

CHAPTER 44:04:03

FIRE PROTECTION

Section

- 44:04:03:01 Fire safety code requirements.
- 44:04:03:02 General fire safety.
- 44:04:03:02.01 Staffing exception for assisted living centers during sleeping hours.
- 44:04:03:03 Repealed.

44:04:03:01. Fire safety code requirements. Each facility, except an adult foster care home, must meet applicable fire safety standards in **NFPA 101 Life Safety Code**, 2000 edition.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 15 SDR 155, effective April 20, 1989; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; 29 SDR 81, effective December 11, 2002.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

Reference: **NFPA 101 Life Safety Code**, 2000 edition, National Fire Protection Association. Copies may be obtained from the National Fire Protection Association, P.O. Box 9101, Quincy, Massachusetts 02269-9101. Phone: 1-800-344-3555. Cost: \$53.50.

44:04:03:02. General fire safety. Each licensed health care facility covered under this article must be constructed, arranged, equipped, maintained, and operated to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the structure in case of fire or other emergency. The fire alarm system must be sounded each month. A minimum of two staff members must be on duty at all times. In multilevel facilities, at least one staff member must be on duty on each floor containing occupied beds. Compliance with this section does not eliminate or reduce the necessity for other provisions for safety of persons using the structure under normal occupancy conditions.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 30 SDR 84, effective December 4, 2003.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

Cross-References: Fire safety code requirements, § 44:04:03:01; Staffing exception for assisted living centers, § 44:04:03:02.01.

44:04:03:02.01. Staffing exception for assisted living centers during sleeping hours. Certain staffing exceptions for assisted living centers during sleeping hours are allowed as follows:

(1) For assisted living centers with ten beds or less, one staff person in the facility is required during sleeping hours. This staff person may sleep if:

- (a) The facility fire alarm promptly alerts staff;
- (b) Exterior door alarms are audible in the staff bedroom;
- (c) A staff call system is available;
- (d) The staff bedroom has an egress window; and
- (e) The residents have an evacuation score which shows them capable of prompt evacuation (three minutes or less) as defined in § 3.3.56, evacuation capability, of **NFPA 101 Life Safety Code**, 2000 edition;

(2) For assisted living centers with 11 to 16 beds, inclusive, one staff person who is awake is required during sleeping hours if:

- (a) The facility fire alarm promptly alerts staff;
- (b) A staff call system is available; and
- (c) The residents have an evacuation score which shows them capable of prompt evacuation (three minutes or less) as defined in § 3.3.56, evacuation capability, of **NFPA 101 Life Safety Code**, 2000 edition;

(3) For an assisted living center with 16 beds or less, that is a stand-alone facility, one staff person who is awake is required during the sleeping hours if:

- (a) The facility fire alarm promptly alerts staff;
- (b) The facility is equipped with an automatic sprinkler system as defined in § 9.7, automatic sprinklers, of **NFPA 101 Life Safety Code**, 2000 edition;
- (c) An automatic fire alarm dialer as defined in § 9.6.4, Emergency Forces Notification, of **NFPA 101 Life Safety Code**, 2000 edition, to summon the local fire department is provided;
- (d) A staff call system is available; and
- (e) The residents have an evacuation time which shows them capable of evacuation in five minutes or less;

(4) For an assisted living center with 16 beds or less, physically attached to a nursing facility or hospital, one staff person who is awake is required during sleeping hours if:

- (a) The facility fire alarm promptly alerts staff;
- (b) The facility is equipped with an automatic sprinkler system, as defined in § 9.7, automatic sprinklers, of **NFPA 101 Life Safety Code**, 2000 edition;
- (c) An automatic fire alarm dialer as defined in § 9.6.4, Emergency Forces Notification, of **NFPA Life Safety Code**, 2000 edition, to summon the local fire department is provided;
- (d) A fire annunciator panel is provided at the nursing facility or hospital nurses station;
- (e) A call system is available; and
- (f) The residents have an evacuation time which shows them capable of evacuation in eight minutes or less.

Source: 22 SDR 70, effective November 19, 1995; 24 SDR 90, effective January 4, 1998; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; 29 SDR 81, effective December 11, 2002; 31 SDR 62, effective November 7, 2004.

General Authority: SDCL 34-12-13.

Law Implemented: SDCL 34-12-13.

Reference: **NFPA 101 Life Safety Code**, 2000 edition, National Fire Protection Association. Copies may be obtained from the National Fire Protection Association, P.O. Box 9101, Quincy, Massachusetts 02269-9101. Phone: 1-800-344-3555. Cost: \$53.50.

44:04:03:03. Modifications. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 4 SDR 14, effective September 14, 1977.