

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

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.

STAT AUTH: MS s [144A.04](#); [144A.08](#)

HIST: 21 SR 196

Current as of 01/19/05

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

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.

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Current as of 01/19/05

[Minnesota Rules, Table of Chapters](#)

[Table of contents for Chapter 4658](#)

4658.3090 PENALTIES FOR PHYSICAL PLANT LICENSURE RULE VIOLATIONS.

Penalty assessments for violations of parts [4658.3000](#) to

[4658.3005](#) shall be assessed on a daily basis and are as follows:

- A. part [4658.3000](#), \$100;
- B. part [4658.3005](#), subparts 2 and 4, \$200; and
- C. part [4658.3005](#), subparts 5 to 7, \$100.

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Current as of 01/19/05