

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

CHAPTER 106

HEALTH CARE FACILITIES

Subchapter 25

Retirement Homes

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37.106.2501 RETIREMENT HOMES: DEFINITIONS

In addition to those definitions in 50-5-101, MCA, the following definitions apply to this subchapter:

- (1) "Bedding" means mattresses, box springs, mattress covers, mattress pads, sheets, pillow slips, pillows, pillow covers, blankets, comforters, quilts and bedspreads.
- (2) "Building authority" means the building codes bureau, Montana department of labor and industry, or a local government building inspector enforcing a local building code enforcement program certified by the department of labor and industry.
- (3) "Fire authority" means the state fire marshal or the state fire marshal's authorized agent.
- (4) "Fixtures" means a shower, bathtub, toilet, toilet seat, urinal, lavatory, kitchen sink, janitor and custodial sink, utensil sink and all exposed plumbing integral to them.
- (5) "Floors" means sub-flooring and floor coverings of all rooms including stairways, hallways, and lobbies.
- (6) "Furnishings" includes, but is not limited to, cups, glasses, pitchers, utensils, draperies, curtains, blinds, light fixtures, lamps and lamp shades, chairs, tables, desks, shelves, books, magazines, bookcases, dressers, bedsteads, mattress springs other than box springs, towels, wash cloths, soap, toilet tissue, radios, television sets, coffee makers, water heaters, pictures, mirrors, cabinets, closets and refrigerators.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

37.106.2502 RETIREMENT HOMES: APPLICATION OF OTHER RULES

(1) To the extent that other licensure rules in ARM Title 37, chapter 106, subchapters 3, 4, 6, 10, 11, 14, 15, 22 and 23, conflict with the terms of this subchapter, the terms of this subchapter will apply to retirement homes.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

Rules 03 and 04 reserved

#### 37.106.2505 RETIREMENT HOMES: FIRE AND BUILDING CODES

##### APPROVAL

(1) The construction of or alteration, addition, or renovation to a retirement home must:

(a) meet all applicable local and state building and fire codes;

(b) be approved in writing by the building authority; and

(c) be approved in writing by the fire authority.

(2) A retirement home must be inspected and certified on an annual basis for compliance with the local and state fire codes by the fire authority. A retirement home must maintain a record of such inspection and certification for at least one year following the date of the inspection.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2506 RETIREMENT HOMES: SWIMMING POOLS AND SPAS

(1) The construction and operation of any swimming area, swimming pool, hot springs pool, or spa which serves a retirement home must comply with the licensing procedures and requirements of Title 50, chapter 53, MCA, and ARM Title 37, chapter 111, subchapters 10 and 11.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

Rules 07 through 09 reserved

#### 37.106.2510 RETIREMENT HOMES: PHYSICAL REQUIREMENTS

(1) A retirement home must comply with the local and state building code and fire code.

(2) A retirement home must comply with the following physical requirements:

(a) There must be adequate and convenient janitorial facilities including a sink and storage area for equipment and chemicals.

(b) Floors and walls in toilet and bathing rooms, laundries, janitorial closets, and other rooms subject to large amounts of moisture, must be smooth and non-absorbent.

(c) The floor mounted and wall mounted furnishings must be easily moveable to allow for cleaning or mounted in such a manner as to allow for cleaning around and under such furnishings.

(d) Bathing facilities must be equipped with:

(i) anti-slip surfaces; and

(ii) handicapped grab bars, capable of supporting a concentrated load of 250 pounds.

(3) Each bedroom in a retirement home must include:

(a) floor to ceiling walls;

(b) one door which can be closed to allow privacy for residents;

(c) at least one operable window; and

(d) access to a toilet room without entering through another resident's room.

(4) If a retirement home elects to provide furnishings as part of its services, the retirement home must provide in each bedroom an adequate closet or wardrobe, bureau or dresser or its equivalent, and at least one arm chair, for every two residents.

(5) Traffic to and from any room shall not be through a resident's bedroom.

(6) No occupied room shall have as its means of access a trap door, ladder, or folding stairs.

(7) No required path of travel to the outside shall be through rooms that are subject to locking or otherwise controlled by a person other than the person seeking to escape.

(8) No more than four residents may reside in a single bedroom.

(9) Exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, or vestibules, each single bedroom must contain at least 100 square feet, and each multi-bedroom must contain at least 80 square feet per bed.

(10) With respect to any conditions in existence prior to July 4, 1996, any requirement of ARM 37.106.2510 may be waived at the discretion of the department if:

(a) physical limitations of the retirement home would require disproportionate expense or effort to comply with a requirement, with little or no increase in the level of safety to the residents and staff; or

(b) compliance with a requirement would involve unreasonable hardship or unnecessary inconvenience, with little or no increase in the level of safety to the residents and staff.

(11) With respect to any conditions in existence prior to July 4, 1996, the specific requirements of ARM 37.106.2510 may be modified by the department to allow alternative arrangements that will provide the same level of safety to the residents and staff, but in no case shall the modification afford less safety than that which, in the discretion of the department, would be provided by compliance with the corresponding requirement in ARM 37.106.2510.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2511 RETIREMENT HOMES: ENVIRONMENTAL CONTROL

(1) Hand cleansing soap or detergent and individual towels must be available at each sink in food preparation areas and commonly shared areas of the facility. Towels for common use are not permitted.

(2) A waste receptacle must be located near each sink.

(3) A minimum of 10 foot-candles of light must be available in all rooms, with the following exceptions:

(a) All reading lamps must have a capacity to provide a minimum of 30 foot-candles of light;

(b) All toilet and bathing areas must be provided with a minimum of 30 foot-candles of light;

(c) General lighting in food preparation areas must be a minimum of 30 foot-candles of light; and

(d) Hallways must be illuminated at all times by at least a minimum of five foot-candles of light at the floor.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2512 RETIREMENT HOMES: WATER SUPPLY SYSTEM

(1) The department hereby adopts and incorporates by reference ARM 17.38.207, stating maximum microbiological contaminant levels for public water supply systems, and the following circulars establishing construction, operation, and maintenance standards for spring, surface water, wells and cisterns:

(a) Circular WQB-1 entitled "Montana Department of Health and Environmental Sciences Standards for Water Works" (1992 Edition);

(b) Circular WQB-3 entitled "Montana Department of Health and Environmental Sciences Standards for Small Water Systems" (1992 Edition);

(c) Circular #17 entitled "Cisterns for Water Supplies." Copies of ARM 17.38.207 and circulars WQB-1, WQB-3 and #17 may be obtained from the Water Quality Bureau (WQB), Department of Environmental Quality (DEQ), Metcalf Building, 1520 East 6th Avenue, P.O. Box 200901, Helena, MT 59620-0901.

(2) A retirement home must provide an adequate and potable supply of water. The retirement home must:

(a) connect to a public water supply system approved by the department of environmental quality; or

(b) if the retirement home is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including guests, staff, and residents, and an adequate public water supply system is not accessible, utilize a nonpublic system whose construction and operation meet those standards established in one of the following circulars:

(i) Circular WQB-1 entitled "Montana Department of Health and Environmental Sciences Standards for Water Works" (1992 Edition);

(ii) Circular WQB-3 entitled "Montana Department of Health and Environmental Sciences Standards for Small Water Systems" (1992 Edition);

(iii) Circular #17 entitled "Cisterns for Water Supplies."

(3) If a nonpublic water supply system is used in accordance with (2)(b), a retirement home must:

(a) submit a water sample at least quarterly to a laboratory licensed by the department of environmental quality to perform microbiological analysis of water supplies in order to determine that the water does not exceed the maximum microbiological contaminant levels stated in ARM 17.38.207.

(4) A retirement home must replace or repair the water supply system serving it whenever the water supply:

(a) contains microbiological contaminants in excess of the maximum levels contained in ARM 17.38.207; or

(b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and watercarried waste disposal.

(5) Handsinks and bathing facilities must be provided with water at a temperature of at least 100°F and not more than 120°F.

(6) Ice must be:

(a) obtained from a licensed supplier if it is not made from the retirement home's water supply;

(b) manufactured, stored, handled, transported and served in a manner which is approved by the department or local health authority as preventing contamination of the ice.

(7) Where open bin ice storage is provided, an ice scoop must be readily available for use by residents or the management and stored either inside the bin or in a closed container protected from contamination.

(8) Ice storage bins may not be connected directly to any trap, drain, receptacle sink or sewer which discharges waste or to any other source of contamination. A minimum of a four inches air gap is required between the ice storage bin drain and any waste discharge.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2513 RETIREMENT HOMES: SEWAGE SYSTEM

(1) The department hereby adopts and incorporates by reference ARM Title 17, chapter 36, subchapter 9, on site subsurface wastewater treatment systems. A copy of ARM Title 17, chapter 36, subchapter 9 may be obtained from the Department of Environmental Quality, Permitting and Compliance Division, 1520 East 6th Avenue, P.O. Box 200901, Helena, MT 59620-0901.

(2) In order to ensure sewage is safely and completely disposed of, a retirement home must:

(a) connect to a public water supply system approved by the department of environmental quality; or

(b) if the retirement home is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including guests, staff, and residents, and an adequate public sewage system is not available, utilize a nonpublic system whose construction and use meet the construction and operation standards in ARM Title 17, chapter 36, subchapter 9;

(c) replace or repair a failed system as defined by ARM 17.36.903(6).

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2514 RETIREMENT HOMES: SOLID WASTE

(1) In order to ensure that solid waste is safely stored and disposed of, a retirement home must:

(a) store all solid waste between collections in containers which have lids and are corrosion resistant, flytight, watertight, and rodent proof;

(b) utilize exterior collection stands for the storage containers, which prevent them from being tipped, protect them from deterioration, and allow easy cleaning below and around them;

(c) clean all solid waste containers frequently; and

(d) transport or utilize a private or municipal hauler to transport the solid waste at least weekly to an approved landfill site in a covered vehicle or in covered containers.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

Rules 15 through 19 reserved

#### 37.106.2520 RETIREMENT HOMES: LAUNDRY FACILITIES

(1) Laundry facilities utilized by a retirement home for laundering of its soiled laundry, including but not limited to bed linen, towels and washcloths, must be provided with:

(a) a mechanical washer and hot air tumble dryer. Manual washing and line drying of bed linen, towels and washcloths is prohibited. Dryers must be properly vented to prevent

maintenance problems;

(b) a hot water supply system capable of supplying water at a temperature of 54°C (130°F) to the washer during all periods of use, or if a temperature of 54°C (130°F) cannot be attained or maintained, manufacturer documentation showing the cleansing products effectiveness at lower water temperatures by exponentially increasing the time laundry is exposed to the product;

(c) a separate area for sorting and storing soiled laundry and folding and storing clean laundry;

(d) separate carts for transporting soiled and cleaned laundry; and

(e) hand washing facilities including a sink, soap, and disposable towels. A soak sink may double as a handwashing sink.

(2) Sheets, pillow covers, towels and washcloths must be dried in a hot air tumble dryer or ironed at a minimum temperature of 150°C (300°F).

(3) Facility staff handling laundry must cover their clothes while working with soiled laundry, use separate clean covering for their clothes while handling clean laundry, and wash their hands both after working with soiled laundry and before they handle clean laundry.

(4) The provisions of ARM 37.106.2520 do not apply to laundry facilities provided by the retirement home for the personal use of its residents.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2521 RETIREMENT HOMES: HOUSEKEEPING AND MAINTENANCE

(1) A retirement home must provide maintenance services. With respect to the provision of maintenance services, and housekeeping services, where a retirement home elects to provide those services to individual residents within their rooms, the retirement home must ensure that:

(a) each janitor room is clean, ventilated and free from odors;

(b) mop heads, when used, are changed frequently using laundered replacements;

(c) toilets, bathtubs, lavatories, and showers are not used for washing and rinsing of mops, brooms, brushes, or any other cleaning devices;

(d) the transporting, handling and storage of clean bedding, where provided by the retirement home, is performed in such a manner as to preclude contamination by soiled bedding or from other sources;

(e) any cleaner used in cleaning bathtubs, showers, lavatories, urinals, toilet bowls, toilet seats, and floors contains fungicides or germicides;

(f) deodorizers and odor-masking agents are not used unless the room in which the agent is used is clean to sight and touch;

(g) cleaning devices used for lavatories, showers and bathtubs are not used for any other purpose;

(h) dry dust mops and dry dust cloths are not used for cleaning purposes. Dusting and cleaning must be accomplished using treated mops, wet mops, treated cloths, or moist cloths to prevent the spread of soil from one place to another;

(i) the retirement home is free of insects, rodents and other vermin;

- (j) all bedding, towels, and wash cloths, where provided by the retirement home, are clean and in good repair. Bedding, towels, and wash cloths, where provided by the retirement home, must be made available to each resident on a daily or weekly basis;
- (k) all furnishings, where provided by the retirement home, fixtures, floors, walls, and ceilings are clean and in good repair;
- (l) cleaning compounds and pesticides are stored, used, and disposed of in accordance with the manufacturer's instructions;
- (m) glasses, pitchers, ice buckets, and other utensils used for food or drink and provided in units for use by residents are not washed or sanitized in any lavatory or janitor sink. Approved facilities for washing, rinsing, and sanitizing glasses, pitchers, ice buckets, and other utensils must be provided by the retirement home. In the absence of approved washing facilities, single service utensils must be used; and
- (n) all utensils used for food or drink and provided in units for use by residents are stored, handled, and dispensed in a manner which precludes contamination of the utensil prior to use by a resident.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

#### 37.106.2522 RETIREMENT HOMES: FOOD SERVICE REQUIREMENTS

(1) The department hereby adopts and incorporates by reference ARM Title 37, chapter 110, subchapter 2 which sets sanitation and food handling standards for food service establishments. A copy of ARM Title 37, chapter 110, subchapter 2 may be obtained from the Department of Public and Human Services, Health Policy Services Division, Communicable Disease Control and Prevention Bureau, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.

(2) Where a food service is operated as an integral part of a retirement home, compliance with ARM Title 37, chapter 110, subchapter 2, is required.

(3) If the food service is available only to residents and staff of the retirement home, licensure as a food service establishment is not required, but compliance with ARM Title 37, chapter 110, subchapter 2, is required.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)

Rules 23 through 29 reserved

#### 37.106.2530 RETIREMENT HOMES: RESIDENT REGISTER

(1) A retirement home must maintain a register of all residents currently residing at the retirement home, noting for each resident, at a minimum, the resident's name and:

- (a) room or apartment number;
- (b) date of arrival; and
- (c) date of departure.

(2) The register must be kept on the retirement home premises and be available for review and verification by the department during inspections.

(History: Sec. 50-5-103, MCA; IMP, Sec. 50-5-103 and 50-5-214, MCA; NEW, 1996 MAR p. 1867, Eff. 7/4/96; TRANS, from DHES, 2002 MAR p. 185.)