

**RULES
OF
TENNESSEE DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION**

**CHAPTER 0940-5-5
ADEQUACY OF FACILITY ENVIRONMENT
AND ANCILLARY SERVICES**

TABLE OF CONTENTS

0940-5-5-.01	Standard for New Construction	0940-5-5-.07	Special Requirements for Facilities Serving Children
0940-5-5-.02	General Environmental Requirements for All Facilities	0940-5-5-.08	Special Requirements for Facilities Providing Vocational Services
0940-5-5-.03	Environmental Requirements for Residential Facilities	0940-5-5-.09	Special Requirements for Facilities Serving Persons with Vision Loss
0940-5-5-.04	Environmental Requirements for Non-Residential Facilities	0940-5-5-.10	Special Requirements for Residential Facilities Serving Persons with Hearing Loss
0940-5-5-.05	Requirements for Facilities Providing Food Services and Nutrition	0940-5-5-.11	Special Requirements for Non-Residential Facilities Serving Persons with Hearing Loss
0940-5-5-.06	Requirements for Facilities Providing Client Transportation Services		

0940-5-5-.01 STANDARD FOR NEW CONSTRUCTION. The licensee or licensee applicant must ensure that new construction for facilities subject to the licensure jurisdiction of the Department meets the appropriate standards of the edition of the Standard Building Code currently in effect as adopted by the Office of the State Fire Marshall in rule 0780-2-2-.01 of the promulgated rules of the Department of Commerce and Insurance.

Authority: T.C.A. 33-2-504. *Administrative History:* Original rule filed November 25, 1981; effective January 20, 1982. Repeal and new rule filed October 27, 1986; effective December 11, 1986. Amendment filed February 5, 1987; effective May 27, 1987. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.02 GENERAL ENVIRONMENTAL REQUIREMENTS FOR ALL FACILITIES.

- (1) The facility must be maintained in a safe manner and a continuing effort made to eliminate potential hazards.
- (2) The facility must be maintained in a sanitary and clean condition, free from all accumulation of dirt and rubbish, well-ventilated, and free from foul, stale or musty odors.
- (3) The facility must be kept free of mice, rats and other rodents.
- (4) Housekeeping practices and standards must be maintained which will ensure the eradication of flies, roaches, and other vermin.
- (5) All interior and exterior stairs and steps must be equipped with securely and safely installed handrails.
- (6) All interior and exterior stairways, halls, porches, walkways and all other means of egress and areas of exit discharge must be maintained free of any obstacles, including furniture or other stored items
- (7) A heating system must be provided which is capable of maintaining a minimum temperature of sixty-five (65) degrees Fahrenheit and a comfortable humidity level at all times within the facility.
- (8) A cooling, natural ventilation or air conditioning system must be provided which is capable of maintaining a maximum temperature of eighty-five (85) degrees Fahrenheit and a comfortable humidity level at all times within the facility.

(Rule 0940-5-5-.02, continued)

- (9) Operable windows for ventilation must be provided unless the requirement for operable windows is otherwise exempted by the facility's licensure life safety occupancy classification and the facility is equipped with an air conditioning system.
- (10) All operable windows used for ventilation must be equipped with screens which do not render the window unusable if the windows also is required for escape or emergency rescue purposes.
- (11) A telephone system must be provided which is capable of ensuring prompt notification in cases of emergencies and which is capable of meeting the needs of the clients served by the facility.
- (12) Emergency telephone numbers must be posted for the most local available agencies for fire protection, police or sheriff, ambulance, or medical intervention, and poison control.
- (13) An adequate first aid kit must be provided as recommended by the local chapter of the American Red Cross or the facility's medical staff, as applicable.
- (14) Drinking water must be provided from a source approved by the Tennessee Department of Health.
- (15) A system for the disposal of sewage must be provided which is connected to a public sewage system or which is connected to a private sewage system (septic tank and field system) which has the approval of the local public health agency having jurisdiction.
- (16) Natural or artificial lighting must be provided which is adequate for the needs of the clients using the facility.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 25, 1981; effective January 20, 1982. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Repeal and new rule filed October 14, 1986; effective November 28, 1986. Amendment filed October 27, 1986; effective December 11, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.03 ENVIRONMENTAL REQUIREMENTS FOR RESIDENTIAL FACILITIES.

- (1) The governing body must ensure that each client is provided with the following:
 - (a) A separate bed of proper size and height for the client's convenience and comfort;
 - (b) A mattress and springs, or a mattress foundation, both of which are clean, comfortable, and in good repair;
 - (c) Clean linens consisting of both a top and bottom sheet, which are clean, in good repair, and are changed as often as needed, but at least weekly;
 - (d) Bedding, such as blankets, which are clean, in good repair, and appropriate to the weather;
 - (e) A clean and comfortable pillow unless contra-indicated by the client's choice or for health reasons;
 - (f) Space in a dresser or chest of drawers which is adequate for the storage of the client's clothing;
 - (g) Closet or wardrobe space which is adequate for the hanging storage of the client's clothing; and
 - (h) Access to a mirror at an appropriate height.

(Rule 0940-5-5-.03, continued)

- (2) Unless the facility is required to meet Health Care Occupancy standards, or unless the room has a door which leads directly to the outside, then each client bedroom must be provided with a window which meets the following:
 - (a) Is operable from the inside without the use of special keys, tools, or knowledge;
 - (b) Provides a clear opening of not less than twenty (20) inches in width, twenty-four (24) inches in height, and five and seven-tenths (5.7) square feet in area; and
 - (c) The bottom of the opening is not more than forty-four (44) inches from the floor.
- (3) Each bedroom must be decorated in an appropriate manner including bedspreads, window coverings, and wall hangings.
- (4) Bathrooms must be provided within the facility which are equipped as follows:
 - (a) One (1) private toilet for each six (6) persons, including staff, who reside in the facility;
 - (b) One (1) lavatory with hot water for each six (6) persons, including staff, who reside in the facility;
 - (c) One (1) private tub or shower with hot water for each eight (8) persons, including staff, who reside in the facility;
 - (d) Tub and shower floor surfaces equipped to be slip-resistant;
 - (e) Adequate and sanitary soap and towels provided at each lavatory; and
 - (f) Adequate and sanitary toilet paper provided at each toilet.
- (5) A dining area and dining furniture must be provided which are sufficient, appropriate, and in good repair for meeting the needs of the clients.
- (6) A combined living and activity area and furnishings must be provided which are sufficient in size, in good repair, and appropriate for meeting the needs of the clients residing in the facility. The area must contain one (1) seating area such as chairs or sofas for each client and other residential furniture such as tables, lamps, wall hangings, a television, and a clock.
- (7) An outdoor area must be provided which is neat, free of potential hazards, and is appropriate to meeting the needs of the clients.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 25, 1981; effective January 20, 1982. Repeal and new rule filed October 27, 1986; effective December 11, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.04 ENVIRONMENTAL REQUIREMENTS FOR NON-RESIDENTIAL FACILITIES.

- (1) If clients are regularly scheduled to be in the facility for extended periods of time which encompass recognized mealtimes, then the facility must provide a dining area with tables and chairs sufficient to take their meals whether meals are provided by the facility, the client, or other source.
- (2) Provide one (1) lavatory and one (1) private toilet for each fifteen (15) persons served in the facility.
- (3) Equip each lavatory with adequate and sanitary hand soap and hand towels.

(Rule 0940-5-5-.04, continued)

- (4) Equip each toilet with adequate toilet paper.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 25, 1981; effective January 20, 1982. Repeal and new rule filed October 27, 1986; effective December 11, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.05 REQUIREMENTS FOR FACILITIES PROVIDING FOOD SERVICES AND NUTRITION. (All residential facilities required to meet this chapter of rules must comply with the requirements of this rule. Any non-residential facility required to meet this chapter of rules which provides food and nutrition on a regular basis to its clients must comply with the requirements of this rule.)

- (1) Food and nutrition must be provided in as normal a fashion as possible.
- (2) Records must be maintained which document the content of all meals served for at least the previous thirty (30) days.
- (3) Food must be served in appropriate quantity, at appropriate temperatures, and in a form consistent with normal situations.
- (4) Clients, including those individuals with physical handicaps, must be allowed to eat meals at a table in a dining area unless temporarily contra-indicated for medical reasons.
- (5) Provisions must be made for following special diets for clients when such diets are prescribed for medical or health reasons, and encouragement given the client to follow such special diets.
- (6) In residential facilities, provisions must be made for three (3) well-balanced meals at recognized mealtimes with no more than fourteen (14) hours elapsing between the evening supper meal and the following morning breakfast meal.
- (7) In residential facilities, a forty-eight (48) hour supply of food must be maintained within the facility which is sufficient for meeting the needs of the clients served in the facility.
- (8) Appropriate equipment and utensils for cooking food and serving meals must be provided in sufficient quantity to serve all clients and such equipment and utensils must be in good repair, washed and sanitized after each use.
- (9) Kitchens must be equipped with appliances and fixtures which are sufficient and appropriate for cooking meals, refrigerating food, washing utensils and dishes, and the sanitary disposal of waste.
- (10) Foods requiring cold storage must be maintained at a temperature of forty-five (45) degrees Fahrenheit or below.
- (11) Foods requiring frozen storage must be maintained at a temperature of ten (10) degrees Fahrenheit or below.
- (12) All dry foods and goods must be stored in a manner to prevent possible contamination and must be stored a minimum of six (6) inches above the floor.
- (13) Garbage (food waste) must be stored in secure containers with tight-fitting lids and liners or discharged from the facility through a properly installed food waste disposal system.
- (14) Garbage (food waste) containers must be emptied daily from the facility into secure containers located outside of the facility.

(Rule 0940-5-5-.05, continued)

- (15) Provisions must be made for the regular removal or disposal of garbage (food waste) from the facility premises.

Authority: T.C.A. § 33-2-504. *Administrative History:* Original rule filed March 16, 1983; effective April 18, 1983. Repeal and new rule filed October 27, 1986; effective December 11, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.06 REQUIREMENTS FOR FACILITIES PROVIDING CLIENT TRANSPORTATION

SERVICES. If the facility or employees of the facility provide transportation to clients in vehicles owned either by the facility or by the employee, then the governing body must ensure that the following requirements are met:

- (a) All vehicles must be maintained and operated in a safe manner;
- (b) All staff providing transportation must possess an appropriate driver's license from the Tennessee Department of Safety, and documentation of such license must be maintained in the facility's records;
- (c) All facility-owned and staff-owned vehicles for client transportation must be adequately covered by vehicular liability insurance for personal injury to occupants of the vehicle, and documentation of such insurance must be maintained in the facility's records; and
- (d) Appropriate safety restraints must be used as required by state and federal law.

Authority: T.C.A. § 33-2-504. *Administrative History:* Original rule filed October 27, 1986; effective December 11, 1986. Amendment filed February 5, 1987; effective May 27, 1987. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.07 SPECIAL REQUIREMENTS FOR FACILITIES SERVING CHILDREN. (Any facility required to meet this chapter of rules which provides services to children six (6) years of age or younger must comply with these requirements.)

- (1) Non-toxic, lead-free paint must be used on all painted surfaces.
- (2) Electrical wall outlets which are accessible to children must be protected with covers.
- (3) Poisonous and toxic materials must be identified, stored, and used only in such manner and under such conditions as not to pose any threat of poisoning to the clients or contamination of food.
- (4) All sources of heat must be protected by screens or other protective barriers to prevent burns or injury to children.
- (5) Furnishings and other equipment used in the facility must be free of sharp or projecting objects or surfaces and not pose any potential harm or injury to children.
- (6) Steps or stairs which pose a fall hazard to children must be protected by barriers.
- (7) Outside play areas must be fenced or otherwise situated to protect children from hazards such as open drainage ditches, adjacent streets, and traffic.
- (8) Outside play areas must provide fifty (50) square feet of play area for each child present.
- (9) Grass, bark, sand, rubber mats, or other resilient surfaces must be used under play equipment used for climbing or swinging.

(Rule 0940-5-5-.07, continued)

- (10) Furniture, equipment, and bathroom fixtures must be sized or adapted for meeting the needs of the children served by the facility.
- (11) Equipment must be provided that is sufficient and appropriate for active and quiet play needs and for implementing program activities for each child.
- (12) Non-residential facilities must provide nap facilities if the children are scheduled to remain in the facility for as long as six (6) hours.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.08 SPECIAL REQUIREMENTS FOR FACILITIES PROVIDING VOCATIONAL SERVICES.

- (1) Activities of an industrial or productive vocational nature such as assembling, packaging, painting, stripping, wood or metal working, or manufacturing must be conducted in a designated area or room which is separated by fire-rated construction, as required by the applicable life safety rules under Chapter 0940-5-4 of these rules, from any other part of the facility not used for vocational purposes such as classrooms, residential areas, offices, or storage rooms.
- (2) Permanent aisles and passageways which provide the most direct route of egress to exits must be clearly identified within open work areas, and such aisles and passageways must be maintained free of obstacles and in good repair.
- (3) All floor surfaces, platforms, and other walking surfaces must be maintained in a clean manner and free of holes or projections which constitute hazards.
- (4) All materials must be stored in tiers which are stacked, racked, blocked, interblocked, or otherwise secured to prevent sliding, collapsing, or falling.
- (5) All powered equipment, machinery, and powered hand tools must be equipped and maintained with the safety guards, shields, and other devices necessary to protect health and safety of the operators and others in the work area.
- (6) All exposed rotating parts, motor shafts, drive belts, chains, cables, gears, cutting blades, wheels, and other moving parts of machinery must be adequately guarded.
- (7) Personal protective equipment and clothing must be provided to clients and employees, when appropriate, when handling dangerous materials or working at hazardous operations.
- (8) All interior floor and wall openings, open-sized mezzanine areas or platforms, which are six (6) feet or more above the adjacent ground level, must be guarded by standard railing.
- (9) Natural or adequately-powered ventilation which conforms to ventilation rates of the state-adopted building codes must be provided for all working areas.
- (10) Equipment, conductors, controls, and signaling devices which are necessary to provide a complete electrical system must be provided. All specifications and materials must meet state-adopted standards of the building codes, and of the Underwriters' Laboratories, Inc. (or similarly established standards).

Authority: T.C.A. § 33-2-504. **Amendment History:** Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.09 SPECIAL REQUIREMENTS FOR FACILITIES SERVING PERSONS WITH VISION LOSS. The governing body of any residential or non-residential facility, which is required to admit only persons who are capable of self-preservation and which also provides services to one or more persons who have a vision loss, must ensure compliance with the following requirements:

- (a) The client must be able to demonstrate independent familiarity with the physical design and layout of the facility and be able to initiate and complete evacuation of the facility without physical assistance;
- (b) The facility design and placement of furnishings are consistent, free of special hazards, and made known to the client especially when changes occur in the facility design or placement of furnishings; and
- (c) Prior notice of the admission of such persons must be given to the Department's Office of Licensure.

Authority: T.C.A. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.10 SPECIAL REQUIREMENTS FOR RESIDENTIAL FACILITIES SERVING PERSONS WITH HEARING LOSS. The governing body of any residential facility, which is required to admit only persons who are capable of self-preservation and which also admits one or more clients who have a loss of hearing, must ensure that when the sounding of the standard fire alarm is not sufficient in notifying a sleeping client who has a hearing loss of the need to evacuate, must then provide a means of such notification which:

- (a) Is independent of personal, physical contact or notification by staff or other persons during sleep;
- (b) Provides some mechanical means of sensory notification during sleep;
- (c) Is consistent in notifying the resident of the need to evacuate; and
- (d) Has the prior approval of the Department's Office of Licensure.

Authority: T.C.A. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-5-.11 SPECIAL REQUIREMENTS FOR NON-RESIDENTIAL FACILITIES SERVING PERSONS WITH HEARING LOSS. Non-residential facilities which serve a client with a hearing loss must ensure that the means of notifying the client, which may include personal contact by staff, is consistent, is always available, and has the approval of the Department's Office of Licensure.

Authority: T.C.A. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.