

CHAPTER 4658
DEPARTMENT OF HEALTH
NURSING HOMES

4658 0010	DEFINITIONS	4658 2030	SPECIALIZED CARE UNIT
4658 0191	PENALTIES FOR VIOLATIONS OF RESIDENTS' BILL OF RIGHTS	4658 2090	PENALTIES FOR SPECIALIZED UNITS RULE VIOLATIONS
4658 0192	NURSING HOME STATUTES, FINES		PHYSICAL PLANT LICENSURE, EXISTING AND NEW
4658 0193	REPORTING MALTREATMENT OF VULNERABLE ADULTS, FINES	4658 3000	LICENSURE
	RESIDENT RIGHTS	4658 3005	COMPLIANCE WITH RULES
4658 0200	POLICIES CONCERNING RESIDENTS	4658 3090	PENALTIES FOR PHYSICAL PLANT LICENSURE RULE VIOLATIONS
4658 0205	PROCEDURE AT DEATH.		NEW CONSTRUCTION, PLANS
4658 0210	ROOM ASSIGNMENTS	4658 3500	INCORPORATION BY REFERENCE, NEW CONSTRUCTION
4658 0215	ADMINISTRATION OF MEDICATIONS	4658 3590	PENALTIES FOR INCORPORATIONS BY REFERENCE, NEW CONSTRUCTION RULE VIOLATIONS
4658 0220	FREEDOM FROM CORPORAL PUNISHMENT AND INVOLUNTARY SECLUSION	4658 4000	PREPARATION OF PLANS, NEW CONSTRUCTION
	RESIDENT PERSONAL FUNDS ACCOUNT	4658 4005	APPROVAL OF PLANS, NEW CONSTRUCTION
4658 0250	ADMISSION POLICIES	4658 4010	PRELIMINARY PLANS, NEW CONSTRUCTION
4658 0255	AUTHORIZATION	4658 4015	FINAL PLANS, NEW CONSTRUCTION
4658 0260	PERSONAL FUND ACCOUNTING AND RECORDS	4658 4020	FINAL MECHANICAL AND ELECTRICAL PLANS, NEW CONSTRUCTION
4658 0265	DEPOSIT OF PERSONAL FUNDS	4658 4025	START OF CONSTRUCTION, NEW CONSTRUCTION
4658 0270	WITHDRAWAL OF FUNDS FROM THE ACCOUNT	4658 4030	FINAL INSPECTION, NEW CONSTRUCTION
4658 0275	RETURN OF FUNDS AFTER DISCHARGE OR DEATH	4658 4035	PLAN SAFEKEEPING, NEW CONSTRUCTION
4658 0290	PENALTIES FOR RESIDENT RIGHTS RULE VIOLATIONS	4658 4040	SITE, NEW CONSTRUCTION
4658 0300	USE OF RESTRAINTS	4658 4090	PENALTIES FOR PLANS, NEW CONSTRUCTION RULE VIOLATIONS
	CLINICAL RECORDS		RESIDENT AREAS; NEW CONSTRUCTION
4658 0445	CLINICAL RECORD	4658 4100	RESIDENTS' BEDROOM REQUIREMENTS, CAPACITIES, NEW CONSTRUCTION
4658 0450	CLINICAL RECORD CONTENTS	4658 4105	BEDROOM DESIGN, NEW CONSTRUCTION
4658 0615	FOOD TEMPERATURES	4658 4110	BEDROOM DOORS, NEW CONSTRUCTION
4658 0620	FREQUENCY OF MEALS	4658 4115	CLOTHES WARDROBE OR CLOSET; NEW CONSTRUCTION
4658 0900	ACTIVITY AND RECREATION PROGRAM	4658 4120	HANDRAILS AND CORRIDORS, NEW CONSTRUCTION
4658 0950	PENALTIES FOR ACTIVITY AND RECREATION PROGRAM RULE VIOLATIONS	4658 4125	NURSING AREA, NEW CONSTRUCTION
4658 0960	SPIRITUAL NEEDS	4658 4130	NOURISHMENT AREA, NEW CONSTRUCTION
4658 0990	PENALTIES FOR SPIRITUAL NEEDS RULE VIOLATIONS	4658 4135	TOILET ROOMS AND SANITARY FIXTURES, NEW CONSTRUCTION
	SOCIAL SERVICES	4658 4140	PROVISION OF RESIDENT TOILET ROOMS, NEW CONSTRUCTION
4658 1000	DEFINITIONS	4658 4145	TOILET ROOM LAYOUT; NEW CONSTRUCTION
4658 1005	SOCIAL SERVICES	4658 4150	HANDICAPPED ACCESSIBLE TOILET ROOMS, NEW CONSTRUCTION
4658 1090	PENALTIES FOR SOCIAL SERVICES RULE VIOLATIONS	4658 4155	CENTRAL BATHING AREA, NEW CONSTRUCTION
4658 1100	BARBER AND BEAUTY SHOP SERVICES	4658 4160	DRINKING FOUNTAINS, NEW CONSTRUCTION
4658 1190	PENALTIES FOR BARBER AND BEAUTY SHOP SERVICES RULE VIOLATIONS	4658 4165	HANDWASHING FACILITIES, NEW CONSTRUCTION
4658 1200	SPECIALIZED REHABILITATIVE SERVICES	4658 4170	STORAGE, NEW CONSTRUCTION
4658 1290	PENALTIES FOR SPECIALIZED REHABILITATIVE SERVICES RULE VIOLATIONS	4658 4175	JANITOR'S CLOSET; NEW CONSTRUCTION
	ENVIRONMENTAL SERVICES	4658 4180	ROOM LABELING, NEW CONSTRUCTION
4658 1400	PHYSICAL ENVIRONMENT	4658 4190	PENALTIES FOR RESIDENT AREAS, NEW CONSTRUCTION RULE VIOLATIONS
4658 1405	RESIDENT UNITS		SUPPORTIVE SERVICES; NEW CONSTRUCTION
4658 1410	LINEN	4658 4200	DINING, DAYROOM, AND ACTIVITY AREAS, REQUIRED FLOOR AREA, NEW CONSTRUCTION
4658 1415	PLANT HOUSEKEEPING, OPERATION, AND MAINTENANCE	4658 4205	DAYROOM, NEW CONSTRUCTION
4658 1420	SOLID WASTE DISPOSAL.		
4658 1425	OZONE GENERATORS		
4658 1490	PENALTIES FOR ENVIRONMENTAL SERVICES RULE VIOLATIONS		
	RELOCATION OF RESIDENTS FROM NURSING HOMES		
4658 1600	DEFINITIONS		
4658 1605	NOTICE TO DEPARTMENT OF HEALTH.		
4658 1610	NURSING HOME RESPONSIBILITIES		
4658 1690	PENALTIES FOR RELOCATION RULE VIOLATIONS		
	SPECIALIZED UNITS		
4658 2000	SECURED UNITS		
4658 2010	PHYSICAL PLANT REQUIREMENTS		
4658 2020	STATEMENT OF OPERATIONS		

- 4658 4210 DINING AREA, NEW CONSTRUCTION
4658 4215 ACTIVITIES AREA, NEW CONSTRUCTION
4658 4290 PENALTIES FOR SUPPORTIVE SERVICES, NEW CONSTRUCTION
DIETARY, LAUNDRY, AND OTHER FACILITIES, NEW CONSTRUCTION
4658 4300 KITCHEN AREA, NEW CONSTRUCTION
4658 4305 FOOD SERVICE EQUIPMENT; NEW CONSTRUCTION
4658 4310 DISHWASHING AREA, NEW CONSTRUCTION
4658 4315 WASHING OF FOOD CARTS, NEW CONSTRUCTION
4658 4320 WASHING OF GARBAGE CANS, NEW CONSTRUCTION
4658 4325 LAUNDRY, SIZE AND LOCATION, NEW CONSTRUCTION
4658 4330 SOILED LINEN COLLECTION ROOM, NEW CONSTRUCTION
4658 4335 LAUNDRY PROCESSING ROOM, NEW CONSTRUCTION
4658 4340 LAUNDRY EQUIPMENT; NEW CONSTRUCTION
4658 4345 CLEAN LINEN STORAGE, NEW CONSTRUCTION
4658 4350 LAUNDRY FOR PERSONAL CLOTHING, NEW CONSTRUCTION
4658 4355 REFUSE, NEW CONSTRUCTION
4658 4360 COVERED ENTRANCE AREA, NEW CONSTRUCTION
4658 4365 FACILITIES FOR PERSONNEL, NEW CONSTRUCTION
4658 4370 REHABILITATIVE SERVICES AREAS, NEW CONSTRUCTION
4658 4375 BARBER AND BEAUTY SHOP SERVICES, NEW CONSTRUCTION
4658 4390 PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES, NEW CONSTRUCTION
CONSTRUCTION, CHUTES, AND ELEVATORS, NEW CONSTRUCTION
4658 4400 AREA HEAT PROTECTION, NEW CONSTRUCTION
4658 4405 DOOR HANDLES, NEW CONSTRUCTION
4658 4410 DUMBWAITERS AND CONVEYORS, NEW CONSTRUCTION
4658 4415 ELEVATORS, NEW CONSTRUCTION
4658 4420 EXTERIOR MECHANICAL SHAFTS, NEW CONSTRUCTION
4658 4425 FLOOR JOINTS, NEW CONSTRUCTION
4658 4430 NONSKID SURFACES, NEW CONSTRUCTION
4658 4435 GLASS PROTECTION, NEW CONSTRUCTION
4658 4440 LINEN AND TRASH CHUTES, NEW CONSTRUCTION
4658 4445 OVERHEAD PIPING, NEW CONSTRUCTION
4658 4450 PROTECTION RAILINGS, NEW CONSTRUCTION
4658 4455 CEILING HEIGHTS, NEW CONSTRUCTION
4658 4460 CEILINGS, WALLS, AND FLOORS, NEW CONSTRUCTION
4658 4490 PENALTIES FOR CONSTRUCTION DETAILS, CHUTES, AND ELEVATORS, NEW CONSTRUCTION
MECHANICAL SYSTEMS, NEW CONSTRUCTION
4658 4500 PLUMBING SYSTEMS, NEW CONSTRUCTION
4658 4505 PLUMBING, NEW CONSTRUCTION
4658 4510 HEATING AND COOLING, NEW CONSTRUCTION
4658 4515 VENTILATION REQUIREMENTS, NEW CONSTRUCTION
4658 4520 VENTILATION PRESSURE RELATIONSHIPS AND VENTILATION FOR CERTAIN AREAS IN NURSING HOMES, EXISTING AND NEW CONSTRUCTION
4658 4525 FRESH AIR INTAKES, NEW CONSTRUCTION
4658 4530 HEIGHT OF REGISTERS, NEW CONSTRUCTION
4658 4535 DIETARY AREA, NEW CONSTRUCTION
4658 4540 LAUNDRY AREA, NEW CONSTRUCTION
4658 4545 MECHANICAL ROOMS, NEW CONSTRUCTION
4658 4550 FILTERS, NEW CONSTRUCTION
4658 4590 PENALTIES FOR MECHANICAL SYSTEMS, NEW CONSTRUCTION
ELECTRICAL SYSTEMS, NEW CONSTRUCTION
4658 4600 DISTRIBUTION PANEL BOARDS, NEW CONSTRUCTION
4658 4605 CORRIDOR RECEPTACLES, NEW CONSTRUCTION
4658 4610 SWITCHES AND RECEPTACLES, NEW CONSTRUCTION
4658 4615 INTERIOR LIGHTING, NEW CONSTRUCTION
4658 4620 FIRE ALARM SYSTEMS, NEW CONSTRUCTION
4658 4625 BEDROOM RECEPTACLES, NEW CONSTRUCTION
4658 4630 NIGHT LIGHTS, NEW CONSTRUCTION
4658 4635 NURSE CALL SYSTEM, NEW CONSTRUCTION
4658 4640 EMERGENCY ELECTRIC SERVICE, NEW CONSTRUCTION
4658 4690 PENALTIES FOR ELECTRICAL SYSTEMS, NEW CONSTRUCTION
RESIDENT AREAS, EXISTING CONSTRUCTION
4658.5000 BEDROOM DESIGN, EXISTING CONSTRUCTION
4658.5005 BEDROOM DOOR LOCKS, EXISTING CONSTRUCTION
4658 5010 CLOTHES WARDROBE OR CLOSET; EXISTING CONSTRUCTION
4658 5015 CORRIDOR HANDRAILS, EXISTING CONSTRUCTION
4658.5020 NURSING AREA, EXISTING CONSTRUCTION
4658 5025 TOILET ROOMS AND SANITARY FIXTURES, EXISTING CONSTRUCTION
4658.5030 CENTRAL BATHING AREA, EXISTING CONSTRUCTION
4658 5035 HANDWASHING FACILITIES, EXISTING CONSTRUCTION
4658.5040 ROOM LABELING, EXISTING CONSTRUCTION
4658.5090 PENALTIES FOR RESIDENT AREAS, EXISTING CONSTRUCTION
SUPPORTIVE SERVICES; EXISTING CONSTRUCTION
4658.5100 DINING, DAYROOM, AND ACTIVITY AREAS, EXISTING CONSTRUCTION
4658 5190 PENALTIES FOR SUPPORTIVE SERVICES, EXISTING CONSTRUCTION
DIETARY, LAUNDRY, AND OTHER FACILITIES, EXISTING CONSTRUCTION
4658 5200 FOOD SERVICE EQUIPMENT; EXISTING CONSTRUCTION
4658.5205 LAUNDRY, EXISTING CONSTRUCTION
4658.5210 SOILED LINEN COLLECTION ROOM, EXISTING CONSTRUCTION
4658.5215 LAUNDRY EQUIPMENT; EXISTING CONSTRUCTION
4658 5220 CLEAN LINEN STORAGE, EXISTING CONSTRUCTION
4658 5225 LAUNDRY FOR PERSONAL CLOTHING, EXISTING CONSTRUCTION
4658 5230 REFUSE, EXISTING CONSTRUCTION
4658.5235 FACILITIES FOR PERSONNEL, EXISTING CONSTRUCTION
4658.5240 REHABILITATIVE SERVICES AREAS, EXISTING CONSTRUCTION

4658 5245	BARBER AND BEAUTY SHOP SERVICES ROOM, EXISTING CONSTRUCTION	4658 5405	VENTILATION REQUIREMENTS, EXISTING CONSTRUCTION
4658 5290	PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES, EXISTING CONSTRUCTION RULE VIOLATIONS	4658 5410	MECHANICAL ROOMS, EXISTING CONSTRUCTION
	CONSTRUCTION DETAILS, EXISTING CONSTRUCTION	4658 5415	FILTERS, EXISTING CONSTRUCTION
4658 5300	AREA HEAT PROTECTION, EXISTING CONSTRUCTION	4658 5490	PENALTIES FOR HEATING AND VENTILATION SYSTEMS, EXISTING CONSTRUCTION RULE VIOLATIONS
4658 5305	NONSKID SURFACES, EXISTING CONSTRUCTION		ELECTRICAL SYSTEMS, EXISTING CONSTRUCTION
4658 5310	GLASS PROTECTION, EXISTING CONSTRUCTION	4658 5500	DISTRIBUTION PANEL BOARDS, EXISTING CONSTRUCTION
4658 5315	CEILINGS, WALLS, AND FLOORS, EXISTING CONSTRUCTION	4658 5505	INTERIOR LIGHTING, EXISTING CONSTRUCTION
4658 5390	PENALTIES FOR CONSTRUCTION DETAILS, EXISTING CONSTRUCTION RULE VIOLATIONS	4658 5510	FIRE ALARM SYSTEMS, EXISTING CONSTRUCTION
	HEATING AND VENTILATION SYSTEMS, EXISTING CONSTRUCTION	4658 5515	NURSE CALL SYSTEM, EXISTING CONSTRUCTION
4658 5400	HEATING SYSTEM, EXISTING CONSTRUCTION	4658 5520	EMERGENCY ELECTRIC SERVICE, EXISTING CONSTRUCTION
		4658 5590	PENALTIES FOR ELECTRICAL SYSTEMS, EXISTING CONSTRUCTION RULE VIOLATIONS

NOTE The adoptions published at 21 SR 196 on August 12, 1996, are effective November 12, 1996

4658.0010 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4658.0010 to 4658.5590 have the meanings given them in this part.

Subp. 1a. **Addition of new resident services.** "Addition of new resident services" means the commencement of a resident service, such as physical or occupational therapy, that is not being provided for the residents as of November 12, 1996.

Subp. 1b. **Changes in existing resident services.** "Changes in existing resident services" means the conversion of existing facility space used for resident services from one function to another function.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Existing facility.** "Existing facility" means a licensed nursing home or nursing home space that was in place before November 13, 1995. All existing facilities will be deemed to be in substantial compliance with the physical plant requirements for new construction, except as noted in this chapter. Existing facilities must, at a minimum, maintain compliance with the rules applicable at the time of their construction

Subp. 4a. **Food service equipment.** "Food service equipment" means all machinery, appliances, equipment, or supplies which are used in the storage, preparation, or serving of food as part of the nursing home's food service program.

Subp. 4b. **Food storage equipment.** "Food storage equipment" means food service equipment that is used in the cold and dry storage of food and supplies as part of the nursing home's food service program.

[For text of subp 5, see M.R.]

Subp. 5a. **New construction.** "New construction" means any addition to, or replacement of, a nursing home after November 12, 1996, that results in new facility space for the operation of the nursing home. The term new construction as used in this chapter includes the erection of new facility space, addition to existing facility space, and any existing facility space converted in order to be licensed under this chapter.

[For text of subps 6 and 7, see M.R.]

Subp. 7a. **Nursing area.** "Nursing area" means an area within the nursing home that is served by a single nurses' station.

[For text of subps 8 to 13, see M.R.]

Subp. 13a. **Redecoration.** "Redecoration" means the repainting of walls or ceilings, or the covering or recovering of walls, ceilings, or floors with suitable interior finishing materials.

Subp 13b. **Remodel.** "Remodel" means reconstruction of existing facility space, including floors, walls, and ceilings. Remodel includes reconstruction work necessary to change the function of the facility space or to facilitate a change in operating capability or physical composition of existing equipment, fixtures, or appurtenances.

Subp. 13c. **Replace-in-kind.** "Replace-in-kind" means the removal of mechanical or electrical equipment or construction materials from facility space and subsequent installa-

tion of new or used equipment or construction materials with similar operating capability, function, and physical composition.

[For text of subp 14, see M.R.]

Subp. 14a. **Room.** "Room" means a space within the facility that has access to the corridor and is totally enclosed with permanently constructed full height walls.

Subp. 14b. **Shelf.** "Shelf" means a horizontal surface manufactured of noncorrosive, cleanable materials.

[For text of subps 15 and 16, see M.R.]

Statutory Authority: *MS s 144A.04; 144A 08*

History: *21 SR 196*

4658.0191 PENALTIES FOR VIOLATIONS OF RESIDENTS' BILL OF RIGHTS.

Penalty assessments for violations of Minnesota Statutes, section 144.651, are as follows:

A. Minnesota Statutes, section 144.651, subdivision 4, \$100;

B. Minnesota Statutes, section 144.651, subdivision 5, \$250;

C. Minnesota Statutes, section 144.651, subdivision 6, \$250;

D. Minnesota Statutes, section 144.651, subdivision 7, \$100;

E. Minnesota Statutes, section 144.651, subdivision 8, \$100;

F. Minnesota Statutes, section 144.651, subdivision 9, \$250;

G. Minnesota Statutes, section 144.651, subdivision 10, \$250;

H. Minnesota Statutes, section 144.651, subdivision 11, \$100;

I. Minnesota Statutes, section 144.651, subdivision 12, \$250;

J. Minnesota Statutes, section 144.651, subdivision 13, \$500;

K. Minnesota Statutes, section 144.651, subdivision 14, \$500;

L. Minnesota Statutes, section 144.651, subdivision 15, \$250;

M. Except as noted in item N, a \$100 penalty assessment must be issued for a violation of Minnesota Statutes, section 144.651, subdivision 16;

N. A \$250 penalty assessment must be issued for a violation of that portion of Minnesota Statutes, section 144.651, subdivision 16, which states: "Patients and residents shall be assured confidential treatment of their personal and medical records, and may approve or refuse their release to any individual outside the facility.";

O. Minnesota Statutes, section 144.651, subdivision 17, \$100;

P. Minnesota Statutes, section 144.651, subdivision 18, \$250;

Q. Minnesota Statutes, section 144.651, subdivision 19, \$250;

R. Minnesota Statutes, section 144.651, subdivision 20, \$250;

S. A \$250 penalty assessment must be issued for a violation of the portions of Minnesota Statutes, section 144.651, subdivision 21, which state: "Patients and residents may associate and communicate privately with persons of their choice and enter and, except as provided by the Minnesota Commitment Act, leave the facility as they choose." and "Personal mail shall be sent without interference and received unopened unless medically or programmatically contraindicated and documented by the physician in the medical record.";

T. A \$250 penalty assessment must be issued for a violation of the portions of Minnesota Statutes, section 144.651, subdivision 21, which state "Patients and residents shall have access, at their expense, to writing instruments, stationery, and postage." and "There shall be access to a telephone where patients and residents can make and receive calls as well as speak privately. Facilities which are unable to provide a private area shall make reasonable arrangements to accommodate the privacy of patients' or residents' calls";

U. Minnesota Statutes, section 144.651, subdivision 22, \$250;

V. Minnesota Statutes, section 144.651, subdivision 23, \$250;

W. Minnesota Statutes, section 144.651, subdivision 24, \$100;

X. Minnesota Statutes, section 144.651, subdivision 25, \$250;

- Y. Minnesota Statutes, section 144.651, subdivision 26, \$250;
- Z. Minnesota Statutes, section 144.651, subdivision 27, \$250;
- AA. Minnesota Statutes, section 144.651, subdivision 28, \$250;
- BB. Minnesota Statutes, section 144.651, subdivision 29, \$250;
- CC. Minnesota Statutes, section 144.651, subdivision 30, \$250; and
- DD. Minnesota Statutes, section 144.652, subdivision 1, \$100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0192 NURSING HOME STATUTES; FINES.

Penalty assessments for violations of Minnesota Statutes, chapter 144A, are as follows:

- A. Minnesota Statutes, section 144A.04, subdivision 4, \$100;
- B. Minnesota Statutes, section 144A.04, subdivision 6, \$100;
- C. a \$100 penalty assessment must be issued for a violation of those portions of Minnesota Statutes, section 144A.10, subdivision 3, which state: "A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the commissioner of health or the commissioner of human services under section 144A.03 or 144A.05 shall be kept on file at the nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home." and "All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. Confidential information protected by section 13.05 or 13.46 shall not be made available or posted as provided in this subdivision unless it may be made available or posted in a manner authorized by chapter 13.";
- D. Minnesota Statutes, section 144A.13, subdivision 1, \$100;
- E. except as noted in item F, a \$100 penalty assessment must be issued for a violation of Minnesota Statutes, section 144A.13, subdivision 2;
- F. a \$250 penalty assessment must be issued for a violation of that portion of Minnesota Statutes, section 144A.13, subdivision 2, which states: "No controlling person or employee of a nursing home shall retaliate in any way against a complaining nursing home resident and no nursing home resident may be denied any right available to the resident under chapter 566.;" and
- G. Minnesota Statutes, section 144A.16, \$100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0193 REPORTING MALTREATMENT OF VULNERABLE ADULTS; FINES.

Penalty assessments for violations of Minnesota Statutes, section 626.557, are as follows:

- A. Minnesota Statutes, section 626.557, subdivision 3, \$250;
- B. Minnesota Statutes, section 626.557, subdivision 3a, \$100;
- C. Minnesota Statutes, section 626.557, subdivision 4, \$100,
- D. Minnesota Statutes, section 626.557, subdivision 4a, \$100;
- E. Minnesota Statutes, section 626.557, subdivision 14, \$100; and
- F. Minnesota Statutes, section 626.557, subdivision 17, \$250.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

RESIDENT RIGHTS

4658.0200 POLICIES CONCERNING RESIDENTS.

Subpart 1 **Visitors.** A nursing home must provide access to a resident by relatives and guardians, and to any entity or individual that provides health, social, legal, advocacy, or

religious services to the resident, subject to the resident's right to deny or withdraw consent at any time. A nursing home must also provide access to others who are visiting the resident with the resident's consent. A nursing home may restrict visits when the visits pose a health or safety risk to a resident or otherwise violate a resident's rights.

Subp. 2. Telephones. A nursing home must provide at least one non-coin-operated telephone which is accessible to residents at all times in case of emergency. A resident must have access to a telephone at a convenient location within the building for personal use. A nursing home may charge the resident for actual long distance charges that the resident incurs.

Subp. 3. Mail. A resident must receive mail unopened unless the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident has requested in writing that the mail be reviewed. The outgoing mail must not be censored.

Subp. 4. Funds and possessions. A nursing home may not handle the personal major business affairs of a resident without written legal authorization by the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident.

Subp. 5. Smoking in bed. A resident must not be permitted to smoke in bed unless the resident's condition requires that the resident remain in bed, and the smoking is directly supervised by a staff member.

Subp. 6. Permitted smoking. Smoking is permitted in the nursing home only as provided by Minnesota Statutes, sections 16B.24, subdivision 9, and 144.411 to 144.417.

Subp. 7. Pet animals. Pet animals may be kept on the premises of a nursing home only according to part 4638.0200.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0205 PROCEDURE AT DEATH.

When a resident dies in a nursing home, the administrator, nurse, or other employee designated by the administrator must contact a relative, guardian, legal representative, other person designated in writing by the resident, or the placement agency regarding the death and the desired funeral arrangements. The body must be accorded privacy until removed from the nursing home. Where reasonably possible, no body may remain in a nursing home for more than 12 hours.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0210 ROOM ASSIGNMENTS.

Subpart 1. Room assignments and furnishings. A nursing home must attempt to accommodate a resident's preferences on room assignments, roommates, and furnishings whenever possible.

Subp. 2. Room assignment complaints. A nursing home must develop and implement written policies and procedures for addressing resident complaints, including complaints regarding room assignments and roommates. At a minimum, the policies and procedures must include the following:

A. a mechanism for informal dispute resolution of room assignment and roommate complaints; and

B. a procedure for documenting the complaint and its resolution.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0215 ADMINISTRATION OF MEDICATIONS.

The right of residents to self-administer medications must be provided as allowed under part 4658.1325, subpart 4. Medications may be added to food only as provided under part 4658.1325, subpart 6.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0220 FREEDOM FROM CORPORAL PUNISHMENT AND INVOLUNTARY SECLUSION.

A resident must be free from corporal punishment and involuntary seclusion.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

RESIDENT PERSONAL FUNDS ACCOUNT**4658.0250 ADMISSION POLICIES.**

The admission policies of a nursing home must specify the manner of protecting personal funds of the residents, according to parts 4658.0250 to 4658.0280.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0255 AUTHORIZATION.

Subpart 1 **Written authorization.** The personal funds of a resident must not be accepted for safekeeping without written authorization from the resident or from the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident. For purposes of this chapter, "representative payee" means an individual designated by the Social Security Administration to receive Social Security benefits on behalf of the resident.

Subp. 2. **Copy retained.** A copy of the written authorization must be retained in the resident's records.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0260 PERSONAL FUND ACCOUNTING AND RECORDS.

Subpart 1. **No commingling of resident and nursing home funds.** The personal funds of a resident must not be commingled with the funds of a nursing home or with the funds of any person other than residents of the nursing home, unless otherwise authorized by law.

Subp. 2. **Resident funds not used by nursing home.** The personal funds of a resident must not be used for the purpose of the nursing home or any other resident and must be maintained free from any liability that the nursing home incurs.

Subp. 3. **Accounting system.** A nursing home must establish and maintain a system that ensures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the nursing home on the resident's behalf.

Subp. 4. **Financial record.** The resident's financial record must be available through quarterly statements and on request to the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0265 DEPOSIT OF PERSONAL FUNDS.

A nursing home, except for veterans homes under Minnesota Statutes, section 198.265, must deposit a resident's personal funds in excess of \$100 in an interest bearing account (or accounts) that is separate from any of the nursing home's operating accounts, and that credits all interest earned on the resident's account to the resident's account. Pooled accounts must separately account for each resident's share.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0270 WITHDRAWAL OF FUNDS FROM THE ACCOUNT.

Upon the request of the resident or the resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident, a nursing home must re-

turn all or any part of a resident's funds given to the nursing home for safekeeping, including interest, if any, accrued from deposits. A nursing home must develop a policy specifying the period of time during which funds can be withdrawn. The policy must ensure that the ability to withdraw funds is provided in accordance with the needs of the resident and must specify whether or not the nursing home allows residents to obtain funds to meet unanticipated needs on days when withdrawal periods are not scheduled. A nursing home must notify residents of the policy governing the withdrawal of funds. Funds kept outside of the nursing home must be returned within five business days.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0275 RETURN OF FUNDS AFTER DISCHARGE OR DEATH.

Subpart 1. Discharge of a resident. Upon discharge of a resident, the resident's funds must be returned to the resident or resident's legal guardian, conservator, representative payee, or other person designated in writing by the resident, with a written accounting in exchange for a signed receipt. If a resident's bed is being held for anticipated readmission, the resident's funds need not be returned. Funds which are maintained outside of the nursing home must be returned within five business days.

Subp. 2. Death of a resident. Upon the death of a resident, a nursing home must convey the resident's funds, and a final accounting of those funds, to the individual or probate jurisdiction administering the resident's estate.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0290 PENALTIES FOR RESIDENT RIGHTS RULE VIOLATIONS.

Penalty assessments will be assessed on a daily basis for violations of parts 4658.0200 to 4658.0280 and are as follows.

- A. part 4658.0200, subpart 1, \$250;
- B. part 4658.0200, subpart 2, \$100;
- C. part 4658.0200, subparts 3 and 4, \$250;
- D. part 4658.0200, subpart 5, \$500,
- E. part 4658.0200, subpart 7:
 - (1) part 4638.0200, subpart 2, \$50; and
 - (2) part 4638.0200, subpart 3, \$150;
- F. part 4658.0205, \$100;
- G. part 4658.0210, subpart 1, \$250;
- H. part 4658.0210, subpart 2, \$50;
- I. part 4658.0220, \$500,
- J. part 4658.0250, \$50;
- K. part 4658.0255, subpart 1, \$250;
- L. part 4658.0255, subpart 2, \$50; and
- M. parts 4658.0260 to 4658.0275, \$100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0300 USE OF RESTRAINTS.

[For text of subs 1 to 3, see M.R.]

Subp 4. Decision to apply restraint. The decision to apply a restraint must be based on the comprehensive resident assessment. The least restrictive restraint must be used and incorporated into the comprehensive plan of care. The comprehensive plan of care must allow for progressive removal or the progressive use of less restrictive means. A nursing home must obtain an informed consent for a resident placed in a physical or chemical restraint. A physician's order must be obtained for a physical or chemical restraint which specifies the duration and circumstances under which the restraint is to be used, including the monitoring

interval. Nothing in this part requires a resident to be awakened during the resident's normal sleeping hours strictly for the purpose of releasing restraints.

Subp. 5. **Physical restraints.** At a minimum, for a resident placed in a physical restraint, a nursing home must also:

A. develop a system to ensure that the restrained resident is monitored at the interval specified in the written order from the physician,

B. assist the resident as often as necessary for the resident's safety, comfort, exercise, and elimination needs;

C. provide an opportunity for motion, exercise, and elimination for not less than ten minutes during each two-hour period in which a restraint is employed; and

D. release the resident from the restraint as quickly as possible.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

CLINICAL RECORDS

4658.0445 CLINICAL RECORD.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Admission information.** Identification information must be collected and maintained for each resident upon admission and must include, at a minimum:

A. the resident's legal name and preferred name;

B. previous address;

C. social security number;

D. gender;

E. marital status;

F. date and place of birth;

G. date and hour of admission;

H. advance directives, and Do Not Resuscitate (DNR) and Do Not Intubate (DNI) status, if any;

I. name, address, and telephone number of designated relative or significant other, if any;

J. name, address, and telephone number of person to be notified in an emergency;

K. legal representative, designated representative, or representative payee, if any;

L. religious affiliation, place of worship, and clergy member;

M. hospital preference, and

N. name of attending physician.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0450 CLINICAL RECORD CONTENTS.

Subpart 1. **In general.** Each resident's clinical record, including nursing notes, must include:

[For text of items A to P, see M.R.]

Subp. 2. **Physician and professional services.** The clinical record must contain the recording requirements of parts 4658.0710 to 4658.0725.

Subp. 3. **Nursing services.** The clinical record must contain the recording requirements of parts 4658.0515 to 4658.0530.

Subp. 4. **Dietary and food services.** The clinical record must contain the recording requirements of parts 4658.0600 and 4658.0625.

Subp. 5. **Resident personal funds account.** The clinical record must contain the recording requirements of part 4658.0255

Subp. 6. **Activities.** The clinical record must contain the recording requirements of part 4658.0900

Subp. 7. **Social services.** The clinical record must contain the recording requirements of parts 4658.1015 and 4658.1020.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.0615 FOOD TEMPERATURES.

Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above. "Potentially hazardous food" means any food subject to continuous time and temperature controls in order to prevent the rapid and progressive growth of infectious or toxigenic microorganisms.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0620 FREQUENCY OF MEALS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Time between meals.** Up to 16 hours may elapse between a substantial evening meal and breakfast the following day if a resident group, such as the resident council, agrees to this meal span and a nourishing evening snack is provided

[For text of subp 4, see M.R.]

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0900 ACTIVITY AND RECREATION PROGRAM.

Subpart 1. **General requirements.** A nursing home must provide an organized activity and recreation program. The program must be based on each individual resident's interests, strengths, and needs, and must be designed to meet the physical, mental, and psychological well-being of each resident, as determined by the comprehensive resident assessment and comprehensive plan of care required in parts 4658.0400 and 4658.0405. Residents must be provided opportunities to participate in the planning and development of the activity and recreation program

Subp. 2 **Frequency of program activities.** The activity and recreation program must be regularly scheduled every day, except that a nursing home may establish a policy designating holidays or other days that are exempt from scheduled activities. A schedule of the activities and recreation programming must be posted in a location readily accessible to residents at least one week in advance.

Subp. 3. **Activity and recreation program director.** The activity and recreation program director must be a person who is trained or experienced to direct the activity and recreation staff and program at that nursing home.

Subp 4. **Staff assistance with activities.** Sufficient staff must be assigned to assist with the implementation of the activity and recreation program, as determined by the needs of the residents and the nursing home.

Subp. 5. **Space, equipment, and materials.** The activity and recreation program must be provided with space both within the nursing home and out-of-doors. Appropriate and adequate equipment and materials must be provided to meet the needs of the activity and recreation program

Subp. 6. **Prohibition on charges.** A nursing home may not charge a resident for any portion of the activity and recreation program required in subpart 1. A nursing home may charge a resident for social events and entertainment offered outside the scope of the regularly scheduled activity and recreation program, if the event is requested by the resident and the nursing home informs the resident that there will be a charge.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0950 PENALTIES FOR ACTIVITY AND RECREATION PROGRAM RULE VIOLATIONS.

Penalty assessments will be assessed on a daily basis for violations of part 4658.0900 and are as follows:

A. subparts 1, 3, and 6, \$300; and

B. subparts 2, 4, and 5, \$100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0960 SPIRITUAL NEEDS.

A nursing home must provide opportunities for the residents' spiritual needs to be met.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.0990 PENALTIES FOR SPIRITUAL NEEDS RULE VIOLATIONS.

A \$250 penalty assessment will be assessed on a daily basis for a violation of part 4658.0960.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

SOCIAL SERVICES.

4658.1000 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter, the following terms have the meanings given them.

Subp. 2 Medically related social services. "Medically related social services" means services provided by the nursing home's staff to assist residents in maintaining or improving their ability to manage their everyday physical, mental, and psychosocial needs.

Subp. 3. Qualified social worker. Until June 30, 1996, "qualified social worker" means an individual with at least a bachelor's degree in a social work or a human services field, with at least one year of supervised social work experience in a health care setting working directly with individuals. Effective July 1, 1996, "qualified social worker" means an individual licensed as a social worker by the Minnesota Board of Social Work according to Minnesota Statutes, chapter 148B.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.1005 SOCIAL SERVICES.

Subpart 1. General requirements. A nursing home must have an organized social services department or program to provide medically related social services to each resident. A nursing home must make referrals to or collaborate with outside resources for a resident who is in need of additional mental health, substance abuse, or financial services.

Subp. 2. Social worker. A nursing home must employ a qualified social worker or a social services designee. A nursing home with more than 120 beds must have at least one filled qualified social worker position. The person or persons filling the qualified social worker position must be assigned full time to the social services of the nursing home and must fill at least one full-time equivalent position of at least 35 hours per week.

Subp. 3. Admission history and assessment. A psychosocial history and assessment must be completed for each new resident within 14 days after admission. The psychosocial history and assessment must contain sufficient information related to the resident's condition to develop care planning goals based on that resident's needs and strengths and may be used as a part of the comprehensive resident assessment required by part 4658.0400. The psychosocial history and assessment must be included in the resident's clinical record.

Subp. 4. Updating the assessment. The psychosocial assessment must be reviewed at least annually and updated as necessary.

Subp. 5. Providing social services. Social services must be provided on the basis of identified social service needs of each resident, according to the comprehensive resident assessment and comprehensive plan of care described in parts 4658.0400 and 4658.0405.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1090 PENALTIES FOR SOCIAL SERVICES RULE VIOLATIONS.

Penalty assessments will be assessed on a daily basis for violations of parts 4658.1000 to 4658.1005 and are as follows:

- A. part 4658.1005, subparts 1, 3, and 4, \$300, and
- B. part 4658.1005, subparts 2 and 5, \$350.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1100 BARBER AND BEAUTY SHOP SERVICES.

A nursing home must provide or arrange for the provision of barber and beauty shop services.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.1190 PENALTIES FOR BARBER AND BEAUTY SHOP SERVICES RULE VIOLATIONS.

A \$100 penalty assessment will be assessed on a daily basis for violations of part 4658.1100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1200 SPECIALIZED REHABILITATIVE SERVICES.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meanings given them.

A. "Qualified personnel" means professional staff who are licensed, certified, or registered in accordance with applicable state laws and rules, and are educated to perform the particular service safely and competently.

B. "Specialized rehabilitative services" means restorative therapy and specialized maintenance therapy including, but not limited to, physical therapy, occupational therapy, and speech therapy

Subp 2. **Provision of services.** If specialized rehabilitative services are required in the resident's comprehensive plan of care, the nursing home must:

A. provide the required services; or

B. obtain the required services from an outside source according to part 4658.0075.

Subp. 3. **Qualified personnel.** Specialized rehabilitative services must be provided by qualified personnel under the written order of a physician or other health care practitioner authorized to prescribe.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1290 PENALTIES FOR SPECIALIZED REHABILITATIVE SERVICES RULE VIOLATIONS.

Penalty assessments will be assessed on a daily basis for violations of part 4658.1200 and are as follows:

- A. part 4658.1200, subpart 2, \$350; and
- B. part 4658.1200, subpart 3, \$300.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

ENVIRONMENTAL SERVICES**4658.1400 PHYSICAL ENVIRONMENT.**

A nursing home must provide a safe, clean, functional, comfortable, and homelike physical environment, allowing the resident to use personal belongings to the extent possible.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1405 RESIDENT UNITS.

The following items must be provided for each resident:

A. A bed of proper size and height for the convenience of the resident, a clean, comfortable mattress, and clean bedding, appropriate for the weather and resident's comfort, that are in good condition. Each bed must have a clean bedspread. A moisture-proof mattress or mattress cover must be provided for all residents confined to bed and for other beds as necessary. Rollaway type beds, cots, or folding beds must not be used.

B. A chair or place for the resident to sit other than the bed.

C. A place adjacent or near the bed to store personal possessions, such as a bedside table with a drawer.

D. Clean bath linens provided daily or more often as needed.

E. A bed light conveniently located and of an intensity to meet the needs of the resident while in bed or in an adjacent chair.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1410 LINEN.

Nursing home staff must handle, store, process, and transport linens so as to prevent the spread of infection according to the infection control program and policies as required by part 4658.0800. These laundering policies must comply with the manufacturer's instructions for the laundering equipment and products and include a wash formula addressing the time, temperature, water hardness, bleach, and final pH.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1415 PLANT HOUSEKEEPING, OPERATION, AND MAINTENANCE.

Subpart 1. Direction of housekeeping and plant management. One or more persons, qualified through education and experience, must be assigned the responsibility of direction of housekeeping and plant management.

Subp. 2. Physical plant. The physical plant, including walls, floors, ceilings, all furnishings, systems, and equipment must be kept in a continuous state of good repair and operation with regard to the health, comfort, safety, and well-being of the residents according to a written routine maintenance and repair program.

Subp. 3. Grounds. The grounds must be maintained with regard to the health, comfort, safety, and well-being of the residents. Driveways, walks, outside steps, and ramps must be maintained in good condition for access and safe use at all times.

Subp. 4. Housekeeping. A nursing home must provide housekeeping and maintenance services necessary to maintain a clean, orderly, and comfortable interior, including walls, floors, ceilings, registers, fixtures, equipment, lighting, and furnishings.

Subp. 5. Written program. A nursing home must develop and implement a written program for routine daily housekeeping duties and any special cleaning necessary.

Subp. 6. Heating, air conditioning, and ventilation. A nursing home must operate and maintain the mechanical systems to provide comfortable and safe temperatures, air changes, and humidity levels. Temperatures in all resident areas must be maintained according to items A to C:

A. For construction of a new physical plant, a nursing home must maintain a temperature range of 71 degrees Fahrenheit to 81 degrees Fahrenheit at all times.

B. For existing facilities, a nursing home must maintain a minimum temperature of 71 degrees Fahrenheit during the heating season.

C. Variations of the temperatures required by items A and B are allowed if the variations are based on documented resident preferences.

Subp. 7. **Hot water temperature.** Hot water supplied to sinks and bathing fixtures must be maintained with a temperature range of 105 degrees Fahrenheit to 115 degrees Fahrenheit at the fixtures.

Subp. 8. **Janitor's closet.** The janitor's closet and all other areas used by the environmental services personnel must be kept clean.

Subp. 9. **Storage of supplies.** Supplies must be stored above the floor to facilitate cleaning of the storage area. Supplies must be identified. Toxic substances must be clearly identified and stored in a locked enclosure. Sterile supplies must be stored to maintain sterility and integrity in packaging. All substances, such as cleaning agents, bleaches, detergents, disinfectants, pesticides, paints, and flammable liquids, must be stored separately from all food and drugs.

Subp. 10. **Boiler water additives.** Precautions must be taken to ensure that the type and concentration of boiler water additives is not harmful if steam is used for humidification or comes into direct contact with food

Subp. 11. **Insect and rodent control.** Any condition on the site or in the nursing home conducive to the harborage or breeding of insects, rodents, or other vermin must be eliminated immediately. A continuous pest control program must be maintained by qualified personnel.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1420 SOLID WASTE DISPOSAL.

Solid wastes, including garbage, rubbish, recyclables, and other refuse must be collected, stored, and disposed of in a manner that will not create a nuisance or fire hazard, nor provide a breeding place for insects or rodents. Accumulation of combustible material or waste in unassigned areas is prohibited.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.1425 OZONE GENERATORS.

Ozone generators are prohibited.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1490 PENALTIES FOR ENVIRONMENTAL SERVICES RULE VIOLATIONS.

Penalty assessments will be assessed on a daily basis for violations of parts 4658.1400 to 4658.1425 and are as follows:

- A. part 4658.1400, \$200;
- B. part 4658.1405, \$150,
- C. part 4658.1410, \$200;
- D. part 4658.1415, subpart 1, \$300;
- E. part 4658.1415, subparts 2 to 7, \$200;
- F. part 4658.1415, subpart 8, \$150;
- G. part 4658.1415, subparts 9 to 11, \$200;
- H. part 4658.1420, \$200; and
- I. part 4658.1425, \$150.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

RELOCATION OF RESIDENTS FROM NURSING HOMES**4658.1600 DEFINITIONS.**

Subpart 1. **Scope.** The terms used in parts 4658.1600 to 4658.1610 have the meanings given.

Subp. 2. **Relocation.** "Relocation" means a situation when residents are to be discharged from a nursing home as the result of the closing of the nursing home or the curtailment, reduction, or change of operations or services offered there.

Subp. 3. **Service offered in the facility.** "Service offered in the facility" means participation in the Medicare or Medicaid programs, or both, pursuant to United States Code, title 42, sections 1395 et seq. and 1396 et seq., as amended through June 30, 1995.

Subp. 4. **Social service agency.** "Social service agency" means the county or multi-county agency authorized under Minnesota Statutes, sections 393.01, subdivision 7; and 393.07, subdivision 2, for the county in which the nursing home is located.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1605 NOTICE TO DEPARTMENT OF HEALTH.

Subpart 1. **Notice required.** The licensee of the nursing home must notify the Department of Health, in writing, at least 90 days prior to the cessation or the curtailment, reduction, or change of operations or services which would result in the relocation of residents.

Subp. 2. **Notice information.** The written notice must include the following:

A. the date of the closing, curtailment, reduction, or change of operations or services;

B. the number of residents to be relocated; and

C. the names and telephone numbers of the persons in the nursing home responsible for coordinating the relocation of residents.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1610 NURSING HOME RESPONSIBILITIES.

Subpart 1. **Cooperation.** The licensee of the nursing home and nursing home staff must cooperate with representatives from the Department of Health and from the social service agency in planning for the relocation of residents.

Subp. 2. **Interdisciplinary team.** The administrator of a nursing home must establish an interdisciplinary team which is responsible for coordinating and planning the steps necessary to relocate the residents. The interdisciplinary team must consist of members involved in providing direct care services to residents.

Subp. 3. **Advance notice.** The nursing home must send the written notices in items A to C at least 60 days in advance of the date by which the relocation of residents is to be completed.

A. Notice must be sent to the resident who will be relocated and to the individual responsible for the resident's care. This notice must include the name, address, and telephone number of:

(1) the individual in the nursing home to be contacted for assistance and further information;

(2) the social service agency; and

(3) the area long-term care ombudsman, required by the Older Americans Act, United States Code, title 42, section 3027(a)(12), as amended through June 30, 1995.

B. Notice must be sent to the attention of the commissioner of human services and to the social service agency. This notice must include the name of each resident to be relocated and the name, address, and telephone number of the individual responsible for the resident's care and the individual in the nursing home to be contacted for further information.

C. Notice must be sent to the attending physician of the resident to be relocated. The resident's attending physician must be requested to furnish any medical information

needed to update the resident's medical records and to prepare transfer forms and discharge summaries. This written notice must include the name and telephone number of the individual in the nursing home to be contacted for further information.

Subp. 4. Bed list. A list of available beds to which the resident can be relocated must be prepared. This list must contain the name, address, and telephone number of the nursing home, the certification level of the available beds, the type of services available, and the number of beds that are available. This list must be made available to the resident, the individual responsible for the resident's care, the area long-term care ombudsman, and the social service agency.

Subp. 5. Informational meetings. The nursing home must conduct small group meetings for the residents and the individuals responsible for the care of the residents, to notify them of the steps being taken in arranging for the transfer. Individual residents must be assisted as necessary.

Subp. 6. Resident inventory. The inventory of the resident's personal possessions must be updated and a copy of the final inventory provided to the resident, the individual responsible for the resident's care, or both. A final accounting of personal funds held in the nursing home must be completed according to part 4658.0275. Arrangements must be made for the transfer of the resident's possessions and personal funds.

Subp. 7. Site visits. Unless it is medically inadvisable, as documented by the attending physician in the resident's care record, the resident must be assisted in making site visits to facilities to which the resident may be transferred.

Subp. 8. Administrative duties. All administrative duties must be completed prior to the actual relocation of the resident. Personnel in the facility to which the resident will be moved must be provided with the information necessary to provide care and services to the resident, according to part 4658.0465.

Subp. 9. Final notice. Unless otherwise agreed to by the resident or the individual responsible for the resident's care, at least a 14-day notice must be provided to a resident prior to the actual relocation.

Subp. 10. Transportation. The resident must be assisted in making arrangements for transportation to the new facility.

Subp. 11. Ease in transition. A nursing home must not disrupt the provision of meals, medications, or treatments of the resident during the relocation process.

Subp. 12. Notice to physician. If not previously notified, the resident's attending physician must be informed of the new location of the resident within 24 hours after the actual relocation.

Subp. 13. Status reports. Beginning the week following the relocation notice to the Department of Health required in part 4658.1605, subpart 1, the nursing home must provide weekly written status reports to the Department of Health as to the progress being made in arranging for the relocation. The initial status report must include the relocation plan developed by the nursing home, the identity of the interdisciplinary team members, and a schedule for the completion of the various elements of the plan. Subsequent status reports must note the progress being made, any modifications to the relocation plan, and any change of interdisciplinary team members, and must include the names of residents who have been relocated during the time period covered by the report. Once relocation has been completed, a final list of the residents who have been relocated and the identity of the facilities or other locations to which the residents were moved must be provided to the Department of Health.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.1690 PENALTIES FOR RELOCATION RULE VIOLATIONS.

A \$250 penalty shall be assessed on a daily basis for violations of parts 4658.1600 to 4658.1610.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

SPECIALIZED UNITS**4658.2000 SECURED UNITS.**

Subpart 1 **Secured unit, definition.** For purposes of parts 4658.2000 to 4658.2090, "secured unit" means a nursing home unit in which a resident's horizontal and vertical access in or out of the unit is restricted.

Subp. 2. **Locked unit, definition.** For purposes of parts 4658.2000 to 4658.2090, "locked unit" means a nursing home unit in which a resident's access is restricted because the doors to the unit are locked from the outside. A locked unit is a form of secured unit.

Subp. 3. **Criteria for assignment to secured unit.** A resident may be assigned to placement in a secured unit only if the results of a comprehensive resident assessment as required by part 4658.0400 indicate that resident requires a more secure environment and there is a physician's written order for placement in a secured unit. A resident may choose to reside in a secured unit if the comprehensive resident assessment and plan of care as required by parts 4658.0400 and 4658.0405 determine that placement in a secured unit is appropriate for that resident.

Subp. 4. **Approval by state fire marshal.** Fire safety systems and locking arrangements must be reviewed and approved by the state fire marshal according to part 4658.4030 before operation as a secured unit.

Subp. 5. **Approval by department.** A secured unit must be approved by the department according to part 4658.4030 before operation as a secured unit. Any significant change to the statement of operations for the secured unit, as required by part 4658.2020, must be reviewed and approved by the department before making the change.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.2010 PHYSICAL PLANT REQUIREMENTS.

The physical plant of the secured unit must include, at a minimum, resident bedrooms, a central bathing area, dayroom, dining room, nurses' station, clean utility room, and soiled utility room. The dining room and dayroom spaces in the secured unit must comply with part 4658.4200. The construction of a new secured unit physical plant, or any physical plant changes that meet the definition of "new construction" in part 4658.0010, subpart 5a, must be in compliance with the requirements for new construction in parts 4658.3500 to 4658.4690.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.2020 STATEMENT OF OPERATIONS.

A nursing home must develop and implement a statement of operations for a secured unit, which must include, at a minimum:

- A. a statement of the philosophy and objectives of the unit;
- B. a description of the population to be served;
- C. a list of the admission and discharge criteria; and

D. a list of any environmental changes or adaptations, and any necessary waivers for them granted by the department.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.2030 SPECIALIZED CARE UNIT.

Subpart 1. **Specialized care unit, defined.** For purposes of this part, "specialized care unit" means any nursing unit within a nursing home designed and advertised for a specific population.

Subp. 2. **Statement of operations.** A nursing home must develop and implement a statement of operations for the specialized care unit, which must include, at a minimum:

- A. the philosophy and objectives of the unit;
- B. the intended population of the unit; and

C. admission and discharge criteria for the unit.

Subp. 3. **Availability of statement of operations.** A nursing home must make the statement of operations for the specialized care unit available to the department and to the public.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.2090 PENALTIES FOR SPECIALIZED UNITS RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.2000 to 4658.2030 shall be assessed on a daily basis and are as follows:

- A. part 4658.2000, subpart 2, \$300,
- B. part 4658.2000, subpart 3, \$200;
- C. part 4658.2000, subpart 4, \$200;
- D. part 4658.2010, \$200,
- E. part 4658.2020, \$100;
- F. part 4658.2030, subpart 2, \$100; and
- G. part 4658.2030, subpart 3, \$50.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

PHYSICAL PLANT LICENSURE, EXISTING AND NEW

4658.3000 LICENSURE.

The commissioner of health must be notified directly in writing about proposed planning for all new construction, remodeling, changes in existing service, function or bed capacity, addition of new services, sale, and change of ownership.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.3005 COMPLIANCE WITH RULES.

Subpart 1. **New construction.** New construction must be according to the requirements for new construction in parts 4658.3500 to 4658.4690

Subp. 2. **Existing facilities.** All existing facilities must be in compliance with the physical plant requirements for new construction, except as noted in this chapter. When additional beds are added to existing facilities, the required dayroom and dining room areas must be based on the bed capacity of the entire facility. Compliance with the standards for new construction for existing facilities must be for the areas involved and to the extent that the existing structure will permit

Subp. 3. **Reclassification.** As a condition for reclassification of a boarding care home to a nursing home, the physical plant must be in compliance with all new construction requirements for nursing homes in this chapter. The department shall consider waiver requests under part 4658.0040 from a facility that is in substantial compliance with the new construction requirements in parts 4658.3500 to 4658.4690.

Subp. 4. **State fire marshal.** Fire protection for the nursing home must be provided in accordance with the Minnesota Uniform Fire Code. The state fire marshal's approval of the fire safety features of the completed facility is required for initial licensure. A nursing home must remain in compliance with regulations enforced by the state fire marshal in order to qualify for continued licensure.

Subp. 5. **Redecoration.** A nursing home must maintain specification sheets for all wall, floor, or ceiling covering materials, except paint. The materials and installation must be in accordance with the Life Safety Code.

Subp. 6. **Remodeling.** New construction standards apply only to those materials, space, and equipment being remodeled. The new construction plan requirements of parts 4658.3500 to 4658.4090 apply to all remodeling projects

Subp. 7. **Replace-in-kind.** The department must be notified in writing prior to all replace-in-kind projects, except in the case of an emergency. Changes in space required for the replacement equipment must be only to the extent required by the newer equipment.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.3090 PENALTIES FOR PHYSICAL PLANT LICENSURE RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.3000 to 4658.3005 shall be assessed on a daily basis and are as follows:

- A. part 4658.3000, \$100;
- B. part 4658.3005, subparts 2 and 4, \$200; and
- C. part 4658.3005, subparts 5 to 7, \$100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

NEW CONSTRUCTION; PLANS

4658.3500 INCORPORATION BY REFERENCE; NEW CONSTRUCTION.

Subpart 1. **Scope.** For purposes of this chapter, the documents in subparts 2 to 6 are incorporated by reference. They can be found at the Minnesota Law Library, 25 Constitution Avenue, Saint Paul, Minnesota 55155. They are also available through the Mintex interlibrary loan system. They are subject to frequent change. If any of the documents in subparts 2 to 6 are amended, then the amendments to the documents are also incorporated by reference. All construction, installations, and equipment must conform to the codes and standards in this part, provided that the requirements of such codes or standards are not inconsistent with the requirements of these regulations.

Subp. 2. **Minnesota Rules.** The following documents are also available from the Print Communications Division, 117 University Avenue, Saint Paul, Minnesota 55155:

- A. chapters 1300 to 1365, the Minnesota State Building Code;
- B. chapter 4715, the Minnesota Plumbing Code; and
- C. parts 1550.5000 to 1550.5130, Vending Machines.

Subp. 3 **NSF international standards and criteria.** The following documents are also available from the NSF International, ATTN. Publications, P.O. Box 130140, Ann Arbor, Michigan 48113-0140:

- A. Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;
- B. Standard No. 2, Food Equipment, May 1992;
- C. Standard No. 3, Commercial Spray-Type Dishwashing Machines, June 1982;
- D. Standard No. 4, Commercial Cooking, Rethermalization and Powered Hot Food Holding Equipment, May 1992;
- E. Standard No. 5, Water Heaters, Hot Water Supply Boilers, and Heat Recovery Equipment, November 1992;
- F. Standard No. 6, Dispensing Freezers, February 1989;
- G. Standard No. 7, Food Service Refrigerators & Storage Freezers, May 1990;
- H. Standard No. 8, Commercial Powered Food Preparation Equipment, November 1992;
- I. Standard No. 12, Automatic Ice-Making Equipment, November 1992;
- J. Standard No. 13, Refuse Compactors and Compactor Systems, November 1992;
- K. Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1990;
- L. Standard No. 25, Vending Machines for Food & Beverages, November 1990;
- M. Standard No. 26, Pot, Pan, and Utensil Washers, December 1980;
- N. Standard No. 29, Detergent & Chemical Feeders for Commercial Spray-Type Dishwashing Machines, November 1992;

O. Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, November 1991;

P. Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;

Q. Criteria C-2, Special Equipment and/or Devices (Food Service Equipment), November 1983.

Subp. 4. **NFPA documents.** The following documents are also available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

A. Life Safety Code, National Fire Protection Association, NFPA No. 101, 1985 edition; and

B. Health Care Facilities, National Fire Protection Association, NFPA, No. 99.

Subp. 5. **ANSI/ASME document.** The following document, published by the American National Standards Institute and the American Society of Mechanical Engineers, is also available from the American National Standards Institute, 11 West 42nd Street, New York, New York 10036: ANSI/ASME A17.1-1993 and supplements.

Subp. 6. **ASHRAE standard.** The following standard is also available from the American Society of Heating, Refrigeration, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle Northeast, Atlanta, Georgia 30329-2305: Standard No. 52.1-1992.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.3590 PENALTIES FOR INCORPORATIONS BY REFERENCE; NEW CONSTRUCTION RULE VIOLATIONS.

A \$200 penalty shall be assessed on a daily basis for violations of part 4658.3500.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4000 PREPARATION OF PLANS; NEW CONSTRUCTION.

Architectural and engineering plans and specifications for new construction must be prepared and signed by architects and engineers who are registered in Minnesota and in accordance with the requirements by the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4005 APPROVAL OF PLANS; NEW CONSTRUCTION.

Preliminary plans and final working drawings and specifications for proposed construction must be submitted to the commissioner of health for review and approval. Preliminary plans must be approved before the preparation of final working drawings is undertaken. Final working drawings and specifications must be approved before construction is begun.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4010 PRELIMINARY PLANS; NEW CONSTRUCTION.

Preliminary plans must be drawn to scale, show basic dimensions, and indicate the general layout and space arrangement of the proposed building or area and must include a site plan when applicable. Plans must indicate assignments of rooms and areas, and must show bed capacities and fixed equipment.

The plans should include consideration for future expansion of a nursing home by consideration of the site, orientation of the structure on the site, parking, and resident, dietary, and laundry areas. If a laundry is not contemplated initially, provision must be made for its possible future location.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4015 FINAL PLANS; NEW CONSTRUCTION.

Final architectural plans and specifications must include elevations and sections through the building showing types of construction, and must indicate dimensions and assignments of rooms and areas, room finishes, door types and hardware, elevations and details of nurses' stations, utility rooms, toilets and bathing areas, and large-scale layouts of dietary and laundry areas. Plans must show location of fixed equipment and sections and details of elevators, chutes, and other conveying systems. Fire walls and smoke partitions must be indicated. The roof plan must show all mechanical installations. The site plan, if applicable, must indicate the proposed and existing buildings, topography, roadways, walks, and utility service lines.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4020 FINAL MECHANICAL AND ELECTRICAL PLANS; NEW CONSTRUCTION.

Final mechanical and electrical plans and specifications must address the complete layout and type of all installations, systems, and equipment to be provided according to this chapter. Heating plans must include heating elements, piping, thermostatic controls, pumps, tanks, heat exchangers, boilers, breeching, and accessories. Ventilation plans must include room air quantities, ducts, fire and smoke dampers, exhaust fans, humidifiers, and air handling units. Plumbing plans must include a fixtures and equipment fixture schedule; water supply and circulating piping, pumps, tanks, riser diagrams, and building drains; the size, location, and elevation of water and sewer services; and the building fire protection systems. Electrical plans must include fixtures and equipment, receptacles, switches, power outlets, circuits, power and light panels, transformers, and service feeders. Plans must show location of nurse call signals, telephones, fire alarm stations and detectors, and emergency lighting.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4025 START OF CONSTRUCTION; NEW CONSTRUCTION.

The department must be notified in writing within seven days after beginning construction. Unless construction is begun within one year after approval of final working drawings and specifications, the drawings must be resubmitted for renewal of review and approval.

All construction must be executed according to the approved final plans and specifications. Subsequent construction changes addressed by this chapter must be approved by the department before the changes are made.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4030 FINAL INSPECTION; NEW CONSTRUCTION.

The department must be notified at least 30 days before the completion of construction so that arrangements can be made for a final inspection by the department and by the state fire marshal. Completion means the entire construction, equipment, staffing patterns, and services. Mechanical and electrical systems must be completed and tested for performance and safety in accordance with specifications and state requirements before new construction can be licensed and residents admitted.

Statutory Authority: *MS.s 144A.04; 144A.08*

History: *21 SR 196*

4658.4035 PLAN SAFEKEEPING; NEW CONSTRUCTION.

At least one set of complete plans of the entire facility, including changes resulting from remodeling or alterations, must be kept on file in the nursing home.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4040 SITE; NEW CONSTRUCTION.

A nursing home must be so located as to protect at all times the health, comfort, and safety of residents. The factors in selecting the site for a new nursing home must include the following:

- A. Public utilities must be available.
- B. The water supply must be obtained from an approved public water supply system. If none is available, water must be obtained from a water supply system whose location, construction, and operation complies with parts 4720.0010 to 4720.4600 and, where applicable, parts 4725.0050 to 4725.7450. Plans and specifications for a private water supply system must be approved before construction of the system or the nursing home is started.
- C. Sewage and other liquid wastes must be discharged into an approved public sewer system where available. If none is available, sewage must be collected, treated, and disposed of in a sewage disposal system which is designed, located, constructed, and operated according to parts 7080.0010 to 7080.0210. Plans and specifications for a private sewage disposal system must be approved before construction of the system or the nursing home is started.
- D. The site must be no closer than 300 feet to the right-of-way of a railroad main line or to the property line of industrial developments which are nuisance-producing or hazardous to health under state or local law.
- E. The site must not be located within 85 feet of underground or 300 feet of above-ground storage tanks or warehouses containing flammable liquids.
- F. The site must be publicly accessible to fire department services, medical services, and community activities.
- G. The topography must provide good natural drainage and not be subject to flooding.
- H. Adequate all-weather roads and walks must be provided within the lot lines to the primary entrance and the service entrance, including employees' and visitors' parking at the site.
- I. The primary entrance must be accessible for the elderly and individuals with disabilities.
- J. The site must include space for outdoor activities.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4090 PENALTIES FOR PLANS; NEW CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.4000 to 4658.4040 shall be assessed on a daily basis and are as follows:

- A. parts 4658.4000 to 4658.4035, \$100, and
- B. part 4658.4040, \$200.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

RESIDENT AREAS; NEW CONSTRUCTION**4658.4100 RESIDENTS' BEDROOM REQUIREMENTS, CAPACITIES; NEW CONSTRUCTION.**

At least five percent of the rooms must be designed for single person occupancy (one bed), and must have private toilet rooms. No room may have more than two beds. No toilet room may be shared by more than two bedrooms.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4105 BEDROOM DESIGN; NEW CONSTRUCTION.

Subpart 1. **Design.** Each bedroom must be designed and equipped for adequate nursing care, comfort, and privacy of residents, including full visual privacy of residents.

Subp. 2. **Usable floor area.** The usable floor area and the arrangement and shape of the bedroom must provide space for furnishings, for the free movement of residents with physical handicaps, and for nursing procedures. "Usable floor area" does not include spaces occupied by toilet rooms, vestibules, permanently installed wardrobes, lockers, closets, or heating units. The usable floor area per bed must be at least 100 square feet per resident in double bedrooms, and at least 120 square feet in single bedrooms.

Subp. 3. **Access to exit.** Each bedroom must have direct access to an exit corridor.

Subp. 4. **Bedroom shape.** The shape of the bedroom must allow for the capability of a bed arrangement that provides at least three feet of floor space at both sides and the foot end of each bed.

Subp. 5. **Window.** Each bedroom must have at least one window to the outdoors.

Subp. 6. **Window area.** The window area must not be less than one-eighth of the required usable floor area, and the window sill must not be higher than two feet six inches above the floor. The entire window area must face an open outdoor space not less than 30 feet deep, and must provide an unobstructed angle of vision within this space of not less than 65 degrees. The 30-foot-deep open outside space must be measured perpendicular to the plane of the window. The 65 degree unobstructed angle of vision must include the perpendicular bisector of the window. Figure #1 illustrates these requirements:

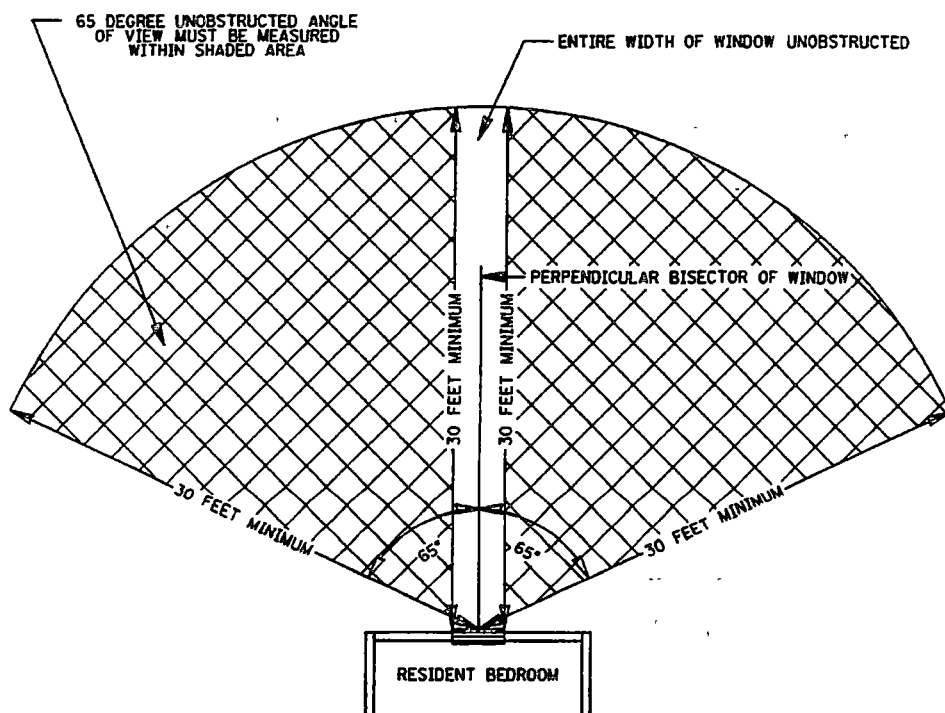
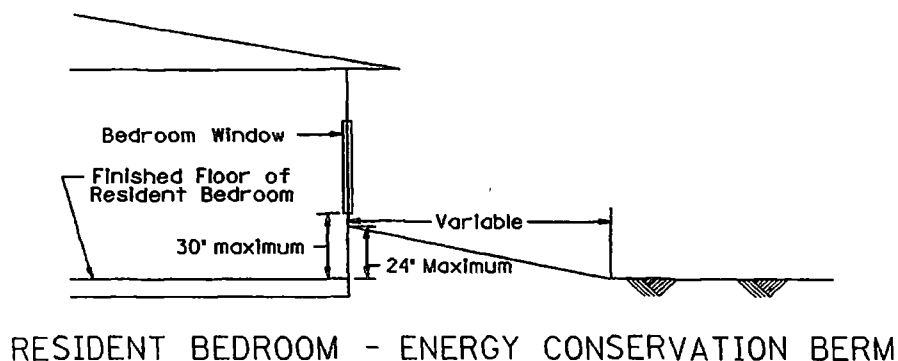
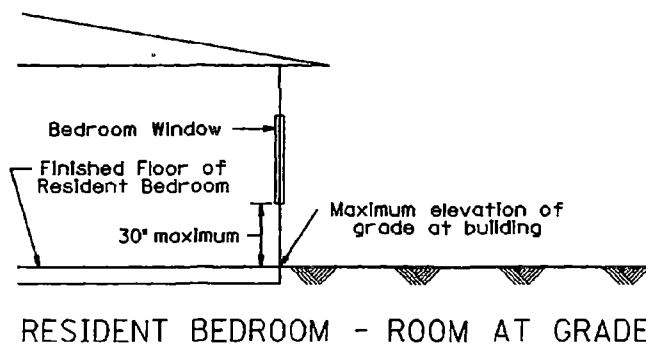
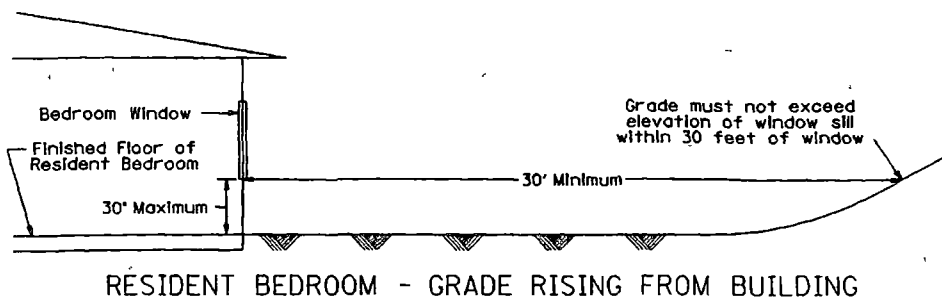


FIGURE #1

Subp. 7. **Floor at grade level.** Each bedroom must have a floor at or above grade level. An energy conservation berm as detailed in the diagram below is permitted. The following three diagrams illustrate acceptable methods of compliance with this subpart.



Subp. 8. **Distance from nurses' station.** Bedrooms must be located not more than 140 feet from the nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: 21 SR 196

4658.4110 BEDROOM DOORS; NEW CONSTRUCTION.

Subpart 1. **Written policy.** A nursing home must develop a written policy regarding the use of locks on bedroom doors. The policy must address whether or not doors can be locked while the resident is in the room.

Subp. 2. **Door locks.** All bedroom door locks must permit exit from the room by a simple operation without the use of a key. All locks must be openable with a master key which is located at each nurses' station.

Subp. 3 Door. The door to the corridor must be of fire-resistant construction in accordance with the Minnesota State Building Code, open into the bedroom, and have a nominal width of 44 inches. Bedroom doors must not open directly to an area where services are provided.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4115 CLOTHES WARDROBE OR CLOSET; NEW CONSTRUCTION.

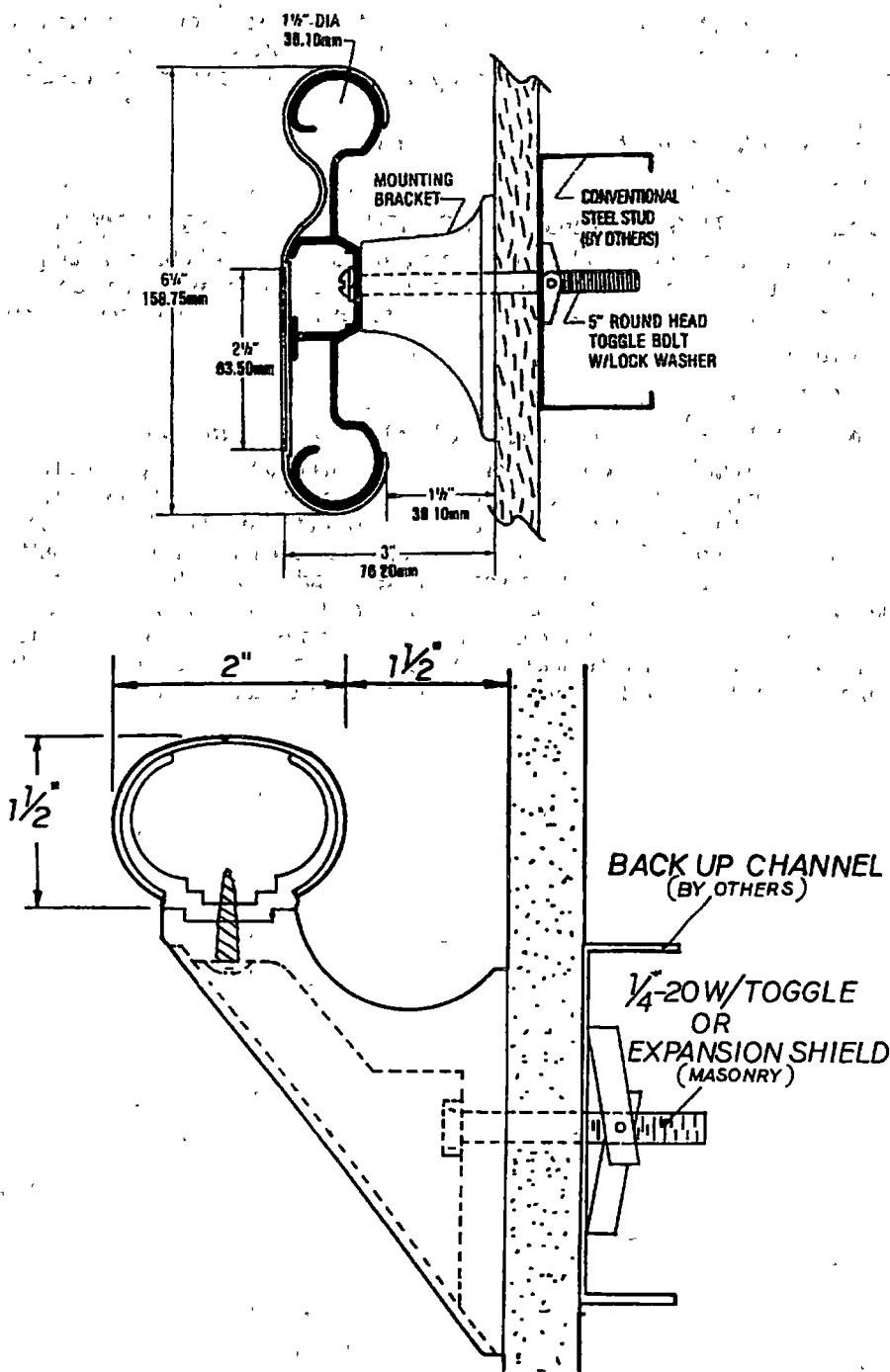
A nursing home must provide each resident with individual wardrobe or closet space in the resident's bedroom with clothes racks and shelves accessible to the resident. Locks may be provided, with keys for the residents when a pass key is available at the nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4120 HANDRAILS AND CORRIDORS; NEW CONSTRUCTION.

Subpart 1. Handrails. Securely anchored, durable handrails must be provided on both sides of corridors used by residents. If a length of corridor space between doorways is 60 inches or less, a handrail is not necessary for that portion of the corridor. The handrails must be mounted at a height of 32 to 34 inches to the top of the handrail. The handrail must be a round or oval section, 1-1/2 to two inches in diameter, and the clear distance between the handrail and wall must be 1-1/2 inches. The handrail must be designed to provide the means for a full hand grip around the handrail. Wall bracket supports must be provided at least six feet on center, and the mounted brackets must be capable of supporting a load of not less than 250 pounds. The following two diagrams illustrate two acceptable handrails:



Subp. 2. **Corridor width.** The unobstructed width of all corridors in resident areas must be at least eight feet. All exits must comply with the Minnesota State Building Code.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4125 NURSING AREA; NEW CONSTRUCTION.

Subpart 1. **Nurses' station.** At least one nurses' station must be provided per resident floor. A nurses' station may serve more than one nursing area on the same floor if the maximum distance from resident bedrooms does not exceed that required in part 4658.4105, subpart 8. The nurses' station must be equipped to receive resident calls through a communication system from resident rooms and toilet and bathing facilities.

Subp. 2. **Location.** Each nursing station must be located to provide for observation of corridors, residents, and resident calls. Private space must be provided for charting, storage of charts and supplies, and medicine preparation. The medication preparation area may be within the nurses' station or the clean utility room. Each nurses' station must contain facilities for cleanup and handwashing.

Subp. 3. **Staff toilet.** A separate staff toilet room must be provided near the nurses' station.

Subp. 4. **Clean utility room.** A clean utility room must be provided within each nursing area. The clean utility room must contain a sink with institutional fittings. Cabinets and shelving must be provided for the storage of materials and supplies.

Subp. 5. **Soiled utility room.** A separate soiled utility room must be provided within each nursing area. It must contain handwashing facilities and a clinical service sink for disposal of waste materials and the cleanup of soiled linen and utensils. Cabinets and shelving must be provided for the storage of materials and supplies.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4130 NOURISHMENT AREA; NEW CONSTRUCTION.

Subpart 1. **Equipment.** A nourishment area must be provided for serving between-meal refreshments. It may serve more than one nursing area, and may be located contiguous to a dayroom. The nourishment area must be provided with a work counter and sink, storage cabinets, and a refrigerator. The equipment may be residential-type equipment as long as the nourishment area is not used as part of the dietary department.

Subp. 2. **Range disconnect switch.** If the nourishment area includes an electric range that is accessible to the residents, a key-operated disconnect switch, with indicator light, must be provided for that range. The disconnect switch and indicator light must be readily accessible for staff.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4135 TOILET ROOMS AND SANITARY FIXTURES; NEW CONSTRUCTION.

Subpart 1. **Design and equipment.** Toilet rooms for residents, personnel, and the public must be designed and equipped according to part 4658.4145, except as noted in this part. A nursing home must have at least one toilet and one sink for four beds, and at least one shower or tub for 20 beds; excluding toilets for personnel or the public, and toilets in central bathing and other service areas. At least one toilet room must be designed and equipped according to part 4658.4150 and available for public use. Each toilet room must include a sink. All sinks must be provided with hot and cold water.

Subp. 2. **Showers and tubs.** There must be at least one shower and one tub in each nursing home.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4140 PROVISION OF RESIDENT TOILET ROOMS; NEW CONSTRUCTION.

Each resident toilet room must be directly accessible from the bedroom. A toilet room may serve two bedrooms, but no more than four beds, if residents are of the same sex. Hinged doors must swing out, or must be double acting and provided with an emergency-type re-

lease stop. Privacy door locks must be of a type which can be opened by staff in an emergency. Sliding doors must be surface mounted. Folding doors and pocket doors are prohibited.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4145 TOILET ROOM LAYOUT; NEW CONSTRUCTION.

Layout:

A. The door opening must have a clear opening of at least 32 inches. Hinged doors must swing out, or must be double acting and provided with an emergency-type release stop.

B. The center of the toilet must be located 18 inches from the side wall and there must be at least three feet of unobstructed space in front of the bowl. No basic interior room dimension may be less than 42 inches.

C. The toilet must be mounted at a height of not less than 17 inches nor more than 19 inches above the floor, measured to the top of the seat. The bowl must be elongated with an open-front seat.

D. Flush valves must be a quiet operating type.

E. The paper holder must be securely anchored on the side wall near the toilet, six inches above the seat, and six to 12 inches in front of the seat with both dimensions measured to the center of the holder.

F. A vertical grab bar, at least 18 inches long, must be provided on the side wall near the toilet. The low end must be mounted at a height of ten inches above the toilet seat and at a distance of 12 inches in front of the seat. A grab bar on each side of the toilet is recommended.

G. Grab bars must have an outside diameter of 1-1/4 to 1-1/2 inches, and must provide a clearance of 1-1/2 inches between the grab bar and the wall. Grab bars must be securely anchored to sustain a load of 250 pounds for five minutes.

H. The sink, with or without a counter top, must be mounted at a height of 32 to 34 inches above the floor, measured to the top edge.

I. A towel bar must be provided at a height of 42 to 44 inches above the floor. It must be a horizontal grab bar.

J. A shelf large enough to accommodate a resident's personal toilet accessories must be provided, unless space is provided by a suitable sink or a counter.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4150 HANDICAPPED ACCESSIBLE TOILET ROOMS; NEW CONSTRUCTION.

Layout.

A. Toilet rooms for wheelchair users must be arranged to allow movement for the frontal, oblique, and lateral angle approach.

B. The door opening must have a clear opening of at least 32 inches, and must be located within an area in front of the toilet. Hinged doors must swing out, or must be double acting and be provided with an emergency-type release stop. Privacy door locks must be of a type which can be opened by staff in an emergency.

C. The center of the toilet must be located 18 inches from the side wall and there must be at least four feet of unobstructed space in front of the bowl. All basic interior room dimensions must be at least 66 inches.

D. The toilet must be mounted at a height of 17 to 19 inches above the floor, measured to the top of the seat. The bowl must be elongated with an open front seat.

E. Flush valves must be a quiet operating type.

F. The paper holder must be securely anchored on the side wall near the toilet, 19 to 25 inches above the floor, and six to 12 inches in front of the seat with both dimensions measured to the center of the holder.

G. An L-shaped grab bar, each leg at least 18 inches long, must be provided, securely anchored on the side wall near the toilet. The low end of the vertical leg must be

mounted at a height of ten inches above the toilet seat and at a distance of 12 inches in front of the seat, and the horizontal grab bar must extend toward the back wall.

H. A horizontal grab bar must be mounted on the wall at the rear of the toilet at a height of 33 to 36 inches above the floor. The grab bar must be at least 36 inches long.

I. Grab bars must have an outside diameter of 1-1/4 to 1-1/2 inches, and must provide a clearance of 1-1/2 inches between the grab bar and the wall. Grab bars must be securely anchored to sustain a load of 250 pounds for five minutes.

J. The sink, with or without a counter top, must be accessible and must not interfere with general wheelchair movements. It must be mounted at a height of 34 inches above the floor, measured to the top edge, and must provide a vertical clearance of at least 27 inches for knee space. A standard-type sink which meets these conditions is acceptable.

K. A towel bar must be provided at a height of 42 to 44 inches. It must be a horizontal grab bar.

L. If a mirror is provided, and is mounted flush to the wall, the bottom of the mirror must be placed at a height of 36 inches and the top at a height of at least 66 inches. Tilting mirrors are allowed provided they are mounted to meet the needs of the residents.

M. A shelf large enough to accommodate a resident's personal toilet accessories must be provided at a height of 32 to 36 inches, unless space is provided by a suitable sink or a counter.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4155 CENTRAL BATHING AREA; NEW CONSTRUCTION.

Subpart 1. **Fixtures.** Bathing fixtures must be provided in accordance with part 4658.4135.

Subp. 2. General requirements.

A. In bathing areas with more than one fixture, each bathtub or shower area must be provided with privacy curtains or wall dividers.

B. If a toilet is located within an open area with multiple bathing fixtures, the toilet area must be provided with privacy curtains or stall partitions.

C. All bathtub and shower areas must be designed for assisted bathing.

D. The bathing area must have direct access to a toilet room or space without going through the general corridor, and the toilet room or space must allow space for assistance of residents according to part 4658.4150.

E. Bathtubs and showers must be provided with a nonslip bottom or floor surface and at least one grab bar, securely anchored, must be provided at each fixture.

F. If towel bars are provided, they must be horizontal grab bars, securely anchored.

G. A bar soap holder, if provided, must be without handles and recessed.

H. The door or doors to the bathing area must have privacy door locks. Hinged doors must swing out, or they must be double acting and be provided with an emergency-type release stop.

Subp. 3. Shower areas.

A. Central showers must not be less than 48 inches by 48 inches, or 54 inches by 42 inches with the long side open, without a curb, and with a 32-inch high splash protection.

B. The shower area must have controls located near the splash protection for easy reach by both resident and attendant. A flexible hose hand shower must be provided.

C. A vertical, nonslip grab bar, 24 inches long, must be provided at the shower and at the shower entrance location. The low end of the grab bar must be 36 inches above the floor. Horizontal grab bars inside the wet areas must be mounted at a height of 54 inches above the floor.

Subp. 4. Bathtub areas.

A. The location of the tub and the design of the central bathing area must allow a minimum of four feet of clearance around the working areas of the tub.

B. A pedestal used to elevate a standard-type bathtub must be provided with a finished cleanable surface, and include a toe space.

C. A flexible hose hand shower must be provided.

D. Horizontal or vertical grab bars must be located in proximity to the tub in order to accommodate safe use of the tub and the requirements of the bathing program, including drying of residents. These grab bars must be either wall-mounted or part of the tub design and construction.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4160 DRINKING FOUNTAINS; NEW CONSTRUCTION.

Refrigerated drinking fountains must be provided in resident areas, the recreational or activities area, and in or near the dining area.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4165 HANDWASHING FACILITIES; NEW CONSTRUCTION.

Handwashing facilities must be available for persons providing services to residents. Single-service towels must be available at all times. Use of a common towel is prohibited.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4170 STORAGE; NEW CONSTRUCTION.

Subpart 1. Equipment and supplies.

A. A storage room or rooms must be provided in each nursing area.

B. Total storage area within the nursing home for the storage of equipment and supplies must be provided in the amount of at least 15 square feet per bed including space for the storage of:

- (1) clean items and supplies in a clean utility room;
- (2) supplies and equipment for the activities program;
- (3) supplies and equipment in the barber and beauty shop room;
- (4) wheelchairs, walkers, and other adaptive equipment; and
- (5) bulk paper products.

C. Space for storage of food and linens must be provided in addition to the required storage area in item B.

Subp. 2. Housekeeping supplies. An area for the storage of housekeeping supplies and equipment must be provided in each janitor's closet.

Subp. 3. Yard maintenance equipment and supplies. Separate enclosed storage space for the storage of yard maintenance equipment and supplies must be provided outside the nursing home.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4175 JANITOR'S CLOSET; NEW CONSTRUCTION.

A janitor's closet must be provided for each resident floor or nursing area.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4180 ROOM LABELING; NEW CONSTRUCTION.

All bedrooms must be labeled using a system of numbers. All service rooms must be labeled.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

**4658.4190 PENALTIES FOR RESIDENT AREAS; NEW CONSTRUCTION
RULE VIOLATIONS.**

Penalty assessments for violations of parts 4658.4100 to 4658.4180 shall be assessed on a daily basis and are as follows:

- A. part 4658.4100, \$150;
- B. part 4658.4105, subpart 1, \$200;
- C. part 4658.4105, subpart 2, \$150;
- D. part 4658.4105, subparts 3 to 5, \$200;
- E. part 4658.4105, subpart 6, \$150;
- F. part 4658.4105, subpart 7, \$200;
- G. part 4658.4105, subpart 8, \$150,
- H. part 4658.4110, subpart 1, item A, \$100;
- I. part 4658.4110, subpart 1, item B, \$500;
- J. part 4658.4110, subpart 2, \$200;
- K. part 4658.4115, \$150;
- L. part 4658.4120, \$200;
- M. part 4658.4125, subpart 1, \$150;
- N. part 4658.4125, subparts 2 and 3, \$200;
- O. part 4658.4130, subpart 1, \$150;
- P. part 4658.4130, subpart 2, \$200;
- Q. part 4658.4135, \$150;
- R. part 4658.4140, \$150;
- S. part 4658.4145, items A to E, \$150;
- T. part 4658.4145, items F and G, \$200;
- U. part 4658.4145, items H to J, \$150;
- V. part 4658.4150, items A to F, \$150,
- W. part 4658.4150, items G to I, \$200,
- X. part 4658.4150, items J to M, \$150;
- Y. part 4658.4155, subpart 2, items A to D, \$150;
- Z. part 4658.4155, subpart 2, items E and F, \$200;
- AA. part 4658.4155, subpart 2, items G and H, \$150;
- BB. part 4658.4155, subpart 3, items A and B, \$150;
- CC. part 4658.4155, subpart 3, item C, \$200;
- DD. part 4658.4155, subpart 4, items A to C, \$150;
- EE. part 4658.4155, subpart 4, item D, \$200;
- FF. part 4658.4160, \$150;
- GG. part 4658.4165, \$150,
- HH. part 4658.4170, \$150,
- II. part 4658.4175, \$150, and
- JJ. part 4658.4180, \$50.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

SUPPORTIVE SERVICES; NEW CONSTRUCTION**4658.4200 DINING, DAYROOM, AND ACTIVITY AREAS, REQUIRED FLOOR
AREA; NEW CONSTRUCTION.**

Subpart 1. **Total area.** The total area set aside for dining, dayroom, and activities must be at least 40 square feet per bed, with a minimum of five square feet per bed for each type of area.

Subp. 2. **Space for adult day care.** Additional space must be provided, according to part 9555.9730, for dining, dayroom, and activities areas if the nursing home is offering a day care program.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4205 DAYROOM; NEW CONSTRUCTION.

Dayroom space must not include areas used for corridor traffic or chapels with fixed pews. Dayrooms must be located convenient to the bedroom areas and there must be at least one on each bedroom floor in multistory construction. Dayrooms must be provided with natural lighting.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4210 DINING AREA; NEW CONSTRUCTION.

The dining area must be separate from the kitchen. The dining area or areas must have windows facing the outdoors.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4215 ACTIVITIES AREA; NEW CONSTRUCTION.

Display space for individual resident's projects must be provided. A counter, hand-capped accessible handwashing facility, and a single-service towel dispenser must be provided within an activities area. If provided, a ceramic kiln must be installed in accordance with the Uniform Mechanical Code.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4290 PENALTIES FOR SUPPORTIVE SERVICES; NEW CONSTRUCTION RULE VIOLATIONS.

A \$150 penalty shall be assessed on a daily basis for violations of parts 4658.4200 to 4658.4215.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

DIETARY, LAUNDRY, AND OTHER FACILITIES; NEW CONSTRUCTION

4658.4300 KITCHEN AREA; NEW CONSTRUCTION.

Subpart 1. **In general.** The kitchen must be located conveniently to the service entrance, food storage areas, and dining area. Door openings to food preparation areas must be located away from entrances to soiled linen or utility rooms, trash rooms, or a laundry. The kitchen area must be arranged for efficient operation and must contain sufficient space and equipment for the type of food service selected. If a commercial food service is used, or if meals are provided by another facility, the kitchen areas and equipment must be designed to provide for the safe and sanitary storage, processing, and handling of such food. The kitchen area must be subjected only to that traffic which is directly related to the functions of the food service. Food storage areas must be located to avoid delivery traffic through the kitchen area.

A kitchen and food storage area designed for limited food preparation should be arranged for possible future expansion in case a nursing home reverts to a standard-type food service at a later date. Doors with locks must be provided to secure the kitchen and food storage areas during off-hours.

Subp. 2. **Storage for nonperishable food.** A well-ventilated storeroom must be provided for day storage and for the reserve food supply. The maximum temperature of the storeroom must not exceed 85 degrees Fahrenheit. The storeroom must have storage capacity for at least one week's supplies. Shelving must be finished with a washable surface, and the bottom shelf must be at least six inches above the floor. Floor drains must not be provided.

Subp. 3. **Storage facilities.** Mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled-temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature-indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature-indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures. Floor drains, directly connected to the building sewer system, must not be provided inside the room.

Subp. 4. **Storage for dishes and utensils.** Enclosed storage must be provided for all china, glasses, flatware, and other food service utensils, including cooking utensils, pots, and pans. Dishes and utensils must not be stored in the dishwashing area.

Subp. 5. **Janitor's closet.** The dietary department must be provided with its own janitor's closet with a floor receptor or service sink, and storage for housekeeping supplies and equipment.

Subp. 6. **Sinks.** At least one sink with a single-service towel dispenser must be provided in the food preparation area and in the clean end of the dishwashing area. Mirrors must not be installed in food preparation areas. The use of a common towel is prohibited.

Subp. 7. **Toilet room.** A toilet room must be accessible for the dietary staff. It must not open directly into any food service area. It must contain a toilet, sink, mirror, and a single-service towel dispenser. The use of a common towel is prohibited.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4305 FOOD SERVICE EQUIPMENT; NEW CONSTRUCTION.

Subpart 1. **In general.** All food service equipment, including ice makers, drinking fountains, and dishwashers, must comply with part 4658.3500, subpart 3. Food storage equipment must be designed and constructed according to NSF International Standard No. 2. Materials used on the interior and exterior exposed surfaces of the food storage equipment must be NSF International approved. Counter tops for all food service cabinets must be NSF International approved. The complete food storage equipment does not require NSF International approval. Sufficient separation must be provided between each piece of equipment and between equipment and walls to permit easy and effective cleaning, or the equipment must be placed with a tight fit and the joints sealed. Equipment which is not sealed at the floor must have casters or be installed on sanitary legs that provide at least six inches clearance between the equipment and the floor. Aisles between equipment must have a minimum width of four feet to allow room for traffic in work areas and to permit movement of mobile equipment.

Subp. 2. **Food carts.** Floor space designated for the storage of all food carts must be provided within the kitchen area.

Subp. 3. **Cutting boards.** Cutting boards or similar use table tops must be constructed of nonporous, smooth, and cleanable material, and be free of cracks, crevices, and open seams.

Subp. 4. **Scullery sink.** For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with at least three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils and each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities. If a mechanical dishwasher or a mechanical utensil washer is used for the sanitizing of pots and pans, a sanitizing compart-

ment is not required and a two-compartment scullery sink is acceptable as used according to parts 4658.0675 and 4658.0680.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4310 DISHWASHING AREA; NEW CONSTRUCTION.

The dishwashing area must be separate from the food preparation area, and must be arranged and equipped as follows:

A. Soiled dishes must arrive at the soiled dish counter without passing through the clean dish side of the dishwashing area or through the food preparation area of the kitchen. The soiled dish counter must include provisions for prerinse of dishes and disposal of garbage.

B. Facilities with more than 30 beds must provide a commercial hood-type or conveyor dishwasher. The area containing the dishwasher and the soiled dish spray rinse must be separated from the food preparation area and the clean dish storage area by a wall protection.

C. Facilities with 30 or fewer beds must be equipped with a minimum of an under-counter-type dishwasher that complies with NSF International Standard No. 3.

D. Clean dishes must be returned directly from the clean dish counter to a clean area for storage. The clean dish counter must be at least four feet long in facilities with pass-through type dishwashers. If necessary, provision must be made for the return of empty dish racks to the dishwasher area.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4315 WASHING OF FOOD CARTS; NEW CONSTRUCTION.

A separate area, equipped with a floor drain, must be provided for the cleaning of food carts.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4320 WASHING OF GARBAGE CANS; NEW CONSTRUCTION.

An area, separated from the dietary area, equipped with a floor drain, must be provided for the washing of garbage cans.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4325 LAUNDRY, SIZE AND LOCATION; NEW CONSTRUCTION.

Subpart 1. **Laundry.** The laundry, if provided in the facility, must be sized and equipped to handle the laundering of all linen and personal clothing to be processed in the facility.

Subp. 2. **Entrance.** The entrance to a soiled linen collection room or to a laundry processing room must be located away from resident living areas and the entrance to the kitchen. Door widths to laundry areas must allow for movement of equipment and linen carts.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4330 SOILED LINEN COLLECTION ROOM; NEW CONSTRUCTION.

Subpart 1. **Soiled linen collection room.** A separate, enclosed soiled linen collection room must be provided for the collection, storage, and sorting of soiled linen to be processed in the laundry processing room or by an outside laundry service.

Subp. 2. **Location.** The soiled linen collection room must be located at the soiled side of the laundry processing room. A soiled linen collection room for facilities with outside laundry service must be located near the service entrance.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4335 LAUNDRY PROCESSING ROOM; NEW CONSTRUCTION.

The laundry processing room must be arranged and equipped to allow for the orderly, progressive flow of work from the soiled area to the clean area. The layout of the processing area must minimize linen transportation and avoid cross-traffic between clean and soiled operations. Laundry operations must be physically separated by a floor area. The processing room must provide space for the storage of supplies and equipment. Space for storage of laundry carts must be provided within the laundry area. Handwashing facilities must be available for the area. A two-compartment laundry tub must be provided and must be of a material with a nonabsorbent, smooth, permanent finish. A laundry tub may be provided with fittings for the required handwashing facilities.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4340 LAUNDRY EQUIPMENT; NEW CONSTRUCTION.

The laundry equipment must be of commercial type and must be of sufficient size and quantity for the size of the facility. The washer installation must be constructed of materials capable of meeting the operating requirements in part 4658.1410. The washer must be capable of measuring and displaying internal water temperatures.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4345 CLEAN LINEN STORAGE; NEW CONSTRUCTION.

Rooms, closets, or enclosed carts must be provided for the storage of clean linen.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4350 LAUNDRY FOR PERSONAL CLOTHING; NEW CONSTRUCTION.

Provision must be made for the washing of personal clothing either within or outside the facility. Residential-grade equipment may be used for the washing of personal clothing.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4355 REFUSE; NEW CONSTRUCTION.

Subpart 1. Refuse area. An outside, fenced area or a separate room must be provided for holding trash and garbage prior to disposal. It must be located convenient to the service entrance and be sized to accommodate the refuse volume and the chosen type of disposal system.

Subp. 2. Incinerator. An incinerator, if provided, must be in a separate room, or in a designated area within the boiler or heater room, or outdoors. An incinerator, if provided, must comply with parts 7011.1201 to 7011.1285.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4360 COVERED ENTRANCE AREA; NEW CONSTRUCTION.

At least one covered entrance area must be provided to protect residents from weather. The covered entrance must extend from the curb line to the building.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4365 FACILITIES FOR PERSONNEL; NEW CONSTRUCTION.

Locker and toilet facilities must be provided for personnel.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4370 REHABILITATIVE SERVICES AREAS; NEW CONSTRUCTION.

Subpart 1. Specialized rehabilitative services area. Each specialized rehabilitative therapy service provided must be provided space and equipment for exercise and treatment

which meets the needs of a medically directed therapy program and of the residents receiving services. Each treatment area must be designed and equipped to protect residents' visual privacy. A lavatory or sink must be conveniently located to all rehabilitative services areas. Space for administrative activities and storage of supplies and equipment must be provided for any rehabilitative service provided.

Subp. 2. **Physical therapy area.** The physical therapy area must be provided with a lavatory or sink with institutional fittings and a single-service towel dispenser.

Subp. 3. **Physical therapy area toilet room.** A toilet room must be located within or adjacent to the physical therapy area. Access to this toilet room must be provided from within the physical therapy area. This toilet room may also serve the general corridor. The toilet room must comply with the requirements for handicapped accessible toilet rooms in part 4658.4150.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4375 BARBER AND BEAUTY SHOP SERVICES; NEW CONSTRUCTION.

A room must be provided and equipped for barber and beauty shop services.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4390 PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES; NEW CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.4300 to 4658.4375 shall be assessed on a daily basis and are as follows:

- A. parts 4658.4300 to 4658.4345, \$200;
- B. part 4658.4350, \$100;
- C. part 4658.4355, \$150,
- D. part 4658.4360, \$200; and
- E. parts 4658.4365 to 4658.4375, \$150.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

CONSTRUCTION, CHUTES, AND ELEVATORS; NEW CONSTRUCTION

4658.4400 AREA HEAT PROTECTION; NEW CONSTRUCTION.

Floors and walls for resident living areas which are overheated due to adjoining heat sources must be insulated or otherwise protected to prevent the surface from exceeding a temperature of 85 degrees Fahrenheit.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4405 DOOR HANDLES; NEW CONSTRUCTION.

Lever-type door handles must be provided on all hinged doors to resident areas.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4410 DUMBWAITERS AND CONVEYORS; NEW CONSTRUCTION.

Enclosed dumbwaiter pits and conveyor spaces must be provided with access for cleaning. Operation of dumbwaiters must comply with parts 5205.0400 to 5205.0490.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4415 ELEVATORS; NEW CONSTRUCTION.

Subpart 1. **Elevators.** Shaft enclosures and elevator installations must be provided in accordance with part 4658.3500, subpart 5. Elevators must be provided in all facilities where residents occupy or use more than the entrance or first floor level.

Subp. 2. **Elevator cab size.** At least one elevator must have an inside cab dimension of at least five feet wide and seven feet deep. The car doors must have a clear opening of at least three feet, eight inches.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4420 EXTERIOR MECHANICAL SHAFTS; NEW CONSTRUCTION.

Exterior shafts serving equipment for resident areas must be constructed to prevent accumulation of dirt, leaves, or snow.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4425 FLOOR JOINTS; NEW CONSTRUCTION.

Thresholds and expansion joint covers must be flush with the floor, except at exterior doors. Adjacent dissimilar floor materials must be flush with each other to provide an unbroken surface.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4430 NONSKID SURFACES; NEW CONSTRUCTION.

Stairways, ramps, bathtubs, and showers must be provided with nonslip surfaces.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4435 GLASS PROTECTION; NEW CONSTRUCTION.

Any full height window or glass partition of clear glass which has the sill placed at or up to 18 inches above floor level must be constructed of safety glass and must be provided with a railing or some other structural safety barrier at a height of at least 30 inches above the floor. Glass doors must be constructed of safety glass and must be provided with a push bar or with decals or markings.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4440 LINEN AND TRASH CHUTES; NEW CONSTRUCTION.

The minimum diameter of a gravity-type chute must be two feet. The ceiling space between shaft walls and the discharge end of the chute must be sealed to prevent odors from leaking into the enclosing shaft space.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4445 OVERHEAD PIPING; NEW CONSTRUCTION.

Overhead piping must not be exposed in dietary areas, clean storage, and clean linen areas. Waste lines over food preparation areas, food storage areas, clean storage areas, and electrical panels are prohibited. Plumbing waste lines and vents must not be located within ventilation plenums.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4450 PROTECTION RAILINGS; NEW CONSTRUCTION.

Protection railings, 42 inches high, must be provided for top landings of stairs, window wells, and open air shafts in areas accessible to residents.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4455 CEILING HEIGHTS; NEW CONSTRUCTION.

Minimum ceiling heights must be provided as follows:

A. Boiler room ceilings must be at least five feet higher than the top of the boiler unit and at least two feet, six inches above the main boiler head and connecting piping with a minimum total height of nine feet.

B. Ceilings in corridors, storage rooms, resident toilet rooms, and other minor rooms must not be less than seven feet, six inches.

C. Ceilings in all other rooms must not be less than eight feet.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4460 CEILINGS, WALLS, AND FLOORS; NEW CONSTRUCTION.

Ceilings, walls, and floors must be of a type or finish to permit good maintenance including frequent washing, cleaning, or painting. Walls in areas subject to local wetting must be provided with a hard, nonabsorbent surface. Floors in areas subject to local wetting must be finished with a smooth, hard, nonslip, nonabsorbent surface. In dietary areas, floor surfaces must be grease resistant. Carpeting in resident areas must be of high density, low-pile construction which is cleanable and facilitates wheeled traffic.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4490 PENALTIES FOR CONSTRUCTION DETAILS, CHUTES, AND ELEVATORS; NEW CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.4400 to 4658.4460 shall be assessed on a daily basis and are as follows:

- A. part 4658.4400, \$200;
- B. part 4658.4405, \$150;
- C. part 4658.4410, \$200;
- D. part 4658.4415, \$200;
- E. part 4658.4420, \$150;
- F. parts 4658.4425 to 4658.4450, \$200;
- G. part 4658.4455, \$150; and
- H. part 4658.4460, \$200.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

MECHANICAL SYSTEMS; NEW CONSTRUCTION.

4658.4500 PLUMBING SYSTEMS; NEW CONSTRUCTION.

Subpart 1. Installation. All plumbing systems must be installed and tested according to this chapter and chapter 4715, the Minnesota Plumbing Code.

Subp. 2. Area drainage. Roofs, basements, tunnels, pits, shafts, areaways, courts, yards, and drives must be properly drained to eliminate intrusion of rain water or groundwater into the building. Floor drains in exterior areaways and similar installations must be provided with a running trap located inside the building to prevent freeze-up in the winter.

Subp. 3. Pipe insulation. Sufficient insulation must be provided for all water and steam piping to assure proper functioning of the systems, provide safety against burns, and to prevent undesirable condensation or heat transfer in areas for residents.

Subp. 4. Hot water supply. Circulating hot water must be provided in all hot water mains and in risers more than three stories high to assure hot water at the fixtures. The domestic hot water heating equipment must be installed, operated, and maintained according to chapter 4715, the Minnesota Plumbing Code. The domestic hot water heating equipment must have sufficient capacity and recovery to supply water at minimum temperatures at the point of use as follows:

A. resident bedrooms and service areas, 105 degrees Fahrenheit; with a maximum temperature at the point of use of 115 degrees Fahrenheit;

- B. mechanical dishwashing, 180 degrees Fahrenheit;
- C. washers in the laundry, 160 degrees Fahrenheit; and
- D. mechanical sanitizing of nursing utensils, 180 degrees Fahrenheit.

If a thermostatically controlled mixing valve is used, it must be of the "fail-safe" type which prevents flow of hot water in case the cold water supply fails. Heaters must be insulated and provided with a thermometer.

Subp. 5. **Dishwashing machine.** The dishwashing machine must be of a commercial type equal to the standards established by NSF International Standard No. 3, and must be of a size that can accommodate food trays. The water supply line at the machine must be provided with a pressure-reducing valve, pressure gauge, and vacuum breaker. The rinse water flow pressure must be maintained between 15 and 25 pounds per square inch at the machine by the use of a pressure reducing valve. A pressure gauge must be installed immediately after the reducing valve. A recirculation system and pump must be provided if the final rinse water heater is located more than five feet from the dishwasher. The drain must be an indirect waste connection to a trapped floor drain, or it must be a trapped connection to a branch with a floor dram without a backwater valve in the horizontal branch.

Subp. 6. **Floor drains.** Floor drains must not be installed in areas for food storage. Floor drains must not be directly connected to ventilation equipment or air supply plenums.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4505 PLUMBING; NEW CONSTRUCTION.

Subpart 1. **Institutional fittings.** Institutional fittings must include a mixing faucet, gooseneck spout or other approved spout, wrist-action controls, and an open grid strainer on the waste in the sinks.

The spout must provide a minimum vertical distance of five inches from its discharge point to the rim of the fixture, and a minimum horizontal bowl clearance of seven inches between the discharge point and the inside face of the rim.

The blades on wrist-action controls must not exceed 4-1/2 inches in length, except that handles on clinical sinks must not be less than six inches long.

Subp. 2. **Flushing rim service sinks or clinical sinks.** Flushing rim service sinks or clinical sinks must have an integral trap in which the upper portion of a visible trap seal provides a water surface. A bedpan cleaning device must be included at the clinical sink in soiled utility rooms. If a spray nozzle is included, there must be a way to control the water flow and pressure from the nozzle to minimize aerosolization.

Subp. 3. **Sterilizer vent systems.** All sterilizers requiring vapor vents must be connected with a vapor venting system extending up through the roof independent of the plumbing fixture vent system. The vertical riser pipe must be provided with a drip line which discharges into the drainage system through an air gap or open waste fixture. The connection between the fixture and the vertical vent riser pipe must be made by means of a horizontal offset. Vent material must be erosion and corrosion resistant.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4510 HEATING AND COOLING; NEW CONSTRUCTION.

Subpart 1. **Design and installation.** Heating and cooling systems must be capable of maintaining a temperature of 71 degrees Fahrenheit to 81 degrees Fahrenheit in all resident areas. Areas must be zoned according to use and exposure, and must be provided with thermostatic temperature controls. The humidification system must be capable of maintaining a space humidity between 25 percent relative humidity and 50 percent relative humidity.

Subp. 2. **Isolation of major components.** A means of isolating major sections or components in the heating and cooling systems must be provided. Supply and return mains, and risers of space heating and cooling systems must be valved to isolate the various sections of each system. Each piece of equipment must be valved at the supply and return ends. Any pump on which the heating and cooling systems are dependent should be installed in duplicate for standby service in a nursing home.

Subp. 3. **Controls and gauges.** All valves and controls must be placed for convenient access and use, and thermometers and gauges must be mounted for easy observation.

Subp. 4. **Heating and cooling elements.** Heating and cooling elements must be located so as not to interfere with beds in residents' rooms. Tubing and casing of gravity-type heating and cooling convectors must be mounted at least four inches above the floor and be provided with removable sturdy covers in order to facilitate cleaning.

Subp. 5. **Forced flow room units.** Cabinets for forced flow heating or cooling units must be sturdy and must be mounted either continuously along the floor with a tight fit or at least four inches above the floor. Outside air must be filtered. The interior air grill for recirculation must be located not less than four inches above the floor, on floor mounted units. Fans or blowers must be of a quiet operating type, and the fan or blower housing must not be directly connected to the metal of the unit cabinet. Recirculated air must be passed through the filter. The filter must be replaceable from within the room.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4515 VENTILATION REQUIREMENTS; NEW CONSTRUCTION.

Mechanical supply and exhaust ventilation must be provided for all areas according to part 4658.4520. The systems must be designed and balanced to provide the pressure relationships described in part 4658.4520. Areas not covered in part 4658.4520 must be ventilated according to the Minnesota State Building Code. Areas requiring an equal or positive pressure relationship to adjacent areas according to part 4658.4520 must be provided with tempered makeup air. All air-supply and air-exhaust systems must be mechanically operated. Required exhaust ventilation must not be activated by a light switch. All fans serving exhaust systems must be located at the discharge end of the system. The ventilation rates shown in part 4658.4520 are minimum acceptable rates, and do not preclude the use of higher ventilation rates if the rates do not result in undesirable velocities in resident areas.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

MINNESOTA RULES 1996

Area Designation	Pressure ¹ Relationship to Adjacent Areas	All Supply Air From Outdoors
Resident Bedroom	0	-
Dayroom, Activity Area	0	-
Resident Corridor	0	-
Dining Room, Therapy	-	-
Medication Room	+	-
Clean Utility Room	+	-
Soiled Utility Room	-	-
Toilet Room	-	-
Bathing Area	-	-
Barber and Beauty Room	-	-
Janitor's Closet	-	-
Sterilizer Equip. Room	-	-
Garbage Room, Can Washing	-	-
Trash Collection Room	-	-
Food Preparation, Nourishment	0	-
Dishwashing, Food Cart Cleaning Area	-	-
Dietary Storage	0	-
Laundry Processing Room	0	-
Soiled Linen Collection Room	-	-
Clean Linen Storage Room	+	-
Isolation Room	-	-
Smoking Room	-	-

MINNESOTA RULES 1996

127

NURSING HOMES 4658.4520

4658.4520 VENTILATION PRESSURE RELATIONSHIPS AND VENTILATION FOR CERTAIN AREAS IN NURSING HOMES; EXISTING AND NEW CONSTRUCTION.

Minimum Air Changes of Outdoor Air Per Hour	Minimum Total Air Changes Per Hour	All Exhaust Directly To Outdoors	Recirculated Within Room
2	2	.	.
2	2	-	.
2	4	-	.
2	6	-	.
2	4	-	.
2	4	-	.
.	10	YES	NO
.	10	YES	NO
.	10	YES	NO
.	10	YES	NO
.	10	YES	NO
.	10	YES	NO
.	10	YES	NO
2	10	YES	NO
.	10	YES	NO
.	2	.	NO
2	10	YES	NO
.	10	YES	NO
2	2	.	NO
2	6	YES	NO
2	10	YES	NO

Symbols:**Air Pressure Relationships:**

+ = Positive;

- = Negative;

0 = Neutral

Air Changes, Supply, Exhaust:

- = Optional

¹Areas with equal or positive pressure relationships to adjacent areas must be provided with tempered make-up air.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4525 FRESH AIR INTAKES; NEW CONSTRUCTION.

Fresh air intakes for ventilation systems must be located at least 25 feet away from a ventilation exhaust, combustion exhaust, or driveway or parking area. The bottom of fresh air intakes serving central air systems must be located as high as possible, but at least four feet above grade, or, if installed through the roof, at least two feet above roof level. Air intakes for individual room units must be at least one foot, six inches above outside grade. Any exhaust system or waste chute vent must terminate at least 25 feet away from windows that can be opened.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

4658.4530 HEIGHT OF REGISTERS; NEW CONSTRUCTION.

Wall openings for air supply or return must be located at least four inches above the floor.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4535 DIETARY AREA; NEW CONSTRUCTION.

Subpart 1. **Food preparation areas.** The minimum ventilation requirements of part 4658.4520 for food preparation areas must be provided by either a combination of general ventilation and the range hood, or by general room ventilation. If hood ventilation is needed to meet the minimum air changes per hour, the hood must be operating at all times that the food preparation area is in use.

Subp. 2. **Dishwashing area.** The minimum exhaust requirements of part 4658.4520 for the dishwashing area must be provided by either a combination of general ventilation and the exhaust from the mechanical dishwasher or by general ventilation. If dishwasher hood ventilation is needed to meet the minimum air changes per hour, the hood must be operating at all times that the dishwashing area is in use.

Subp. 3. **Exhaust ducts.** All exhaust ducts must be provided with access panels for cleaning.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4540 LAUNDRY AREA; NEW CONSTRUCTION.

Air in the laundry must be vented away from the finishing and ironing area and toward the extracting and washing area. The general air movement must be from the clean area to the soiled area, and must be of sufficient volume to remove steam, odors, and excessive heat. Dryers must be provided with a lint collector. Horizontal exhaust ducts must exhaust to the outside. The ducts must be provided with access panels for cleaning.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4545 MECHANICAL ROOMS; NEW CONSTRUCTION.

Mechanical rooms with equipment using liquefied petroleum gas (LPG) or flammable liquid fuels producing vapors heavier than air must be provided with continuous mechanical

outdoor air ventilation that provide a pressure which is equal to or greater than atmospheric, to remove accumulations of gas or vapor at the floor level. A relief or exhaust vent must be located within 12 inches below the ceiling, and a relief or exhaust vent must be located within 12 inches above the floor.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4550 FILTERS; NEW CONSTRUCTION.

Subpart 1. **Air supply.** All air supplied to the nursing home must be free from harmful particulate matter, any type of combustion products or contaminants, obnoxious odors, or exhausted air from the building or adjoining property.

Subp. 2. **Filters.** All outside air introduced into living and service areas of a nursing home must be filtered. Return air to central ventilation systems must be filtered. All central ventilation or air conditioning systems must be equipped with a minimum of one filter bed. The filter bed must be located upstream of the air conditioning equipment, unless a prefilter is employed. If a prefilter is employed, the prefilter must be upstream of the equipment and the main filter may be located further downstream. Filter frames must be durable and proportioned to provide an airtight fit with the enclosing ductwork.

Subp. 3. **Filter efficiencies.** Filters installed in all central ventilation or air conditioning systems must have a minimum efficiency of 25 percent. All filter efficiencies must be average atmospheric dust spot efficiencies tested according to the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. (ASHRAE) Standard No. 52.1-1992.

Subp. 4. **Autoclave room.** If there is a large autoclave in the nursing home, it must be located in a separate room provided with supply and exhaust ventilation. If an autoclave is built into a separate equipment room, the equipment room must be provided with exhaust ventilation.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4590 PENALTIES FOR MECHANICAL SYSTEMS; NEW CONSTRUCTION RULE VIOLATIONS.

A \$200 penalty shall be assessed on a daily basis for violations of parts 4658.4500 to 4658.4550.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

ELECTRICAL SYSTEMS; NEW CONSTRUCTION

4658.4600 DISTRIBUTION PANEL BOARDS; NEW CONSTRUCTION.

Subpart 1. **Circuit index.** All circuits in light and power panels must be identified with a typewritten index. Doors on electrical panel boards accessible to residents must be equipped with a lock.

Subp. 2. **Panel boards.** Lighting and appliance panel boards must be provided for the circuits on each floor, except for emergency system circuits.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4605 CORRIDOR RECEPTACLES; NEW CONSTRUCTION.

Single receptacles on a separate circuit for equipment such as floor cleaning machines must be installed approximately 50 feet apart in all corridors and within 25 feet of ends of corridors.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4610 SWITCHES AND RECEPTACLES; NEW CONSTRUCTION.

Switches must be placed between 42 inches and 48 inches above the floor. Convenience outlets for electrical appliances must be located to avoid danger in wet areas.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4615 INTERIOR LIGHTING; NEW CONSTRUCTION.

A source of lighting must be provided in every room in the nursing home. Lighting levels in all areas of the nursing home must be adequate and comfortable. "Adequate lighting" means levels of illumination suitable to tasks the resident chooses to perform or the nursing home staff must perform. The installation of rheostats to provide varying levels of illumination in resident areas deemed appropriate by the nursing home is acceptable. "Comfortable lighting" means lighting that minimizes glare and provides maximum resident control, where feasible, of the intensity, location, and direction of illuminations so that visually impaired residents can maintain or enhance independent functioning.

The design of the lighting system must:

- A. minimize direct, reflected, and contrast glare;
- B. provide consistent and even illumination of wall surfaces and floors;
- C. be residential in appearance;
- D. incorporate lamp colors that do not distort the true color of people, objects, or architectural elements; and
- E. be energy efficient.

Where feasible, indirect lighting by fluorescent lamps concealed by architectural molding or wall sconces is preferred. Electronic ballasts must be used for all fluorescent light fixtures. Full spectrum fluorescent and halogen lamps must not be used for task lighting. The lighting system must use natural light to the fullest extent possible in conjunction with artificial lighting. Illumination levels at transitions between outside daylight and interior light levels at entry ways must be equalized.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4620 FIRE ALARM SYSTEMS; NEW CONSTRUCTION.

Fire alarm systems and sprinkler systems must be provided in accordance with chapter 1305.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4625 BEDROOM RECEPTACLES; NEW CONSTRUCTION.

Each resident bedroom must have a minimum of two duplex receptacles mounted on the wall at the head of the bed, and one receptacle mounted on each side of the bed, for a total of four electrical outlets per bed. In addition to the receptacles at the head and side of each bed, each resident bedroom must be provided with two additional duplex receptacles, conveniently located on adjacent walls for resident use. At least one receptacle must be located between 16 inches and 20 inches above the floor, and be accessible for resident use

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4630 NIGHT LIGHTS; NEW CONSTRUCTION.

Each resident bedroom must be provided with a night light.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4635 NURSE CALL SYSTEM; NEW CONSTRUCTION.

The nurses' station must be equipped with a communication system designed to receive calls from the resident and nursing service areas required by this part. The communication

system, if electrically powered, must be connected to the emergency power supply. Nurse calls and emergency calls must be capable of being inactivated only at the points of origin. A central annunciator must be provided where the door is not visible from the nurses' station.

A. A nurse call must be provided for each resident's bed. Call cords, buttons, or other communication devices must be placed where they are within reach of each resident. A call from a resident must register at the nurses' station, activate a light outside the resident bedroom, and activate a duty signal in the medication room, nourishment area, clean utility room, soiled utility room, and sterilizing room. In multicorridor nursing units, visible signal lights must be provided at corridor intersections.

B. An emergency call must be provided in each resident toilet room, in all areas used for resident bathing, dayrooms, therapy areas, and activity areas. If a pull cord is provided it must extend to within six inches above the floor. A push-button type emergency call must be installed at a height of 24 inches. An emergency call must register a call from a resident at the nurses' station, activate a duty signal in the medication room, nourishment area, clean utility room, soiled utility room, and sterilizing room, and activate a signal light by the bedroom door. The emergency duty signal must provide a visual signal light and an audible alarm.

C. If a nurse call system provides two-way voice communication, it must be equipped with an indicator light at each call station which lights and remains lighted as long as the voice circuit is operating. Nurse calls of this type may be capable of being inactivated at the nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4640 EMERGENCY ELECTRIC SERVICE; NEW CONSTRUCTION.

To provide electricity during an interruption of the normal electrical power supply that affects medical care, or safety of the occupants, an emergency source of electrical power must be provided and connected to certain circuits for lighting and the nurse call system. The emergency system must provide lighting for the nurses' station, telephone switchboard, resident corridors, exits, the boiler or heating system room, and, if provided, the emergency generator room. The emergency electrical service must assure functioning of the fire detection, alarm, and suppression systems, and the life support systems. Emergency electrical service must be provided by one of the following methods:

A. a battery-operated system with automatic controls and recharging if effective for four or more hours; or

B. an on-site emergency generator.

The emergency generator, if provided, must be operated and tested in accordance with the manufacturer's instructions. It is recommended that the emergency generator system include all items necessary for the functioning of the heating system. An automatic transfer switch is recommended.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.4690 PENALTIES FOR ELECTRICAL SYSTEMS; NEW CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.4600 to 4658.4640 shall be assessed on a daily basis and are as follows:

A. part 4658.4600, subpart 1, \$50;

B. part 4658.4600, subpart 2, \$200;

C. parts 4658.4605 to 4658.4630, \$200; and

D. parts 4658.4635 and 4658.4640, \$350.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

RESIDENT AREAS; EXISTING CONSTRUCTION**4658.5000 BEDROOM DESIGN, EXISTING CONSTRUCTION.**

Subpart 1. **Design.** Each resident bedroom must be designed and equipped for adequate nursing care, comfort, and privacy of residents, including full visual privacy of residents.

Subp. 2. **Usable floor area.** The usable floor area per bed must be at least 70 square feet for three- or four-bed rooms, at least 80 square feet for two-bed rooms, and at least 100 square feet for single bedrooms. The usable floor area and the arrangement and shape of the bedroom must provide space for furnishings, for the free movement of residents with physical handicaps, and for nursing procedures. "Usable floor area" does not include spaces occupied by toilet rooms, vestibules, permanently installed wardrobes, lockers, closets, or heating units.

Subp. 3. **Access to exit.** Each bedroom must have direct access to an exit corridor.

Subp. 4. **Bedroom shape.** The shape of the bedroom must allow for the capability of a bed arrangement which provides at least three feet of floor space at both sides and the foot end of each bed.

Subp. 5. **Distance from nurses' station.** Resident bedrooms must be located within 140 feet from the nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5005 BEDROOM DOOR LOCKS; EXISTING CONSTRUCTION.

Subpart 1. **Written policy.** A nursing home must develop a written policy regarding the use of locks on resident bedroom doors. The policy must address whether or not doors can be locked while the resident is in the room.

Subp. 2. **Door locks.** Door locks must permit exit from the room by a simple operation without the use of a key. Door locks must be openable with a master key which is located at each nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5010 CLOTHES WARDROBE OR CLOSET; EXISTING CONSTRUCTION.

A nursing home must provide each resident with individual wardrobe or closet space in the resident's bedroom with clothes racks and shelves accessible to the resident. Locks may be provided, with keys for the residents, when a pass key is provided at the nurses' station.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5015 CORRIDOR HANDRAILS; EXISTING CONSTRUCTION.

Securely anchored, durable handrails must be provided on both sides of corridors used by residents. If a length of corridor space between doorways is 60 inches or less, a handrail is not necessary for that portion of the corridor.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5020 NURSING AREA; EXISTING CONSTRUCTION.

Subpart 1. **Nurses' station.** At least one nurses' station must be provided per resident floor. A nurses' station may serve more than one nursing area on the same floor if the maximum distance from resident bedrooms does not exceed that required in part 4658.5000, subpart 5. The nurses' station must be equipped to receive resident calls through a communication system from resident rooms and toilet and bathing facilities.

Subp. 2. **Clean utility room.** A clean utility room must be provided within each nursing area.

Subp. 3. **Soiled utility room.** A separate soiled utility room must be provided within each nursing area. It must contain handwashing facilities and a clinical service sink for dis-

posal of waste materials and the cleanup of soiled linen and utensils. Cabinets and shelving must be provided for the storage of materials and supplies.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5025 TOILET ROOMS AND SANITARY FIXTURES; EXISTING CONSTRUCTION.

A nursing home must have at least one toilet and one sink for eight beds, and at least one shower or tub for 20 beds. When the licensed bed capacity is increased, the requirements under part 4658.4135 apply to the new addition. In resident toilet rooms where grab bars or towel bars are not provided, bars must be installed according to part 4658.4145 to the extent that the room arrangements will permit. A toilet room must have a sink and all sinks must be provided with hot and cold water

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5030 CENTRAL BATHING AREA; EXISTING CONSTRUCTION.

Subpart 1. **Fixtures.** Bathing fixtures must be provided in accordance with part 4658.5025.

Subp. 2. **Bathing areas.**

A. In bathing areas with more than one fixture, each bathtub or shower area must have privacy curtains or wall dividers.

B. Bathtubs and showers must have a nonslip bottom or floor surface, and at least one grab bar, securely anchored, must be provided at each fixture.

C. If a toilet is located within an open area with multiple bathing fixtures, the toilet area must have privacy curtains or stall partitions.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5035 HANDWASHING FACILITIES; EXISTING CONSTRUCTION.

Handwashing facilities must be available for persons providing services to residents. Single-service towels must be available. Use of a common towel is prohibited.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5040 ROOM LABELING; EXISTING CONSTRUCTION.

All bedrooms must be labeled using a system of numbers. All service rooms must be labeled.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5090 PENALTIES FOR RESIDENT AREAS; EXISTING CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.5000 to 4658.5040 shall be assessed on a daily basis and are as follows:

- A. part 4658.5000, subpart 1, \$200;
- B. part 4658.5000, subpart 2, \$150;
- C. part 4658.5000, subpart 3, \$200;
- D. part 4658.5000, subpart 4, \$200;
- E. part 4658.5000, subpart 5, \$150;
- F. part 4658.5005, subpart 1, \$100;
- G. part 4658.5005, subpart 2, \$500;
- H. part 4658.5010, \$150;

- I. part 4658.5015, \$200;
- J part 4658.5020, subpart 1, \$150;
- K. part 4658.5020, subparts 2 and 3, \$200;
- L. part 4658.5025, \$150;
- M. part 4658 5030, subpart 2, item A, \$150,
- N. part 4658.5030, subpart 2, item B, \$200;
- O. part 4658.5030, subpart 2, item C, \$150;
- P. part 4658.5035, \$200; and
- Q. part 4658.5040, \$50.

Statutory Authority: *MS s 144A.04, 144A.08*

History: *21 SR 196*

SUPPORTIVE SERVICES; EXISTING CONSTRUCTION

4658.5100 DINING, DAYROOM, AND ACTIVITY AREAS; EXISTING CONSTRUCTION.

Subpart 1. **Area.** A nursing home must provide areas for dining, dayroom, and activities.

Subp. 2. **Space for adult day care.** Additional space must be provided, in accordance with part 9555.9730, for dining, dayroom, and activity areas if the nursing home is offering an adult day care program.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5190 PENALTIES FOR SUPPORTIVE SERVICES; EXISTING CONSTRUCTION RULE VIOLATIONS.

A \$150 penalty shall be assessed on a daily basis for violations of part 4658.5100.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

DIETARY, LAUNDRY, AND OTHER FACILITIES; EXISTING CONSTRUCTION

4658.5200 FOOD SERVICE EQUIPMENT; EXISTING CONSTRUCTION.

Subpart 1. **Food service equipment.** All food service equipment being replaced must be of a type that complies with the requirements of part 4658.3500, subpart 3.

Subp 2. **Cutting boards.** Cutting boards or similar use table tops must be constructed of nonporous, smooth, and cleanable material, and be free of cracks, crevices, and open seams.

Subp. 3. **Scullery sink.** For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with at least three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided at each end for proper handling of soiled utensils before washing and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities. If the mechanical dishwasher or a mechanical utensil washer is used for the sanitizing of pots and pans, a sanitizing compartment is not required and a two-compartment scullery sink is acceptable if used according to parts 4658.0675 and 4658.0680.

Statutory Authority: *MS s 144A 04; 144A.08*

History: *21 SR 196*

4658.5205 LAUNDRY; EXISTING CONSTRUCTION.

A laundry, if provided in the nursing home, must be sized and equipped to handle the laundering of all linen and personal clothing to be processed in the nursing home.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5210 SOILED LINEN COLLECTION ROOM; EXISTING CONSTRUCTION.

A separate, enclosed soiled linen room must be provided for the collection, storage, and sorting of soiled linen to be processed in the laundry processing room or by an outside laundry service.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5215 LAUNDRY EQUIPMENT; EXISTING CONSTRUCTION.

Laundry equipment must be of commercial type and must be of sufficient size and quantity for the size of the facility. The washer installation must be constructed of materials capable of meeting the operating requirements in part 4658.1410. Any new or replacement washer must be capable of measuring and displaying internal water temperatures.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5220 CLEAN LINEN STORAGE; EXISTING CONSTRUCTION.

Rooms, closets, or enclosed carts must be provided for the storage of clean linen.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5225 LAUNDRY FOR PERSONAL CLOTHING; EXISTING CONSTRUCTION.

Provision must be made for the washing of personal clothing either within or outside the facility. Residential-grade equipment may be used for the washing of personal clothing.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5230 REFUSE; EXISTING CONSTRUCTION.

Subpart 1. **Refuse area.** An outside, fenced area or a separate room must be provided for holding trash and garbage prior to disposal. It must be located conveniently to the service entrance and be sized to accommodate the refuse volume and the chosen type of disposal system.

Subp. 2. **Incinerator.** An incinerator, if provided, must be in a separate room, or in a designated area within the boiler or heater room, or outdoors. An incinerator, if provided, must comply with parts 7011.1201 to 7011.1285.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5235 FACILITIES FOR PERSONNEL; EXISTING CONSTRUCTION.

Locker and toilet facilities must be provided for personnel.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5240 REHABILITATIVE SERVICES AREAS; EXISTING CONSTRUCTION.

Subpart 1. **Specialized rehabilitative therapy area.** A specialized rehabilitative therapy service, if provided, must be provided space and equipment for exercise and treatment which meets the needs of a medically directed therapy program and of the residents receiving services. Each treatment area must be designed and equipped to protect residents' visual privacy. A lavatory or sink must be conveniently located to all rehabilitative service areas. Space for administrative activities and storage of supplies and equipment must be provided for any rehabilitative service provided.

Subp. 2. **Physical therapy area.** A physical therapy area, if provided, must have a lavatory or sink with institutional fittings and a single-service towel dispenser. A toilet room must be located convenient to the physical therapy area.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5245 BARBER AND BEAUTY SHOP SERVICES ROOM; EXISTING CONSTRUCTION.

In buildings constructed after 1972, a room must be provided and equipped for barber and beauty shop services.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5290 PENALTIES FOR DIETARY, LAUNDRY, AND OTHER SERVICES; EXISTING CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.5200 to 4658.5245 shall be assessed on a daily basis and are as follows:

A. parts 4658.5200 to 4658.5220, \$200;

B. part 4658.5225, \$100; and

C. parts 4658.5230 to 4658.5245, \$150.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

CONSTRUCTION DETAILS; EXISTING CONSTRUCTION**4658.5300 AREA HEAT PROTECTION; EXISTING CONSTRUCTION.**

Floors and walls for resident living areas which are overheated due to adjoining heat sources must be insulated or otherwise protected to prevent the surface from exceeding a temperature of 85 degrees Fahrenheit.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5305 NONSKID SURFACES; EXISTING CONSTRUCTION.

Stairways, ramps, bathtubs, and showers must have nonslip surfaces.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5310 GLASS PROTECTION; EXISTING CONSTRUCTION.

All full height windows, glass partitions, or glass doors must have decals or markings.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5315 CEILINGS, WALLS, AND FLOORS; EXISTING CONSTRUCTION.

Ceilings, walls, and floors must be of a type or finish to permit good maintenance including frequent washing, cleaning, or painting. Walls in areas subject to local wetting must have a hard, nonabsorbent surface. Floors in areas subject to local wetting must be finished with a smooth, hard, nonslip, nonabsorbent surface. In dietary areas, floor surfaces must be grease resistant. Carpeting in resident areas must be of high density, low-pile construction which is cleanable and facilitates wheeled traffic.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5390 PENALTIES FOR CONSTRUCTION DETAILS; EXISTING CONSTRUCTION RULE VIOLATIONS.

A \$200 penalty shall be assessed on a daily basis for violations of part 4658.5300.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

HEATING AND VENTILATION SYSTEMS; EXISTING CONSTRUCTION**4658.5400 HEATING SYSTEM; EXISTING CONSTRUCTION.**

The heating system must be capable of maintaining a minimum temperature of 71 degrees Fahrenheit in all resident areas during the heating season.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5405 VENTILATION REQUIREMENTS; EXISTING CONSTRUCTION.

Existing facilities must have mechanical exhaust ventilation in the kitchen, laundry, soiled linen collection room, soiled utility rooms, and toilet areas, except if the toilet area is private or semiprivate, and is provided with window ventilation. Ventilation must be provided according to part 4658.4520.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5410 MECHANICAL ROOMS; EXISTING CONSTRUCTION.

Mechanical rooms below grade, located in buildings constructed after 1972, with equipment using liquefied petroleum gas, must have continuous mechanical ventilation providing a pressure which is equal to or greater than atmospheric.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5415 FILTERS; EXISTING CONSTRUCTION.

All air supplied to the nursing home must be free from harmful particulate matter, any type of combustion products or contaminants, obnoxious odors, or exhausted air from the building or adjoining property.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5490 PENALTIES FOR HEATING AND VENTILATION SYSTEMS; EXISTING CONSTRUCTION RULE VIOLATIONS.

A \$200 penalty shall be assessed on a daily basis for violations of parts 4658.5400 to 4658.5415.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

ELECTRICAL SYSTEMS; EXISTING CONSTRUCTION**4658.5500 DISTRIBUTION PANEL BOARDS; EXISTING CONSTRUCTION.**

All circuits in light and power panels must be identified with a typewritten index. Doors on electrical panel boards accessible to residents must be equipped with a lock.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5505 INTERIOR LIGHTING; EXISTING CONSTRUCTION.

A source of interior lighting must be provided in every room in the nursing home. Each resident bedroom must be provided with a reading light for each occupant. Lighting levels in all areas of the nursing home must be suitable to tasks the resident chooses to perform or the nursing home staff must perform. A nursing home may install rheostats to provide varying levels of illumination in resident areas.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5510 FIRE ALARM SYSTEMS; EXISTING CONSTRUCTION.

Fire alarm systems and sprinkler systems must be provided according to chapter 1305.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5515 NURSE CALL SYSTEM; EXISTING CONSTRUCTION.

A communication system must be provided in a nursing home. It must register a call from the resident at the nursing station and activate a signal light by the bedroom door.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5520 EMERGENCY ELECTRIC SERVICE; EXISTING CONSTRUCTION.

To provide electricity during an interruption of the normal electrical power supply that affects medical care, or safety of the occupants, an emergency source of electrical power must be provided and connected to certain circuits for lighting and the nurse call system. The emergency system must provide lighting for the nurses' station, telephone switchboard, resident corridors, exits, the boiler or heating system room, and, if provided, the emergency generator room. The emergency electrical service must assure functioning of the fire detection, alarm, and suppression systems, and the life support systems. Emergency electrical service must be provided by one of the following methods:

- A a battery-operated system with automatic controls and recharging if effective for four or more hours; or
- B. an on-site emergency generator.

The emergency generator, if provided, must be operated and tested according to the manufacturer's instructions. It is recommended that the emergency generator system include all items necessary for the functioning of the heating system. An automatic transfer switch is recommended.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*

4658.5590 PENALTIES FOR ELECTRICAL SYSTEMS; EXISTING CONSTRUCTION RULE VIOLATIONS.

Penalty assessments for violations of parts 4658.5500 to 4658.5520 shall be assessed on a daily basis and are as follows:

- A. part 4658.5500, \$50;
- B. parts 4658.5505 and 4658.5510, \$200; and
- C. parts 4658 5515 and 4658.5520, \$350.

Statutory Authority: *MS s 144A.04; 144A.08*

History: *21 SR 196*