

Kansas Administrative Regulations

Department of Health and Environment

Article 39.—Licensure of Adult Care Homes

28-39-289. Construction; general requirements.

(a) Each adult day 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, and remodeling or 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, as implemented by 28 C.F.R. part 36, as published on July 26, 1991 and hereby adopted by reference; and

(2) "food service sanitation manual," health, education, and welfare (HEW) 1976 publication no. FDA 78-2081, which is hereby adopted by reference.

(d) Site location requirements. Each facility shall meet the following requirements:

(1) Be served by all-weather roads and streets;

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

(3) be located a minimum of 4,000 feet from concentrated livestock operations, including feedlots and shipping and holding pens;

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

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

(e) General building exterior.

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

(A) Be made of hard, smooth material;

(B) be free of barriers; and

(C) be maintained in good repair.

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

(3) Each facility shall provide outdoor recreation areas for residents.

(f) Common use areas.

(1) Each facility shall have sufficient common-use space to accommodate the full range of program activities and services.

(A) Space shall be provided for activities at a rate of 60 square feet per resident capacity of the facility. Reception areas, storage areas, offices, rest rooms, passageways, treatment rooms, service areas, or specialized space used only for therapies shall not be included when calculating activity space square footage.

(B) A private area equipped with a bed shall be available for residents who become ill, may require a rest period, or need a quiet area for treatment of behavioral symptoms.

(C) Each facility shall have social, recreational, and dining areas that provide for the activity needs of residents. The dining area shall have seating capacity for all residents in attendance at any one time.

(D) Rooms or areas used for resident services and activities shall have furniture appropriate to the needs of the residents attending the adult day care program.

(2) Each facility located in a building housing other services shall have a separate, identifiable space for adult day care activity areas provided during hours of operation. Space, including the kitchen and therapy rooms, may be shared.

(3) Rest room or rooms.

(A) Each rest room shall be accessible to residents with disabilities and shall contain a toilet or toilets, lavatory, waste container, and a nonreusable method of hand drying.

(B) The number of toilets and lavatories accessible to residents shall include the following:

(i) One to five residents: one toilet and lavatory;

(ii) six to 10 residents: two toilets and two lavatories; and

(iii) 11 or more residents: one toilet and lavatory for each 10 residents over 10.

(4) Bathing room.

(A) There may be a bathing room with a tub, shower, or mechanical tub.

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

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

(Authorized by and implementing K.S.A. 39-932; effective Oct. 8, 1999.)

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