

**CHAPTER 33-03-24.2**  
**GENERAL STANDARD FOR CONSTRUCTION AND EQUIPMENT FOR BASIC CARE**  
**FACILITIES**

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**33-03-24.2-01. Definitions.**

The definitions located in section 33-03-24.1-01 apply to this chapter.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-02. Waiver provision.**

The waiver provision located in section 33-03-24.1-04 applies to this chapter.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-03. Access and surveillance by the department.**

The provisions located in section 33-03-24.1-03 apply to this chapter.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-04, 23-09.3-05

**33-03-24.2-04. Plans of correction.**

The provisions located in section 33-03-24.1-03 apply to this chapter.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-05. Emanating services.**

1. Sufficient information on the design of other types of facilities physically attached to the basic care facility must be submitted to the department so as to determine that safety from fire and the adequacy of the spaces and services of the facility are not compromised.
2. Occupants of other types of facilities may use service spaces, such as dining and activities in the facility only when the size of such spaces exceeds the standards of this chapter by providing a minimum of fifteen square feet per additional occupant using the space.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-06. Plans and specifications.**

1. A facility shall contact the department prior to any substantial changes in or alterations to any portion of the structure to determine to what extent it is subject to review. A substantial change includes alterations affecting the fire safety or structural integrity of the building, changes in service areas or services provided within a service area, changes in bed capacity, or any other change governed by the standards of this chapter. The department may request plans, specifications, or other information as may be required and shall make the final determination on those areas subject to review.
2. A facility shall submit plans and specifications to the department for all construction, remodeling, and installations subject to review. The plans and specifications must be prepared by an architect or engineer licensed in North Dakota, unless otherwise determined by the department.
3. Start of construction prior to approval by the department of the final plans and specifications is not permitted.
4. All construction, remodeling, and installations must be in accordance with the final plans and specifications approved by the department. Modifications or deviations from the approved plans and specifications must be submitted to and approved by the department.
5. The department may make inspections of construction, remodeling, or installations and arrange conferences with the facility to ensure conformance with approved plans and specifications.
6. The construction specifications must require the contractor to perform tests to ensure all systems conform to the approved plans and specifications.
7. Routine maintenance does not require the submission of plans and specifications. For the purpose of this subsection, routine maintenance means repair or replacement of existing equipment, room finishes and furnishings, and similar activities.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-07. Codes and standards.**

1. A basic care facility must be designed, constructed, equipped, maintained, and operated in compliance with:
  - a. This chapter;
  - b. The Guidelines for Residential Health, Care and Support Facilities, 2014 edition, compiled by the facility guidelines institute;
  - c. The national fire protection association 101 Life Safety Code, 2012 edition;
  - d. North Dakota Century Code section 54-21.3-04.1, relating to accessibility for disabled persons;
  - e. The requirements for food and beverage establishments issued by the department;

- f. North Dakota Administrative Code article 62-03.1 relating to plumbing standards;
  - g. North Dakota Administrative Code article 24-02 relating to electrical wiring standards;
  - h. North Dakota Administrative Code article 45-12 relating to boiler rules and regulations;
  - i. North Dakota Administrative Code article 33-15 governing air pollution control, relating to incinerators; and
  - j. North Dakota Administrative Code article 33-10 relating to radiological health.
2. A basic care facility must comply with all applicable building codes, ordinances, and rules of city, county, or state jurisdictions.
  3. These standards are established to bring about a desired performance result. If specific limits are prescribed, equivalent solutions may be acceptable if approved in writing by the department as meeting the intent of these standards.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-09

**33-03-24.2-08. Fire safety.**

1. The basic care facility shall comply with the national fire protection association Life Safety Code, 2012 edition, chapters 32 and 33, residential board and care occupancy, slow evacuation capability, or a greater level of fire safety.
2. Fire drills must be held monthly with a minimum of twelve per year, alternating with all workshifts. Residents and staff, as a group, shall either evacuate the building or relocate to an assembly point identified in the fire evacuation plan. At least once a year, a fire drill must be conducted during which all staff and residents evacuate the building.
3. Fire evacuation plans must be posted in a conspicuous place in the facility.
4. Written records of fire drills must be maintained. These records must include dates, times, duration, names of staff and residents participating and those absent and why, and a brief description of the drill, including the escape path used and evidence of simulation of a call to the fire department.
5. Each resident shall receive an individual fire drill walk-through within five days of admission.
6. Any variation to compliance with the fire safety requirements must be approved in writing by the department.
7. Residents of facilities meeting a greater level of fire safety must meet the fire drill requirements of that occupancy classification.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 18-01-03.2, 23-09.3-09

**33-03-24.2-09. General building requirements.**

The basic care facility must be operated in conformance with all state and local laws, rules, and ordinances concerning fire safety and sanitation.

1. Lounge and activity space must be provided at a minimum of fifteen square feet [1.39 square meters] per licensed bed for recreation, visiting, and an activity program. The lounge and activity area may be used to accommodate religious services and activities. Each lounge area for resident use must be provided with an adequate number of reading lamps, tables, and chairs or couches. These furnishings must be well-constructed and accommodate the needs of the residents.
2. Kitchen. Dietary areas and equipment must be designed to accommodate the requirements for sanitary storage, processing, and handling.
3. Dining area.
  - a. A minimum of fifteen square feet [1.39 square meters] per licensed bed must be provided for dining. Activity and dining areas must be separate.
  - b. Dining room furnishings must be well-constructed, comfortable, in good repair, and must accommodate the needs of the residents. There must be a sufficient number of tables of suitable design to accommodate the needs of all residents using wheelchairs.
4. Resident bedrooms.
  - a. All bedrooms used for residents must be dry, well-ventilated, and otherwise suitable for occupancy. Each room must have direct access to a corridor and have an outside wall with natural light provided by a window. Resident bedrooms licensed after the effective date of these rules must be at or above grade level.
  - b. The glazed areas of the window may not be less than one-tenth of the floor area of the room. Windows must be easily opened and must be provided with screens. Windows may have stops to prevent full opening that could result in accidental falls or unintended exiting from window openings.
  - c. Room size will vary depending on the number of beds, but minimum floor dimensions may not be less than ten feet [3.05 meters]. In computing floor area, only usable floor space may be included. Single rooms must provide at least one hundred square feet [9.29 square meters]. Double rooms must provide at least eighty square feet [7.43 square meters] per bed.
  - d. Each resident must be provided with a bed and mattress. Cots, rollaways, or folding beds may not be used. Double beds may be used if requested by the resident and there is adequate space. Each bed must be provided with springs in good repair and a clean, firm, comfortable mattress of appropriate size for the bed, as well as a minimum of one clean, comfortable pillow.
  - e. Each bedroom window must have window shades, or an equivalent, in good repair.
  - f. Light levels to meet the needs of residents and to allow for reading and safety must be provided.
  - g. Each bedroom must be provided with a mirror unless there is a mirror in a toilet room opening into the bedroom. Each resident lavatory must be provided with a mirror. Bedrooms or bathrooms in a secured unit or secured facility may or may not have mirrors based on the assessment of the resident.
  - h. For each bed there must be furnished a minimum of two adequately sized dresser drawers, a chair, a bedside table or stand, an individual towel rack, and closet, locker, or wardrobe space for hanging clothing within the room.

5. Toilet rooms and bathing facilities.
  - a. Separate toilets for public use must be provided.
  - b. Each bath and toilet room must be well-lighted.
6. The facility shall provide for adequate ventilation throughout to assure an odor-free, comfortable environment.
7. Office spaces and other areas must be furnished with desks, chairs, lamps, cabinets, benches, worktables, or other furnishings essential to the proper use of the area.

**History:** Effective July 1, 2015.

**General Authority:** NDCC 23-09.3-09, 28-32-02

**Law Implemented:** NDCC 23-09.3-04