

## CHAPTER 44:04:02

### PHYSICAL ENVIRONMENT

#### Section

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#### **44:04:02:01. Interpretations.** Repealed.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; repealed, 22 SDR 70, effective November 19, 1995.

**44:04:02:02. Sanitation.** The facility must be designed, constructed, maintained, and operated to minimize the sources and transmission of infectious diseases to residents, patients, personnel, visitors, and the community at large. This requirement shall be accomplished by providing the physical resources, personnel, and technical expertise necessary to ensure good public health practices for institutional sanitation.

**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; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:02.01. Pets.** Any pet kept in a nursing facility, assisted living center, or adult foster care home must not negatively affect the well-being of residents. Policies and procedures regarding the care and training of pets shall be developed following the recommendations of a local veterinarian. The primary responsibility of care or the supervision of care for any pet shall be assigned to a staff member.

**Source:** 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**Cross-Reference:** Physically disabled, blind or deaf person's right to be accompanied by guide dog without extra charge, SDCL 20-13-23.2.

**44:04:02:03. Cleaning methods and facilities.** The facility must have equipment, work areas, and complete written procedures for cleaning, sanitizing, disinfecting, or sterilizing all work areas, equipment, utensils, dressings, medical devices, and solutions used for residents' or patients' care. Common use equipment shall be disinfected or sterilized after each use. Hospitals and nursing facilities must have separate clean and soiled utility rooms.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:03.01. Chemicals used to sanitize, disinfect, or sterilize.** The label of chemicals used to sanitize, disinfect, or sterilize must indicate registration with the Environmental Protection Agency as effective and safe for their intended use.

**Source:** 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:04. Sterilization.** Instruments, supplies, utensils and equipment which are not single service must be decontaminated before sterilization in a manner that will make them safe for handling by personnel. Supplies and equipment commercially prepared and sterilized to retain sterility indefinitely are acceptable in lieu of sterilization in the facility. Autoclaves used for steam sterilization must be bacteriologically monitored at least weekly. Supplies and equipment sterilized and packaged in the facility must have the processing date on the package and must be reprocessed in accordance with any specific manufacturer's recommendation for the packaging.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:05. Housekeeping cleaning methods and equipment.** Written housekeeping procedures must be established for the cleaning of all areas in the facility and copies made available to all housekeeping personnel. All parts of the facility must be kept clean, neat, and free of visible soil, litter, and rubbish. Equipment and supplies must be provided for cleaning of all surfaces. Such equipment must be maintained in a safe, sanitary condition. Hazardous cleaning solutions, chemicals, poisons, and substances shall be labeled, stored in a safe place, and kept in an enclosed section separate from other cleaning materials. Cleaning of areas designed for patient or resident use must be performed by dustless methods which will minimize the spread of pathogenic organisms in the facility's atmosphere. All vacuums used in medical facilities, except assisted living centers and adult foster care homes, must be equipped to provide effective discharge air filtration of particles larger than 0.3 microns. Cleaning must include all environmental surfaces within the facility that are subject to contamination from dust, direct splash, or pathogenic organisms except medical equipment, supplies, or devices that are the responsibility of other services or departments of the facility.

**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; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:06. Food service.** The facility must meet the safety and sanitation procedures for food service in §§ 44:02:07:01, 44:02:07:02, and 44:02:07:04 to 44:02:07:95, inclusive, the Food Service Code. In addition, a mechanical dishwasher must be provided in all facilities of 20 beds or more. The facility must have the space, equipment, supplies, and mechanical systems for efficient, safe, and sanitary food preparation if any part of the food service is provided by the facility.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 24 SDR 90, effective January 4, 1998; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**Note:** Article 44:02, Lodging and Food Service, Administrative Rules of South Dakota, contains the Food Service Code and may be obtained from Legislative Mail, 1320 East Sioux Avenue, Pierre, South Dakota 57501, telephone (605) 773-4935, for \$3.30.

**44:04:02:07. Handwashing facilities.** Handwashing facilities consisting of hot and cold running water dispensed through a mixing faucet controlled with blade handles or other hands-free controls, a towel dispenser with single-service towels or a hand-drying device, and hand cleanser must be located in dietary areas, utility rooms, nurses' stations, pharmacies, laboratories, nurseries, surgical suites, delivery suites, physical therapy rooms, restorative therapy rooms, examination and treatment rooms, emergency rooms, laundry, and all toilet rooms not directly connected to patient

or resident rooms. A handwashing facility must be provided in each patient or resident room or in a bath or toilet room connected directly to the room. If existing faucets and controls are replaced or changed, they must be replaced with mixing faucets controlled with blade handles or other hands-free controls.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000; 31 SDR 62, effective November 7, 2004.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**Cross-Reference:** Plumbing fixtures, § 44:04:13:33.

**44:04:02:08. Linen.** The supply of bed linen and towels shall equal three times the licensed capacity. The supply of bed linen for an assisted living center shall equal two times the licensed capacity. There must be written procedures for the storage and handling of soiled and clean linens. Facilities must contract with commercial laundry services or the laundry service of another licensed health care facility for all common use linens if laundry services are not provided on the premises. Facilities providing laundry services must have adequate space and equipment for the safe and effective operation of the laundry service. Commingled patients' or residents' personal clothing, common-use linen, such as towels, washcloths, gowns, bibs, protective briefs, and bedding, and any isolation clothing must be processed by methods that assure disinfection. If hot water is used for disinfection, minimum water temperatures supplied for laundry purposes must be 160 degrees Fahrenheit (71 degrees centigrade). If chlorine bleach is added to the laundry process to provide 100 parts per million or more of free chlorine, the minimum hot water temperatures supplied for laundry purposes may be reduced to 140 degrees Fahrenheit (60 degrees centigrade). The department may approve an alternative commercial formula if the formula is demonstrated by bacterial pathogen testing to be substantially equivalent as a disinfectant. Any resident's personal clothing that is not commingled may be processed according to manufacturer's recommendations using water temperatures and detergent in quantity as recommended by the garment or detergent manufacturer. There must be distinct areas for the storage and handling of clean and soiled linens. Those areas used for the storage and handling of soiled linens must be negatively pressurized. Special procedures must be established for the handling and processing of contaminated linens. Soiled linen must be placed in closed containers prior to transportation. To safeguard clean linens from cross contamination, they must be transported in containers used exclusively for clean linens, must be kept covered with dust covers at all times while in transit or in hallways, and must be stored in areas designated exclusively for this purpose. Written requests for any modification of the requirements of this section must be received and approved by the department before any changes are made.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 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; 28 SDR 83, effective December 16, 2001; 30 SDR 84, effective December 4, 2003.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:09. Infection control.** The infection control program must utilize the concept of standard precautions as the basis for infection control pursuant to chapter 44:20:04. Bloodborne pathogen control must include a written exposure control plan, approved by the facility's medical director or physician responsible for infection control, that addresses the requirements contained in 29 C.F.R. 1910.1030, December 6, 1991. The facility must designate an employee to be responsible for the implementation of the infection control program including surveillance and reporting activities. There must be written procedures that govern the use of aseptic techniques and procedures in all areas of the facility. Each facility shall develop policies and procedures for the handling and storage of potentially hazardous substances (including lab specimens). There must be a method of control used in relation to the sterilization of supplies and a written policy requiring sterile supplies to be reprocessed. The facility must provide orientation and continuing education to all personnel on the facility's staff on the cause, effect, transmission, prevention, and elimination of infections. A written policy must be developed for evaluation and reporting of any employee with a reportable infectious disease.

**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; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; 28 SDR 83, effective December 16, 2001; 31 SDR 62, effective November 7, 2004.

**General Authority:** SDCL 34-12-13, 34-22-9.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:10. Plumbing.** Facility plumbing systems must be designed and installed in accordance with SDCL 36-25-15 and 36-25-15.1. Plumbing must be sized, installed, and maintained to carry required quantities of water to required locations throughout the facility. Plumbing may not constitute a source of contamination of food equipment or utensils or create an unsanitary condition or nuisance.

**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.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:11. Water supply.** The facility's water supply must be obtained from a public water system or, in its absence, from a supply approved by the Department of Environment and Natural Resources. Private water supplies must have a water sample bacteriologically tested at least monthly. The volume of water must be sufficient for the needs of the facility, including fire fighting requirements. The hot water system must be capable of supplying the work and patient or resident areas with water at the required temperatures. Maximum hot water temperatures at plumbing fixtures used by patients and residents may not exceed 125 degrees Fahrenheit (52 degrees centigrade). The minimum temperature of hot water for patient and resident use must be at least 100 degrees Fahrenheit (38 degrees centigrade).

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; 28 SDR 83, effective December 16, 2001.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**Cross-References:** Standards adopted for plumbing -- Conformity to National Code, SDCL 36-25-15; Scope and objectives of plumbing standards and rules, SDCL 36-25-15.1.

**44:04:02:12. Ventilation.** Electrically powered exhaust ventilation must be provided in all soiled areas, wet areas, toilet rooms, and storage rooms. Clean storage rooms may also be ventilated by supplying and returning air from the room space.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 29 SDR 81, effective December 11, 2002.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:13. Lighting.** Spaces occupied by people, machinery, and equipment within buildings and their approaches and parking lots must have artificial lighting at a level for general safety. Patient or resident bedrooms must have general lighting and night lighting. A reading light must be provided for each patient or resident who can benefit from one. Required exits must be equipped with continuous emergency lighting. Emergency power must be provided if the main source of power fails.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 27 SDR 59, effective December 17, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:14. Refuse and waste disposal.** Garbage, refuse, and waste must be handled and disposed of in a safe and sanitary manner. Medical waste that is categorized as regulated in article 74:35 must be disposed of as specified in that article. Final disposal of all refuse and waste must comply with articles 74:27 and 74:28. Putrescible garbage must be removed from the premises at least twice a week from April 1 to September 30, inclusive. Any modification of the requirement for twice-weekly garbage removal must be received and approved by the department before modifications are made.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:15. Insect and rodent control.** The facility must take effective measures to protect against the entrance into the facility and the breeding or presence on the premises of rodents, flies, roaches, and other vermin. The facility may use chemical substances of a poisonous nature in accordance with the requirements of this section to control or eliminate various types of vermin. The substances must be properly colored and labeled to identify them as poisons, must be used and stored in a safe manner, and may not be stored with food or drugs used for human consumption. Extreme care must be taken to prevent any poisons from contaminating food or food products.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:16. Sewage disposal.** Sewage must be disposed of in a public sewage works system or, in its absence, in a manner approved by the department in accordance with SDCL chapter 34A-2.

**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.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:17. Occupant protection.** Each licensed health care facility covered by this article must be constructed, arranged, equipped, maintained, and operated to avoid injury or danger to the occupants. The extent and complexity of occupant protection precautions is determined by the services offered and the physical needs of the patients and residents admitted to the facility. The facility must take at least the following precautions:

- (1) Develop and implement a written and scheduled preventive maintenance program;
- (2) Provide securely constructed and conveniently located grab bars in all toilet rooms and bathing areas used by patients or residents;
- (3) Provide a call system for each patient or resident bed and in all toilet rooms and bathing facilities routinely used by patients or residents. The call system must be capable of being easily activated by the patient or resident and must register at a station serving the unit. A wireless call system may be used;
- (4) Provide handrails firmly attached to the walls on both sides of all resident corridors in nursing facilities;
- (5) Provide grounded or double-insulated electrical equipment or protect the equipment with ground fault circuit interrupters. Ground fault circuit interrupters must be provided in wet areas and for outlets within six feet of sinks;
- (6) Install an electrically activated audible alarm on all unattended exit doors in nursing facilities. Other exterior doors must be locked or alarmed. The alarm must be audible at a designated nurses' station and may not automatically silence when the door is closed;
- (7) Portable space heaters and portable halogen lamps for illumination in resident rooms and common use areas may not be used in a facility;
- (8) Household-type electric blankets or heating pads may not be used in a facility;

(9) Any light fixture located over a patient or resident bed, in any bathing or treatment area, in a clean supply storage room, in any laundry clean linen storage area, or in any medication set-up area must be equipped with a lens cover or a shatterproof lamp; and

(10) Any clothes dryer must have a galvanized metal vent pipe for exhaust.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 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; 24 SDR 90, effective January 4, 1998; 26 SDR 96, effective January 23, 2000; 27 SDR 59, effective December 17, 2000; 28 SDR 83, effective December 16, 2001; 29 SDR 81, effective December 11, 2002; 30 SDR 84, effective December 4, 2003.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:18. Area requirements for currently licensed patient/resident rooms.** Each currently licensed patient or resident room must have at least 75 square feet (6.98 square meters) of floor space per bed, with at least 3 feet (0.91 meters) between beds in multi-bed rooms exclusive of closets and wardrobes; and 95 square feet (8.83 square meters) in single rooms, exclusive of closets and wardrobes. Each patient or resident must have for individual use in the assigned room a bed, a bedside stand, and a chair appropriate to the needs and comfort of the patient or resident. Hospitals must have 20 square feet (1.86 square meters) of general storage for each bed. Nursing facilities and assisted living centers must have 10 square feet (0.93 square meters) of general storage for each bed. A total of 37.5 square feet (3.48 square meters) of recreational, activity, dining, and occupational therapy area for each bed and each day care patient must be provided in nursing facilities and assisted living centers. Facilities must be constructed, equipped, and operated to maintain the privacy and dignity of all patients or residents. In multi-bed rooms, each bed must be able to be separated from the other beds by privacy curtains.

**Source:** SL 1975, ch 16, § 1; 4 SDR 14, effective September 14, 1977; 6 SDR 93, effective July 1, 1980; 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995; 24 SDR 90, effective January 4, 1998.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**Cross-Reference:** Area requirements for new construction or renovations, § 44:04:13:02(2).

**44:04:02:18.01. Room required for isolation techniques.** When a physician determines isolation is required, a private room with necessary equipment, including handwashing facilities, to carry out isolation techniques must be provided. Isolation of a patient or resident with suspected or confirmed tuberculosis in a communicable form requires the room to have a negative air pressure with regard to the corridor and connecting rooms and a minimum of six air exchanges an hour exhausted to the outside air.

**Source:** 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995.

**General Authority:** SDCL 34-12-13, 34-22-9.

**Law Implemented:** SDCL 34-12-13.



**44:04:02:18.02. Office required for social services activities.** An office which is large enough to accommodate private consultation and record keeping and which is easily accessible to patients or residents must be provided for social services activities.

**Source:** 14 SDR 81, effective December 10, 1987; 22 SDR 70, effective November 19, 1995.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:19. Physical plant changes.** A facility must submit any proposed change by new construction, remodeling, or change of use of an area to the department. Any change must have the approval of the department before it is made.

**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; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:20. Location.** The location of facilities must promote the health, treatment, comfort, safety, and well-being of persons accepted and retained for care. Facilities must be served by good, passable roads. Easy accessibility for employees, visitors, and fire-fighting services must be maintained.

**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; 26 SDR 96, effective January 23, 2000.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:21. Heating and cooling.** The temperature in any occupied space in the facility must be maintained between 68 and 80 degrees Fahrenheit during waking hours and not lower than 64 degrees Fahrenheit during sleeping hours. Individual resident space may be maintained outside the required range when desired by the occupant.

**Source:** 29 SDR 81, effective December 11, 2002.

**General Authority:** SDCL 34-12-13.

**Law Implemented:** SDCL 34-12-13.

**44:04:02:22. Seclusion rooms in hospitals.** Each seclusion room must be arranged for the safety of the patient and to prevent patient hiding, escape, injury, or suicide. The room must be without sharp corners. The room door must swing out of the patient room, but not into a general traffic corridor. Each room door must permit staff observation of the patient while still providing for patient privacy. Each finish fastener and hardware must be tamper resistant. Security fixtures must be provided for lighting. Nine foot ceiling heights must be provided. An anteroom at the seclusion room entrance should be provided to allow staff controlled access to the seclusion room toilet facility. Any lock on a seclusion room must be controlled by staff at the door location and must unlock when released by the staff person. A locking device may be manual or automatic in nature.

**Source:** 30 SDR 84, effective December 4, 2003; 31 SDR 62, effective November 7, 2004.  
**General Authority:** SDCL 34-12-13.  
**Law Implemented:** SDCL 34-12-13.