

**4660.0300 COMPLIANCE WITH REGULATIONS.**

Subpart 1. **Compliance.** The physical plant of all facilities shall be in compliance with these rules as follows.

Subp. 2. **New construction.** All new construction shall be in accordance with the requirements for new construction as outlined in these rules.

Subp. 3. **Existing facilities.** All existing facilities shall be deemed to be in substantial compliance with the physical plant requirements for new construction, except as noted in these regulations. When additional beds are added to existing facilities the required dayroom and dining room areas shall be based on the bed capacity of the entire facility. Compliance with the standards for new construction for existing facilities shall be for the areas involved and to the extent that the existing structure will permit. Selected improvements or correction of minor deficiencies in existing facilities shall not be a requirement for compliance with new construction criteria.

Subp. 4. **Reclassification.** As a condition for reclassification of a boarding care home to a nursing home, the physical plant shall be in compliance with all new construction requirements for nursing homes.

Subp. 5. **State fire marshal.** Fire protection shall be provided in accordance with the requirements of the state fire marshal and of these rules. The state fire marshal's approval of plans for new construction and of the fire protection of the completed facility shall be prerequisite for licensure. Facilities shall maintain a clearance by the state fire marshal in order to qualify for continued licensure.

**Statutory Authority:** *MS s 144.56; 144A.02 to 144A.08*

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