The construction of a new secured unit physical plant, or any physical plant changes that meet the definition of "new construction" in part 4658.0010, subpart 5a, must be in compliance with the requirements for new construction in parts 4658.3500 to 4658.4690.

4658.3000 LICENSURE.

The commissioner of health must be notified directly in writing about proposed planning for all new construction, remodeling, changes in existing service, function or bed capacity, addition of new services, sale, and change of ownership.

4658.3005 COMPLIANCE WITH RULES.

Subpart 1. New construction. New construction must be according to the requirements for new construction in parts 4658.3500 to 4658.4690.

Subp. 2. Existing facilities. All existing facilities must be in compliance with the physical plant requirements for new construction, except as noted in this chapter. When additional beds are added to existing facilities, the required dayroom and dining room areas must be based on the bed capacity of the entire facility. Compliance with the standards for new construction for existing facilities must be for the areas involved and to the extent that the existing structure will permit.

Subp. 3. Reclassification. As a condition for reclassification of a boarding care home to a nursing home, the physical plant must be in compliance with all new construction requirements for nursing homes in this chapter. The department shall consider waiver requests under part 4658.0040 from a facility that is in substantial compliance with the new construction requirements in parts 4658.3500 to 4658.4690.

Subp. 4. State fire marshal. Fire protection for the nursing home must be provided in accordance with the Minnesota Uniform Fire Code. The state fire marshal's approval of the fire safety features of the completed facility is required for initial licensure. A nursing home must remain in compliance with regulations enforced by the state fire marshal in order to qualify for continued licensure.

Subp. 5. Redecoration. A nursing home must maintain specification sheets for all wall, floor, or ceiling covering materials, except paint. The materials and installation must be in accordance with the Life Safety Code.

Subp. 6. Remodeling. New construction standards apply only to those materials, space, and equipment being remodeled. The new construction plan requirements of parts 4658.3500 to 4658.4090 apply to all remodeling projects.

Subp. 7. Replace-in-kind. The department must be notified in writing prior to all replace-in-kind projects, except in the case of an emergency. Changes in space required for the replacement equipment must be only to the extent required by the newer equipment.

4658.4000 PREPARATION OF PLANS; NEW CONSTRUCTION.
Architectural and engineering plans and specifications for new construction must be prepared and signed by architects and engineers who are registered in Minnesota and in accordance with the requirements by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design.

**4658.4005 APPROVAL OF PLANS; NEW CONSTRUCTION.**

Preliminary plans and final working drawings and specifications for proposed construction must be submitted to the commissioner of health for review and approval. Preliminary plans must be approved before the preparation of final working drawings is undertaken. Final working drawings and specifications must be approved before construction is begun.

**4658.4010 PRELIMINARY PLANS; NEW CONSTRUCTION.**

Preliminary plans must be drawn to scale, show basic dimensions, and indicate the general layout and space arrangement of the proposed building or area and must include a site plan when applicable. Plans must indicate assignments of rooms and areas, and must show bed capacities and fixed equipment. The plans should include consideration for future expansion of a nursing home by consideration of the site, orientation of the structure on the site, parking, and resident, dietary, and laundry areas. If a laundry is not contemplated initially, provision must be made for its possible future location.

**4658.4015 FINAL PLANS; NEW CONSTRUCTION.**

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

**4658.4025 START OF CONSTRUCTION; NEW CONSTRUCTION.**

The department must be notified in writing within seven days after beginning construction. Unless construction is begun within one year after approval of final working drawings and specifications, the drawings must be resubmitted for renewal of review and approval. All construction must be executed according to the approved final plans and specifications. Subsequent construction changes addressed by this chapter must be approved by the department before the changes are made.

**4658.4030 FINAL INSPECTION; NEW CONSTRUCTION.**

The department must be notified at least 30 days before the completion of construction so that arrangements can be made for a final inspection by the department and by the state fire marshal. Completion means the entire construction, equipment, staffing patterns, and services. Mechanical and electrical systems must be completed and tested for performance and safety in accordance with specifications and state requirements before new construction can be licensed and residents admitted.
4658.4035 PLAN SAFEKEEPING; NEW CONSTRUCTION.

At least one set of complete plans of the entire facility, including changes resulting from remodeling or alterations, must be kept on file in the nursing home.

4658.4040 SITE; NEW CONSTRUCTION.

A nursing home must be so located as to protect at all times the health, comfort, and safety of residents. The factors in selecting the site for a new nursing home must include the following:

A. Public utilities must be available.

B. The water supply must be obtained from an approved public water supply system. If none is available, water must be obtained from a water supply system whose location, construction, and operation complies with parts 4720.0010 to 4720.4600 and, where applicable, parts 4725.0050 to 4725.7450. Plans and specifications for a private water supply system must be approved before construction of the system or the nursing home is started.

C. Sewage and other liquid wastes must be discharged into an approved public sewer system where available. If none is available, sewage must be collected, treated, and disposed of in a sewage disposal system which is designed, located, constructed, and operated according to chapter 7080. Plans and specifications for a private sewage disposal system must be approved before construction of the system or the nursing home is started.

D. The site must be no closer than 300 feet to the right-of-way of a railroad main line or to the property line of industrial developments which are nuisance-producing or hazardous to health under state or local law.

E. The site must not be located within 85 feet of underground or 300 feet of aboveground storage tanks or warehouses containing flammable liquids.

F. The site must be publicly accessible to fire department services, medical services, and community activities.

G. The topography must provide good natural drainage and not be subject to flooding.

H. Adequate all-weather roads and walks must be provided within the lot lines to the primary entrance and the service entrance, including employees’ and visitors’ parking at the site.

I. The primary entrance must be accessible for the elderly and individuals with disabilities.

J. The site must include space for outdoor activities.