Section 38.0 *New Construction, Addition or Modification*

38.1 All new construction, alterations, extensions or modifications of an existing facility, as defined in rules and regulations pursuant to reference 5, shall be subject to the following provisions:

Reference 5 (Certificate of Need)
Reference 6 (Department of Health)
Reference 10 (Food Code)
Reference 15 (AIA Construction Guidelines)
Reference 16 (State Fire Code)
Reference 18 (Sewage regulations)
Reference 19 (ANSI Code)
Reference 23 (State Building Code)
Reference 28 (Americans with Disabilities Act)

In addition, any other applicable state and local laws, codes and regulations shall apply. Where there is a difference between codes, the code having the higher standard shall apply.

38.2 All plans for new construction or the renovation, alteration, extension, modification or conversion of an existing facility that may affect compliance with sections 41.0, 43.0, 44.0, 45.0, 46.0, and 52.0 herein, and reference 15, shall be reviewed by a Rhode Island licensed architect. Said architect shall certify that the plans conform to the construction requirements of sections 41.0, 43.0, 44.0, 45.0, 46.0, and 52.0 herein, and reference 15, prior to construction. The facility shall maintain a copy of the plans reviewed and the architect’s signed certification, for review by the Department of Health upon request.

38.2.1 In the event of non-conformance for which the facility seeks a variance, the general procedures outlined in section 54.0 shall be followed. Variance requests shall include a written description of the entire project, details of the non-conformance for which the variance is sought and alternate provisions made, as well as detailing the basis upon which the request is made. The Department may request additional information while evaluating variance requests.

38.2.2 If variances are granted, a licensed architect shall certify that the plans conform to all construction requirements of sections 41.0, 43.0, 44.0, 45.0, 46.0, and 52.0 herein, and reference 15, except those for which variances were granted, prior to construction. The facility shall maintain a copy of the plans reviewed, the variance(s) granted and the architect’s signed certification, for review by the Department upon request.

38.3 Upon completion of construction, the facility shall provide written notification to the Department describing the project, and a copy of the architect’s certification. The facility shall obtain authorization from the Department prior to occupying/re-occupying the area. At the discretion of the Department, an on-site visit may be required.