

**RULES
OF THE
TENNESSEE DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-04
LIFE SAFETY LICENSURE RULES**

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0465-02-04-.01 LIFE SAFETY REQUIREMENTS.

For purposes of life safety, licensees of the Department of Intellectual and Developmental Disabilities are required to meet the appropriate standards of the edition of the National Fire Protection Association Life Safety Code currently in use by the Office of the State Fire Marshal as set forth in Rule 0780-02-02-.01 of the Rules of the Department of Commerce and Insurance. In addition, all residential settings must be physically accessible to persons supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.02 HEALTH CARE OCCUPANCIES.

- (1) Definition – Health Care Occupancies are used for purposes such as medical or other treatment or care of persons with physical, intellectual, or developmental disabilities, disease, or infirmity, and for the care of children, persons recovering from an illness or operation, or persons of advanced age. Health Care Occupancies provide sleeping facilities for the occupants or are occupied by persons who are mostly incapable of self-preservation because of age, physical or intellectual disability, or because of security measures not under the occupants' control. Examples of licensees required to meet health care occupancy standards are the following:
 - (a) Intellectual and Developmental Disabilities Institutional Habilitation Facility.
 - (b) Any residential facility serving four (4) or more persons who are not capable of self-preservation and any non-residential facility serving four (4) or more persons six (6) years of age or older who are not capable of self-preservation.
- (2) Criteria - For the purpose of life safety, licensees required to meet Health Care Occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, Health Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.03 EDUCATIONAL OCCUPANCIES.

- (1) Definition - Educational Occupancies include all buildings used for gathering of groups of persons supported for purposes of instruction. An example of a facility required to meet educational occupancy standards is a Pre-School Facility-Center Based.
- (2) Criteria - For the purpose of life safety, licensees required to meet educational occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, Educational Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested at least every six (6) months.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt and post a policy on smoking in specified areas.
 6. Suspended unit electric heaters may be used, except in means of egress, provided such heaters are located high enough to be out of the reach of persons using the area and are approved for use by the Office of Licensure.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.04 BUSINESS OCCUPANCIES.

- (1) Definition - Business Occupancies are used for the transaction of business (other than that covered under Mercantile), for the keeping of accounts and records, and similar purpose. Examples of a facility required to meet business occupancy standards are the following:
 - (a) Adult Habilitation Facility/Services-Community/Home Based;
 - (b) Developmental Disability Pre-School Facility/Services-Community Based;
 - (c) Placement Services;
 - (d) Respite Care Services;
 - (e) Supported Living Services; and
 - (f) Semi-Independent Living Services.

(Rule 0465-02-04-.04, continued)

- (2) Criteria - For the purpose of Life Safety, licensees required to meet business occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, Business Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.05 INDUSTRIAL OCCUPANCIES.

- (1) Definition - Industrial Occupancies include factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing. An example of facilities required to meet industrial occupancy standards is an Adult Habilitation Facility/Services-Center Based.
- (2) Criteria - For the purpose of Life Safety, licensees required to meet industrial occupancies must comply with the following:
- (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, Industrial Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested monthly and that the batteries are changed when no longer functional.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt a policy on smoking and ensure designated areas are posted.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.06 RESIDENTIAL OCCUPANCIES - BOARD AND CARE.

- (1) Definition - Board and Care facilities include a building or part thereof that is used for the lodging and boarding of four (4) or more persons supported, not related by blood or marriage to the owner or operator, to provide care services. Examples of facilities required to meet board and care occupancy standards are an Intellectual and Developmental Disabilities Boarding Home Facility and an Intellectual and Developmental Disabilities Residential Habilitation Facility.
- (2) Criteria - For the purpose of Life Safety, licensees required to meet Board and Care occupancy must comply with the following:

(Rule 0465-02-04-.06, continued)

- (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, Residential Board and Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
1. Provide at least two hundred (200) square feet, gross, of occupiable space per person.
 2. Provide at least:
 - (i) Eighty (80) square feet per person of bedroom space for single occupancy; or
 - (ii) Sixty (60) square feet per person of bedroom space for multiple occupancy.
 3. Not allow multiple occupancy which exceeds four (4) persons per bedroom.
 4. Equip any stairways with emergency lighting.
 5. Provide emergency lighting in any corridors used as means of egress.
 6. Not use unvented gas heaters.
 7. Use portable electric space heaters only in emergency situations and only under conditions specified by the Office of Licensure.
 8. Allow the use of fireplaces only under the following conditions:
 - (i) For recreation or therapy only;
 - (ii) Not used as a primary source of heat;
 - (iii) Used in activity or living rooms;
 - (iv) Under proper supervision and in accordance with specific written fire safety procedures; and
 - (v) Fireplaces may be installed and used only in areas other than sleeping areas of persons supported, provided the fireplace is equipped with a heat-tempered glass fireplace enclosure guaranteed against breakage up to a temperature of six hundred and fifty (650) degrees Fahrenheit.
 9. Allow the use of portable cooking devices in the kitchen only.
 10. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 11. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by a person supported and document that all smoke-detection devices are tested monthly and that batteries are changed when no longer operating, but at least yearly.

(Rule 0465-02-04-.06, continued)

12. Provide operable 2A-10B, C multi-purpose fire extinguishers in a fixed location and readily accessible for use in the facility, and document that all fire extinguishers are properly maintained and serviced. The Office of Licensure will determine the number of fire extinguishers required in a particular facility.
 13. Document instructions to staff upon employment and persons supported upon admission in fire evacuation procedures.
 14. Adopt a policy on smoking and ensure designated areas are posted.
 15. Suspended unit electric heaters may be used, except in means of egress and sleeping areas of persons supported, provided such heaters are located high enough to be out of the reach of persons supported using the area and provided the heaters are equipped with appropriate safety devices and are approved for use by the Office of Licensure.
 16. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department.
- (b) Provide services only for persons who require no greater level of care than personal care as defined at 0465-02-01(51).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.07 MOBILE NON-AMBULATORY.

- (1) For the purpose of Life Safety, licensees required to meet the Mobile Non-Ambulatory Rule must comply with the following:
 - (a) People that use mobility devices only be located on the level of exit discharge;
 - (b) Provide approved ramps;
 - (c) Provide corridors of at least five (5) unobstructed feet in width;
 - (d) Provide doors and exits of at least thirty-two (32) inches clear opening; and
 - (e) Provide bathrooms approved by the Office of Licensure.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.08 CAPABLE OF SELF-PRESERVATION.

All residential facilities serving four (4) or more persons supported who are not capable of self-preservation and all non-residential facilities serving four (4) or more persons supported six (6) years of age or older who are not capable of self-preservation are required to meet the criteria for Health Care Occupancies.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.09 DAY CARE OCCUPANCIES.

- (1) Definition - Day Care Occupancies include all buildings used for gathering of groups of persons supported for purposes of instruction. Adult Day Care occupancies are for facilities serving more than twelve (12) persons. Group Day Care Homes are for facilities serving seven to twelve (7-12) persons. Family Day Care Homes are for facilities serving less than seven (7) persons. An example of a facility required to meet day care occupancy standards is an Adult Habilitation Facility/Services-Center Based.
- (2) Criteria - For the purpose of Life Safety, licensees required to meet Day Care Occupancies must comply with the following:
 - (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, Day Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested at least every six (6) months.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt a policy on smoking and ensure designated areas are posted.
 6. Suspended unit electric heaters may be used, except in means of egress, provided such heaters are located high enough to be out of the reach of persons using the area and are approved for use by the Office of Licensure.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.10 RESIDENTIAL OCCUPANCIES - ONE- AND TWO-FAMILY DWELLINGS (ONE TO THREE PERSONS SUPPORTED).

- (1) Definition - One- and Two-Family Dwellings (One to Three persons supported) includes buildings in which each living unit is occupied by members of a single family or licensee staff with no more than three (3) persons supported. Examples of dwellings required to meet one- and two-family dwelling occupancy standards are an Intellectual and Developmental Disabilities Boarding Home Facility and an Intellectual and Developmental Disabilities Residential Habilitation Facility.
- (2) Criteria - For the purpose of Life Safety, licensee required to meet one and two-family dwelling occupancy must comply with the following:

(Rule 0465-02-04-.10, continued)

- (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, One and Two-Family Dwellings, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
1. Provide at least two hundred (200) square feet, gross, of occupiable space per person supported.
 2. Provide at least:
 - (i) Eighty (80) square feet per person of bedroom space for single occupancy; and
 - (ii) Sixty (60) square feet per person of bedroom space for multiple occupancy.
 3. Maintain proper storage and safeguards for all flammable materials.
 4. Not use unvented gas heaters or portable electric space heaters.
 5. Not allow the use of portable cooking devices in rooms other than the kitchen.
 6. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department.
 7. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by a person supported, in the living rooms, and in other such rooms or areas as the Office of Licensure of the Department may require.
 8. Provide an operable 2A-10B, C multi-purpose fire extinguisher in a fixed location and readily accessible for use.
 9. Identify areas where smoking is permitted - smoking in bedrooms must not be allowed.
 10. Not allow persons supported requiring mobility aids to sleep above or below ground floor.
 11. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 12. Document that all smoke detectors are tested monthly and that batteries are changed when no longer operating but at least yearly.
- (b) Provide services for only persons supported who require no greater level of care than personal care as defined at Rule 0465-02-01-(49).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-04-.11 RESIDENTIAL OCCUPANCIES - ONE- AND TWO-FAMILY DWELLINGS (ONE TO THREE PERSONS SUPPORTED).

- (1) Definition - One- and two-family dwellings include buildings containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) unrelated persons supported who are unable to respond to an approved emergency signal, including voice prompt, and evacuate the dwelling without physical assistance, in three (3) minutes or less. A dwelling required to meet one- and two-family dwelling occupancy with persons supported unable to evacuate without physical assistance, in three (3) minutes or less, includes an Intellectual Disability and Developmental Disability Residential Habilitation Facility.
- (2) Physical Assistance - Includes, but is not limited to, staff leading the person supported by the hand, and guiding and helping him/her transfer to a wheelchair.
- (3) Criteria - For the purpose of Life Safety, dwellings accommodating persons supported unable to evacuate without physical assistance, in three (3) minutes or less and are required to meet one- and two-family dwelling occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. All staff should be able to assist each person supported in evacuation from the dwelling. This may be accomplished, for example, by assigning responsibility for a particular person supported to a particular staff member, especially where he/she needs complete physical assistance to evacuate. Persons supported who use a wheelchair for evacuation purposes need not be assigned a specific staff person to assist them as long as they are able to transfer from a fixed position to a wheelchair without physical assistance, and evacuate the dwelling in three (3) minutes or less.
 2. Evacuation procedures shall be sufficient so that it is not necessary for a staff person to re-enter the building after once leaving.
 3. A risk assessment must be completed for each person supported admitted within five (5) calendar days of admission on a form prepared by the Department.
 4. If the risk assessment indicates that the person supported is able to evacuate without physical assistance within three (3) minutes or less, then it is not necessary to assign a specific staff person to assist him/her in evacuating.
 5. If the risk assessment indicates that the person supported is not able to evacuate without physical assistance within three (3) minutes or less, then a specific staff person must be assigned to assist him/her in evacuating. Such staff assignment is required at all times when the person is inside the dwelling.
 6. The risk assessment must be repeated when the circumstances of the person supported change.
 7. Staff assigned to persons supported needing assistance must be trained in evacuation procedures specific to the service recipient(s) being assisted.
 8. Persons supported who are ambulatory who cannot evacuate independently within three (3) minutes must receive education and information needed to improve their ability to evacuate the dwelling more independently. When

(Rule 0465-02-04-.11, continued)

- documented attempts at education fail the licensee need not continue training efforts.
9. Provide at least two hundred (200) square feet, gross, of occupiable space per service recipient.
 10. Provide at least:
 - (i) Eighty (80) square feet per person of bedroom space for single occupancy; or
 - (ii) Sixty (60) square feet per person of bedroom space for multiple occupancy.
 11. Maintain proper storage and safeguards for all flammable materials.
 12. Not use unvented gas heaters or portable electric heaters.
 13. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure.
 14. Provide a smoke detector in each bedroom occupied by a person supported, in the living rooms, and in other such rooms or areas as the Office of Licensure may require. Smoke detectors must be hardwired into the electrical system.
 15. Provide operable, type 2A-10B, C, multipurpose fire extinguishers in a fixed location and readily accessible for use, and document that all fire extinguishers are properly maintained and serviced.
 16. Identify areas where smoking is permitted; smoking in bedrooms must not be allowed.
 17. Persons supported who use mobility aids shall not sleep above or below ground floor.
 18. Document fire-safety drills which must be conducted:
 - (i) Monthly at unexpected times and under varying conditions, ensuring each shift holds one (1) per quarter; and
 - (ii) Under direct staff supervision.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.