Michigan Compiled Laws.

(f) "Department" means the Michigan department of social services.

(g) "Developmentally disabled" means an individual who has an impairment of general intellectual functioning or adaptive behavior which meets the following criteria:

(i) It originated before the person became 18 years of age.

(ii) It has continued since its origination or can be expected to continue indefinitely.

(iii) It constitutes a substantial burden to the impaired person's ability to perform normally in society.

(iv) It is attributable to 1 or more of the following:

(A) Mental retardation, cerebral palsy, epilepsy, or autism.

(B) Any other condition of a person found to be closely related to mental retardation because it produces a similar impairment or requires treatment and services similar to those required for a person who is mentally retarded.

(C) Dyslexia resulting from a condition described in subparagraph (A) or (B) of this paragraph.

(h) "Direct care worker" means a person who provides direct care and supervision of children in an institution.

(i) "License" means a license issued by the department to a nongovernmentally operated institution or a certificate of approval issued by the department to a governmentally operated institution indicating that the institution is in compliance with these rules.

(j) "Licensee" means the agency, association, corporation, firm, organization, person, partnership, department, or agency of the state, county, city, or other political subdivision which has submitted an original application for licensure or approval or has been issued a license or certificate of approval to operate a child caring institution.

(k) "Licensing authority" means the administrative unit of the department which has the responsibility for making licensing and approval recommendations for an institution.

(l) "Medication" means prescription and nonprescription medicines.

(m) "Mentally retarded" means significantly subaverage general intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior.

(n) "Open institution" means an institution or facility, or portion thereof, which is used to house residents and which is not locked against egress, except for an approved behavior management room.

(o) "Parent" means biological parent, including custodial and noncustodial parent, adoptive parent, or guardian.

(p) "Protection" means the continual responsibility of the licensee to take reasonable action to insure the health, safety, and well-being of a resident while under the supervision of the licensee or an agent or employee of the licensee, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation while on the premises.

(q) "Resident" means a child who is admitted to and resides in an institution.

(r) "Residential treatment institution" means an institution whose primary purpose and function is to provide habilitative or rehabilitative services.

(s) "Secure institution" means an institution facility, or portion thereof, other than a behavior management room, used to retain residents in custody. Outside doors and individual sleeping rooms usually have locks preventing egress from the building.

(t) "Short-term institution" means an institution which primarily provides care for residents pending court action or other placement planning as opposed to primarily providing rehabilitative or rehabilitative services.

(u) "Social service supervisor" means a person who supervises a social service worker.

(v) "Social service worker" means a person who works directly with residents, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the resident. This definition shall not be interpreted to prevent a team approach to service plan development and implementation.

(w) "Terms of license" or "terms of approval" means those designations noted on an institution's license or certificate of approval for which the institution is authorized or approved. Such designations include the following:

(i) Short-term institution.

(ii) Residential treatment institution.

(iii) Secure institution.

(iv) Open institution.

(v) Age of children to be accepted for care.

(vi) Sex of children to be accepted for care.

(vii) Number of children to be accepted for care.

(viii) Effective and expiration dates.

History: 1983 AACS.

R 400.4104 Rules compliance.

Rule 104. Before being licensed as an institution, an original applicant shall comply with the rules for the type of institution the applicant proposes to operate and for which compliance can be achieved prior to beginning operation and shall demonstrate intent to comply with those rules for which compliance can only be demonstrated after the institution has become fully operational.

History: 1983 AACS.

R 400.4105 Rule exemption.

Rule 105. (1) Upon written request of an applicant or licensee, the department may grant an exemption from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which exemption is sought.

(2) The decision of the department, including the qualification under which the exemption is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or licensee. This exemption may remain in effect for as long as the licensee continues to comply with the intent of the rule or may be time limited.

History: 1983 AACS.

R 400.4106 Original licensure; application.

Rule 106. An applicant applying for an original license shall provide all of the following:

- (a) Evidence of need for the type of program the institution proposes to provide.
- (b) Evidence of sufficient financial resources to meet applicable licensing rules following the issuance of the initial license.
- (c) A plan of financial accounting developed in accordance with generally accepted accounting practices.

History: 1983 AACS.

R 400.4108 Financing and audit.

Rule 108. A licensee shall do both of the following:

- (a) Annually develop a plan of financing to carry out the institution's programs to assure that proper care of residents is provided and that licensing rules are followed. The budget shall include projected income and expenditures.
- (b) Obtain an audit of all financial accounts. Audits for nongovernmental institutions shall be conducted annually by an independent certified public accountant who is not administratively related to the agency.

History: 1983 AACS.

R 400.4109 Program statement.

Rule 109. (1) An institution shall have a current written program statement which specifically addresses all of the following:

- (a) The types of children to be admitted for care.
 - (b) The services provided to residents and parents directly by the institution and the services provided by outside resources.
 - (c) Policies and procedures pertaining to admission, care, and discharge of residents.
- (2) The program statement shall be made available to residents, parents, and referral sources.

History: 1983 AACS.

R 400.4111 Job description.

Rule 111. There shall be a job description for each staff position which identifies rules, required qualifications, and lines of authority.

History: 1983 AACS.

R 400.4112 Staff qualifications.

Rule 112. A person with ongoing duties shall be of good moral character, emotionally stable, and of sufficient health, ability, experience, and education to perform the duties assigned.

History: 1983 AACS.

R 400.4113 Employee records.

Rule 113. Employee records shall be maintained for each employee and shall include all of the following information:

- (a) Name.
- (b) Verification of education where minimum education requirements are specified by rule.
- (c) Work history.
- (d) Three references which are obtained prior to employment from persons unrelated to the employee.
- (e) A record of any convictions other than minor traffic violations.
- (f) A written evaluation of the employee's performance within a probationary period.

(g) Verification of health where specified by rule.

History: 1983 AACCS.

R 400.4114 Tuberculosis screening for employees and volunteers.

Rule 114. The licensee shall document that each employee and volunteer who has contact with residents 4 or more hours per week for more than 2 consecutive weeks is free from communicable tuberculosis. Freedom from communicable tuberculosis shall be verified within the 3-year period before employment and shall be verified every 3 years after the last verification.

History: 1983 AACCS.

R 400.4116 Employees; qualifications.

Rule 116. An employee who is in a position and who was approved under the rules that these rules supersedes is deemed to be qualified for that position at the institution. A person appointed to a position after these rules become effective shall meet the qualifications of these rules for that position.

History: 1983 AACCS.

R 400.4117 Chief administrator; qualifications.

Rule 117. A chief administrator, at the time of appointment, shall possess 1 of the following:

(a) A master's degree in social work, sociology, psychology, guidance and counseling, education, business administration, criminal justice, or public administration and 2 years of experience in a child caring institution or child placing agency.

(b) A bachelor's degree with a major in social work, sociology, psychology, criminal justice, guidance and counseling, education, business administration, or public administration and 4 years of post-bachelor's degree experience in a child caring institution or child placing agency.

History: 1983 AACCS.

R 400.4118 Social service supervisor; qualifications.

Rule 118. A social service supervisor, at the time of appointment to the position, shall possess 1 of the following:

(a) A master's degree in social work and 1 year of experience as a social service worker.

(b) A master's degree in sociology, psychology, criminal justice, or guidance and counseling and 2 years of experience as a social service worker.

(c) A bachelor's degree in sociology, psychology, social work, criminal justice, or guidance and counseling and 4 years of experience as a social service worker in a child care organization. Two years of the 4 years of experience shall be in a child caring institution.

History: 1983 AACCS.

R 400.4119 Social service worker; qualifications.

Rule 119. A social service worker, at the time of appointment to the position, shall possess a bachelor's degree with a major in criminal justice, sociology, psychology, social work, or guidance and counseling.

History: 1983 AACCS.

R 400.4120 Supervisor of direct care workers; qualifications.

Rule 120. A supervisor of direct care workers shall have 1 of the following:

(a) A bachelor's degree and 2 years of work experience in a child caring institution.

- (b) Two years of college and 3 years of work experience in a child caring institution.
- (c) A high school diploma and 4 years of work experience in a child caring institution.

History: 1983 AACCS.

R 400.4121 Direct care worker; qualifications.

Rule 121. A direct care worker shall have completed high school.

History: 1983 AACCS.

R 400.4126 Sufficiency of staff.

Rule 126. (1) The licensee shall have a sufficient number of administrative, supervisory, social service, direct care, and other staff to perform the prescribed functions required by these administrative rules and to provide for the needs, protection, and supervision of residents.

(2) One direct care worker shall be responsible for not more than 10 residents at one time during residents' normal awake hours and not more than 20 residents at one time during the residents' normal sleeping hours.

History: 1983 AACCS.

R 400.4127 Staff-to-resident ratio.

Rule 127. (1) The licensee shall develop and adhere to a written staff-to-resident ratio formula for direct care workers.

(2) The ratio formula for direct care workers shall correspond with the institution's purpose and the needs of the residents and shall assure the continual safety, protection, and direct care and supervision of residents.

(3) The ratio formula used shall not be less than the number of workers required by R 400.4126(2).

History: 1983 AACCS.

R 400.4128 Initial staff orientation and ongoing staff training.

Rule 128. (1) The licensee shall provide an orientation program for new employees. The orientation shall include the following:

(a) The institution's purpose, policies, and procedures, including discipline, crisis intervention techniques, and emergency and safety procedures.

(b) The role of the staff members as related to service delivery and protection of the children.

(2) There shall be a written plan of ongoing staff training related to individual job functions and the institution's program.

(3) The licensee shall document that each direct care worker participated in a minimum of 50 clock hours of planned training within the first year of employment and a minimum of 25 clock hours of training annually thereafter.

(4) Training opportunities shall include all of the following:

(a) Developmental needs of children.

(b) Child management techniques.

(c) Basic group dynamics.

(d) Appropriate discipline, crisis intervention, and child handling techniques.

(e) The direct care worker's and the social service worker's roles in the institution.

(f) Interpersonal communication.

(g) Proper and safe methods and techniques of restraint.

(h) First aid.

History: 1983 AACCS.

R 400.4130 Privacy and confidentiality.

Rule 130. (1) An institution shall assure resident and parent privacy and confidentiality and shall protect residents from exploitation.

(2) A resident's identity may be disclosed for public purposes or publicity only after both of the following criteria are met:

- (a) The parent has consented.
- (b) The resident has consented if the resident is capable of consent.

History: 1983 AACCS.

R 400.4131 Compliance with child protection law; development of plan required.

Rule 131. The licensee shall develop and implement a written plan to assure compliance with the provisions of Act No. 238 of the Public Acts of 1975, as amended, being S722.621 et seq. of the Michigan Compiled Laws, and known as the child protection law.

History: 1983 AACCS.

R 400.4132 Grievance procedures.

Rule 132. An institution shall develop and follow written procedures for redressing concerns, disagreements, complaints, and grievances of parents and residents.

History: 1983 AACCS.

R 400.4133 Institutional care for children under 6 years of age.

Rule 133. A child under 6 years of age shall not remain in an institution for more than 30 days, unless this stay is documented to be in the best interest of the child.

History: 1983 AACCS.

R 400.4134 Case record maintenance.

Rule 134. (1) A case record shall be maintained for each resident.

(2) Service plans and narrative entries shall be dated and shall identify the individual making the entries.

(3) Records shall be maintained in a uniform and organized manner, shall be protected against destruction and damage, and shall be stored in a manner that safeguards confidentiality.

History: 1983 AACCS.

R 400.4137 Discipline and behavior management.

Rule 137. (1) An institution shall establish and follow written policies and procedures regarding discipline and behavior management. Upon request, these shall be available to all residents, their families, and referring agencies. Staff shall receive a copy of these policies and procedures and shall comply with them.

(2) An institution shall prohibit all cruel and severe discipline, including any of the following:

- (a) Any type of severe physical discipline inflicted in any manner.
- (b) Group discipline for misbehavior of individuals, except in accordance with the institution's discipline policy.
- (c) Verbal abuse, ridicule, or humiliation.
- (d) Denial of any essential program services.
- (e) Withholding of any meal.
- (f) Denial of visits or communications with family.
- (g) Denial of opportunity for at least 8 hours of sleep in a 24-hour period.
- (h) Denial of shelter, clothing, or essential personal needs.

(i) Excessive chemical, mechanical, or physical restraint.

(3) Residents shall not be permitted to discipline other residents, except as part of an organized therapeutic self-governing program that is conducted in accordance with written policy and is supervised directly by designated staff.

History: 1983 AACCS.

R 400.4138 Religious policy and practices.

Rule 138. (1) Each resident shall not be prohibited from participating in religious activities and services in accordance with the resident's own faith and parental direction.

(2) An institution shall establish and follow written policies for religious participation and training of residents. The institution shall provide the policy to parents and referral sources upon request.

History: 1983 AACCS.

R 400.4141 Initial documentation.

Rule 141. Upon admission, all of the following shall be in the resident's case record.

(a) Name, address, birthdate, sex, race, height, weight, hair color, eye color, identifying marks, religious preference, and school status.

(b) A brief description of the resident's preparation for placement and general physical and emotional state at the time of admission.

(c) Name, address, and marital status of parents and name and address of legal guardian, if known.

(d) Date of admission and legal status.

(e) Documentation of legal right to provide care.

(f) Authorization to provide medical, dental, and surgical care and treatment as provided in section 14a(1), (2), and (3) of Act No. 116 of the Public Acts of 1973, as amended, being S722.124a(1), (2), and (3) of the Michigan Compiled Laws.

(g) A brief description of the circumstances leading to the need for care.

History: 1983 AACCS.

R 400.4142 Resident and parent visitation.

Rule 142. An institution shall make provisions for visits between each resident and the resident's parents, except where parental rights have been terminated or the resident's record contains documentation that visitation is detrimental to the resident.

History: 1983 AACCS.

R 400.4143 Written procedures for institution's serving developmentally disabled.

Rule 143. An institution providing care to developmentally disabled residents shall require direct care workers to follow written procedures for bathing, feeding, toilet training, and daily activities of residents.

History: 1983 AACCS.

R 400.4144 Education.

Rule 144. (1) An institution shall not admit a child for care unless an appropriate educational program can be provided.

(2) Provision shall be made for an appropriate education program in accordance with Act No. 451 of the Public Acts of 1976, as amended, being S380.1 et seq. of the Michigan Compiled Laws, and known as the school code of 1976, not later than 5 school days after admission and continuously thereafter for each resident of school age.

History: 1983 AACS.

R 400.4145 Mail.

Rule 145. Residents shall be permitted to send and receive mail. Residents' letters shall not be read by staff, except where there is clear and convincing evidence to justify such actions. If a letter requires staff reading, the resident shall be present when the letter is opened. Packages are exempted from the prohibition against inspection.

History: 1983 AACS.

R 400.4146 Personal possessions and money.

Rule 146. (1) Provision shall be made to safeguard residents' personal possessions and money.

(2) A resident's possessions and money held by the licensee shall be accurately accounted for and returned to the resident or guardian upon discharge.

(3) Accessible storage space shall be provided for personal possessions.

History: 1983 AACS.

R 400.4147 Clothing.

Rule 147. Each resident shall have sufficient clean, properly fitting, seasonal clothing.

History: 1983 AACS.

R 400.4148 Resident work experience.

Rule 148. Work experiences for a resident shall be appropriate to the age, health, and abilities of the resident.

History: 1983 AACS.

R 400.4150 Behavior management rooms; department approval required.

Rule 150. (1) Prior to establishing a behavior management room, an institution shall have written approval from the department licensing authority.

(2) A behavior management room established and approved after the effective date of these rules shall be equipped with a 2-way monitoring device. The device shall be on and monitored by an employee when a resident is in the room.

(3) A behavior management room shall be constructed and located so as to allow for both visual and auditory supervision of a resident.

(4) The room shall be constructed and equipped so as to minimize suicide risk. Break-resistant glass and security screening shall be provided. The room shall have adequate lighting.

(5) The dimensions of the room shall not be less than 48 square feet for those behavior management rooms constructed after the effective date of these rules.

(6) In a secure facility, when a resident is confined to a room other than at normal sleeping times, the confining of the resident shall only be for behavior management purposes.

History: 1983 AACS.

R 400.4152 Behavior management rooms; policies and procedures.

Rule 152. An institution approved to use a behavior management room shall establish and follow written policies and procedures specifying its use. The policy shall include, at a minimum, all of the following provisions:

(a) The room may only be used if a resident is out of control and is in danger of harming himself or herself or others.

- (b) The room shall be used only for the time needed to change the behavior compelling its use.
- (c) Not more than 1 resident shall be placed in a room at one time.
- (d) Staff shall observe the resident at intervals of 15 minutes or less and shall record the observation in a behavior management log.
- (e) The log shall include all of the following information:
 - (i) The name of the resident.
 - (ii) Time of each placement.
 - (iii) Name of staff person responsible for placement.
 - (iv) Description of specific behavior requiring use of the room.
 - (v) Time of each removal from the room.
- (f) For each instance in which a resident remains in the room for more than 2 hours, the log shall also contain hourly supervisory approval and the reasons for continued use.
- (g) When the behavior management room is used for more than 3 hours, there shall be administrative review above the level of the supervisor who approved the extended use. This review shall be completed and documented within 48 hours.

History: 1983 AACCS.

R 400.4160 Health services; policies and procedures.

Rule 160. An institution shall establish and follow written health service policies and procedures addressing all of the following:

- (a) Routine and emergency medical and dental care.
- (b) Health screening procedures.
- (c) Maintenance of health records.
- (d) Storage of medications.
- (e) Dispensing medication.
- (f) Personnel authorized to dispense medications.

History: 1983 AACCS.

R 400.4161 Medical treatment; supervision.

Rule 161. Medical treatment shall be under the supervision of a licensed physician.

History: 1983 AACCS.

R 400.4163 Periodic physical examinations.

Rule 163. An institution shall provide and document periodic physical examinations for each resident as follows, unless greater frequency is medically indicated:

- (a) Every 3 months for residents under 1 year of age.
- (b) Once a year for residents over 1 year of age and under 6 years of age.
- (c) Once every 2 years for residents 6 years of age and over.

History: 1983 AACCS.

R 400.4167 Reporting hospitalization or death of a resident.

Rule 167. (1) Any serious injury or illness requiring hospitalization of a resident shall be reported to the parent and responsible referring agency as soon as possible, but not more than 24 hours later.

(2) The death of a resident shall be reported immediately to the parents or next of kin, the licensing authority, and the referring agency.

History: 1983 AACCS.

R 400.4168 Personal hygiene.

Rule 168. An institution shall assure that each resident maintains or receives personal care, hygiene, and grooming appropriate to the resident's age, sex, race, cultural background, and health needs.

History: 1983 AACCS.

R 400.4169 Resident nutrition.

Rule 169. (1) A licensee shall provide a minimum of 3 nutritious meals daily unless medically contraindicated and documented.

(2) Meals shall meet the nutritional allowances recommended in the publication entitled, "Basic Nutrition Facts," pages 28-29, Michigan department of public health publication no. H-808, 1980. This publication may be obtained without charge from Nutrition Services, Bureau of Personal Health Services, Michigan Department of Public Health, P.O. Box 30035, Lansing, Michigan 48909.

(3) Special diets shall be prescribed only by a physician. A resident who has been prescribed a special diet by a physician shall be provided such a diet.

(4) Menus shall be written prior to the serving of the meal. Any change or substitution shall be noted and considered as part of the original menu.

History: 1983 AACCS.

R 400.4170 Emergency and disaster procedures.

Rule 170. An institution shall establish and follow written procedures for potential emergencies and disasters, including fire, severe weather, medical emergencies, and missing persons.

History: 1983 AACCS.

R 400.4172 Inspection and approval of institution.

Rule 172. An institution, including new construction, additions, and conversions, shall be occupied by residents only after inspection and approval by the licensing authority.

History: 1983 AACCS.

R 400.4173 Plans and specifications.

Rule 173. (1) Plans and specifications shall be submitted to the licensing authority for review and approval prior to any remodeling in an institution or the construction or conversion of a structure for use as an institution.

(2) The plans shall comply with all of the following provisions:

(a) Show layout, room arrangements, construction materials to be used, and the location, size, and type of fixed equipment.

(b) For additions, show those portions, including existing exits, types of construction, and room occupancies, which may be affected by the addition.

(c) Be approved in writing by the licensing authority, fire inspecting authority, and the health inspecting authority before construction begins.

(d) The plans for open institutions are not more than 6 residents need not be developed by an architect.

History: 1983 AACCS.

R 400.4175 Space and equipment requirements.

Rule 175. An institution shall provide sufficient resident living space, office space, and equipment to assure delivery of licensed services.

History: 1983 AACCS.

R 400.4176 Recreational activities, equipment, and supplies; swimming restriction.

Rule 176. (1) Residents shall be provided a variety of indoor and outdoor recreational activities designed to meet the residents' needs.

(2) Appropriate recreation supplies and equipment shall be provided.

(3) Swimming shall be permitted only where and when a qualified lifeguard is on duty.

History: 1983 AACCS.

R 400.4177 Sleeping rooms.

Rule 177. (1) In new and converted institutions, single sleeping rooms shall not be less than 70 square feet, exclusive of closet space.

(2) In new and converted institutions, multiresident sleeping rooms shall not be less than 45 square feet per resident, exclusive of closet space.

(3) Residents of the opposite sex over 5 years of age shall not sleep in the same sleeping room.

(4) In new or converted secure institutions, locked resident sleeping rooms shall be equipped with a 2-way monitoring device.

History: 1983 AACCS.

R 400.4178 Bedding and linen.

Rule 178. (1) Each resident shall be provided with an individual bed with a clean mattress and sufficient clean blankets.

(2) Each resident shall be provided with clean sheets and a pillow case at least weekly and more often if soiled.

History: 1983 AACCS.

R 400.4181 Driver license.

Rule 181. The driver of any vehicle transporting residents at the request of or on behalf of the licensee shall be an adult and possess a valid operator or chauffeur license with endorsement appropriate to the vehicle driven and the circumstances of its use.

History: 1983 AACCS.

R 400.4182 Seat occupancy.

Rule 182. Each resident transported shall occupy a manufacturer's designated seat.

History: 1983 AACCS.

R 400.4183 Safety belts.

Rule 183. In a vehicle which is required by law to be equipped with passenger safety belts, the driver and all passengers shall be properly restrained while the vehicle is in motion.

History: 1983 AACCS.

R 400.4199 Rescission.

Rule 199. R 400.141 to R 400.160 and R 400.174 to R 400.185 of the Michigan Administrative Code, appearing on pages 2996 to 3002, 3005, and 3006 of the 1979 Michigan Administrative Code, and pages 306 and 307 of the 1980 Annual Supplement to the Code, are rescinded.

History: 1983 AACCS.

PART 2. SHORT-TERM INSTITUTIONS

R 400.4201 Applicability.

Rule 201. The rules in this part apply to all short-term institutions unless specifically noted otherwise.

History: 1983 AACCS.

R 400.4231 Residential care after 48 hours.

Rule 231. A short-term institution shall continue to provide care for a resident beyond 48 hours only after establishing that the institution is an appropriate placement for the resident.

History: 1983 AACCS.

R 400.4232 Admission physical examination.

Rule 232. A short-term institution shall have documentation of an admission physical examination for each resident as follows, unless greater frequency is medically indicated:

(a) For a resident under 3 years of age, a physical examination shall have been completed within 3 months prior to admission or a new physical examination shall be completed within 7 days after admission.

(b) For a resident 3 years of age and over, a physical examination shall have been completed within 1 year prior to admission or a new physical examination shall be completed within 7 days after admission.

History: 1983 AACCS.

R 400.4234 Preliminary service plan.

Rule 234. A brief plan shall be developed within 7 calendar days of admission for each resident. The plan shall include both of the following:

(a) An assessment of the resident's immediate and specific needs.

(b) The specific services to be provided by the institution and other resources to meet the needs.

History: 1983 AACCS.

R 400.4237 Resident assessment.

Rule 237. (1) A written resident assessment shall be completed 30 days after admission and every 15 days thereafter. The assessment shall include all of the following:

(a) The reasons for continued care.

(b) Plans for other placement.

(c) Barriers to other placement and plans to eliminate the barriers.

(2) Copies of the plan shall be maintained at the institution.

History: 1983 AACCS.

R 400.4238 Discharge plan.

Rule 238. (1) When a resident is discharged, all of the following shall be documented:

- (a) The reason for discharge.
 - (b) New location of the child.
 - (c) A brief summary or other documentation of medical and dental services provided while in residence.
 - (d) The name and official title of the person to whom the resident was released.
- (2) For an unplanned discharge, there shall be a brief summary or other documentation of the circumstances surrounding the discharge.

History: 1983 AACS.

PART 3. RESIDENTIAL TREATMENT INSTITUTIONS

R 400.4302 Applicability.

Rule 302. The rules in this part apply to all residential treatment child caring institutions unless specifically noted otherwise.

History: 1983 AACS.

R 400.4331 Admission of child.

Rule 331. A child shall be admitted only after establishing that the institution is an appropriate placement to meet the child's needs.

History: 1983 AACS.

R 400.4332 Admission physical examination.

Rule 332. (1) An institution shall have documentation of an admission physical examination for each resident as follows, unless greater frequency is medically indicated:

- (a) For a resident under 1 year of age, a physical examination shall have been completed within 3 months prior to admission or a new physical examination shall be completed within 30 days after admission.
 - (b) For a resident 1 year of age or over, a physical examination shall have been completed within 1 year prior to admission or a new physical examination completed within 30 days after admission.
- (2) Sufficient health history information shall be documented for each resident to assure proper medical care.

History: 1983 AACS.

R 400.4334 Immunizations.

Rule 334. (1) A resident shall have current immunizations as required by the department of public health.

(2) If documentation of immunization is unavailable, immunizations shall begin within 30 days of admission, unless a statement from a physician indicating that immunizations are contraindicated is included in the resident's record.

(3) A statement from a physician, referring agency, parent, or guardian indicating immunizations are current is sufficient documentation of immunizations.

History: 1983 AACS.

R 400.4335 Dental care.

Rule 335. A licensee shall arrange for the provision of and shall document dental examination and treatment for each resident 3 years of age and older. A dental examination within 12 months prior to admission shall be documented or there shall be an examination not later than 3 months following admission. Reexamination shall be provided at least annually.

History: 1983 AACS.

R 400.4336 Initial service plan.

Rule 336. (1) An initial service plan shall be completed by the social service worker for each resident within 30 days of admission.

(2) The initial service plan shall be developed with the resident, the resident's parents, and the referral source, unless documented as inappropriate.

(3) The initial service plan for each resident and family shall comply with all of the following provisions:

(a) Assess the resident's and family's strengths and weaknesses in the areas of education, economics, psychology, society, and health, as these relate to the resident's needs.

(b) Identify plans for parent and child visitation.

(c) Specify treatment goals to remedy the problems of the resident and family and time frames for achieving the goals.

(d) Identify indicators of goal achievement.

(e) Specify the person responsible for coordinating and implementing the resident and family treatment goals.

(f) Specify staff techniques for achieving the resident's treatment goals.

(g) Specify the projected length of stay and next placement.

History: 1983 AACCS.

R 400.4337 Updated service plan.

Rule 337. (1) An updated service plan shall be completed and recorded by the social services worker for each resident at least once every 3 months following the initial service plan.

(2) The updated service plan shall be developed with the resident, the resident's parents, and the referral source, unless documented as inappropriate.

(3) The updated service plan shall include the following information:

(a) Progress made toward achieving the goals established in the previous service plan.

(b) Any changes in the service plan, including new problems and new goals to remedy the problems. Indicators of goals and time frames for achievement shall be specified.

History: 1983 AACCS.

R 400.4338 Content of discharge services plan.

Rule 338. When a resident is discharged from institutional care, all of the following information shall be documented in the case record within 14 days after discharge:

(a) The reason for discharge and the new location of the child.

(b) An assessment of the resident's needs which remain to be met.

(c) A statement that the discharge plan recommendations have been reviewed with the resident and parent.

(d) The name and official title of the person to whom the resident was discharged.

History: 1983 AACCS.

PART 4. ENVIRONMENTAL HEALTH AND SAFETY

R 400.4401 Applicability.

Rule 401. The rules set forth in this part apply to all institution facilities unless specifically noted otherwise.

History: 1983 AACCS.

R 400.4407 Facility and premises maintenance.

Rule 407. (1) A facility and premises shall be maintained in a clean, comfortable, and safe condition. The facility shall be located on land that is properly drained.

(2) Hazardous areas shall be guarded or posted as appropriate to the age and capacity of the residents.

(3) The facility, including main and accessory structures, shall be maintained so as to prevent and eliminate rodent and insect harborage.

(4) Rooms, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and in good repair.

(5) Floors, interior walls, and ceilings shall be sound and in good repair and shall be maintained in a clean condition.

(6) Plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition.

(7) Water closet compartments, bathroom, and kitchen floors shall be constructed and maintained so as to be reasonably impervious to water and be composed of a slip resistant material.

(8) Equipment, including recreation devices, shall be inspected periodically for defects. Proper maintenance shall be carried out to keep equipment in a safe operating condition.

(9) Water heaters shall have an operable thermostatic temperature control and a pressure relief valve.

(10) Stairways, porches, and elevated walkways shall have structurally sound and safe handrails.

History: 1983 AACCS.

R 400.4409 Ventilation.

Rule 409. (1) Except for a basement, each habitable room shall have direct outside ventilation by means of windows, louvers, air conditioning, or mechanical ventilation.

(2) During fly season, between May 1 and October 31, each door, window, and other opening to the outside which is used for ventilation purposes shall be supplied with standard screens of not less than 16 mesh. Each screen door shall have a self-closing device in working condition and shall swing outward.

(3) Where windows or louvers are used for ventilation, the total openable area for each resident-occupied room, other than a bathroom, shall not be less than 3 1/2% of the floor area of the room.

History: 1983 AACCS.

R 400.4411 Natural light.

Rule 411. (1) Every sleeping room occupied by residents shall have natural light from a source which is equal to not less than 8% of the floor area for that room. A skylight, louver, glass-blocked panel, or similar light-transmitting device shall not be counted for more than 50% of the required area in place of conventional windows and glass doors.

(2) Every habitable room shall have artificial light capable of providing not less than 20 footcandles of illumination at a height of 3 feet above the floor.

History: 1983 AACCS.

R 400.4414 Water supply.

Rule 414. (1) The water supply for an institution shall comply with the requirements of the department of public health. Installation of new wells or repairs on existing wells shall be done by water drilling contractors registered under sections 12701 to 12721 of Act No. 368 of the Public Acts of 1978, as amended, being SS333.12701 to 333.12721 of the Michigan Compiled Laws.

(2) Each sink, lavatory, bath, shower, drinking fountain, and other water outlet shall be supplied with safe and potable water which is sufficient in quantity and pressure to meet the conditions of peak demand. Hot and cold or tempered water shall be provided in each sink, lavatory, bath, and shower. Hot water temperatures shall not exceed 120 degrees Fahrenheit at outlets accessible to residents.

(3) Plumbing shall be installed and maintained to prevent cross connections with the water supply.

History: 1983 AACCS.

R 400.4417 Toilet and bathing facilities.

Rule 417. Toilet and bathing facilities shall be provided as follows:

- (a) Toilets that allow for individual privacy, unless inconsistent with a toilet training program or security program.
- (b) Bathing and toilet fixtures that are specially equipped if used by the physically handicapped.
- (c) At least 1 toilet, lavatory, and tub or shower, which are easily accessible from sleeping quarters, for each 8 residents.

History: 1983 AACCS.

R 400.4420 Food service facilities, equipment, and procedures.

Rule 420. Facilities, equipment, and procedures used in the preparation, storage, and service of food shall comply with the applicable provisions of sections 12901 to 12922 of Act No. 368 of the Public Acts of 1978, as amended, being SS333.12901 to 333.12922 of the Michigan Compiled Laws. The facilities, equipment, and procedures required shall depend on the amount of food service and the type of food service operation.

History: 1983 AACCS.

R 400.4426 Garbage and refuse.

Rule 426. (1) Garbage shall be stored in fly-tight, watertight containers with tight-fitting covers. A garbage can shall be provided with a waterproof liner or shall be thoroughly cleaned after each emptying.,
(2) Garbage and refuse shall be removed at intervals of at least once a week.

History: 1983 AACCS.

R 400.4428 Sewage disposal.

Rule 428. Sewage and other water-carried wastes shall be disposed of through a municipal sewer system where such a system is available. Where a municipal sewer connection is not available, liquid waste shall be discharged into an approved private system. The private system shall not create a nuisance or pollute a stream, lake, or other body of water or contaminate a water supply or bathing place and shall comply with applicable local health department requirements.

History: 1983 AACCS.

R 400.4431 Heating equipment.

Rule 431. (1) Heating equipment shall be capable of maintaining a temperature of not less than 68 degrees Fahrenheit at a point 4 feet above the floor. An accurate thermometer shall be provided.

(2) Hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn shall be effectively shielded.

History: 1983 AACCS.

R 400.4435 Swimming beaches and pools.

Rule 435. (1) The water and beach area of a natural swimming area of an institution shall be free from contamination by garbage, refuse, sewage pollution, and hazardous foreign or floating materials. A survey or evaluation of the quality of the water at the swimming area shall be made in accordance with sections 12541 to 12563 of Act No. 368 of the Public Acts of 1978, as amended, being SS333.12541 to 333.12563 of the Michigan Compiled Laws, and the rules promulgated thereunder.

(2) An institution's artificial swimming pool shall be constructed and maintained in accordance with sections 12521 to 12534 of Act No. 368 of the Public Acts of 1978, as amended, being SS333.12521 to 333.12534 of the Michigan Compiled Laws, and the rules promulgated thereunder.

History: 1983 AACCS.

PART 5. FIRE SAFETY FOR SMALL, LARGE, AND SECURE INSTITUTION FACILITIES

R 400.4501 Definitions.

Rule 501. As used in this part:

(a) "Ambulatory" means a resident who is physically and mentally capable of traversing a path to safety without the aid of another person. A path to safety includes the ascent and descent of any stairs or approved means of egress.

(b) "Approved" means acceptable to the department and fire inspecting authority and in accordance with these rules. The department makes the final approval based on recommendations from the fire inspecting authority.

(c) "Basement" means that portion of a building below grade but so located that the vertical distance from the grade to the floor is not greater than the vertical distance from the grade to the ceiling. Where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building or part of the building affected, it shall be classed as a first story.

(d) "Combustible" means those materials which can ignite and burn.

(e) "Conversion" or "converted" means a change, after the effective date of these rules, in the use of a facility or portion thereof from some previous use to that of a licensed or approved institution, or an increase in capacity from a residential group home to a small facility or an increase in capacity from a small facility to a large facility or a change to a secure facility, or, after the effective date of these rules, a change from caring for ambulatory residents only to caring for 1 or more nonambulatory or wheelchair confined residents. A converted facility shall comply with the provisions of these rules for fire safety for converted facilities.

(f) "Electric lock" means an electric door lock system operated from a remote control unit. The system is fail-safe in that all locks are automatically unlocked in the event of electrical failure. The system is approved by a nationally recognized independent testing laboratory.

(g) "Escape window," in a newly converted or remodeled facility, means an approved side-hinged window with a minimum opening of 5 square feet with no open dimension of less than 22 inches. The window shall be openable from the inside with a single motion and shall be equipped with nonlocking-against-egress hardware. The window shall be openable without the use of special tools. The sill height shall not be greater than 36 inches from the floor, unless an approved substantial permanent ledge or similar device not less than 12 inches wide is provided under the window, in which case the sill height may be increased to 44 inches from the floor. In an existing facility, "escape window" means a window acceptable to the fire inspecting authority.

(h) "Existing facility" means a building which is licensed or approved by the department as an institution at the time these rules take effect and which is not unoccupied or unlicensed for more than 90 consecutive days thereafter. Where an increase in capacity or change in use affects fire safety requirements, the facility shall comply with all applicable requirements prior to the increase or change in use.

(i) "Facility" means a building owned, leased, or primarily rented by a child care organization for use as a small, large, or secure facility to house and sleep residents. "Facility" includes new, remodeled, converted, and small, large, secure, and existing facilities. Any portion of a facility not used by residents and not used as a required means of egress and which is protected from the rest of the facility by an approved fire barrier does not need to meet these rules for fire safety. However, the right of the fire inspecting authority to inspect a nonuse area for hazardous use is retained and directives relative to fire safety of the nonuse area may be issued to assure the fire safety of the use areas. "Facility" does not include an open occupancy building for 6 or fewer residents.

(j) "Fire alarm device" means an approved device capable of sounding an alarm. A fire alarm shall be specifically designated as such and shall not be used for any purpose other than sounding an alarm of fire or other emergency or for fire drills. The device shall be loud enough to be heard throughout the facility under normal conditions. A device may be a bell, a horn, a whistle, or any other device acceptable to the fire inspecting authority.

(k) "Fire alarm system" means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a panel, pull stations, and audible electric signal devices.

(l) "Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire tests established and conducted by approved testing laboratories.

(m) "Hazardous area" means those parts of a facility housing a flame-producing heating plant, incinerators, water heater, and kitchens and areas where combustible materials, flammable liquids, gases, or dangerous chemicals are used or stored.

(n) "Large facility" means a building used to house more than 15 residents.

(o) "Means of egress and exit" means an unobstructed way of departure from any point in a building to safe open air outside at grade.

(p) "Newly constructed," "new construction," or "new facility" means a structure or addition to a facility after the effective date of these rules.

(q) "Nonambulatory" means a resident, including a resident confined to a wheelchair, who is physically or mentally incapable of traversing a path to safety without the aid of another person. A path to safety includes the ascent and descent of any stairs or other approved means of egress from the building.

(r) "Remodeled" means changes in a facility which modify existing conditions and includes renovation. Remodeled and affected areas of a child caring institution shall conform to the provisions of these rules for fire safety for remodeled and converted facilities. Unaffected areas of a facility are not required to conform to the required provisions for remodeled and converted facilities.

(s) "Residential group home" means an open institution used to house not more than 6 residents.

(t) "Secure facility" means a building used as a detention facility or a secure child caring institution. The building or portions of the building are used to keep residents in custody. Outside doors and individual sleeping rooms usually have locks which are secure from the inside. The locks are used in the usual course of operation. A secure facility shall meet the requirements for a large facility, regardless of the number of residents. A facility with an approved behavior management room is not a secure facility solely by virtue of having a behavior management room.

(u) "Small facility" means a building which houses not less than 7 nor more than 15 residents and which is not a secure facility.

(v) "Street floor" means the lowest story of a facility which is not a basement.

(w) "Story" means that part of a building between a floor and the floor or roof next above.

(x) "Substantially remodeled" means changes in a facility which result in the exposure or addition of structural joists or studs.

(y) "Wire glass" means glass which is not less than 1/4 inch thick; which is reinforced with wire mesh, no. 24 gauge or heavier with spacing not greater than 1 square inch; and which is installed in steel frames or, when approved, installed in wood frames or stops of hardwood material not less than 3/4 inch actual dimension and not more than 1,296 square inches per frame with no single dimension more than 54 inches in length.

History: 1983 AACCS.

R 400.4502 Applicability.

Rule 502. (1) The rules set forth in this part apply to all newly constructed, remodeled, converted, and existing facilities of an institution as indicated, other than department of mental health-operated facilities for the mentally retarded which are covered under subrule (2) of this rule.

(2) Department of mental health-operated facilities for the mentally retarded shall comply with the provisions of life safety code 101 of the national fire protection association, 1967, for skilled care institutions or life safety code 101 of the national fire protection association, 1973, for intermediate care institutions, as appropriate to the type of facility.

History: 1983 AACCS.

R 400.4504 Adoption by reference.

Rule 504. The department adopts the fire safety codes and standards set forth in this rule. These codes and standards are available for inspection and distribution to the public at cost at the Department of Social Services, 300 S. Capitol Avenue, P.O. Box 30037, Lansing, Michigan 48909. Copies of the codes and standards may also be obtained from the appropriate agency, organization, or association listed below. The costs indicated are those in effect at the time these rules are promulgated. The codes and standards adopted are as follows:

(a) Standard E-84-77A, "Tests for Surface Burning Characteristics of Building Materials," 1978, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103 - \$1.75.

(b) Pamphlet no. 13, "Installation of Sprinkler Systems," 1980, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$6.00.

(c) Pamphlet no. 22, "Water Tanks for Private Protection," 1978, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.75.

(d) Pamphlet no. 70, "National Electric Code," 1978, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$6.75.

(e) Pamphlet no. 72A, "Local Protective Signaling Systems," 1979, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$5.00.

(f) Pamphlet no. 72E, "Automatic Fire Detectors," 1978, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$5.00.

(g) Pamphlet no. 82, "Incinerator, Rubbish Handling," 1977, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.50.

(h) Pamphlet no. 90A, "Air Conditioning and Ventilating Systems," 1978, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$5.00.

(i) Pamphlet no. 96, "Standard for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapor from Commercial Cooking Equipment," 1980, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.50.

(j) Pamphlet no. 220, "Standard on Types of Building Construction," 1979, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.50.

(k) Pamphlet no. 255, "Method of Test of Surface Burning Characteristics of Building Materials," 1979, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.50.

(l) Standard 723, "Test Method for Fire Hazard Classification of Building Materials," 1977, Underwriters Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062 - \$3.50.

(m) "Life Safety Code 101," 1967, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.00.

(n) "Life Safety Code 101," 1973, National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 - \$4.00.

History: 1983 AACS.

R 400.4506 Fire drills and telephone.

Rule 506. (1) There shall be quarterly emergency fire drills for each staff shift. Two of the drills shall include evacuations, unless approved by the department, in writing, as clinically contraindicated. Where a facility has a 24-hour staff shift, the emergency drills shall be conducted at different times of the day and night. Written records shall be maintained for each drill indicating the date and time of the drill and, where evacuation was a part of the drill, the approximate evacuation time.

(2) A telephone or other suitable means of communicating an alarm of fire to the fire department shall be provided. Pay stations are not a suitable means of communicating alarms. The telephone number of the fire department shall be posted conspicuously by all phones designated for outside service.

History: 1983 AACS.

R 400.4508 Facility location.

Rule 508. A new or converted facility shall not be established within 300 feet of an aboveground storage tank containing flammable liquids used in connection with a bulk plant, marine terminal, aircraft refueling or bottling plant of a liquified petroleum gas installation, or other similar hazard.

History: 1983 AACS.

R 400.4510 Facilities with sleeping rooms above second floor.

Rule 510. All facilities with sleeping rooms above the second floor shall comply with the requirements of a secure facility, with the exception of R 400.4522(c).

History: 1983 AACS.

R 400.4512 Combustible materials and decorations.

Rule 512. (1) A resident-occupied facility shall be kept free of all accumulation of combustible materials unnecessary for the immediate operation of the institution.

(2) Easily ignited or rapidly burning combustible decorations are not permitted in a facility. Personal artwork and personal decorations made or owned by residents are permitted up to 6 square feet of wall space in each room or use areas other than means of egress and hazardous areas.

History: 1983 AACS.

R 400.4513 Basement as sleeping rooms prohibited.

Rule 513. A basement shall not be used as a sleeping room.

History: 1983 AACS.

R 400.4515 Electrical installations.

Rule 515. (1) In a newly constructed, converted, or remodeled facility, the electrical wiring and equipment shall be installed in accordance with the provisions of the national fire protection association pamphlet no. 70, entitled "National Electrical Code," 1978. A final electrical certificate of approval for the electrical installation shall be obtained from a qualified local electrical inspecting authority or state electrical inspecting authority.

(2) In an existing facility, electrical wiring and equipment acceptable at the time these rules take effect shall continue to be approved until the facility or portion thereof is remodeled or converted. When an existing facility or portion thereof is remodeled or converted, only that portion remodeled or converted need comply with subrule (1) of this rule. Electrical services shall be maintained in a safe condition. When conditions indicate a need for inspection, the electrical services shall be inspected by a qualified electrical inspection service. A copy of the inspection report shall be maintained at the facility for review. Any areas cited in the report shall be corrected and a new electrical system inspection shall be obtained verifying that corrections have been made.

History: 1983 AACS.

R 400.4517 Facility construction.

Rule 517. (1) A new, substantially remodeled or converted large or secure facility shall be 1 of the following types of construction as specified in the national fire protection association pamphlet no. 220, entitled "Standard on Types of Building Construction, 1979":

(a) Type I 443 or 332 or type II 222.

(b) Type II 111, type III 211, type IV 2HH, or type V 111 up to 2 stories. A basement and second story for these types of construction require complete sprinkler protection.

(c) Type II 000, type III 200, or type V 000 up to 2 stories with all stories completely covered by sprinkler protection.

(2) New, converted, and substantially remodeled small facilities shall be at least frame construction and shall be fire-stopped at all wall and floor junctures and all wall and ceiling junctures with not less than 2-inch nominal lumber.

(3) Existing construction approved before these rules take effect and which meets the construction requirements of the fire safety guidelines these rules supersede shall continue to be approved until the facility is substantially remodeled or converted. When an existing facility is substantially remodeled or added to, only the portion of the facility being substantially remodeled or added need comply with subrule (1) or (2) of this rule, as appropriate.

History: 1983 AACS.

R 400.4520 Interior finish.

Rule 520. (1) The following alphabetical classification of finished materials for flame spread and smoke development, as determined by the tunnel test in accordance with the national fire protection association, pamphlet no. 255, 1979; american society of testing materials E-84-77A, 1978, or underwriters laboratories pamphlet no. 723, 1977, shall be used to determine interior finishes:

Class	Flame Spread	Smoke Developed
A	0 - 25	0 - 50
B	26 - 75	51 - 125
C	76 - 200	126 - 200

The same alphabetical classification is also used for combustibility of prefabricated accoustical tile units, only under federal test no. SS-5-118a.

(2) Interior finish includes the plaster, wood, or other interior finish materials of walls; partition, fixed or movable; ceiling; and other exposed interior surfaces of the facility, other than nominal wood trim.

(3) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used, without regard to subsequently applied paint or other coverings, except where such paint or other covering is of such a character or thickness where applied so as to affect the material classification. Finishes such as lacquer, polyurethane-based materials, or unapproved wall coverings shall not be used.

(4) Paints or coatings containing plastics, polyurethane, or epoxies may be used on noncombustible surfaces without proof of classification if not applied in excess of 1/28 of an inch in thickness.

(5) In a new constructed, remodeled, or converted facility, an interior finish classification shall be that of the basic material used, without regard to subsequently applied paint or other covering in an attempt to meet the classification.

(6) In an existing facility, where an interior finish at the time these rules take effect does not comply with subrule (5) of this rule and where an interior finish is applied to or furred out not more than 1 inch from a continuous noncombustible backing, an interior finish may have the surface protected with an approved fire retardant coating so as to meet the interior finish requirements.

(7) Interior finish materials in facilities shall be as follows:

(a) In small and large open facilities without a sprinkler system, class A or B in exitways and class A in behavior management rooms. In all other areas, at least class C.

(b) In open facilities with a sprinkler system, at least class C throughout, except in a behavior management room.

(c) In secure facilities, class A throughout.

History: 1983 AACCS.

R 400.4522 Fire protection.

Rule 522. Fire protection shall be provided in all facilities as follows:

(a) In a small facility, an attendant who is awake, fully dressed, and on duty 24 hours a day; complete sprinkler protection; or compliance with R 400.4523.

(b) In a large facility, an attendant who is awake, fully dressed, and on duty 24 hours a day; complete sprinkler protection; or compliance with R 400.4524.

(c) In a secure facility, an attendant who is awake, fully dressed, and on duty 24 hours a day.

History: 1983 AACCS.

R 400.4523 Fire detection; small facilities.

Rule 523. (1) A newly constructed, remodeled, or converted small facility electing to provide fire protection by fire detection shall be protected throughout by approved fire detection provided by at least battery-operated ionization fire detection devices installed in every sleeping room and all areas, except kitchen and bathrooms. The fire detection devices shall comply with all of the following requirements:

(a) Be listed and labeled by an independent, nationally recognized testing laboratory.

(b) Be installed and maintained in accordance with the manufacturer's and test specifications.

(c) Be cleaned and tested at least quarterly, with a written record maintained of the cleaning and testing.

(d) Be of a type that provides a signal when batteries are not providing sufficient power and when batteries are missing.

(2) Any battery-operated device required by subrule (1) of this rule which signals power is low or a battery is missing shall be immediately serviced and restored to full power. There shall be not less than a 10% supply of extra batteries maintained at the facility at all times for the total number of battery-operated devices in the facility.

(3) In existing small facilities, fire detection systems approved before these rules take effect shall continue to be approved until the facility or portion thereof is remodeled or converted, then fire detection shall be at least as required by this rule for newly constructed, remodeled, or converted facilities in that portion of the facility remodeled or converted. Existing fire detection systems shall be maintained in proper working order and shall be tested at least quarterly, with a written record maintained of the testing.

History: 1983 AACCS.

R 400.4524 Fire detection; large facilities.

Rule 524. (1) A newly constructed, remodeled, or converted large facility electing to provide fire protection by fire detection shall be equipped with a 100% coverage fire detection system which is tested and listed by a nationally recognized, independent testing laboratory and which is installed in compliance with the national fire protection association pamphlet no. 72A, entitled "Local Protective Signaling Systems," 1979, national fire protection association pamphlet no. 72E, entitled "Automatic Fire Detectors," 1978, and these rules except that the installing of wiring and equipment shall comply with national fire protection association pamphlet no. 70, entitled "National Electric Code," 1978.

(2) In a new, remodeled, or converted large facility, the main power supply source for an automatic fire detection system shall be from an electric utility company and shall be on a separate circuit which is fused ahead of the building main service switch. A secondary power supply shall be provided which, in the event of the main power supply failure, will maintain the system in an operative condition for 24 hours and, in the event of a fire, will sound the alarm signaling units for a 5-minute period.

(3) In a new, remodeled, or converted large facility, where an automatic fire detection system is required, the detection devices shall comply with both of the following provisions:

(a) Be installed in all areas; that is, all rooms, lofts, closets, stairways, corridors, basements, attics, and like areas. Spacing of detection devices shall be as recommended by the manufacturer to provide complete coverage. Small bathrooms containing a single water closet and lavatory, small closets which are not more than 20 square feet, and similar spaces are exempted from this requirement.

(b) Be smoke detectors, except that heat detectors may be installed in attics, kitchens, bathrooms, attached garages, and heating plant rooms instead of smoke detectors. Heat detectors shall be the fixed temperature rate of rise type.

(4) In a new, remodeled, or converted large facility, an automatic fire detection system shall be an electrical, closed circuit, self-supervised system which gives a distinctive signal in a staff-occupied area when trouble occurs in the system, including loss of the main power supply.

(5) In a new, remodeled, or converted large facility, complete final plans and specifications of the automatic fire detection system, where such a system is to be installed, shall be submitted to the department and approved prior to installation. The plan shall show facility floor plans and locations and types of detection devices, pull-stations, and sounding units.

(6) In existing large facilities, fire detection systems approved before these rules take effect shall continue to be approved until the facility is converted or a portion thereof is remodeled, then the portion of the facility remodeled or converted shall meet the appropriate requirements of this rule. Where the required new system cannot be added to the existing systems maintaining a single signaling alarm system, the total system shall be replaced and shall comply with this rule for remodeled and converted facilities.

(7) Automatic fire detection systems, fire alarm systems, and fire detection systems shall be maintained in proper working condition. When problems occur, they shall be immediately remedied. When the system is rendered inoperable, staff shall be awake and on duty until the system is again operable.

History: 1983 AACCS.

R 400.4527 Sprinkler systems.

Rule 527. (1) A sprinkler system in a new or converted facility shall comply with the 1980 national fire protection association pamphlet no. 13, entitled "Installation of Sprinkler Systems." Where there is no adequate

water from a community water system to supply a sprinkler system and where the area to be protected does not exceed 20,000 square feet, a special pressure tank supply for sprinklers, as specified in the 1978 edition of national fire protection association pamphlet no. 22, entitled "Standard for Water Tanks for Private Fire Protection," shall be provided. The special pressure tanks shall contain 2,000 gallons of water in a 3,000-gallon tank for partial systems and for complete building systems shall have 3,000 gallons of water in a 4,500-gallon tank. The tank shall be enclosed in at least a 1-hour fire resistance-rated structure or room. (2) All required sprinkler systems shall be inspected and tested and all other maintenance performed as specified in the national fire protection association pamphlet no. 13A at least once a year by a sprinkler contractor. The licensee shall maintain documentation of the last inspection and test.

(3) A sprinkler system in an existing facility approved before these rules take effect shall continue to be approved until the facility or portion thereof is remodeled, converted, or expanded. The system shall be maintained in accordance with the standards applicable at the time it was originally approved.

(4) When an existing facility is remodeled, converted, or expanded and the remodeling, conversion, or expansion results in the existing sprinkler system not providing adequate protection, fire protection shall be provided by extension of the current system where it is possible to extend the system and maintain its integrity or a new sprinkler system shall be installed in the affected area.

(5) The sprinkler piping for any isolated hazardous area which can be adequately protected by not more than 2 sprinklers may be connected directly to the domestic water system at a point where a minimum 1-inch supply is available. An approved OS and Y valve and check valve shall be installed between the sprinklers and the connection to the domestic water supply.

History: 1983 AACS.

R 400.4532 Fire extinguishers.

Rule 532. (1) All required fire extinguishers shall be subjected to a maintenance check at least once a year. Each fire extinguisher shall have a tag or label attached indicating the month and year maintenance was performed and identifying the person or company performing the service.

(2) All required extinguishers shall be recharged after use.

(3) A minimum of 1 approved fire extinguisher shall be provided on each floor and in or immediately adjacent to kitchens, combustion-type heating devices, and incinerators. Additional fire extinguishers may be required at the discretion of the fire safety inspector to assure that it is not necessary to travel more than 75 feet to a fire extinguisher.

(4) All fire extinguishers shall be not less than 4 inches off the floor and the top of the extinguisher shall not be higher than 5 feet off the floor in a special cabinet or on a wall rack which is easily accessible at all times, unless programmatically contraindicated. Where programmatically contraindicated, the required extinguishers may be kept behind locked doors if both of the following conditions are met:

(a) The locations are clearly labeled "Fire Extinguisher."

(b) All staff carry keys to the doors.

(5) In new, remodeled, or converted facilities, a fire extinguisher shall be at least type 2-A-10BC.

(6) In existing small facilities, previously approved fire extinguishers other than type 2-A-10BC will continue to be approved if they are maintained in the area for which approved.

History: 1983 AACS.

R 400.4535 Fire alarm.

Rule 535. (1) All new and converted large and secure facilities shall have a fire alarm with fire alarm pull-stations at each exit on each floor.

(2) All new and converted small facilities with resident sleeping on only 1 floor shall have at least a fire alarm device. All new and converted small facilities with sleeping on more than 1 floor shall have a fire alarm system with at least 1 pull-station on each level.

(3) Fire alarm systems and devices in existing facilities shall be maintained in proper working order and shall continue to be approved until the facility is remodeled or converted.

History: 1983 AACS.

R 400.4538 Means of egress.

Rule 538. (1) Means of egress shall be considered the entire way and method of passage to free and safe ground outside a facility. All required means of egress shall be maintained in unobstructed, easily traveled condition at all times.

(2) In an existing facility, each resident-occupied room shall have access to not less than 2 independent, properly separated, approved means of egress or have a doorway leading directly to the outside at grade.

(3) In multistory secure and large facilities, at least 1 means of egress from each floor shall be direct to the outside or shall be through an enclosed stairway which is properly separated from exposure from floors below and which exits direct to the outside at grade or a previously approved escape window.

(4) In a small facility where ambulatory residents use a floor above the street level, 1 of the 2 required means of egress may be an approved escape window from each resident-occupied room which provides direct access to the ground and which has a sill height not more than 5 feet above the ground below or which provides access to an approved fire escape.

(5) In a newly constructed, remodeled, or converted facility, each resident-occupied story, including a resident-occupied basement, shall have not less than 2 independent approved means of egress separated by not less than 50% of the longest dimension of the story. Where possible, resident sleeping rooms shall be located between approved means of egress. When this is not possible, each exit shall be arranged so that no corridor or aisle has a pocket or deadend exceeding 20 feet with not more than 4 residents having sleeping rooms with exit access on such a corridor or aisle. There shall not be a hazardous area on such a dead-end corridor or aisle.

(6) In a newly constructed, remodeled, or converted large or secure facility, additional means of egress, in addition to the minimum of 2 required from each story, are required if the maximum possible occupancy exceeds 100 residents per story. There shall be at least 1 additional means of egress for each 100 additional residents per story. Means of egress shall be of such number and so arranged that it is not necessary to travel more than 100 feet from the door of a resident-occupied room to reach the nearest approved protected exitway from that story.

(7) An elevator shall not be approved as a required means of egress.

(8) A means of egress shall not be used for the housing of residents or storage of any kind and shall not be obstructed or hidden from view by ornamentation, curtains, or other appurtenances.

(9) Each required means of egress from floors where nonambulatory residents are permitted shall discharge at grade or shall be equipped with a ramp which terminates at grade level. Ramps shall not exceed 1 foot of rise in 12 feet of run and shall have sturdy handrails. Once at grade, there shall be a surface sufficient to permit occupants to move a safe distance from the facility.

(10) In a small facility housing 1 or more nonambulatory or wheelchair residents, required exitways forming part of a required means of egress from portions of the facility housing such residents shall be not less than 48 inches wide in a new facility and not less than 44 inches wide in a converted facility, with doors a minimum of 36 inches wide.

History: 1983 AACCS.

R 400.4540 Stairways, halls, and corridors.

Rule 540. (1) In existing and small facilities, all stairways and other vertical openings shall be enclosed with materials equal in fire resistance to the standard partition construction of the building, if such partition construction is at least standard lath and plaster. There shall be at least 1 3/4-inch solid core wood door with self-closing and latching hardware installed so that there is effective fire and smoke separation between floors or each sleeping room on the second floor shall be equipped with at least 1 1 3/4-inch solid core wood door with latching hardware.

(2) In all new and converted large and secure facilities, stairways shall be enclosed with materials having at least the fire-resistance rating specified by the national fire protection association pamphlet no. 220, 1979, for the type of construction. All other vertical openings through floors shall be fire-stopped with like materials.

(3) Where a facility has 2 or fewer levels, where both levels exit at grade, and where elevations between levels do not exceed 4 feet, the building shall be considered to be 1 story and enclosures shall not be required between levels.

(4) In all new and converted facilities, stairs shall have treads and risers of uniform width and height, with treads not less than 9 1/2 inches deep, exclusive of nosing, and risers not more than 7 3/4 inches in height.

(5) Stairs in new, remodeled, and converted facilities shall change direction by use of an intermediate landing and not by a variance in the width of treads. A sturdy and securely fastened handrail located between 30 and 34 inches, measured vertically, above the nose of the treads shall be provided.

(6) Stairs in existing facilities approved before these rules take effect shall continue to be approved until the portion of the building encompassing the stairs is remodeled.

(7) An outside stairway or fire escape used as part of an approved means of egress shall be protected against fire in the building by blank or closed walls directly under such stairway and for a distance of 6 feet in all directions. Windows may be allowed within this area if they are stationary wire glass windows.

(8) In newly constructed small facilities, halls, corridors, aisles, and stairs used as part of a means of egress shall be not less than 44 inches wide and not less than 36 inches wide in converted small facilities, except as required by R 400.4538(10).

(9) In newly constructed and converted large and secure facilities, halls, corridors, and aisles used as part of an exitway shall be not less than 5 feet wide and 90 inches high, and stairs shall be not less than 4 feet wide.

History: 1983 AACS.

R 400.4543 Doors.

Rule 543. (1) Doors to required means of egress shall comply with all of the following provisions:

(a) Be side-hinged and installed at floor level.

(b) Be not less than 36 inches wide in new and converted large and secure facilities and new small facilities, and not less than 30 inches wide in remodeled and converted small facilities, except as required by R 400.4538(10).

(c) Be not less than 78 inches high in new, remodeled, and converted facilities.

(d) In large and secure facilities, doors shall be hung to swing in the direction of egress, except doors to single-occupant rooms and bathrooms.

(e) Be equipped with at least knob-type, properly operating, approved, positive-latching, nonlocking-against-egress-type hardware which insures the opening of the door with a single motion, such as turning a knob or applying pressure of normal strength on a latch, except as where otherwise provided by subrule (2) of this rule and R 400.4545.

(2) In secure facilities, locking hardware is permitted if resident sleeping rooms are equipped with approved electric locks or if there are staff present and awake, fully dressed, on duty, and in possession of keys to release residents in an emergency.

(3) Doors entering stairs and other vertical openings and doors to fire rated enclosures shall not be held in an open position at any time by an underdoor wedge or hold-open device.

(4) Interior doors to any enclosure which is required to have not less than a 1-hour fire resistance rating shall be B-labeled fire doors in labeled frames and shall be equipped with positive-latching hardware and self-closing devices.

History: 1983 AACS.

R 400.4545 Behavior management room.

Rule 545. (1) A behavior management room shall be approved in writing for use as such by the fire inspecting authority and the licensing authority.

(2) A behavior management room shall be constructed to allow for both visual and auditory supervision of a resident in the room.

(3) A behavior management room shall have walls and ceiling made of noncombustible materials.

(4) A behavior management room may have 1 approved locking-against-egress device on the door if a staff person is immediately present and awake and is in possession of a key for the door locking device when the room is being used.

History: 1983 AACS.

R 400.4546 Partition construction.

Rule 546. In new, remodeled, or converted large and secure facilities, rooms shall be separated from corridors used as means of egress with partition construction which extends to the floor or deck above and which affords at least a 3/4-hour fire resistance rating. Doors shall be at least 1 3/4-inch solid wood core. Any glass in these partitions, including doors, shall be wired glass which is not more than 54 inches in any 1 lineal dimension and not more than a total of 1,296 square inches. Where glass breakage is a potential hazard, clear acrylic may be placed directly in contact with and between 2 layers of wired glass to give added strength. This rule does not apply where the type of construction requires more restrictive separation.

History: 1983 AACS.

R 400.4548 Large and secure facilities; lighting in means of egress.

Rule 548. (1) In large and secure facilities, all halls, stairways, and means of egress shall be constantly lighted. Approved exit signs shall be installed over each required exit. Exit directional signs shall be provided where exit signs are not readily visible in means of egress. In new and converted large and secure facilities, the circuits for this lighting shall be installed ahead of the main power disconnect.

(2) In new and converted multistory large and secure facilities, there shall be a system of emergency backup capable of maintaining required lighting for not less than 24 hours in the event of power failure.

History: 1983 AACS.

R 400.4550 Elevators and dumbwaiters.

Rule 550. Elevator and dumbwaiter shafts shall be completely enclosed by noncombustible materials with a fire-resistance rating of not less than 1 hour. An opening shall not be permitted through the side wall enclosure for ventilation or for any other purpose. Doors and frames servicing elevators and dumbwaiters shall be approved B-labeled fire door assemblies and labeled fire frame construction and shall be hung so as to be reasonably smoketight when the doors are closed. Glass side lights, transoms, and panels above the doors shall be wire glass and shall not exceed 100 square inches.

History: 1983 AACS.

R 400.4552 Heating devices and flame-producing devices.

Rule 552. (1) In large and secure facilities and all newly constructed and converted facilities, flame-producing-type heating devices and incinerators shall be in an enclosure providing at least 1-hour resistance to fire. Adequate combustion air shall be provided directly from the outside through a permanently open louver. Fire dampers are not required in ducts penetrating this enclosure.

(2) In existing small facilities, flame-producing-type heating devices and incinerators approved under the standards these rules replace shall continue to be approved with regard to enclosure or lack of enclosure until the portion of the facility containing the flame-producing device is remodeled or the facility is converted. This shall not preclude requirements relative to maintaining doors and other safety factors in proper working order.

(3) Electric heating shall be installed in accordance with the manufacturer's specifications and shall be approved by a nationally recognized, independent testing laboratory.

(4) Portable heaters and space heaters, including solid fuel heaters, are prohibited.

(5) A fireplace is permitted if it is masonry and has all of the following components:

(a) An approved glass door shielding the opening. The door shall be closed at all times except when a fire is being tended.

(b) A noncombustible hearth extending a minimum of 16 inches out from the front and 8 inches beyond each side of the fireplace opening.

(c) A noncombustible face extending not less than 12 inches above and 8 inches on each side of the fireplace opening.

(d) A masonry chimney constructed with approved flue liners.

(6) A heating plant room shall not be used for combustible storage or for a maintenance shop unless sprinklered.

(7) A furnace and other flame-producing unit shall be installed according to manufacturer and test specifications and shall be vented by metal ducts to a chimney which is constructed of bricks, solid block masonry, or reinforced concrete, which has an approved flue lining, and is properly erected and maintained in a safe condition. A bracket chimney is not permitted. This rule does not prohibit the installation and use of any prefabricated chimney bearing the label of an approved, nationally recognized, independent testing laboratory if the chimney is installed and used in accordance with manufacturer and test specifications and is compatible with the heating unit or units connected to it. Only gas- and oil-fired units may be connected to a prefabricated chimney.

History: 1983 AACCS.

R 400.4554 Air-handling equipment.

Rule 554. (1) In newly constructed or converted large or secure facilities, air-conditioning, warm air heating, air cooling, and ventilating systems shall comply with the national fire protection association pamphlet no. 90A, entitled "Air Conditioning and Ventilating Systems," 1978.

(2) In newly constructed or converted large or secure facilities, fans and air handling equipment used for recirculating air in more than 1 room or single area shall have a thermostatic device with a setting of not more than 125 degrees Fahrenheit or an approved automatic smoke detector located in the system at a suitable point in the return air duct ahead of the fresh air intake, the actuating of which shall open the electrical circuit supplying the fan motor. Fan rooms shall not be designed or used for any other use except housing other mechanical equipment.

(3) In existing facilities, fans and air-handling equipment and systems approved in accordance with the standards these rules replace shall continue to be approved until the facility is converted. This shall not preclude requirements relative to maintaining the equipment and systems in proper and safe working order.

History: 1983 AACCS.

R 400.4555 Smoke barriers.

Rule 555. (1) Smoke barriers with a 1-hour fire resistance rating shall be provided on each floor used for sleeping rooms for more than 24 residents and shall be so located as to form an area of refuge on either side that is served with an approved means of egress. The barriers shall be located as close as possible to the middle of the floor to be protected and shall extend from outside wall to outside wall and from the floor through any interstud spaces to the roof or floor structure above.

(2) Doors in the smoke barrier shall be at least C-labeled fire doors hung in labeled frames with self-closing devices. Where double doors without mullions are used, synchronizing hardware and astragals shall be installed.

(3) Doors in smoke barrier partition may be held open only by electric hold-open devices designed so that interruption of the electric current or actuation of the fire alarm, sprinkler system, or the heat or smoke detector will cause the release of the doors. The doors shall also be capable of being opened and closed manually.

History: 1983 AACCS.

R 400.4557 Storage rooms.

Rule 557. Storage rooms larger than 100 square feet used for the storage of combustible materials shall be separated from the remainder of the facility by construction with at least a 1-hour fire resistance rated construction.

History: 1983 AACCS.

R 400.4559 Combustible storage.

Rule 559. (1) In a new, remodeled, or converted large facility, hazardous areas and rooms for storage of combustible materials, including all janitor rooms and closets, except as provided by subrule (2) of this rule, linen rooms, except as provided by subrule (2) of this rule, shipping and receiving rooms, kitchen storage rooms, and maintenance shops shall be separated from the remainder of the building by construction having at least a 1-hour fire resistance rating and shall be protected by automatic sprinklers.

(2) In a new, remodeled, or converted large facility, janitor rooms, closets, and linen rooms of less than 21 square feet do not require automatic sprinklers when located on a corridor or in an area not used as part of a required means of egress or where these rooms and closets are on an egress corridor and the door to such is a B-labeled fire door and labeled frame.

(3) In an existing facility, combustible materials storage rooms and hazardous areas, including janitor rooms and closets, shipping and receiving rooms, kitchen storage rooms, and maintenance shops approved before these rules take effect, shall continue to be approved until the facility or portion thereof is remodeled or converted.

History: 1983 AACCS.

R 400.4560 Cooking appliances.

Rule 560. (1) Cooking appliances shall be suitably installed in accordance with approved safety practices.

(2) Where metal hoods or canopies are provided over domestic cooking appliances, they shall be equipped with filters which shall be maintained in an efficient and clean condition.

(3) In a newly constructed, remodeled, or converted large and secure facility, where metal hoods or canopies are provided over commercial kitchen cooking appliances, they shall be designed and equipped in compliance with the national fire protection association pamphlet no. 96, entitled "Standard for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment," 1980, and shall comply with all of the following requirements:

(a) Filters shall be maintained in an efficient and clean condition.

(b) Only vaporproof electrical wiring and equipment shall be permitted in hoods or canopies.

(c) Exhaust ducts from hoods shall be run to the outside by the shortest possible route. When exhaust ducts are run through open spaces between a ceiling and a floor or roof or through any floors above, the ducts shall be enclosed in horizontal or vertical shafts protected from the remainder of the building by construction which affords a 2-hour fire resistance rating.

(d) Fire extinguishment equipment for the hood and exhaust duct of a cooking appliance in a kitchen shall be in compliance with the national fire protection association pamphlet no. 96, entitled "Standard for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment," 1980.

(4) In an existing facility, metal hoods and canopies approved before these rules take effect shall continue to be approved until the facility or portion thereof which incorporates the kitchen is remodeled or converted. When the kitchen is remodeled or the facility is converted, hoods or canopies for cooking appliances shall comply with the requirements of this rule for new construction. Filters in any hood or canopy in an existing facility shall be maintained in an efficient and clean condition.

History: 1983 AACCS.

R 400.4562 Rubbish handling and incinerators.

Rule 562. (1) In a newly constructed, remodeled, or converted large or secure facility, rubbish handling and incinerators shall be in accordance with the national fire protection association pamphlet no. 82, entitled "Incinerators, Rubbish Handling," 1977. Rubbish chutes and refuse bins or rooms shall comply with the provision of this pamphlet for industrial-type incinerators. Approved 2-bushel or less gas incinerators may be placed in an approved furnace room and shall be equipped with approved automatic 100% shutoff controls, including a safety pilot. Feed doors shall be located in an enclosed sprinklered room or compartment separated from other parts of the building by walls, floor, and a ceiling having a fire-resistance rating of not less than 1 hour with openings to such rooms or compartments protected by approved B-labeled fire door assembly and fire door frames.

(2) In a newly constructed, remodeled, or converted large or secure facility, rubbish chutes shall extend not less than 4 feet above the roof and shall be covered by a metal skylight glazed with thin pane glass. A sprinkler head shall be installed at the top of rubbish chutes and within the chutes at alternate floor levels in buildings more than 2 stories in height. A rubbish chute shall empty into a separate room, closet, or bin constructed of materials having at least a 1-hour resistance to fire and protected with an automatic sprinkler system.

(3) In new construction, incinerator rooms shall have at least 1 wall on an outside wall not exposing a closed court.

(4) In an existing large or secure facility, rubbish handling and incinerators approved before these rules take effect shall continue to be approved until the facility is converted or the portion of the facility which includes the rubbish handling facilities or incinerators is remodeled.

History: 1983 AACS.

R 400.4563 Laundries.

Rule 563. (1) In a newly constructed, remodeled, or converted large or secure facility with a laundry, the laundry shall comply with all of the following requirements:

(a) Be located in a room constructed of materials that have a 1-hour fire resistance rating. The laundry shall be protected by an approved automatic sprinkler system. When a laundry is located in a nonresident-occupied level, a sprinkler system is not required when domestic laundry equipment is used.

(b) Have steam lines installed with a 1-inch clearance from combustibles.

(c) Have dryers constructed of metal. Lint traps shall be cleaned frequently.

(d) Have 100% automatic and manual shutoff controls for gas appliances other than domestic laundry equipment, which need only have manual shutoff controls.

(e) Have adequate outside air for combustion where combustion-type equipment is used.

(2) In a newly constructed, remodeled, or converted facility, laundry chutes shall be in compliance with all of the following requirements:

(a) Be enclosed in shafts constructed of an assemblage of noncombustible materials having at least a 1-hour resistance to fire. If the shaft does not extend through the roof of the building, the top shall be covered with noncombustible material affording at least a 1-hour resistance to fire. There shall be no openings into the shaft other than those necessary to the intended use of the laundry chute. Feed doors shall be located in an enclosed sprinklered room or compartment separated from other parts of the building by walls, a floor, and a ceiling having a fire-resistance rating of not less than 1 hour with openings to such rooms or compartments protected by B-labeled fire doors and in labeled frames.

(b) Have a sprinkler head installed at the top of the chutes and within the laundry chutes at alternate floor levels in buildings over 2 stores in heights.

(c) Empty into a separate room, closet, or bin constructed of materials having at least a 1-hour resistance to fire and protected by automatic sprinklers.

(d) Have an open vent at the top where the shaft extends through the roof of the building, a skylight which is glazed with ordinary glass and which is not less than 10% of the shaft area, or a window of ordinary glass which is not less than 10% of the shaft area and which is set into the side of the shaft with the sill of the window not less than 2 feet above the roof level and 10 feet from any property line or other exposure it faces.

(3) In an existing facility, laundry facilities and laundry chutes approved before these rules take effect shall continue to be approved until the facility is converted or the portion of the facility which includes the laundry facility or chute is remodeled.

History: 1983 AACS.

R 400.4564 Motor vehicle housing.

Rule 564. A motor vehicle or gasoline-powered equipment or devices which may cause or communicate fire and are not necessary for the personal care of residents shall not be stored within a facility, unless the area housing such equipment is separated from the rest of the facility by materials having at least a 1-hour fire resistance rating.

History: 1983 AACS.

R 400.4566 Garages.

Rule 566. (1) Garages located beneath a facility shall have walls, partitions, floors, and ceilings separating the garage space from the rest of the facility by construction with not less than a 1-hour fire resistance rating.

(2) In newly constructed, remodeled, or converted facilities, a garage located beneath the facility shall be sprinklered.

(3) Garages attached to a facility shall be completely separated from the rest of the facility by construction with not less than a 1-hour fire resistance rating.

(4) In all new, remodeled, or converted facilities, the sills of all door openings between the garage and breezeway or garage and the facility shall be raised not less than 4 inches above the garage.

(5) In existing facilities, garages located beneath or attached to the facility approved before these rules take effect shall continue to be approved until the facility is converted or the portion of the facility containing the garage is remodeled.

History: 1983 AACCS.

R 400.4568 Assemblage area.

Rule 568. A resident use assemblage area in a newly constructed, remodeled, or converted facility, such as a recreation room, dining hall, or chapel, with an occupancy of 51 or more persons, as computed by the public assemblage regulations, shall be maintained and arranged in accordance with R 28.101 to R 28.112 governing places of public assemblage. These rules may be obtained from the department. Each door from an assemblage area occupied by residents shall enter a corridor between exits or there shall be direct egress to the outside from each room. In an existing facility, assemblage areas approved before these rules take effect shall continue to be approved until the areas are remodeled or converted.

History: 1983 AACCS.

PART 6. FIRE SAFETY FOR RESIDENTIAL GROUP HOME FACILITIES

R 400.4601 Definitions.

Rule 601. As used in this part:

(a) "Approved" means acceptable to the department and fire inspecting authority and in accordance with these rules. The department makes the final approval based on recommendations from the fire inspecting authority and recognized national standards.

(b) "Basement" means that portion of a building below grade but so located that the vertical distance from the grade to the floor is not greater than the vertical distance from the grade to the ceiling. However, where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building or part of the building affected, it shall be classed as a first story.

(c) "Combustible" means that any part of a material can ignite and burn.

(d) "Conversion" or "converted" means a change, after the effective date of these rules, in the use of a facility or portion thereof from some previous use to that of a licensed or approved institution, or an increase in capacity from a residential group home facility to a small facility or a large facility or a change in a secure facility, or, after the effective date of these rules, a change from caring for ambulatory residents only to caring for 1 or more nonambulatory residents. A converted facility shall comply with the provisions of these rules for fire safety for converted facilities.

(e) "Existing facility" means a building which is licensed or approved by the department as an open institution for 6 or fewer residents at the time these rules take effect and which is not unoccupied or unlicensed for more than 90 consecutive days thereafter. Where an increase in capacity or change in use affects fire safety requirements, the facility shall comply with all applicable requirements prior to the increase or change in use.

(f) "Facility" means a building owned, leased, or primarily rented by a child care organization for use as a residential group home facility to house and sleep residents. "Facility" includes new, remodeled, converted, and existing facilities.

(g) "Fire alarm device" means an approved device capable of sounding an alarm. A fire alarm shall be specifically designated as such and shall not be used for any purpose other than sounding an alarm of fire or other emergency or for fire drills. The device shall be loud enough to be heard throughout the facility under normal conditions. A device may be a bell, a horn, a whistle, or any other device acceptable to the fire inspecting authority.

(h) "Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire tests established and conducted by approved testing laboratories.

(i) "Large facility" means a building used to house more than 15 residents.

(j) "Means of egress or exit" means an unobstructed way of departure from any point in a building to safe open air outside at grade.

(k) "Newly constructed," "new construction," or "new facility" means a structure or addition to a facility after the effective date of these rules.

(l) "Nonambulatory" means a resident, including a resident confined to a wheelchair, who is physically or mentally incapable of traversing a path to safety without the aid of another person. A path to safety includes the ascent and descent of any stairs or other approved means of egress from the building.

(m) "Remodeled" means changes in a facility which modify existing conditions and includes renovation. Remodeled and affected areas of an institution shall conform to the provisions of these rules for fire safety for remodeled and converted facilities. Unaffected areas of a facility are not required to conform to the required provisions for remodeled and converted facilities.

(n) "Residential group home facility" means a building used to house not more than 6 residents and is not a secure facility.

(o) "Second story" means the story of a building above the highest story which has a means of egress that is not more than 4 feet to grade.

(p) "Secure facility" means a building used as a detention facility or a secure institution. The building or portions of the building are used to keep residents in custody. Outside doors and individual sleeping rooms usually have locks which are secure from the inside. The locks are used in the usual course of operation.

(q) "Small facility" means a building which houses not less than 7 nor more than 15 residents and which is not a secure facility.

(r) "Street floor" means the lowest story of a facility which is not a basement.

(s) "Story" means that part of a building between a floor and the floor or roof next above.

History: 1983 AACS.

R 400.4602 Applicability.

Rule 602. The rules set forth in this part apply to residential group home facilities.

History: 1983 AACS.

R 400.4606 Evacuation training and telephone.

Rule 606. (1) Staff shall be trained in evacuation of the facility in the event of emergency. A record shall be maintained of the training.

(2) There shall be a telephone for communicating an alarm of fire to the fire department. A pay phone is not acceptable as a phone for communicating an alarm of fire.

(3) The telephone number of the fire department shall be posted by all phones.

History: 1983 AACS.

R 400.4608 Facility location.

Rule 608. A residential group home facility shall not be established within 300 feet of an aboveground storage tank containing flammable liquids used in connection with a bulk plant, marine terminal, aircraft refueling, or bottling plant of a liquid petroleum gas installation or other similar hazard.

History: 1983 AACS.

R 400.4612 Combustible materials and decorations.

Rule 612. (1) A residential group home facility shall be kept free of all accumulation of combustible materials other than those necessary for the daily operation of the residential group home.

(2) Easily ignited or rapidly burning combustible decorations are not permitted in a facility. Personal artwork and personal decorations made or owned by residents are permitted up to 6 square feet of wall space in each room or area other than means of egress or hazardous areas.

History: 1983 AACS.

R 400.4613 Basement as sleeping room prohibited.
Room 613. A basement shall not be used for sleeping.

History: 1983 AACCS.

R 400.4615 Electrical service.

Rule 615. (1) The electrical service shall be maintained in a safe condition.

(2) Where the inspecting authority believes there is a need for an inspection of the electrical system because of its condition, the electrical service shall be inspected by a qualified electrical inspection service. A copy of the inspection report shall be maintained at the facility for review.

(3) Where an electrical system inspection indicates deficiencies in the electrical system, the deficiencies shall be corrected and a certificate of approval shall be maintained at the facility confirming that all deficiencies related to the electrical system have been corrected.

History: 1983 AACCS.

R 400.4617 Residential group home facility construction.

Rule 617. A residential group home facility shall be at least of ordinary construction, light platform frame, and not over 2 stories high above the highest grade.

History: 1983 AACCS.

R 400.4618 Locked behavior management room prohibition.

Rule 618. A locked behavior management room is not permitted in a residential group home facility.

History: 1983 AACCS.

R 400.4620 Interior finish.

Rule 620. (1) The following alphabetical classification of finished materials for flame spread and smoke development, as determined by the tunnel test in accordance with the national fire protection association, pamphlet no. 255, 1979; American society of testing materials E-84-77A, 1978; or underwriters laboratories pamphlet no. 723, 1977, shall be used to determine interior finishes:

Class	Flame Spread	Smoke Developed
A	0 - 25	0 - 50
B	26 - 75	51 - 125
C	76 - 200	126 - 200

The same alphabetical classification is used for combustibility of prefabricated accoustical tile units, only under federal specifications test no. SS-5-118a.

(2) The classification of interior finish materials as to their flame spread and smoke development shall be that of the basic material used, without regard to subsequently applied paint or other coverings, except where such paint or other covering is of such a character or thickness where applied so as to affect the material classification. Finishes such as lacquer, polyurethane-based materials, or unapproved wall coverings shall not be used.

(3) In a newly constructed, remodeled, or converted residential group home, an interior finish classification shall be that of the basic material used, without regard to subsequently applied paint or other covering in an attempt to meet the classification.

(4) In an existing residential facility, where an interior finish at the time these rules take effect does not comply with subrule (3) of this rule and where an interior finish is applied to or furred out not more than 1 inch from a

continuous noncombustible backing, an interior finish may have the surface protected with an approved fire retardant coating so as to meet the interior finish requirements.

(5) Interior finishes and materials shall be at least class C throughout.

History: 1983 AACCS.

R 400.4623 Smoke detection equipment.

Rule 623. (1) A residential group home facility shall be protected by at least battery-operated smoke detection devices installed in all of the following areas:

(a) Between sleeping areas and the other areas of the facility.

(b) At the top of all interior stairways.

(c) In the immediate vicinity of combustion-type heating and incinerating devices, where such devices are not in an enclosure providing at least 1-hour resistance to fire. Where such devices are in enclosures which provide at least 1-hour resistance to fire, a fire detection device shall be immediately outside of the enclosure.

(d) At least 1 on every floor.

(2) Fire detection devices shall comply with all of the following requirements:

(a) Be listed or labeled by an independent, nationally recognized testing laboratory.

(b) Be installed and maintained in accordance with the manufacturer's and test specifications.

(c) Be cleaned and tested at least quarterly.

(d) Have the batteries replaced at least annually.

(e) Be of a type that provides a signal when batteries are not providing sufficient power and where batteries are missing.

(3) Any device required by this rule which signals that power is low or a battery is missing shall be immediately serviced and restored to full power.

(4) A written record shall be maintained in the facility of quarterly cleanings and testing of devices and of annual battery replacements.

(5) In an existing residential group home facility, fire detection systems approved before these rules take effect shall continue to be approved. In an existing residential group home facility and in any other residential group home facility with a fire detection system, the fire detection system shall be maintained in proper working order.

History: 1983 AACCS.

R 400.4632 Fire extinguishers.

Rule 632. (1) All required fire extinguishers shall be subjected to a maintenance check at least once a year. Each fire extinguisher shall have a tag or label attached indicating the month and year maintenance was performed and identifying the person or company performing the service.

(2) All required extinguishers shall be recharged after use.

(3) A minimum of 1 approved fire extinguisher shall be provided on each floor.

(4) All fire extinguishers shall be not less than 4 inches off the floor and the top of the extinguisher shall not be higher than 5 feet off the floor in a special cabinet or on a wall rack which is easily accessible at all times, unless programmatically contraindicated. Where programmatically contraindicated, the required extinguishers may be kept behind locked doors if all staff carry keys to the doors.

(5) In new, remodeled, or converted facilities, a fire extinguisher shall be at least a type 2-A-10BC.

(6) In existing facilities, previously approved fire extinguishers other than a 2-A-10BC type will continue to be approved if they are maintained in the area for which approved.

History: 1983 AACCS.

R 400.4635 Fire alarm systems.

Rule 635. A residential group home facility shall be equipped with a fire alarm device. The device shall be used only to sound an alarm of fire, for practice drills, and other emergencies requiring evacuation of the facility.

History: 1983 AACCS.

R 400.4638 Means of egress.

Rule 638. (1) Means of egress shall be considered the entire way and method of passage to free and safe ground outside a facility. All required means of egress shall be maintained in unobstructed, easily traveled condition at all times.

(2) There shall be not less than 2 means of egress from the street floor story. At least 1 of the 2 means of egress shall be through a side-hinged door. The door shall be a minimum of 30 inches wide, except as provided in R 400.4639. The second means of egress may be a sliding glass door.

(3) A second story shall only be used by ambulatory residents and shall comply with 1 of the following requirements:

(a) Two open stairways separated by not less than 50% of the longest dimension of the story.

(b) One open interior stairway and 1 exterior stairway or fire escape separated by not less than 50% of the longest dimension of the story. An exterior stairway or fire escape does not require protection from fire in the building. An exterior stairway or fire escape shall be constructed of not less than 2-inch nominal lumber and be in good repair.

(c) One interior stairway and all floors separated by materials which afford at least a 3/4-hour fire resistance rating. The doors separating floors shall be at least 1 3/4-inch solid wood core and shall be equipped with latching hardware and self-closing devices. Each sleeping room on the second story shall have a window of not less than 5 square feet with no dimension less than 22 inches to allow for emergency rescue.

(4) A basement used by residents requires 1 means of egress which may be a stairway. The stairway may be an open stairway, except as required by subrule (3)(c) of this rule.

History: 1983 AACCS.

R 400.4639 Special requirements for facilities caring for nonambulatory residents.

Rule 639. A residential group home facility providing care to 1 or more nonambulatory residents shall comply with all of the following provisions:

(a) House such residents only on the street floor.

(b) Have required exitways which are not less than 48 inches wide in a new facility and not less than 44 inches wide in an existing or converted facility. Doors shall be a minimum of 36 inches wide.

(c) Have required exits discharge at grade level or have required exits equipped with ramps. Ramps shall not exceed 1 foot of rise in 12 feet of run and shall have sturdy handrails. Once at grade, there shall be a surface sufficient to permit occupants to move a safe distance from the facility.

History: 1983 AACCS.

R 400.4640 Stairs.

Rule 640. (1) In new and converted facilities, stairs shall have treads of uniform width and risers of uniform heights. Treads shall be not less than 9 1/2 inches deep, exclusive of nosing, and risers shall be not more than 7 3/4 inches in height.

(2) Stairs in an existing facility approved before these rules take effect shall continue to be approved until the portion of the building encompassing the stairs is remodeled.

History: 1983 AACCS.

R 400.4643 Doors.

Rule 643. (1) Doors to required means of egress shall be equipped with at least knob-type, properly operating, positive-latching, nonlocking-against-egress-type hardware which insures the opening of the door with a single motion, such as turning a knob or applying pressure of normal strength on a latch, except that an approved sliding door may be equipped with a non-key locking device.

(2) Required doors entering stairs and doors to fire rated enclosures shall not be held in an open position at any time by an underdoor wedge or hold-open device.

History: 1983 AACCS.

R 400.4652 Heating devices and flame-producing devices.

Rule 652. (1) Flame-producing-type heating devices and incinerator devices on any story used by residents shall be in an enclosure which provides at least 1-hour resistance to fire. Any interior door to the enclosure shall be of at least a B-labeled fire door in a labeled frame equipped with latching hardware and a self-closing device. Adequate combustion air shall be provided to the enclosure directly from the outside through a permanently opened louver or continuous ducts. Fire dampers are not required in ducts penetrating this enclosure.

(2) Where flame-producing-type heating devices or incinerator devices are located on a story not used by residents, there shall be a separation between the story or stories containing such devices and resident-used stories such that at least a 3/4-hour resistance to fire is provided. Any interior stairway to such a nonresident-used story shall have at least a 1 3/4-inch solid wood core door which is equipped with latching hardware and a self-closing device separating the non-resident-used story from resident-used stories.

(3) Electric heating shall be installed in accordance with the manufacturer's specifications and shall be of a type approved by a nationally recognized, independent testing laboratory.

(4) Portable heaters and space heaters, including solid fuel heaters, are prohibited.

(5) A fireplace is permitted if it is masonry and has all of the following components:

(a) An approved glass door shielding the opening. The door shall be closed at all times except when a fire is being tended.

(b) A noncombustible hearth extending a minimum of 16 inches out from the front and 8 inches beyond each side of the fireplace opening.

(c) A noncombustible face extending not less than 12 inches above and 8 inches on each side of the fireplace opening.

(d) A masonry chimney constructed with approved flue liners.

(6) A heating plant room shall not be used for combustible storage or for a maintenance shop unless sprinklered.

(7) A furnace and other flame-producing unit shall be installed according to manufacturer and test specifications and shall be vented by metal ducts to a chimney which is constructed of bricks, solid block masonry, or reinforced concrete which has an approved flue lining and is properly erected and maintained in safe condition. A bracket chimney is not permitted. This rule does not prohibit the installation and use of any prefabricated chimney bearing the label of an approved, nationally recognized, independent testing laboratory if it is installed in accordance with manufacturer and test specifications and is compatible with the heating unit or units connected to it. Only gas- and oil-fired units may be connected to a prefabricated chimney.

History: 1983 AACCS.

R 400.4657 Storage rooms.

Rule 657. Storage rooms larger than 100 square feet used for the storage of combustible materials shall be separated from the remainder of the facility by construction with at least a 1-hour fire resistance rating.

History: 1983 AACCS.

R 400.4660 Cooking appliances.

Rule 660. (1) Cooking appliances shall be of the domestic type and shall be installed in accordance with approved safety practices.

(2) Where hoods or canopies are provided over the cooking appliances, they shall be equipped with filters which shall be maintained in an efficient and clean condition.

History: 1983 AACCS.

R 400.4666 Garages.

Rule 666. (1) Garages located beneath a residential group home facility shall have walls, partitions, floors, and ceilings separating the garage from the rest of the facility by construction with not less than a 1-hour fire resistance rating.

(2) Garages attached to a facility shall be separated from the rest of the facility by construction with not less than a 1-hour fire resistance rating.

History: 1983 AACCS.