

**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*

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