

Kansas Administrative Regulations

Department of Health and Environment

Article 39.—Licensure of Adult Care Homes

28-39-254. Construction; general requirements.

(a) The assisted living facility or residential health care facility shall be designed, constructed, equipped and maintained to protect the health and safety of residents, personnel and the public.

(b) All new construction, renovation, remodeling and changes in building use in existing buildings shall comply with building and fire codes, ordinances and regulations enforced by city, county, and state jurisdictions, including the state fire marshal.

(c) New construction, modifications and equipment shall conform to the following codes and standards:

(1) Title III of the Americans with disabilities act, 42 U.S.C. 12181, effective as of January 26, 1992; and

(2) "Food Service Sanitation Manual," health, education, and welfare (HEW) publication no. FDA 78-2081, as in effect on July 1, 1981.

(d) Site location requirements. The facility shall be:

(1) Served by all-weather roads and streets;

(2) free from noxious or hazardous smoke or fumes;

(3) at least 4,000 feet from concentrated livestock operations, including feedlots and shipping and holding pens;

(4) free of flooding for a 100-year period; and

(5) sufficient in area and configuration to accommodate the building or buildings, drives, parking, sidewalks, and an outdoor recreation area.

(e) Site development requirements.

(1) Final grading of the site shall provide for positive surface drainage away from the building and positive protection and control of surface drainage and freshets from adjacent areas.

(2) Except for lawn or shrubbery which may be used in landscape screening, an unencumbered outdoor open area shall be provided for recreation and shall be designated for that purpose on the plot plan. The licensing agency may approve outdoor areas provided by terraces, roof gardens, or similar provisions for facilities located in high density urban areas.

(f) General building exterior.

(1) Each exterior pathway or access to the facility's common use areas and entrance or exit ways shall be:

(A) made of hard smooth material;

(B) barrier free; and

(C) maintained in good repair.

(2) There shall be a means of monitoring each exterior entry and exit for security purposes.

(3) Outdoor recreation areas shall be provided and available to residents.

(g) General building interior.

(1) Each assisted living facility shall consist of apartments which contain at least the following:

(A) A sleeping area with a window which opens for ventilation and that conforms with minimum dimensions described in the uniform building code, section 1204 as in effect on January 26, 1992 for egress to the outside;

(B) a living area;

(C) a storage area with a door or doors, a shelf and a hanging rod accessible to the resident;

(D) a kitchen area equipped with a sink, a refrigerator, a stove or a microwave and space for storage of utensils and supplies. Provision shall be available to disconnect the stove if necessary for resident safety;

(E) a toilet room which contains a toilet, lavatory, and a bath tub or shower accessible to a resident with disabilities;

(F) an entrance door which has only one locking device which releases with operation of the inside door handle. This lock shall be masterkeyed from the corridor side; and

(G) at least 200 square feet of living space not including the toilet room, closets, lockers, wardrobes, other built-in fixed items, alcoves and vestibules.

(2) Any assisted living facility licensed before January 1, 1995, as an intermediate personal care facility shall not be required to have kitchens and private baths in apartments.

(3) Each residential health care facility shall provide individual living units which include at least the following:

(A) A sleeping area with a window which opens for ventilation and that conforms with minimum dimensions described in the uniform building code, section 1204 as in effect on January 26, 1992 for egress to the outside;

(B) a toilet room which contains a toilet, lavatory and a bathing unit accessible to a resident with disabilities;

(C) a storage area with a door, a shelf and a hanging rod accessible to the resident;

(D) an entrance door which has only one locking device which releases with operation of the inside door handle. This lock shall be master-keyed from the corridor side; and

(E) at least 100 square feet of living space not including the toilet room, closets, lockers, wardrobes, other built-in fixed items, alcoves, and vestibules.

(4) If a resident in a residential health care facility shares an individual living unit with another resident, there shall be at least 80 square feet of living space per resident.

(5) Any facility licensed as intermediate personal care home before January 1, 1995 shall not be required to have a bathing unit in each toilet room.

(6) Any nursing facility licensed on or before July 1, 1995 which wishes to license a section of the facility as a residential health care facility shall have private bathing facilities in at least 20 percent of the individual living units.

(7) The individual living units in any wing or floor of the nursing facility licensed as residential health care shall be contiguous.

(8) Any nursing facility which has changed licensure level in a wing or floor of the facility as found in paragraph (g)(6) of this regulation may change that wing or floor back to a nursing facility as long as all environmental elements required at the time of the initial change are met.

(h) Common use areas.

(1) Each entrance shall be at ground level and shall be accessible to individuals with disabilities.

(2) Except for adjoining use areas which have closely related functions, each common use area shall have access from a general corridor without passing through any intervening use area. Large open areas or central living areas, including living rooms, dining rooms and dens, may be considered to be corridors.

(i) Bathing room.

(1) There may be a bathing room with a mechanical tub and sufficient floor space to allow accessibility for a resident using a wheelchair.

(2) The room shall contain provisions for an individual heat control or a supplemental heat source and shall have an exhaust to the outside.

(3) A toilet and lavatory shall be accessible without entering the general corridor.

(j) Public restroom.

(1) There shall be a public restroom accessible to individuals with disabilities on each floor of the facility. This restroom shall be available to staff and visitors.

(2) The restroom shall contain a toilet, lavatory, waste container and a non-reusable method of hand drying.

(k) Dining room. The facility shall have a dining room or dining rooms with the capacity to seat all residents.

(l) Social and recreation areas. The facility shall have common areas for social and recreational use by residents.

(m) Public telephone. There shall be a local access public telephone accessible to individuals with disabilities in a private area that allows a resident or another individual to conduct a private conversation.

(n) Smoking. If smoking is allowed:

(1) A public use area or areas shall be provided for residents, visitors and employees in which smoke is exhausted to the outside; and

(2) the facility shall ensure that residents who desire to live in a smoke-free environment may do so.

(o) The facility shall ensure that residents who desire to receive mail without staff intervention may do so.

(p) Any assisted living facility or residential health care facility which is physically attached to a nursing facility may share common use areas with the nursing facility. However, the facility shall provide for at least one common living or recreational area designated primarily for use by residents of the assisted living or residential health care facility.

(Authorized by and implementing K.S.A. 39-932; effective Feb. 21, 1997.)

***** Authenticated Kansas Administrative Regulation *****