



Oklahoma State Department of Health
Creating a State of Health

October 16, 2008

HRDS Letter: HFS2008-01

To: Assisted Living Center Administrators

RE: Senate Bill 2047 and House Bill 2539
New Provisions in Law

Dear Administrator:

Oklahoma law (Title 74 O.S. § 324.11) was amended in 2008 by Senate Bill 2047 to address critical resident safety concerns present when assisted living centers with I-1 occupancy ratings house residents who are not capable of responding to emergency situations without physical assistance from staff of the facility or are not capable of self preservation. I-1 buildings do not have the fire safety systems recognized under Oklahoma's adopted building and fire codes to serve such residents.

Oklahoma law was amended to allow assisted living centers constructed prior to November 1, 2008, to house residents not capable of responding to emergency situations without physical assistance from staff or not capable of self preservation, under the following conditions:

- 1) As part of the annual licensure renewal process, the facility shall disclose if any residents who reside in the facility are not capable of responding to emergency situations without physical assistance from staff or are not capable of self preservation, and
- 2) The facility shall be required to install within the facility a fire sprinkler protection and alarm system in accordance with the building guidelines set forth in the building code for I-2 facilities.

Assisted Living Centers with an occupancy rating other than I-2, seeking to house residents described above need to document the State Fire Marshal, or the local authority having jurisdiction, has inspected and approved the required modifications.

74 O.S. § 324.11(G)

1. Notwithstanding anything to the contrary in the International Fire Code and/or International Building Code, all facilities to be licensed as assisted living facilities, or additions to existing assisted living facilities, constructed after November 1, 2008, shall be constructed with the guidelines of the I-II building code if at any time in their operation they house residents who are not capable of

responding to emergency situations without physical assistance from staff of the facility or are not capable of self preservation.

2. Assisted living facilities licensed prior to the effective date of this act may house residents who are not capable of responding to emergency situations without physical assistance from the staff or are not capable of self preservation under the following conditions: As part of the annual licensure renewal process, the facility shall disclose if any residents who reside in the facility are not capable of responding to emergency situations without physical assistance from staff or are not capable of self preservation, and the facility shall be required to install fire sprinkler protection and an alarm system within the facility in accordance with the building guidelines set forth in the building code for I-II facilities.

3. For purposes of this subsection:

a. the term "assisted living center" shall include an assisted living center licensed as such by the State Department of Health and the assisted living center component of a continuum care facility licensed by the State Department of Health, and

b. the terms "International Fire Code" and "International Building Code" shall be deemed to include:

(1) any and all appendices, commentary, amendments and supplements to, and replacements or restatements of the Codes, and

(2) any and all other laws, ordinances, regulations, codes or standards pertaining to assisted living center construction, occupancy and maintenance for the protection of lives and property from fire .

In addition, Senate Bill 738's plan of accommodation language adopted in 2007 was amended this year in House Bill 2539 (Title 63 O.S. § 1-890.8) to require the plan of accommodation be in accordance with the current building codes, the rules of the State Fire Marshal, and the requirements of the local fire jurisdiction.

63 O.S. § 1-890.8

(F) If a resident of an assisted living center develops a disability or a condition that is consistent with the facility's discharge criteria:

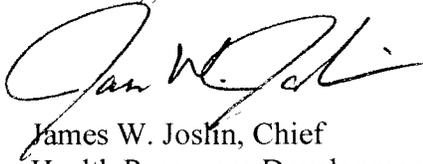
1. The personal or attending physician of a resident, a representative of the assisted living center, and the resident or the designated representative of the resident shall determine by and through a consensus of the foregoing persons any reasonable and necessary accommodations, in accordance with the current building codes, the rules of the State Fire Marshal, and the requirements of the local fire jurisdiction, and additional services required to permit the resident to

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*remain in place in the assisted living center as the least restrictive environment
and with privacy and dignity;*

We appreciate your diligent efforts to ensure appropriate fire safety systems are in place to serve residents dependent on facility staff in an emergency. Contact your building architect, Oklahoma State Fire Marshal, or local fire marshal if you have questions about the occupancy rating and fire safety systems of your building.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Joslin". The signature is fluid and cursive, with a large initial "J" and "W".

James W. Joslin, Chief
Health Resources Development Service
Protective Health Services