

(5) Combustibles in storage areas: Attics, cellars and other storage areas shall be kept safe and free from dangerous accumulations of combustible materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

(6) Grounds: The grounds shall be kept free from refuse, litter, and wastewater. Areas around buildings, sidewalks, gardens, and patios shall be kept clear of dense undergrowth.

C. POISONS: All poisonous compounds shall be clearly labeled as poisonous and, when not in use, shall be stored in a locked area separate from food, kitchenware, and medications.

D. GARBAGE:

(1) Storage containers: All garbage and rubbish shall be stored in leak-proof, non-absorbent containers with close-fitting covers, and in areas separate from those used for the preparation and storage of food. Containers shall be cleaned regularly. Paperboard containers shall not be used.

(2) Disposal: Garbage and rubbish shall be disposed of promptly in a safe and sanitary manner.

E. LINEN AND TOWELS: Linens shall be handled, stored, processed, and transported in such a manner as to prevent the spread of infection. Soiled linen shall not be sorted, rinsed, or stored in bathrooms, residents' rooms, kitchens, food storage areas, nursing units, common hallways.

F. PEST CONTROL:

(1) Requirement: The facility shall be maintained reasonably free from insects and rodents, with harborage and entrances of insects and rodents eliminated.

(2) Provision of service: Pest control shall be provided when required for the control of insects and rodents.

(3) Screening of windows and doors: All windows and doors used for ventilation purposes shall be provided with wire screening of not less than number sixteen (16) mesh or its equivalent, and shall be properly installed and maintained to prevent entry of insects. Hinged screen days when in use.

(4) With other inhalation equipment such as intermittent positive pressure breathing equipment, the entire resident breathing circuit, including nebulizers and humidifiers, shall be changed at least every seven (7) days.

[7-1-60, 7-1-64, 5-2-89; 7.9.2.70 NMAC – Rn, 7 NMAC 9.2.70, 8-31-00]

7.9.2.71 PHYSICAL ENVIRONMENT:

A. GENERAL: The buildings of the nursing facility shall be constructed and maintained so that they are functional for diagnosis and treatment and for the delivery services appropriate to the needs of the community and with due for protecting the health and safety of the patients. The provisions of this section apply to all new, remodeled and existing construction unless otherwise noted. Existing waivers at the time these regulations are enacted would continue to be accepted unless it is determined that the facility is unable to protect the health and safety of the resident.

B. DEFINITIONS: The definitions in the applicable life safety code required under these regulations apply to this subchapter. In addition, in this subchapter:

(1) Existing construction: means a building which is in place or is being constructed with plans approved by the department prior to the effective date of this chapter.

(2) Life safety code: means the National Fire Protection Association's standard 101.

(3) 1981 Code: means facilities with construction plans first approved by the Department on or after November 26, 1982, shall be free from dangerous accumulations of combustible materials. Combustibles such as cleaning rags and compounds shall be kept in closed metal containers.

(4) Fire safety evaluation system: means a proposed or existing facility not meeting all requirements of the applicable life safety code shall be considered in compliance if it achieves a passing score on the Fire Safety Evaluation System (FSES), developed by the United State Department of Commerce, National Bureau of Standards, to establish safety equivalencies under the Life Safety Code.

(5) New construction: means construction for the first time of any building or addition to an existing building, the plans for which are approved after the effective date of this chapter.

(6) Remodeling: means to make over or rebuild any portion of a building or structure and thereby

modify its structural strength, fire hazard character, exists, heating and ventilating system, electrical system or internal circulation, as previously approved by the Department. Where exterior walls are in place but interior walls are not in place at the time of the effective date of this chapter, construction of interior walls shall be considered remodeling. "Remodeling" does not include repairs necessary for the maintenance of a building structure.

C. APPROVALS: The facility shall keep documentation of approvals on file in the facility following all inspections by state and local authorities.

D. FIRE PROTECTION:

(1) **Basic responsibility:** The facility shall provide fire protection adequate to ensure the safety of patients, staff and others on the premises. Necessary safeguards such as extinguishers, sprinkling and detection devices, fire and smoke barriers, and ventilation control barriers shall be installed to ensure rapid and effective fire and smoke control.

(2) **New construction:** Any new construction or remodeling shall meet the applicable provisions of the 1981 edition of the Life Safety Code.

(3) **Existing facilities:** Any existing facility shall be considered to have met the requirements of this subsection if, prior to the promulgation of this chapter, the facility complied with and continues to comply with the applicable provisions of the 1967, 1973, or 1981 edition of the Life Safety Code, with or without waivers.

(4) **Equivalent Compliance:** An existing facility that does not meet all requirements of the applicable Life Safety Code may be considered in compliance with it if it achieves a passing score on the Fire Safety Evaluation System (FSES) developed by the U.S. Department of Commerce National Bureau of Standard, to establish safety equivalencies under the Life Safety Code.

(5) **Note:** See Appendix C of the 1981 Life Safety Code.

E. GENERAL CONSTRUCTION: All capital investment plans subject to these regulations, shall be submitted to the Department for review and approval.

(1) One copy of preliminary or schematic plans shall be submitted to the Department for review and approval.

(2) One copy of final plans and specifications which are used for bidding purposes shall be submitted to the Department for review and approval before construction is started. Plans must be prepared and stamped by an architect registered in the State of New Mexico.

(3) If on-site construction above the foundation is not started within twelve (12) months of the date of approval of the final plans and specifications, the approval under these regulations shall be void and the plans and specifications shall be resubmitted for reconsideration of approval.

(4) Any changes in the approved final plans affecting the application of the requirements of this subchapter shall be shown on the approved final plans and shall be submitted to the Department for approval before construction is undertaken. The Department shall notify the facility in writing of any conflict with this subchapter found in its review of modified plans and specifications.

(5) **General:** Projects involving alterations of and additions to existing buildings shall be programmed and phased so that on-site construction will minimize disruptions of existing functions. Access, exit ways, and fire protection shall be so maintained that the safety of the occupants will not be jeopardized during construction.

(6) **Minimum requirements:** All requirements listed in New Construction, relating to new construction projects, are applicable to renovation projects involving additions or alterations, except that when existing conditions make changes impractical to accomplish, minor deviations from functional requirements may be permitted if the intent of the requirements is met and if the care and safety of patients will not be jeopardized.

(7) **Non-conforming conditions:** When doing renovation work, if it is found to be unfeasible to correct all of the nonconforming conditions in the existing facility in accordance with these standards, acceptable compliance status may be recognized by the Licensing Agency if the operation of the facility, necessary access by the handicapped, and safety of the patients, are not jeopardized by the remaining non-conforming conditions.

(8) **Note #1:** Plan approval by Construction Industries Division, labor and human relations under these regulations is also required for any new construction or remodeling.

(9) **Note #2:** Copies of the 1967, 1973, and 1981 Life Safety Codes and related codes can be obtained from the National Fire Protection Association, Battery March Park, Quincy, PA 02269.

F. CONSTRUCTIONS AND INSPECTIONS:

(1) General: Construction, of other than minor alterations, shall not be commenced until plan-review deficiencies have been satisfactorily resolved.

(a) The completed construction shall be in compliance with the approved drawings and specifications, including all addenda or modifications approved for the project.

(b) A final inspection of the facility will be scheduled for the purpose of verifying compliance with the approved drawings and specifications including all addenda or modifications approved for the project.

(2) In addition to compliance with these standards, all other applicable building codes, ordinances, and regulations under city, county, or other state agency jurisdiction shall be observed. Compliance with local codes shall be prerequisite for licensing. In areas not subject to local building codes, the state building codes, as adopted, shall apply insofar as such codes are not in conflict with these standards.

(a) New Construction is governed by the current editions of the following Codes Standards:

(b) Uniform Building Code (UBC), Uniform Plumbing Code (UPC), Uniform Mechanical Code (UMC), National Electrical Code (NEC), National Fire Protection Association Standards (NFPA), American National Standard Institute (ANSI), American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Department of Health and Human Services (DHHS) Guidelines for Construction and Equipment of Hospital and Medical Facilities.

G. RESIDENT SAFETY AND DISASTER PLAN:

(1) Disaster Plan:

(a) Each facility shall have a written procedure which shall be followed in case of fire or other disasters, and which shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating helpless residents, frequency of fire drills and assignment of specific tasks and responsibilities to the personnel of each shift and each discipline.

(b) The plan developed by the facility shall be submitted to qualified fire and safety experts, including the local fire authority, for review and approval. The facility shall maintain documentation of approval by the reviewing authority.

(c) All employees shall be oriented to this plan and trained to perform assigned tasks.

(d) The plan shall be available at each nursing station.

(e) The plans shall include a diagram of the immediate floor area showing the exits, fire alarm stations, evacuation routes and location of fire extinguishers. The diagram shall be posted in conspicuous locations in the corridor throughout the facility.

(2) Drills: Fire drills shall be held at irregular intervals at least four (4) times a year on each shift and the plan shall be reviewed and modified as necessary. Records of drills and dates of drills shall be maintained.

(3) Fire inspections: The administrator of the facility shall arrange for fire protection as follows:

(a) At least annual inspection of the facility shall be made by the local fire inspection authorities. Signed certificates of such inspections shall be kept on file in the facility.

(b) Certification by the local fire authority as to the fire safety of the facility and to the adequacy of a written fire plan for orderly evacuation of residents shall be obtained and kept on file in the facility.

(c) Where the facility is located in a city, village, or township that does not have an official established fire department, the licensee shall obtain and maintain a continuing contract for fire protection service with the nearest municipality providing such service. A certification of the existence of such contract shall be kept on file in the facility.

(4) Fire equipment: All fire protection equipment shall be maintained in readily usable condition and inspected annually. In addition to any other equipment, a fire extinguisher suitable for grease fires shall be provided in or adjacent to the kitchen. Each extinguisher shall be provided with a tag for the date of inspection.

(5) Fire Report: All incidents of fire in a facility shall be reported to the department within seventy-two (72) hours.

(6) Smoking: Smoking by residents shall be permitted only in designated areas supervised in accordance with the conditions, needs, and safety of residents.

(7) Prevention of ignition: Heating devices and piping shall be designed or enclosed to prevent the

ignition of clothing or furniture.

(8) Floor coverings: Scatter rugs and highly polished, slippery floors are prohibited, except for non-slip entrance mats. All floor coverings and edging shall be securely fastened to the floor or so constructed that they are free of hazards such as curled and broken edges.

(9) Roads and sidewalks: The ambulatory and vehicular access to the facility shall be kept passable and open at all times of the year. Sidewalks, drives, fire escapes, and entrances shall be kept free of ice, snow, and other obstructions.

H. SAFETY AND SYSTEMS:

(1) Maintenance: The building shall be maintained in good repair and kept free of hazards such as those created by any damaged or defective building equipment.

(2) Corridors:

(a) Handrails. Corridors used by residents shall be equipped with handrails firmly secured on each side of the corridor.

(b) Size. All corridors in resident use areas shall be at least eight (8) feet wide.

(3) Doors:

(a) Size. Doors to residents' rooms shall not be less than three (3) feet eight (8) inches wide and six (6) feet eight (8) inches in height, and shall be at least one and three-quarter inches solid core wood or equivalent construction.

(b) Latches. Each designated fire exit door shall have such latches or hardware that the door can be opened from the inside by pushing against a single bar or plate or by turning a single knob or handle.

(c) Locks on exit doors from the building and from nursing areas and wards may not be hooked or locked to prevent exit from the inside, shall be installed on the door of the resident's room, unless the lock is operable from inside the room with a simple one-hand, one-motion operation without the use of a key unless the resident is confined; a master-key is available to emergency personnel such as the fire department.

(4) Toilet room doors: Resident toilet room doors shall be not less than three (3) feet zero (0) inches by six (6) feet eight (8) inches, and shall not swing into the toilet room unless they are provided with two way hardware.

(5) Thresholds: Raised thresholds which cannot be traversed easily by a bed on wheels, a wheelchair, a drug cart, or other equipment on wheels shall not be used.

I. EMERGENCY POWER: Emergency electrical service with an independent power source which covers lighting as nursing stations, telephone switchboards, exit and corridor lights, boiler room, and fire alarm systems, shall be provided. The service may be battery operated if effective for at least four (4) hours.

J. FIRE PROTECTION:

(1) Carpeting: Carpeting shall not be installed in rooms used primarily for the following purposes: food preparation and storage, dish and utensil washing, soiled utility workroom, janitor closet, laundry processing, hydro-therapy, toilet and bathing, resident isolation, and resident examination.

(2) Carpet fireproofing: Carpeting, including underlying padding, if any, shall have a flamespread rating of seventy-five (75) or less when tested in accordance with standard 255 of the National Fire Protection Association (NFPA), or a critical radiant flux of more than 0.45 watts per square centimeter when tested in accordance with NFPA standard 253, 1978 edition. Certified proof by the manufacturer of the aforementioned test for the specific product shall be available in the facility. Certification by the installer that the material installed is the product referred to in the test shall be obtained by the facility. Carpeting shall not be applied to walls in any case except where the flamespread rating can be shown to twenty-five (25) or less.

(3) Acoustical tile: Acoustical tile shall be non-combustible.

(4) Wastebaskets: Wastebaskets shall be of non-combustible materials.

(5) Vertical exit stairways: At least one interior exit stairway shall be provided to that an enclosed protected path of at least one-hour fire resistive construction is available for occupants to proceed with safety to the exterior of the facility.

(6) Housing blind, non-ambulatory, or handicapped residents: In an existing facility of two (2) or more stories which is not of at least two-hour fire resistive construction, blind, non-ambulatory, or physically handicapped

residents shall not be housed above the street level floor unless the facility is either of one-hour protected non-combustible construction (as defined in national fire protection standard 200), fully sprinklered one-hour protected ordinary construction, or fully sprinklered one-hour protected wood frame construction.

(7) Storage of oxygen: Oxygen tanks, when not in use, shall be stored in a ventilated closet designated for that purpose only or stored outside the building of the home in an enclosed secured area. Oxygen storage areas must comply with NFPA 99.

K. SPRINKLERS FOR FIRE PROTECTION: Facilities shall have automatic sprinkler protection throughout buildings. In the event of an addition to, or remodeling of a facility, the entire facility shall have automatic sprinkler protection throughout unless there is a two (2) hour fire rated partition wall between the old and new construction, in which case only the new or remodeled area shall be sprinklered.

L. MECHANICAL SYSTEMS:

(1) Water supply:

(a) A portable water supply shall be available at all times. If a public water supply is available, it shall be used. If a public water supply is not available, the well or wells shall comply with applicable regulations.

(b) An adequate supply of hot water shall be available at all times. The temperature of hot water at plumbing fixtures used by residents may not exceed 110 degrees Fahrenheit (43 degrees C.) and shall be automatically regulated by control valves or by another approved device.

(2) Sewage disposal: All sewage shall be discharged into a municipal sewage system if available. Otherwise, the sewage shall be collected, treated, and disposed of by means of an independent sewage system approved under applicable state law and local authority.

(3) Plumbing: The plumbing for potable water and drainage for the disposal of excreta, infectious discharge, and wastes shall comply with applicable state plumbing standards.

(4) Heating and air conditioning:

(a) The heating and air conditioning systems shall be capable of maintaining adequate temperatures and providing freedom from drafts.

(b) A minimum temperature of at least 70 degrees Fahrenheit (21 degrees C.) in all bedrooms and in all other areas used by residents, unless resident preference is documented for deviations.

(5) Incineration:

(a) Facilities for the incineration of soiled dressings and similar wastes, as well as garbage and refuse, shall be provided when other methods of disposal are not available.

(b) An incinerator shall not be flue fed nor shall any upper floor charging chute be connected with the combustion chamber.

(6) Telephone: There shall be at least one operational non-pay telephone on the premises and as many additional telephones as are deemed necessary in an emergency.

(7) General lighting:

(a) Adequate lighting shall be provided in all areas of the facility. Lighting shall be of a type that does not produce discomfort due to high brightness, glare or reflecting surface. No candles, oil lanterns, or other open flame method of illumination may be used.

(b) Facilities shall have lighting during the evening and night hours that is commensurate with staff needs.

(8) Ventilation:

(a) The facility shall be well-ventilated through the use of windows, mechanical ventilation, or a combination of both. Rooms and areas which do not have outside windows and which are used by residents or personnel shall be provided with functioning mechanical ventilation to change the air on a basis commensurate with the type of occupancy.

(b) All inside bathrooms and toilet rooms shall have mechanical ventilation to the outside.

(c) Mechanical ventilation shall be provided to the resident area corridors, solarium, dining, living and recreation areas, and nursing stations. These areas shall be under positive pressure;

(d) All rooms in which food is stored, prepared or served, or in which utensils are washed shall be well-ventilated. Refrigerated storage rooms need not be ventilated.

- (e) Kitchens, bathrooms, utility rooms, janitor closets, and soiled linen rooms shall be ventilated.
 - (9) Elevators: At least one elevator shall be provided in the facility if resident beds or activities are located on more than one floor. The platform size of the elevator shall be large enough to hold a resident bed as and attendant.
 - (10) Electrical:
 - (a) In all facilities, non-conductive wall plates shall be provided where the system is not properly grounded.
 - (b) In new construction begun after the effective date of these regulations, at least two (2) duplex-type outlets shall be provided for each bed.
- [7-1-60, 7-1-64, 5-2-89; 7.9.2.71 NMAC – Rn, 7 NMAC 9.2.71, 8-31-00]

7.9.2.72 RESIDENTS' ROOMS:

- A. ASSIGNMENT OF RESIDENTS:** Residents co-habiting a double occupancy room or a ward shall be of the same sex unless residents are married, related, or are consenting adults.
 - B. LOCATION:** No bedroom housing or resident shall:
 - (1) Open directly to a kitchen or laundry.
 - (2) Be located so that a person must pass through a resident's bedroom, toilet room, or bathroom to gain access to any other part of the facility.
 - (3) Be located so that a person must pass through a kitchen or laundry to gain access to the resident's room or other part of the facility.
 - C. ACCESS TO CORRIDOR AND OUTSIDE:** Each bedroom shall have direct access to a corridor and outside exposure with the floor at or above grade level.
 - D. SIZE:**
 - (1) The minimum floor area per bed shall be one hundred (100) square feet in single rooms and eighty (80) square feet per bed in multiple bedrooms, exclusive of vestibule, closets, built-in vanity and wardrobe, toilet rooms and built-in lockers. The department may waive this requirement in individual cases where the facility has demonstrated in writing that such variations are in accordance with the particular needs of the residents and will not adversely affect their health and safety.
 - (2) Resident rooms shall be large enough to permit the sides and feet of all beds to be not less than two (2) feet from the nearest walls.
 - (3) Ceilings shall be at least eight (8) feet in height.
 - E. WINDOWS:** The bottom sill of windows in bedrooms shall be no more than three (3) feet from the floor.
 - F. BED CAPACITY:** No rooms shall house more than four (4) beds.
 - G. BED ARRANGEMENTS:** The beds shall be arranged so that the beds shall be at least three (3) feet apart and clear aisle space of at least three (3) feet from the entrance to the room to each bed shall be provided.
 - H. CLOSET SPACE:** A closet or locker shall be provided for each resident in each bedroom. Closets or lockers shall afford a space of not less than fifteen (15) inches wide by eighteen (18) inches deep by five (5) feet in height for each resident bed.
 - I. CUBICLE CURTAINS:** Each bed in a multiple-bed room shall have a flame retardant or flameproof cubicle curtain or an equivalent divider that will assure resident privacy.
 - J. ROOM IDENTIFICATION:** Each bedroom shall be identified with a unique number placed on or near the door.
 - K. DESIGN AND PROXIMITY TO BATHS:** Residents' bedrooms shall be designed and equipped for adequate nursing care and the comfort and privacy of residents. Each bedroom shall have or shall be conveniently located near adequate toilet and bathing facilities.
- [7-1-60, 7-1-64, 5-2-89; 7.9.2.72 NMAC – Rn, 7 NMAC 9.2.72, 8-31-00]

7.9.2.73 TOILET AND BATHING FACILITIES:

- A. GENERAL:** All lavatories required by this subsection shall have hot and cold running water.