

Section 814.2 Building code requirements.

- (a) All services and facilities are required to adhere to all applicable building codes, as appropriate, including but not limited to:
- (1) the New York State Uniform Fire Prevention and Building Code (Title 9 NYCRR Part 600 *et seq.*);
 - (2) the New York State Sanitary Code (Title 9 NYCRR Sub Part 14-1); and
 - (3) any and all applicable local occupancy, use, building and zoning laws.
- (b) If there is a conflict between the applicable codes, rules, or regulations, then the most restrictive standard shall apply.

Section 814.3 Requirements for all facilities.

(a) All facilities shall be maintained at all times in a state of repair which protects the health and safety of all occupants. The provision of maintenance shall be the responsibility of the governing authority of the facility.

(b) All facilities shall develop, maintain and follow a plan for maintenance which shall conform to all applicable laws and ordinances which mandate safety, fire, health and sanitation requirements. All facilities shall be maintained in a clean and sanitary manner.

(c) Floor Plan Requirements. Current and accurate facility floor plans, specifying the following information, shall be maintained on file and provided to the Office upon request:

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| (1) room locations and dimensions; | (7) telephone locations; |
| (2) room functions; | (8) fire extinguisher locations; |
| (3) maximum permitted room occupancy; | (9) emergency light locations; |
| (4) fire/evacuation routes; | (10) sprinkler/stand pipe system locations; |
| and | |
| (5) smoke and/or heat detector locations; | (11) sanitary facilities, including: |
| (6) fire alarm pull box locations; | |
- (i) the number of sinks, showers/tubs and toilets per room;
 - (ii) the intended use of the facilities by the patients/residents, staff, men and/or women; and
 - (iii) placement of handicapped accessible fixtures and accessories.

(d) Safety and fire precaution requirements.

- (1) Fire drills shall be conducted at least monthly at varying times. All such drills shall be held at times when the building is occupied.
 - (2) A written record shall be maintained indicating the time and date of each fire drill, the number of participants at each drill and the length of time for each evacuation. This written record shall be kept on file for review.
 - (3) Fire regulations and evacuation routes shall be posted in bold print on contrasting backgrounds and in conspicuous locations.
 - (4) There shall be at least one communication device on each floor of each building accessible to all occupants and identified for emergency use.
 - (5) There shall be maintained a first aid area equipped with basic first aid supplies on each floor of each building.
 - (6) All high temperature piping accessible to occupants shall be shielded.
 - (7) The use of unvented open space heaters shall be prohibited under any and all circumstances.
 - (8) All flammable materials shall be stored in metal cabinets.
 - (9) Annual inspections and testing of the existing fire alarm system, including battery operated smoke detectors, fire extinguishers, emergency lighting systems, illuminated exit signs, and environmental controls and heating and cooling systems shall be conducted. Documentation of such inspections and testing shall be maintained on file for review.
 - (10) Semi-annual inspections of fire suppression systems shall be conducted and documentation of such testing shall be maintained on file for review.
 - (11) Documentation evidencing training of all employees in the use of fire fighting equipment and the means of rapid evacuation of the building shall be maintained on file for review.
- (e) General Building Requirements. Supportive living services are exempt from (5) & (8) through (11) below.

- (1) The water supply must be maintained at all times to ensure provision of clean, safe water at an adequate capacity for provision of the needs of all occupants.
- (2) Appropriate means for the proper disposal of wastewater and sewage shall be established and maintained at all times.
- (3) Metal or plastic containers with fitted covers shall be used for the storage of all refuse.
- (4) Windows used for ventilation purposes shall be equipped with window screens.
- (5) Counseling rooms shall be made available which afford privacy for both staff and patients from other persons. Counseling rooms shall, with or without the use of sound generating devices, prevent voice transmission outside of the room.
- (6) All bedrooms shall be equipped with functioning smoke detectors. Separate bedroom and bathroom facilities shall be made available which afford privacy for males and females.
- (7) A designated area shall be made available for locked storage and maintenance of patient records. Location, design and equipment shall be appropriate to secure records from traffic, theft and unauthorized access as well as from damage by fire or water. Patient records shall be retained for six years after the date of discharge or last contact, or three years after the patient reaches the age of eighteen, whichever time period is longer.
- (8) A separate designated support area shall be made available in conjunction with living units for housekeeping and janitorial staff, supplies and equipment.
- (9) Offices or work areas shall be made available to facilitate effective supervision and monitoring of patients and/or residents.
- (10) Areas for the proper storage, preparation and use or dispensing of medications and emergency medical supplies and equipment shall be made available. Storage of all medications shall be provided for in accordance with the requirements set forth in 21 *Code of Federal Regulations* Part 1301.72 and Title 10 NYCRR Section 80.50. Syringes and needles shall be properly and securely stored.
- (11) As needed, and particularly for all Parts 816, 818 and 828 services of this Title, an area designed for the conduct of on-site medical examinations shall be made available which at a minimum:
 - (i) must be made private;
 - (ii) is equipped with an examining table;
 - (iii) is equipped with medical instruments suitable for required examinations and foreseeable emergency procedures including sphygmomanometer, otophthalmoscope and stethoscope;
 - (iv) is readily accessible to a sink and water supply;
 - (v) has the capacity to properly dispose of medical waste;
 - (vi) has desks and chairs appropriate to accommodate staff and patients;
 - (vii) has an instrument and/or drug cabinet; and
 - (viii) has resuscitation equipment and medications.

Section 814.4 Additional requirements for inpatient services, inpatient crisis services, and residential services.

- (a) The following additional requirements are applicable to: inpatient rehabilitation services operated pursuant to Part 818 of this Title; all inpatient crisis services operated pursuant to Part 816 of this Title; and all residential services, operated pursuant to Part 819 of this Title, except supportive living services.

Section 814.4 Additional requirements for inpatient services, inpatient crisis services, and residential services (cont'd).

- (1) Sleeping accommodations.
 - (i) Sleeping areas that contain one bed shall provide a minimum of eighty square feet (exclusive of closets) except that sleeping areas that contain one bed in chemical dependence crisis services operated in accordance with Part 816 of this Title shall provide a minimum of sixty square feet per bed (exclusive of closets).
 - (ii) Sleeping areas that contain more than one bed. Bunk beds shall not be allowed in chemical dependence crisis services operated in accordance with Part 816 of this Title or in chemical dependence inpatient rehabilitation services operated in accordance with Part 818 of this Title. Bunk beds or rooms that have two or more beds that were in use on or before June 3, 2002 shall be permitted. Bunk beds or rooms that have two or more beds that are placed into service after June 3, 2002 shall be permitted only if the sleeping area provides a minimum of sixty square feet per individual (exclusive of closets).
 - (iii) In cases where there is dormitory type use, the maximum capacity shall be twenty-four residents.
 - (iv) All beds shall be furnished with a clean and functional mattress and regularly (at least one time per week) supplied with clean linen.
 - (v) Cots shall not be allowed under any circumstances.
 - (vi) Night lighting shall be provided in all hallways and stairways in all residential services.
 - (vii) Nursing stations, where applicable, must be located in close proximity to sleeping areas.
 - (viii) Appropriate space must be designated to ensure that patients may be served a meal.

(b) Other living spaces requirements.

- (1) The following are minimum space requirements for living, dining, social and counseling activities: for inpatient rehabilitation services and intensive residential rehabilitation services, seventy-five square feet per bed; for community residential services, sixty square feet per bed; and for inpatient crisis services, forty-five square feet per bed. These requirements shall not apply to those services that were in operation on or before June 3, 2002.
- (2) Separate storage areas for clean linen and laundry and for soiled linen and laundry shall be made available.
- (3) Sanitary facilities shall be provided which shall consist of, at a minimum, one toilet, one sink and one tub or shower for each ten beds per floor.

Section 814.5 Additional requirements for supportive living services.

(a) The following additional requirements are applicable to supportive living services operated in accordance with Part 819 on this Title.

- (1) No provider of services shall use space for a supportive living facility which does not have a certificate of occupancy or other equivalent approval from the local authority.
- (2) All kitchen areas must be equipped with functioning smoke detectors and fire extinguishers.
- (3) Bedrooms may not be equipped with more than four single beds.
- (4) Each apartment and/or living unit shall have a bedroom, living area, a dining/kitchen area, and a bathroom consisting of a toilet, a sink, and a shower or tub.

Section 814.6 Additional requirements for outpatient services and outpatient crisis services.

(a) The following additional requirements are applicable to outpatient services operated in accordance with Parts 821 and 822 of this Title and outpatient crisis services operated in accordance with Part 816 of this Title.

- (1) An adequately furnished waiting area shall be made available for the comfort and convenience of those waiting for services and shall be supervised to control access to the facility and to prevent entry by unauthorized persons.
- (2) Space may be shared between Office certified outpatient services and other New York State authorized services provided that all treatment staff are given schedules clearly indicating when individual rooms are used for Office certified outpatient services and when individual rooms are used for other New York State authorized services and that such uses do not occur simultaneously.

Section 814.7 Additional requirements for all crisis services.

(a) The following additional requirements are applicable to all crisis services operated in accordance with Part 816 of this Title.

- (1) Space Requirements. The crisis service shall include:
 - (i) a physician's office and/or examination room;
 - (ii) offices for the director of the service as well as counseling and other treatment personnel;
 - (iii) group counseling rooms, if space is not available for counseling in individual staff offices; and
 - (iv) appropriate space designated for use by patients as a lounge for non-withdrawal uses.

Section 814.8 Additional requirements for chemotherapy chemical dependence outpatient services.

(a) The following additional requirements are applicable to chemotherapy chemical dependence outpatient services operated in accordance with Part 828 of this Title.

- (b) Space Requirements. The clinic shall include:
- (i) a waiting area;
 - (ii) a physician's office and/or examination room;
 - (iii) a nurse's station with a drug administering window or counter; and
 - (iv) individual offices for the clinic supervisor, counselors, and other treatment personnel.

(c) Areas of the facility where controlled substances are maintained, disposed or administered shall be secured and physically separated from patient areas.

Section 814.9 State-owned facilities

(a) Services which are located in property owned and operated by the Office or other New York State agencies may be deemed to meet the standards set forth in this Part under the following circumstances:

- (1) the facility is in complete compliance with the building regulations of the applicable state agency; and
- (2) the service is operated or authorized by both the Office and the applicable state agency.

Section 814.10 Space alterations.

A governing authority which is proposing alterations to its physical space utilized for chemical dependence services, including requests for additional space, changes in space designations and/or other alterations, must obtain prior approval sixty days before the change, from the Office through the appropriate field office.

Section 814.11 Smoke-free environment.

- (a) The governing authority shall maintain all facilities in conformance with the New York State Indoor Clean Air Act (Public Health Law, Article 13-E)
- (b) The governing authority shall assure compliance with Part 856, Tobacco-Free Services.

Section 814.12 Severability.

If any provision of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provisions or applications, and to this end the provisions of this Part are declared to be severable.