IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

Division of Licensing and Certification – Bureau of Facility Standards

16.03.11 – Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID)

Who does this rule apply to?
Intermediate care facilities for the active treatment of individuals with intellectual disabilities and related conditions, their administrators, directors, owners, medical professionals, physicians, QIDP, staff, individuals residing in these facilities, families, parents, guardians, and advocates of those individuals

What is the purpose of this rule?
These rules include the licensing standards and requirements for the administration of intermediate care facilities for the active treatment of individuals with intellectual disabilities and related conditions. This service delivery system provides care through small community-based facilities with the least restrictive alternatives including deinstitutionalization, normalization, and individual programming to enhance each individual's self-sufficiency for personal development and health needs.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

Health and Safety -
Hospital Licenses and Inspection:

- Section 39-1301, Idaho Code – Definitions
- Section 39-1314, Idaho Code – Separability

Where can I find information on Administrative Appeals?
Administrative appeals and contested cases are governed by the provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings."

How do I request public records?
Unless exempted, all public records are subject to disclosure by the Department that will comply with Title 74, Chapter 1, Idaho Code, upon requests. Confidential information may be restricted by state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records."

Who do I contact for more information on this rule?

Idaho Department of Health and Welfare
Bureau of Facility Standards – ICF/IID
3232 W. Elder Street
Boise, ID 83705

Attn: ICF/IID Program
P.O. Box 83720
Boise, ID 83720-0009
Bureau Phone: (208) 334-6226, option #4
Division of Licensing and Certification: (208) 364-1959
Fax: (208) 364-1888
Email: fsb@dhw.idaho.gov
Webpages: http://icfid.dhw.idaho.gov and http://facilitystandards.idaho.gov

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16.03.11 – INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH INTELLECTUAL DISABILITIES (ICFS/IID)

000. LEGAL AUTHORITY.
The Board of Health and Welfare is authorized under Sections 39-1301 through 39-1314, Idaho Code, to adopt, amend, and enforce rules, regulations, and standards for licensure that promote safe and adequate treatment, and to protect the health and safety of individuals being cared for in intermediate care facilities for people with intellectual disabilities defined in Section 39-1301(c), Idaho Code. The Department is authorized under 42 CFR Part 483 to set conditions of participation for intermediate care facilities for individuals with intellectual disabilities (ICFs/IID). Under Sections 56-1002, 56-1003, 56-1004, 56-1004A, 56-1005, 56-1007, and 56-1009, Idaho Code, the Department and the Board of Health and Welfare have prescribed powers and duties to provide for the administration and enforcement of Department programs and rules. (7-1-15)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 16.03.11, "Intermediate Care Facilities for People with Intellectual Disabilities (ICFs/IID)." (7-1-15)

02. Scope. These rules include the licensing standards and requirements for the administration of intermediate care facilities for the active treatment of individuals with intellectual disabilities and related conditions. This service delivery system provides care through small community-based facilities with the least restrictive alternatives including deinstitutionalization, normalization, and individual programming to enhance each individual's self-sufficiency for personal development and health needs. (7-1-15)

002. WRITTEN INTERPRETATIONS.
The Department may have written statements that pertain to the interpretation of this chapter, or to the documentation of compliance with these rules. (3-20-20)

003. (RESERVED)

004. INCORPORATION BY REFERENCE.
The following are incorporated by reference in this chapter of rules: (7-1-15)

01. Code of Federal Regulations (CFR). The Board has adopted by reference certain Codes of Federal Regulations (CFR), Standards and Certification, Part 483, in this chapter. 42 CFR Part 483 may be found online at: http://www.ecfr.gov/cgi-bin/text-idx?SID=f030c6d2c3e752bba7d12ce1015a4e7a&node=42:5.0.1.1.2.9&rgn=div6. Modifications and additions to the "Conditions of Participation for Intermediate Care Facilities for Individuals with Intellectual Disabilities" are made in Subsections 004.02 through 004.13 of this rule. (7-1-15)

02. 42 CFR 483.400 - Basis and Purpose. No additions or modifications have been adopted for this subpart. (7-1-15)

03. 42 CFR 483.405 - Relationship to Other Health and Human Services (HHS) Regulations. No additions or modifications have been adopted for this subpart. (7-1-15)

04. 42 CFR 483.410 - Condition of Participation: Governing Body and Management. Additions and modifications for this subpart are found in Sections 100-199 of these rules. (7-1-15)

05. 42 CFR 483.420 - Condition of Participation: Client Protections. Additions and modifications for this subpart are found in Sections 200-299 of these rules. (7-1-15)

06. 42 CFR 483.430 - Condition of Participation: Facility Staffing. Additions and modifications for this subpart are found in Sections 300-399 of these rules. (7-1-15)

07. 42 CFR 483.440 - Condition of Participation: Active Treatment Services. No additions or modifications have been adopted for this subpart. (7-1-15)

08. 42 CFR 483.450 - Condition of Participation: Client Behavior and Facility Practices. Additions and modifications for this subpart are found in Sections 500-599 of these rules. (7-1-15)

09. 42 CFR 483.460 - Condition of Participation: Health Care Services. No additions or modifications have been adopted for this subpart. (7-1-15)

10. 42 CFR 483.470 - Condition of Participation: Physical Environment. Additions and modifications for this subpart are found in Sections 700-799 of these rules. (7-1-15)

11. 42 CFR 483.480 - Condition of Participation: Dietetic Services. Additions and modifications for this subpart are found in Sections 800-899 of these rules. (7-1-15)

12. 42 CFR 1001.1301 - Failure to Grant Immediate Access. No additions or modifications have been adopted for this subpart. (7-1-15)

13. 42 CFR 442.101 - Obtaining Certification. No additions or modifications have been adopted for this subpart. (7-1-15)

14. IDAPA 07.03.01, Rules of Building Safety. IDAPA 07.03.01, "Rules of Building Safety," as adopted by the Division of Building Safety, Building Code Advisory Board. The rules are available online at: http://adminrules.idaho.gov/rules/current/07/070301.pdf. The Building Safety rules adopt The International Building Code that may be obtained from the International Code Council, Western Regional Office, 5360 Workman Mill Road, Whittier, CA 90601-2298, phone: (888) 422-7233, and online at http://www.iccsafe.org. (7-1-15)

15. National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, (edition 2000). The following document is incorporated by reference in these rules: National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, (2000), published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. A copy is available for review at the Department's Division of Licensing and Certification located at 3232 Elder Street, Boise, Idaho 83705. The NFPA 101: Life Safety Code may be accessed online at: http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=101. (7-1-15)

005. (RESERVED)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any disclosure of confidential information used or disclosed in the course of the Department's business is subject to the restrictions in state or federal law, and must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (7-1-15)

02. Public Records Act. The Department will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (7-1-15)

03. Disclosure of an Individual's Identity. Under Section 39-1310, Idaho Code, information received by the Department through filed reports, inspections, or as required by law, will not be disclosed publicly in such a manner as to identify individuals except as necessary in a proceeding involving a question of licensure. (7-1-15)

04. Public Availability of Survey Reports. The Department will post on the Division of Licensing and Certification's website, survey reports and findings of complaint investigations relating to a facility at http://facilitystandards.idaho.gov. (7-1-15)

007. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Criminal History and Background Check. An intermediate care facility for people with intellectual disabilities (ICF/IID) must comply with the Department's criminal history and background check rules in IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-15)

02. Individuals Subject to Criminal History Checks. Owners, administrators, employees, and contractors, hired or contracted with after October 1, 2007, who have direct access to individuals residing in an ICF/

IID must complete and receive a Department criminal history and background check clearance as provided in IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-15)

010. DEFINITIONS AND ABBREVIATIONS -- A THROUGH K.
For the purposes of this chapter of rules, the following terms apply. (7-1-15)

01. Active Treatment. Aggressive, consistent implementation of a program of specialized and generic training, treatment, health, and related services directed toward the acquisition of skills necessary for the individual to function with as much self-determination and independence as possible. It includes the prevention or deceleration of regression or loss of current optimal functional status. (7-1-15)

02. Administrator. The person delegated the responsibility for management of a facility. (7-1-15)

03. Advocate. A person who assists the individual in exercising their rights within the facility and as a citizen of the United States. (7-1-15)

04. Alteration. Any change or modification to the building or property that does affect Life Safety Code compliance or a change in space usage or utilization of the facility, including additions, remodeling or systems modifications. (7-1-15)

05. Board. The Idaho State Board of Health and Welfare. (7-1-15)

06. Certification. Federal program approval (Medicare, Medicaid, etc.) of the facility to participate in the delivery of program care to eligible individuals under applicable federal requirements. (7-1-15)

07. Client. A term used in the Code of Federal Regulations (CFR) for an "individual" residing in an intermediate care facility for individuals with intellectual disabilities who requires active treatment. A "client" is synonymous with the terms "individual" and "resident" in this chapter. (7-1-15)

08. Department. The Idaho Department of Health and Welfare. (7-1-15)

09. Director. The Director of the Idaho Department of Health and Welfare, or their designee. (7-1-15)

10. Discharge. The permanent movement of an individual to another facility or setting that operates independently from the ICF/IID. (7-1-15)

11. Enclosure. Any barrier designed, constructed, or used to contain an individual within a designated area for the purposes of behavior modification, and does not meet the definition of a "time out" room as stated in 42 CFR 483.450(c)(1). (7-1-15)

12. Governmental Unit. The State of Idaho, any county, municipality, or other political subdivision, or any department, division, board, or other agency thereof. (7-1-15)

13. Individual. A term used in the Code of Federal Regulations (CFR) for an "individual" residing in an intermediate care facility for individuals with intellectual disabilities who requires active treatment. An "individual" is synonymous with the terms "client" and "resident" in this chapter. (7-1-15)

14. Individual Program Plan (IPP). A written plan developed by the interdisciplinary team for each individual in the ICF/IID. The IPP is based on a completed, thorough review of the individual's preferences, lifestyle, cultural background, strengths, needs, and capabilities in all major life areas essential to increasing independence and ensuring rights. Each individual's IPP addresses what an individual needs in order to function with as much independence as possible by stating: (7-1-15)

a. The desired outcomes the individual is trying to achieve; (7-1-15)

b. The specific steps and actions that will be taken to reach the desired outcomes; and (7-1-15)

c. Any additional adaptive equipment, assistive technology, services, and supports required to meet the individual's needs. (7-1-15)

15. Initial License. The first license issued to a facility. (7-1-15)

16. Interdisciplinary Team (IDT). Professionals, paraprofessionals, and non-professionals who possess the knowledge, skills, and expertise necessary to accurately identify the comprehensive array of the individual's needs and design a program which is responsive to those needs. The IDT must include the individual unless inability or unwillingness is documented, their parent, guardian, or representative unless documented to be inappropriate or unobtainable, a physician, a social worker, and other appropriate professional and non-professional staff, at least one (1) of whom is a Qualified Intellectual Disabilities Professional. (7-1-15)

17. Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID). An institution that meets federal conditions of participation and has as its primary purpose the provision of health or rehabilitation services to individuals with intellectual disabilities or related conditions receiving care and services under the Medicaid program, which is organized and operated to provide services to four (4) or more individuals, not related to the owner. (7-1-15)

011. DEFINITIONS AND ABBREVIATIONS -- L THROUGH Z.
For the purposes of this chapter of rules, the following terms apply. (7-1-15)

01. Legal Guardian. A court-appointed surrogate designated to advocate on behalf of the individual. The guardian's role is to encourage self-reliance and independence as well as make decisions on behalf of the individual. (7-1-15)

02. Licensee. Any person, firm, partnership, corporation, company, association, joint stock association, governmental unit, legal entity, legal successor thereof, or organization to whom a license is issued. (7-1-15)

03. National Fire Protection Association (NFPA). The National Fire Protection Association, from whom copies of applicable safety standards referenced herein are available at cost. Requests should be addressed to NFPA Publication Department, 1 Batterymarch Park, Quincy, Massachusetts 02169-7471 or www.NFPA.org. (7-1-15)

04. Noxious Stimuli. A startling, unpleasant, or painful action used in response to an individual's behavior that has a potentially aversive or harmful effect. (7-1-15)

05. On Duty. Personnel are considered "on duty" when working with, or available to meet an individual's needs. (7-1-15)

06. Outside Service. Any service provided at a location other than the premises for which the license was issued, pursuant to Section 39-1305, Idaho Code. Includes off-site treatment locations regardless of ownership or operating party, schools, vocational programs, and separately licensed Developmental Disabilities Agencies per Section 39-4605, Idaho Code. (7-1-15)

07. Owner. Any recognized legal entity, governmental unit, or person having legal ownership of an ICF/IID. (7-1-15)

08. Parent. A person who by birth, through adoption, or through fostering is considered legally responsible for a child under the age of eighteen (18), unless otherwise ordered by a court of competent jurisdiction. (7-1-15)

09. Participate. To provide input through whatever means necessary to ensure an individual's IPP is responsive to the individual's needs. (7-1-15)

10. Physician. An individual licensed to practice medicine and surgery by the Idaho State Board of Medicine or the Idaho State Board of Podiatry under Section 39-1301(h), Idaho Code. (7-1-15)

11. **Provisional License**. A license issued to a facility that conforms substantially with these rules, during which time the facility is to correct deficiencies, or to implement administrative or major structural changes. (7-1-15)

12. **Qualified Intellectual Disabilities Professional (QIDP)**. An individual who has at least one (1) year of experience working directly with individuals with intellectual disabilities or developmental disabilities; and meets the requirements in 42 CFR 483.430 (a). (7-1-15)

13. **Related to Owner**. An individual who is related to an owner of an intermediate care facility by blood, marriage, adoption, fostering, or legal guardianship. (7-1-15)

14. **Renovations, Minor**. Changes or modifications to the building or property that do not affect the structural integrity of the building, the fire safety, the physical spaces within the building, or the functional operation for which the facility is licensed. (7-1-15)

15. **Resident**. A term used in the International Building Code for an "individual" residing in an intermediate care facility for individuals with intellectual disabilities who requires active treatment. A "resident" is synonymous with the terms "individual" and "client" in this chapter. (7-1-15)

16. **Sufficient Staff**. Sufficient numbers of staff to meet each individual's needs and to implement the active treatment program defined in each individual's IPP. (7-1-15)

17. **Transfer**. A transfer means any of the following: (7-1-15)

a. The temporary movement of an individual between facilities; (7-1-15)

b. The temporary movement from an ICF/IID to a psychiatric or medical hospital for medical reasons; (7-1-15)

c. The permanent movement of an individual between living units of the same facility; or (7-1-15)

d. The permanent movement of an entire facility to a new location, including individuals served, staff and records. (7-1-15)

18. **Waiver**. Provision by the Department to allow for an exception to rule on a case-by-case basis. (7-1-15)

012. -- 019. **(RESERVED)**

020. **LICENSE REQUIRED.**
An intermediate care facility for people with intellectual disabilities (ICF/IID) cannot be established, maintained, or operated within Idaho without obtaining a license from the Department as required in Sections 39-1301 through 39-1314, Idaho Code. An ICF/IID must be in compliance with Idaho statutes, federal regulations, and this chapter of rules in order to hold a license. (7-1-15)

021. **ICF/IID LICENSURE REQUIREMENTS.**

01. **Facility Name**. Each ICF/IID must use a distinctive name for the facility which is registered with the Secretary of State of Idaho. The facility cannot change its name without written notification to the Department at least thirty (30) days prior to the date the proposed name change is to be effective. (7-1-15)

02. **Physical Location**. Each ICF/IID must meet the requirements under Sections 67-6530 through 67-6532, Idaho Code, for local planning and zoning laws or ordinances. Facilities serving eight (8) or fewer individuals with intellectual disabilities are not required to secure conditional use permits, zoning variances, or zoning clearance. (7-1-15)

03. **Size Limitations**. The maximum size of an ICF/IID must be no more than fifteen (15) beds. An

ICF/IID that has continuously operated under current ownership since July 1, 1980, or before, and continues to operate under that ownership, is exempt from this requirement. (7-1-15)

04. Compliance with Water and Sanitation Rules. Each ICF/IID must have a statement from the Public Health District indicating that the water supply and sewage disposal systems meet the Department requirements in Sections 700 through 799 of these rules. (7-1-15)

05. Approval of Facility Construction Plans. Each ICF/IID must obtain written Department approval prior to any proposed construction of a facility or alterations to an ICF/IID. Construction or alteration plans must be provided to the Department prior to licensing of the facility. (7-1-15)

022. INSPECTION OF FACILITY.

01. Representatives of the Department. The Department is authorized to enter an ICF/IID, or its buildings associated with its operation, at all reasonable times for the purpose of inspection. The Department may, at its discretion, utilize the services of any legally qualified person or organization, either public or private, to examine and inspect any ICF/IID for licensing requirements. (7-1-15)

02. Accessible With or Without Prior Notification. The Department or its representatives may enter a facility for the purpose of inspections with or without prior notification to the facility. (7-1-15)

03. Inspection of Records. For the purposes of these rules, the Department is authorized to inspect all records required by the Department to be maintained by the facility. (7-1-15)

04. Inspection of Outside Services. The Department is authorized to inspect any outside services that a licensed facility uses for its individuals. (7-1-15)

023. -- 024. (RESERVED)

025. INITIAL APPLICATION FOR LICENSURE.
Each person or entity planning to operate an ICF/IID must apply to the Department for an initial license. (7-1-15)

01. Form of Application. The applicant must complete an initial application form provided by the Department. The application and documents required in Subsection 025.02 of this rule must be submitted to the Department at least ninety (90) days prior to the planned opening date. (7-1-15)

02. Documents Required. In addition to the application form, the following documents must be submitted with the application prior to approval of a license: (7-1-15)

a. A certificate of occupancy from the local building and fire authority. (7-1-15)

b. Acceptable policies and procedures governing the facility, including a sample of an individual record, as required by the Department. (7-1-15)

c. If the facility is owned by a corporation, the names and addresses of all officers and stockholders having more than five percent (5%) ownership. (7-1-15)

026. CHANGE OF OWNERSHIP (CHOW).
A new owner must submit a new application for licensure, and receive the license from the Department before operating the facility. A "change in ownership" is a change in the person or legal organization that has final decision-making authority over the daily operation of an existing ICF/IID. (7-1-15)

01. CHOW of ICF/IID. An ICF/IID must apply for a change of ownership when: (7-1-15)

a. The form of legal organization of the facility changes, such as when a sole proprietorship becomes a partnership or corporation; (7-1-15)

b. Title of the ICF/IID is transferred from the current licensee to another party; (7-1-15)

c. The ICF/IID is leased to another party, or the facility's existing lease is terminated; (7-1-15)

d. An event occurs that terminates or dissolves a partnership or sole proprietorship; or (7-1-15)

e. The licensee is a corporation; and (7-1-15)

i. The corporation is dissolved; or (7-1-15)

ii. A new corporation is formed through consolidation or merger with one (1) or more other corporations, and the licensed corporation no longer exists. (7-1-15)

02. **No CHOW**. Ownership does not change when: (7-1-15)

a. The licensee contracts with another party to manage the facility and to act as the licensee's agent. The licensee must retain final decision-making authority over daily operating decisions; or (7-1-15)

b. When the licensee is a corporation, some or all of its corporate stock is transferred, and the corporation continues to exist. (7-1-15)

03. **Application for Change of Ownership**. An ICF/IID must apply to the Department for a change of ownership at least ninety (90) days prior to the proposed date of the change, using an initial licensing application form. (7-1-15)

027. -- 029. (RESERVED)

030. ISSUANCE OF LICENSE.
An ICF/IID license is issued when the Department finds that the applicant has demonstrated compliance with the requirements in Idaho statutes and these rules. (7-1-15)

01. **License Issued Only to Named Applicant and Location**. Each license is issued only for the premises and persons or governmental units named in the application, as required in Section 39-1305, Idaho Code. (7-1-15)

02. **License Specifies Maximum Allowable Beds**. Each license specifies the maximum allowable number of beds in each facility, which may be exceeded only on an emergency basis, for the minimum amount of time required to address the emergency. This emergency exception must be authorized by the Department. (7-1-15)

03. **Initial License**. When the Department determines that all required application information has been received and demonstrates compliance, a license is issued. The initial license expires at the end of the calendar year in which the license was issued. (7-1-15)

04. **Provisional License**. A provisional license issued to an ICF/IID is valid for a period not to exceed six (6) months from the date of issuance by the Department. A provisional license may be issued in order for the facility to: (7-1-15)

a. Implement administrative changes; (7-1-15)

b. Implement structural changes to a facility's premises; or (7-1-15)

c. Work on correcting deficiencies to bring the facility into compliance with statutory requirements and these rules. (7-1-15)

031. EXPIRATION AND RENEWAL OF LICENSE.
An ICF/IID license issued by the Department is valid until the end of the calendar year in which it is issued. The license is renewed annually unless the license is revoked or suspended. (7-1-15)

032. -- 039. (RESERVED)

040. DISPLAY OF LICENSE.
Under Section 39-1305, Idaho Code, an ICF/IID must post its license in a conspicuous place on the premises visible to the general public. (7-1-15)

041. -- 049. (RESERVED)

050. DENIAL OR REVOCATION OF LICENSE.
Under Section 39-1306, Idaho Code, the Department may deny an application for an ICF/IID license or revoke an existing license. (7-1-15)

01. Notice to Deny or Revoke. The Department will send a written notice to the applicant or licensee by certified mail, registered mail, or personal delivery service, to deny or revoke a license or application. The notice will inform the applicant or licensee of the opportunity to request a hearing as provided in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (7-1-15)

02. Major Deficiency. The Department may deny an application for a license or revoke an existing license if a major deficiency exists in the compliance of the ICF/IID with the provisions of Idaho Code, federal regulations, or of these rules. A major deficiency is: (7-1-15)

a. Any violation of ICF/IID requirements contained in Idaho Code, federal regulations, or these rules that would endanger the health, safety, or welfare of any individual; (7-1-15)

b. Any repeated violations of any requirements in Idaho Code, federal regulations, or these rules; or (7-1-15)

c. The accumulation of minor violations at the facility that, taken as a whole, would endanger the health, safety, or welfare of any individual. (7-1-15)

03. Prior Record Related to Licensure. The Department may deny an application for a license or revoke an existing license when the owner or administrator has: (7-1-15)

a. Had any health or personal care license denied or revoked; (7-1-15)

b. Been found to have operated any health or personal care facility without a license; or (7-1-15)

c. Been enjoined from operating any health or personal care facility in an action related to improper operation of a facility. (7-1-15)

04. Personnel Inadequacies. The Department may deny an application for a license or revoke an existing license when the owner or administrator lacks sufficient staff in number or qualification to properly care for the proposed or actual number and needs of individuals. (7-1-15)

05. Inadequate or False Disclosure. The Department may deny an application for a license or revoke an existing license when the owner or administrator has misrepresented, or failed to fully disclose, any facts or information or any items in any application or any other document requested by the Department, when such facts and information were required to have been disclosed. (7-1-15)

06. Prior Criminal Record. The Department may deny an application for a license or revoke an existing license when the owner or administrator has been convicted of any crime or infraction associated with the operation of a licensed health or personal care facility. (7-1-15)

051. -- 059. (RESERVED)

060. SUMMARY SUSPENSION OF LICENSE.

The Director may summarily suspend any ICF/IID license in the event of any emergency endangering the health, safety, or welfare of an individual in the facility. The Director will provide an opportunity for a contested case hearing under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (7-1-15)

061. -- 069. (RESERVED)

070. RETURN OF SUSPENDED, REVOKED, OR RELINQUISHED LICENSE.
Each ICF/IID license is the property of the State of Idaho and must be returned to the Department immediately upon its suspension, revocation, or the voluntary closure of the facility. (7-1-15)

071. -- 079. (RESERVED)

080. WAIVER.
Under Section 39-1306, Idaho Code, a temporary or permanent waiver to these rules and minimum standards, either in whole or in part, may be granted by the Department to an ICF/IID on a case-by-case basis under the following conditions: (7-1-15)

01. Waiver for Good Cause. The Department finds good cause to grant a waiver and no individual's health, safety, or welfare is endangered by the waiver being granted. (7-1-15)

02. No Precedent. Precedent will not be set by granting the requested waiver, and such waiver will have no force or effect in any other proceeding. (7-1-15)

081. -- 099. (RESERVED)

100. GOVERNING BODY AND MANAGEMENT.
The requirements of Sections 100 through 199 of these rules are modifications and additions to the requirements in 42 CFR 483.410 - 483.410(e), Condition of Participation: Governing Body and Management incorporated in Section 004 of these rules. (7-1-15)

101. GOVERNING BODY DUTIES.

01. Unrelated to Owner. The governing body of each ICF/IID must ensure that individuals residing at the ICF/IID are unrelated to the owner. (7-1-15)

02. Appointment of Administrator. The governing body of each licensed ICF/IID must appoint an administrator. (7-1-15)

102. ADMINISTRATOR.

01. Administrator Requirements. Each ICF/IID must have an administrator who: (7-1-15)

a. Is at least twenty-one (21) years of age; (7-1-15)

b. Is responsible and accountable for implementation of the policies established by the governing body; (7-1-15)

c. Has a minimum three (3) years direct experience working in an ICF/IID setting; and (7-1-15)

d. Meets all other qualifications required by the facility's governing body. (7-1-15)

02. Administrator Duties. The administrator's responsibilities and duties are to: (7-1-15)

a. Implement and monitor written policies and procedures for each service of the ICF/IID and the operation of its physical plant. The administrator must see that these policies and procedures are adhered to and make them available to authorized representatives of the Department. (7-1-15)

b. Implement and monitor written policies and procedures for the recruitment and employment of sufficient staff and personnel in number and qualification to perform each service and for the operation of the ICF/IID. The administrator must see that the policies and procedures for administration of personnel requirements in Section 120 of these rules are adhered to and available to authorized representatives of the Department. (7-1-15)

c. Compile, complete, and submit all reports and records required by the Department. (7-1-15)

d. Notify the Department immediately of an anticipated or actual termination of any service vital to the continued safe operation of the ICF/IID or the health, safety, and welfare of its individuals and personnel. (7-1-15)

e. When not on duty, delegate the necessary authority to an administrator designee who is competent to handle the administrator's duties. Delegation of authority must occur according to the ICF/IID policies and procedures set by the facility's governing body. In the event of an emergency, the administrator designee must know how to contact the administrator. (7-1-15)

103. -- 109. (RESERVED)

110. FACILITY RECORDS.

01. Records Available Upon Request. Each ICF/IID must be able to print and provide paper copies of electronic records upon the request of the individual who is the subject of the requested records, the individual's legal guardian, payer, or the Department. (7-1-15)

02. Census Register. Each ICF/IID must maintain a census register that lists: (7-1-15)

a. The name of each individual residing in the facility; (7-1-15)

b. The individual's date of admission and discharge; and (7-1-15)

c. A daily census of each individual who is in the facility on any given day. (7-1-15)

111. -- 119. (RESERVED)

120. ADMINISTRATIVE REQUIREMENTS -- PERSONNEL.
Each ICF/IID must employ personnel sufficient in number and qualifications to meet, at a minimum, the quality of care mandated by law and these rules for all individuals' needs in the facility. (7-1-15)

01. Job Descriptions. Current job descriptions outlining the authority, responsibilities, and duties of all personnel in the facility, including the administrator, must be established and maintained as required by the governing body. A copy of an employee's particular job description must be provided to each employee. (7-1-15)

02. Policies and Procedures. The facility must ensure that explicit and uniform policies and procedures are established for each employment position concerning hours of work, overtime, and related personnel matters. A statement of these policies must be provided to each employee. (7-1-15)

03. Daily Work Schedules. Daily work schedules must be maintained that show the personnel on duty at any given time for the previous three (3) month period. These schedules must be kept up to date and identify the employee as follows: (7-1-15)

a. First and last names; (7-1-15)

b. Professional designations such as registered nurse (RN), licensed practical nurse, (LPN), QIDP; and (7-1-15)

c. Employment position in the facility. (7-1-15)

04. Organizational Chart. A current organizational chart that clearly indicates lines of authority within the facility's organizational structure must be available at the facility to be viewed by all employees, or kept in each employee's possession while on duty. (7-1-15)

05. Personnel Records. A separate personnel record must be maintained for each employee of the facility that contains the following information: (7-1-15)

a. The employee's name, current address, and telephone number; (7-1-15)

b. The employee's Social Security Number; (7-1-15)

c. The employee's educational background; (7-1-15)

d. The employee's work experience; (7-1-15)

e. The employee's other qualifications to provide ICF/IID care. If licensure is required to provide a service the employee was hired to provide, the facility must have written verification of the original license number and date the current license expires; (7-1-15)

f. The employee's criminal history and background check (CHC) clearance must be printed and on file, when a CHC is required; (7-1-15)

g. The employee's date of employment; (7-1-15)

h. The employee's date of termination including the reason for termination; (7-1-15)

i. The employee's position in the facility and a description of that position; and (7-1-15)

j. The employee's hours and work schedule, paydays, overtime, and related personnel matters. (7-1-15)

06. Health and Age Requirements. All personnel employed by an ICF/IID must meet and observe the following requirements: (7-1-15)

a. Each employee must be free of communicable disease and infected skin lesions while on duty; and (7-1-15)

b. At the time of employment, each employee must have a tuberculin skin test consistent with current tuberculosis control procedures. (7-1-15)

c. No employee who is less than eighteen (18) years of age can provide direct individual care in an ICF/IID. (7-1-15)

07. Training Requirements. Each ICF/IID must have and follow structured written training programs designed to train each employee in the responsibilities specified in the written job description, and to provide for quality of care and compliance with these rules. Signed evidence of personnel training, indicating dates, hours, and topic, must be retained at the facility. This training must include at a minimum: (7-1-15)

a. Initial orientation for new employees; and (7-1-15)

b. Continuing in-service training designed to, at a minimum, meet the quality of care mandated by law and these rules for individuals residing in the facility. (7-1-15)

121. -- 199. (RESERVED)

200. CLIENT PROTECTIONS.
The requirements of Sections 200 through 299 of these rules are modifications and additions to the requirements in 42

CFR 483.420 - 483.420(d)(4), Condition of Participation: Client Protections incorporated in Section 004 of these rules. (7-1-15)

201. INDIVIDUAL ADVOCATE.
An individual advocate is a person whose primary responsibility is to help ensure the individual's rights are not violated and to act in the best interest of the individual. (7-1-15)

202. APPOINTED ADVOCATE.
The administrator of an ICF/IID must appoint an advocate for an individual with input from the individual's IDT when the following exists: (7-1-15)

01. Parent or Legal Guardian Unable to Participate. The individual's parent or legal guardian is unable or unwilling to participate, or is unavailable after reasonable efforts to contact them for participation have been made. (7-1-15)

02. Individual Unable to Make Informed Decisions. An individual "lacks capacity to make informed decisions" as defined in Section 66-402(9), Idaho Code. The IDT must determine and document in the individual's record the specific impairment that has rendered the individual incapable of understanding their own rights. (7-1-15)

03. Requested by Individual, Parent, or Guardian. An advocate is requested by the individual, their parent, or their guardian. (7-1-15)

04. Advise Individual of Rights. The fact that an individual has been determined to be incompetent or incapable does not absolve the facility from advising the individual of their rights to the extent that the individual is able to understand them. (7-1-15)

05. Advocate Selection. The administrator must ensure that all individuals are represented only by persons who are not employed by the facility. The priority for selection of advocates will be in the following order: (7-1-15)

a. Parent(s); (7-1-15)

b. An interested family member; or (7-1-15)

c. Other interested parties. (7-1-15)

203. ADVOCATES' RIGHTS.
Each advocate has the following rights: (7-1-15)

01. Be Informed. To be informed of activities related to the individual that may be of interest to them or of significant changes in the individual's condition. (7-1-15)

02. Visitation Rights. To visit the individual and all parts of the facility that provide services to the individual at any reasonable hour and without prior notice, unless contraindicated by the individual's needs or such practice infringes upon the privacy and rights of others. (7-1-15)

03. Prompt Communications. To receive prompt replies to any communication sent to the facility regarding the individual. (7-1-15)

04. Written Interpretation of Evaluations. To be given within thirty (30) days of admission to the facility, a written interpretation of the evaluation that is conducted for the individual. The administrator of the facility must provide a written interpretation of any and all subsequent evaluations. (7-1-15)

05. Discharge Counseling. To be counseled as to the advantages and disadvantages of discharging the individual from the facility, including admission to another facility. (7-1-15)

06. Prompt Notification of Significant Events. To be notified promptly in the event of any unusual

occurrence, including serious illness or accident, impending death, and/or death; and in the case of death, to be told of autopsy findings if an autopsy is performed. (7-1-15)

07. Access to Individual's Records. To be given access to all of the individual's records that pertain to their active treatment, subject to the requirements specified in IDAPA 16.05.01, "Use and Disclosure of Department Records." (7-1-15)

204. -- 299. (RESERVED)

300. FACILITY STAFFING.
The requirements of Sections 300 through 399 of these rules are modifications and additions to the requirements in 42 CFR 483.430 - 483.430(e)(4), Condition of Participation: Facility Staffing incorporated in Section 004 of these rules. (7-1-15)

301. INTERNS AND VOLUNTEERS.
Volunteers and interns must be under the direct supervision of facility staff during all times of direct contact with individuals. (7-1-15)

302. -- 399. (RESERVED)

400. ACTIVE TREATMENT SERVICES.
The requirements of Sections 400 through 499 of these rules are modifications and additions to the requirements in 42 CFR 483.440 - 483.440(f)(4), Condition of Participation: Active Treatment Services incorporated in Section 004 of these rules. (7-1-15)

401. -- 499. (RESERVED)

500. CLIENT BEHAVIOR AND FACILITY PRACTICES.
The requirements of Sections 500 through 599 of these rules are modifications and additions to the requirements in 42 CFR 483.450 - 483.450(e)(4)(iii), Condition of Participation: Client Behavior and Facility Practices incorporated in Section 004 of these rules. (7-1-15)

501. MANAGEMENT OF INAPPROPRIATE INDIVIDUAL BEHAVIOR.
The application of painful or noxious stimuli and the use of enclosures are prohibited. (7-1-15)

502. -- 599. (RESERVED)

600. HEALTH CARE SERVICES.
The requirements of Sections 600 through 699 of these rules are for modifications and additions to the requirements in 42 CFR 483.460 - 483.460(n)(2), Condition of Participation: Health Care Services incorporated in Section 004 of these rules. (7-1-15)

601. -- 699. (RESERVED)

700. PHYSICAL ENVIRONMENT.
The requirements of Sections 700 through 799 of these rules are modifications and additions to the requirements in 42 CFR 483.470 - 483.470(1)(4), Condition of Participation: Physical Environment, incorporated in Section 004 of these rules. Other documents incorporated in Section 004 of these rules related to an ICF/IID physical environment are the NFPA's Life Safety Code and IDAPA 07.03.01, "Rules of Building Safety." (7-1-15)

701. ENVIRONMENTAL SANITATION STANDARDS.
Each ICF/IID must ensure that its environment promotes the health, safety, independence, and learning of each individual in the facility. (7-1-15)

702. ENVIRONMENTAL STANDARDS -- WATER, SEWER, AND GARBAGE.

01. Water Supply. Each ICF/IID must have a water supply that is adequate, safe, and of a sanitary

quality. The water supply must: (7-1-15)

a. Be from an approved public or municipal water supply; or (7-1-15)

b. Be from a private water supply that meets the standards approved by the Department, when an approved public or municipal water supply is not available. (7-1-15)

02. Private Water Supply. An ICF/IID using a private water supply must: (7-1-15)

a. Submit water samples to the local Public Health District Laboratory for bacteriological examination at least once every three (3) months; and (7-1-15)

b. Keep copies of the Public Health District laboratory reports on file at the facility and available to authorized representatives of the Department. (7-1-15)

03. Adequate Water Supply. Each ICF/IID must have a sufficient amount of water under adequate pressure to meet sanitary and fire sprinkler system requirements of the facility at all times, according to the requirements in IDAPA 07.02.06, "Rules Concerning Idaho State Plumbing Code," and the NFPA Life Safety Code incorporated in Section 004 of these rules. (7-1-15)

04. Sewage Disposal. Each ICF/IID must discharge all sewage and liquid wastes into a municipal sewage system where such a system is available. Where a municipal sewage system is not available, sewage and liquid wastes must be collected, treated, and disposed of in a manner approved by the Department. (7-1-15)

05. Garbage and Refuse Disposal. Each ICF/IID must provide garbage and refuse disposal at its facility that meets the following requirements: (7-1-15)

a. The premises and all buildings must be kept free from accumulation of weeds, trash, and rubbish; (7-1-15)

b. Materials not directly related to the maintenance and operation of the facility must not be stored on the premises; (7-1-15)

c. All containers used for storage of garbage and refuse must be constructed of durable, nonabsorbent material, and cannot leak. Containers must be provided with tight-fitting lids unless stored in a vermin-proof room or enclosure; (7-1-15)

d. Garbage containers must be maintained in a sanitary manner. Sufficient containers must be afforded to hold all garbage and refuse that accumulates between periods of removal from the facility; and (7-1-15)

e. Storage areas must be kept clean and sanitary. (7-1-15)

703. ENVIRONMENTAL STANDARDS -- CHEMICALS AND PESTICIDES.

01. Rodent and Pest Control. Each ICF/IID must be maintained free from insects, rodents, vermin, and other pests. (7-1-15)

a. Chemicals and pesticides must be selected on the basis of the pest involved and used only in the manner prescribed by the manufacturer that is registered with the Idaho Department of Agriculture; and (7-1-15)

b. Chemicals and pesticides used in the facility's pest control program must be used and stored to meet local, state, and federal requirements. (7-1-15)

02. Chemical Storage. All toxic chemicals must be properly labeled and stored according to the manufacturer's instructions. Toxic chemicals must not be stored in individual areas, with drugs, or in any area where food is stored, prepared, or served. (7-1-15)

704. ENVIRONMENTAL STANDARDS -- LINENS AND LAUNDRY SERVICES.

01. Linens Provided. Each ICF/IID must have available at all times a quantity of linens sufficient for the proper care and comfort of its individuals. The linens must: (7-1-15)

a. Be of good quality, not thread-bare, torn, or badly stained; and (7-1-15)

b. Be handled, processed, and stored in an appropriate manner that prevents contamination. (7-1-15)

02. Laundry Facilities. Unless a laundry service is used as described in Subsection 704.03 of this rule, each ICF/IID must have adequate laundry facilities for the sanitary washing and drying of the linens and other washable goods laundered in the facility. An individual's personal laundry must be collected, sorted, washed, and dried in a sanitary manner, and cannot be washed with the general linens. The laundry area must: (7-1-15)

a. Be situated in an area separate and apart from where food is stored, prepared, or served; (7-1-15)

b. Be well-lighted and ventilated; (7-1-15)

c. Be adequate in size for the needs of the facility; (7-1-15)

d. Be maintained in a sanitary manner; and (7-1-15)

e. Be kept in good repair. (7-1-15)

03. Laundry Services. When an ICF/IID sends its linens and individuals' personal laundry out for laundry services, the facility must ensure that: (7-1-15)

a. Soiled linens and clothing are handled in a proper manner to prevent cross-contamination and material damage prior to sending out; (7-1-15)

b. Clean linens and clothing received from a laundry service are stored in a proper manner to prevent potential re-contamination or material damage; and (7-1-15)

c. Each individual's personal laundry is collected, transported, sorted, washed, and dried in a sanitary manner and is not washed with general linens. (7-1-15)

705. ENVIRONMENTAL STANDARDS -- HOUSEKEEPING SERVICES.
Each ICF/IID must have sufficient housekeeping and maintenance personnel and equipment to maintain the interior and exterior of the facility in a safe, clean, orderly, and attractive manner. (7-1-15)

01. Facility Interior. Floors, walls, ceilings, and other interior surfaces, equipment, and furnishings must be maintained in a clean and sanitary manner. (7-1-15)

02. Housekeeping Procedures. Each ICF/IID must have written procedures for cleaning surfaces and equipment that is explained to each person engaged in housekeeping duties. An individual in the facility who is engaged in facility housekeeping duties as part of their training program must be supervised by the facility's program personnel according to the individual's assessed needs. (7-1-15)

03. Requirements After Individual Discharged. After discharge of an individual the facility must ensure that the individual's room is thoroughly cleaned, including the bed, bedding, linens, and furnishings. (7-1-15)

04. Deodorizers. Deodorizers and other products must not be used to cover odors caused by poor housekeeping or unsanitary conditions. (7-1-15)

05. Housekeeping Equipment. All housekeeping equipment must be in good repair and maintained in a clean and sanitary manner. (7-1-15)

706. -- 709. (RESERVED)

710. PHYSICAL FACILITY STANDARDS -- EXISTING GENERAL REQUIREMENTS.
Each ICF/IID must meet the minimum standards related to physical construction and maintenance for all of its buildings used for ICF/IID services as required in Sections 711 through 712 of these rules. All buildings are subject to approval by the Department. (7-1-15)

711. PHYSICAL FACILITY STANDARDS -- EXISTING CONSTRUCTION.
Each ICF/IID must use buildings that are of such character and quality to be suitable for the services and usage provided in its buildings. Other requirements for existing buildings are: (7-1-15)

01. **Good Repair**. Each building used by the ICF/IID and its equipment must be in good repair. (7-1-15)

a. The walls and floors must be of such character as to permit frequent cleaning. (7-1-15)

b. Walls and ceilings in kitchens, bathrooms, and utility rooms must have smooth, cleanable surfaces. (7-1-15)

c. The building must be kept clean and sanitary, and every reasonable precaution taken to prevent the entrance of insects and rodents. (7-1-15)

02. **Stairways**. Each stairway in an ICF/IID must have sturdy handrails on both sides of the stairs, and all open stairwells protected with guardrails. Each stairway must have a nonskid tread covering the entire surface of the stair. (7-1-15)

03. **Porches and Verandas**. Each open porch and veranda must be protected by sturdy guardrails of a height measuring a minimum of forty-two (42) inches. (7-1-15)

04. **Telephone**. Each ICF/IID must have telephone access that provides a reliable means of communication to each individual in the facility for private conversations and to contact emergency services. (7-1-15)

05. **Dining Areas**. Each ICF/IID must provide one (1) or more attractively furnished, multi-purpose areas of an adequate size for individuals' dining, diversional, and social activities. Each area must be: (7-1-15)

a. Well-lighted; (7-1-15)

b. Ventilated; and (7-1-15)

c. Equipped with tables and chairs that have easily cleanable surfaces. (7-1-15)

06. **Storage Areas**. Each ICF/IID must provide general storage areas and medical storage areas. (7-1-15)

a. For each licensed bed in the facility there must be a minimum of ten (10) square feet of general storage area; (7-1-15)

b. In addition, each individual's bedroom must have suitable storage for personal clothing, possessions, and individual adaptive equipment; and (7-1-15)

c. The facility must provide safe and adequate storage space for medical supplies and an area appropriate for the preparation of medications. (7-1-15)

07. **Lighting**. Each ICF/IID must meet the following lighting requirements: (7-1-15)

a. In addition to natural lighting, artificial lighting is required to provide an average illumination of

ten (10) foot-candles (107 lux) over the area of a room at thirty (30) inches (standard household lighting level) above the floor level. (7-1-15)

b. With the exception of emergency egress lighting, all artificial lighting must be controllable by switches. (7-1-15)

c. Task lighting and reading lights must be available to meet each individual's needs. (7-1-15)

08. **Ventilation**. Each ICF/IID must be ventilated and precautions taken to prevent offensive odors. (7-1-15)

09. **Heating and Air Conditioning**. Each ICF/IID must provide heating and air conditioning systems throughout each building that are capable of maintaining a temperature range between sixty-eight (68°F) degrees and eighty-one (81°F) degrees Fahrenheit in all weather conditions. An ICF/IID cannot use any of the following: oil space heaters, recessed gas wall heaters, or floor furnaces. (7-1-15)

10. **Plumbing**. Each ICF/IID must meet the following plumbing requirements: (7-1-15)

a. All plumbing fixtures must be clean and in good repair. (7-1-15)

b. Vacuum breakers must be installed where necessary to prevent backsiphonage. (7-1-15)

c. The temperature of hot water at plumbing fixtures used by individuals in the facility must be between one hundred (100°F) degrees and one hundred twenty (120°F) degrees Fahrenheit. (7-1-15)

712. PHYSICAL FACILITY STANDARDS -- INDIVIDUAL ACCOMMODATIONS FOR EXISTING CONSTRUCTION.
Each ICF/IID must provide accommodations for each individual that meet the following requirements: (7-1-15)

01. **Multi-Bedroom**. No more than two (2) individuals can be housed in any multi-bedroom. (7-1-15)

02. **Windows**. Each individual's room window area must be no less than one-eighth (1/8) of the floor area and able to open. (7-1-15)

a. Suitable window shades or drapes must be provided to control lighting in the room. (7-1-15)

b. Windows must be located to permit an individual to have a view through the windows from a sitting position, allow for natural light, and room ventilation. (7-1-15)

c. Windows must be constructed to prevent any drafts when closed. (7-1-15)

03. **Location of Bedroom**. Each individual's bedroom must be an approved room that is not located: (7-1-15)

a. In a way that its outside walls are below grade; (7-1-15)

b. In any attic story; (7-1-15)

c. In any trailer house; (7-1-15)

d. In any other room not approved; or (7-1-15)

e. In a way that it can only be reached by passing through another individual's room, a utility room, or any other similar rooms. (7-1-15)

04. **Room Size**. Each individual's room must have dimensions that allow for no less than three (3) feet between beds. (7-1-15)

05. **Ceilings**. Each individual's room must have a ceiling height of seven and one-half (7 1/2) feet or more. (7-1-15)

06. **Bathrooms**. Each ICF/IID must have toilet rooms and hand washing facilities that are constructed as follows: (7-1-15)

a. Toilet rooms and bathrooms for individuals and personnel must not open directly into any room in which food, drink, or utensils are handled or stored. Toilet rooms or bathrooms may open into great rooms containing kitchen and dining areas if the doors are equipped with self-closures and ventilation is activated automatically with lighting. (7-1-15)

b. Toilet rooms and bathrooms must be separated from all rooms by solid walls or partitions. Adequate provisions to insure an individual's privacy must be made. (7-1-15)

c. Toilet rooms and bathrooms must be constructed for ease of cleaning. (7-1-15)

d. When an individual in an ICF/IID requires the use of a wheelchair, there must be at least one (1) toilet room and one (1) bathing area large enough to accommodate wheelchairs. (7-1-15)

e. Inside bathrooms and toilet rooms with no exterior window, must have forced ventilation to the outside. (7-1-15)

f. Toilet rooms must be so arranged that it is not necessary for an individual to pass through another individual's room to reach the toilet facilities. (7-1-15)

g. When an ICF/IID serves an individual with physical impairments, handrails or grab-bars must be provided in the individual's toilet rooms and bathrooms, and located so as to be functionally adequate. (7-1-15)

07. **Bath Linens**. Each individual must be provided with an individual towel and washcloth. (7-1-15)

08. **Beds**. Each individual must be provided with their own bed that is thirty-six (36) inches wide or more, substantially constructed, and in good repair. Roll-away beds, cots, and folding beds cannot be used. Each individual's bed must be clean and: (7-1-15)

a. Have satisfactory springs in good repair; (7-1-15)

b. Have a comfortable mattress that is standard in size for the bed; and (7-1-15)

c. Each mattress must be maintained, and for individuals known to be incontinent, water repellent. (7-1-15)

09. **Interior Design**. The interior design of each ICF/IID must provide the functional arrangement of a home to encourage a personalized atmosphere for its individuals. (7-1-15)

10. **Furnishings and Equipment**. Each ICF/IID must have furniture and equipment that is maintained in a sanitary manner, kept in good repair, and is located to permit convenient use by its individuals. (7-1-15)

11. **Corridors and Hallways**. Each ICF/IID must ensure corridors and hallways are free of accessory equipment that projects into such areas or otherwise poses a hazard or impedes easy passage. (7-1-15)

713. -- 729. **(RESERVED)**

730. **PHYSICAL FACILITY STANDARDS -- NEW CONSTRUCTION.**
Each ICF/IID must comply with IDAPA 07.03.01, "Rules of Building Safety," incorporated in Section 004 of these rules, or with locally adopted code when more stringent. In addition to the construction and the physical facility standards for new construction, a facility must also comply with Sections 730 through 732 of these rules. Additions to

existing facilities, conversions of an existing building to a facility, and portions of facilities undergoing remodeling or alterations other than repairs, must meet these required standards. (7-1-15)

731. PHYSICAL FACILITY STANDARDS -- NEW CONSTRUCTION REQUIREMENTS.

01. New Facility Life Safety Code Requirements. Each new ICF/IID must meet the provisions of the National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, as incorporated in Section 004 of these rules, applicable to an ICF/IID, as specified below: (7-1-15)

a. Each new facility housing sixteen (16) individuals or less on the first floor only, must meet the requirements of Chapter 32, New Residential Board and Care Occupancies, Small Facilities, Impractical Evacuation Capabilities, specifically the sections found within 32.1, 32.2 and 32.7, and the applicable provisions of chapters 1 through 10. (7-1-15)

b. Each new facility housing individuals on other than the first floor must meet the requirements of NFPA 101, the Life Safety Code, Chapter 18, New Health Care Occupancies, Limited Care Facility. (7-1-15)

02. Plans, Specifications, and Inspections. Plans, specifications, and inspections of each new ICF/IID construction or any addition, alteration, conversion, or remodeling of an existing structure are governed by the following rules: (7-1-15)

a. Plans for new construction of an ICF/IID must be prepared by an architect licensed in the state of Idaho; (7-1-15)

b. Employment of an architect can be waived by the Department in connection with certain minor alterations. (7-1-15)

03. Approved by Department. Each ICF/IID must submit plans and specifications to the Department prior to beginning any work on the construction of new buildings, additions, or structural changes to existing facilities, or conversion of existing buildings to be used as an ICF/IID. The Department will review and approve plans and specifications to ensure compliance with the applicable construction standards, codes, rules, and regulations. (7-1-15)

04. Preliminary Plans. Preliminary plans must be submitted and include: (7-1-15)

a. The assignment of all spaces, size of areas and rooms, and indication in outline of the fixed and movable equipment and furniture; (7-1-15)

b. Drawings of each floor, attic, and basement; (7-1-15)

c. The total floor area and number of beds; (7-1-15)

d. Drawings of approaches or site plans, roads, parking areas, and sidewalks; (7-1-15)

e. An outline describing the general construction, including interior finishes, acoustical materials, heating, electrical, and ventilation systems; and (7-1-15)

f. Plans drawn to scale of sufficient size to clearly present the proposed design, but not less than a scale of one-eighth (1/8) inch to one (1) foot. (7-1-15)

05. Working Drawings. Each ICF/IID must develop working drawings in close cooperation with the Department and other appropriate agencies and receive written Department approval prior to beginning construction. The drawings and specifications must: (7-1-15)

a. Be well-prepared with accurate dimensions; (7-1-15)

b. Include all necessary explanatory notes, schedules, and legends; (7-1-15)

c. Be complete and adequate for contract purposes; and (7-1-15)

d. Be stamped with the architect's seal. (7-1-15)

06. Inspection. Each ICF/IID must be inspected and approved by the Department prior to occupancy. The Department must be notified at least six (6) weeks prior to completion of construction to schedule a final inspection. (7-1-15)

07. ICF/IID Regulations. Each ICF/IID being constructed must meet or exceed construction features that are applicable for all local, state, and national codes. In the event of a conflict in requirements between codes, the most restrictive will apply. (7-1-15)

08. Site Requirements. Each ICF/IID site location must: (7-1-15)

a. Be served by an all-weather road kept open to motor vehicles at all times of the year; (7-1-15)

b. Be accessible to physician, professional, and habilitation services, medical facilities, shopping centers, and population centers where employees may be recruited and retained; (7-1-15)

c. Be remote from railroads, factories, airports, and similar noise, odor, smoke, dust, or other nuisances; (7-1-15)

d. Be accessible to public utilities and services such as electrical power, telephone service, and fire protection; (7-1-15)

e. Have adequate off-street parking available; and (7-1-15)

f. Comply with homeowner association covenants, conditions, and restrictions. (7-1-15)

732. PHYSICAL FACILITY STANDARDS -- INDIVIDUAL ACCOMMODATIONS FOR NEW CONSTRUCTION.
Each ICF/IID must provide accommodations for each individual that meets the following requirements: (7-1-15)

01. Bedrooms. Each individual bedroom must be of sufficient size to allow for the following: (7-1-15)

a. Eighty (80) square feet or more of usable floor space per bed in a multiple-occupancy bedroom; and (7-1-15)

b. One hundred (100) square feet or more of usable floor space for a single occupancy bedroom. (7-1-15)

02. Multi-Bedrooms. No more than two (2) individuals can be housed in any multi-bedroom. (7-1-15)

03. Windows. Each individual's room window area must be no less than eight percent (8%) of the floor area and able to open. (7-1-15)

a. Suitable window shades or drapes must be provided to control lighting in the room. (7-1-15)

b. Windows must be located to permit an individual to have a view through the windows from a sitting position, allow for natural light, and room ventilation. (7-1-15)

c. Windows must be constructed to prevent any drafts when closed. (7-1-15)

04. Location of Bedroom. Each individual's bedroom must be an approved room that is not located: (7-1-15)

a. In a way that its outside walls are below grade; (7-1-15)

b. In any attic story; (7-1-15)

c. In any trailer house; (7-1-15)

d. In any other room not approved; or (7-1-15)

e. In a way that it can only be reached by passing through another individual's room, a utility room, or any other similar rooms. (7-1-15)

05. Bathrooms. Each ICF/IID must have one (1) toilet, one (1) tub or shower, and one (1) lavatory bowl for every four (4) licensed beds in the facility. Tubs, showers, and lavatory bowls must be connected to hot and cold running water. Toilet and bathing rooms must not be accessed through another individual's sleeping room. (7-1-15)

06. Living and Dining Areas. Each ICF/IID must provide a minimum of thirty (30) square feet per licensed bed for living, dining, and recreational activities. This area must be for the sole use of individuals, and under no circumstances can these rooms be used as bedrooms by an individual or personnel. A hall or entry is not acceptable as a living room or recreation room. (7-1-15)

07. Closets. Each individual must have closet space provided in their bedroom that is four (4) square feet or more per licensed bed. When a common closet is used for two (2) individuals, there must be a physical separation for the clothing of each individual. (7-1-15)

733. -- 739. (RESERVED)

740. FIRE AND LIFE SAFETY STANDARDS -- EXISTING FACILITY.
All buildings on the premises of an ICF/IID must meet all the requirements of local, state, and national codes concerning fire and life safety standards that are applicable to ICFs/IID. (7-1-15)

01. General Requirements. Each ICF/IID must meet the following general requirements for the fire and life safety standards: (7-1-15)

a. The facility must be structurally sound and maintained and equipped to ensure the safety of the individuals who reside there, employees, and the public. (7-1-15)

b. On the premises of each facility where natural or man-made hazards are present, suitable fences, guards, and railings must be provided to protect the individuals who reside there, employees, and the public. (7-1-15)

02. Existing Life Safety Code Requirements. Each ICF/IID must meet provisions of the National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, incorporated in Section 004 of these rules, applicable to an ICF/IID, as specified below: (7-1-15)

a. Each existing facility housing sixteen (16) or fewer individuals on a single story must meet the requirements of Chapter 33, Existing Residential Board and Care Occupancies, Small Facilities, Impractical Evacuation Capabilities, specifically the sections found within 33.1, 33.2 and 33.7, and the applicable provisions of Chapters 1 through 10 of the NFPA Standard 101, The Life Safety Code. (7-1-15)

b. Existing fire sprinkler systems in a facility are permitted to continue in service until building footprint modifications are made, or a change of ownership, provided the lack of conformity with these standards does not present a serious hazard to the occupants as determined by the authority having jurisdiction. (7-1-15)

c. Sprinkler systems for a facility must be connected to the building fire alarm system and be supervised. (7-1-15)

d. Sprinkler systems installed in a newly constructed or converted facility must be designed to the

standards of NFPA 13, NFPA 13-R or NFPA 13-D. Multipurpose sprinkler and domestic piping systems are prohibited. (7-1-15)

03. Existing Licensed Facilities. Each existing ICF/IID housing seventeen (17) or more individuals, or any number of individuals residing in multiple story buildings, must meet the requirement of Chapter 19, Existing Health Care Occupancies, Limited Care Facilities, and the applicable provision of Chapters 1 through 10 of the NFPA Standard 101, The Life Safety Code, incorporated in Section 004 of these rules. (7-1-15)

04. Portable Fire Extinguishers. Each ICF/IID must have portable fire extinguishers installed throughout the facility in accordance with applicable provisions of NFPA Standard 10, "Portable Fire Extinguishers." (7-1-15)

05. Portable Comfort Space Heating Devices Prohibited. The use of portable comfort space heating devices of any kind is prohibited in an ICF/IID. (7-1-15)

06. Emergency Battery Operated Lighting. Each ICF/IID must provide emergency battery-operated lighting for at least the exit passageway lighting, hall lighting, and the fire alarm system, in accordance with NFPA 101, The Life Safety Code, Section 7.9, as incorporated in Section 004 of these rules. (7-1-15)

741. FIRE AND LIFE SAFETY STANDARDS -- EMERGENCY PLANS.

01. Emergency Plans for Protection and Evacuation of Individuals. In cooperation with the local fire authority, the administrator of each ICF/IID must develop a prearranged written plan for employee response for protection of the individuals who reside there and for orderly evacuation of these individuals in case of an emergency. These plans must include procedures to meet all potential emergencies and disasters relevant to the facility, such as fire, severe weather, and missing individuals. (7-1-15)

a. The written emergency plan for each facility must contain a diagram of the building showing emergency protection equipment, evacuation routes, and exits. This diagram must be conspicuously posted in a common area within the facility. An outline of emergency instructions must be posted with the diagram. (7-1-15)

b. The facility must communicate the written emergency plan to staff and train staff in the use of the written emergency plan. (7-1-15)

c. The facility must periodically review the written emergency plan and thoroughly test it to ensure rapid and efficient function of the plan. (7-1-15)

d. The facility must hold unannounced evacuation drills at least quarterly for each shift of personnel for a total of no less than twelve (12) per year. The evacuation drills must be irregularly scheduled throughout all shifts and under varied conditions. At least one (1) drill per shift must be held on a Sunday or holiday. The facility must actually evacuate individuals during at least one (1) drill each year on each shift. (7-1-15)

e. The facility must document evacuation drills, cite the problems investigated, and take the appropriate corrective action for the identified problems. (7-1-15)

02. Report of Fire. Each ICF/IID must submit to the Department a separate report of each fire incident that occurs within the facility within thirty (30) days of the occurrence. The facility must use the Department's reporting form, "Facility Fire Incident Report," available online at: http://facilitystandards.idaho.gov. The facility must provide all specific data concerning the fire including the date, origin, extent of damage, method of extinguishment, and injuries, if any, for each fire incident. A reportable fire incident is when a facility has an incident: (7-1-15)

a. That causes staff to activate the facility emergency plan in whole or in part; (7-1-15)

b. That causes an alarm throughout, causing staff or residents to activate the facility emergency plan, in whole, or in part; (7-1-15)

c. That causes a response by the fire department or emergency services to investigate an alarm or incident; (7-1-15)

d. That is unplanned in which residents are evacuated, prepared to evacuate, partially evacuated, or protected in place, due to smoke, fire, unknown gases/odors, or other emergency; or (7-1-15)

e. That results in an injury, burn, smoke inhalation, death, or other fire or emergency-related incident. (7-1-15)

03. Maintenance of Equipment. Each ICF/IID must establish routine test, check, and maintenance procedures for alarm systems, extinguishment systems, and all essential electrical systems. Each facility must meet the following requirements: (7-1-15)

a. The use of any defective equipment on the premises of any facility is prohibited. (7-1-15)

b. The administrator of the ICF/IID must have all newly acquired equipment and appliances inspected for safe condition and function prior to use by any individual residing there, employee, or visitor to the facility. (7-1-15)

c. The administrator of the ICF/IID must show written evidence of adequate preventive maintenance procedures for equipment directly related to the health and safety of the individuals who reside there. (7-1-15)

d. The facility must have the fire alarm system and smoke detection system serviced at least annually by an authorized servicing agency. Servicing must be in accordance with the applicable provision of NFPA Standard 72, The National Fire Alarm Code. (7-1-15)

e. The facility's automatic sprinkler systems, if installed, must be serviced at least annually by an authorized servicing agency. Servicing must be in accordance with the applicable provisions of NFPA Standard 25, "Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems." Facilities protected by an NFPA 13D sprinkler system must be serviced and tested annually by an authorized servicing agency to include a visual inspection of all heads, testing of all water flow and tamper devices at a minimum. (7-1-15)

f. The facility must have all portable fire extinguishers serviced annually in accordance with the applicable provisions of NFPA Standard 10, "Portable Fire Extinguishers." (7-1-15)

g. The facility must establish routine in-house test and check procedures covering alarm systems, extinguishment systems, and essential electrical systems. (7-1-15)

742. -- 749. (RESERVED)

750. VEHICLES.
Each ICF/IID that transports individuals must have a vehicle safety policy that meets the following: (7-1-15)

01. Vehicle Safety Policy Content. Each ICF/IID must develop, implement, monitor, and maintain a written vehicle safety policy for each vehicle owned, leased, or used that includes: (7-1-15)

a. The establishment of a preventative maintenance program for each vehicle; (7-1-15)

b. Vehicle inspections and other regular maintenance needed to ensure individuals' safety; and (7-1-15)

c. Inspection of wheelchair lifts, securing devices, and other devices necessary to ensure individuals' safety. (7-1-15)

02. Motor Vehicle Licensing Requirements. Each ICF/IID must meet and adhere to all laws, rules, and regulations, including licensing, registration, and insurance requirements applicable to drivers and vehicles for each vehicle type used. (7-1-15)

751. -- 799. (RESERVED)

800. DIETETIC SERVICES.
The requirements of Sections 800 through 899 of these rules are modifications and additions to the requirements of 42 CFR 483.480 - 483.480(d)(5), Condition of Participation: Dietetic Services incorporated in Section 004 of these rules. (7-1-15)

801. PURCHASING AND STORAGE OF FOOD.
Each ICF/IID must purchase and store food as follows: (7-1-15)

01. Food Source. Each ICF/IID must obtain all food and drink from an approved source identified in IDAPA 16.02.19, "Idaho Food Code." (7-1-15)

02. Record of Food Purchases. At a minimum, each ICF/IID must keep a record of food purchases that includes invoices for the preceding thirty-day (30) period. (7-1-15)

03. Food Supply. Each ICF/IID must maintain on its premises the following food supplies: (7-1-15)

a. Staple food items sufficient for a one-week (1) period; and (7-1-15)

b. Perishable food items sufficient for a two-day (2) period. (7-1-15)

04. Temperature Requirements. Each refrigerator and freezer must be equipped with a reliable, easily read thermometer to ensure the following guidelines are met: (7-1-15)

a. Refrigerators must be maintained at forty-one (41°F) degrees Fahrenheit or below; and (7-1-15)

b. Freezers must be maintained at ten (10°F) degrees Fahrenheit or below. (7-1-15)

802. -- 999. (RESERVED)

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