



ARGENTUM  
EXPANDING SENIOR LIVING

# Building Regulation and Assisted Living

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A NATIONAL ANALYSIS REPORT

MAY 2016



Assisted Living continues its expansion into the twenty first century. Allowing for the growth of communities and services is a critical element in serving the senior population. Removing barriers to development and construction plays a key role in this progress. The industry continues to be challenged by varied development and construction requirements throughout the country. Reviewing individual states for best practices or other states for challenging practices can help guide states in reviewing and possibly revamping their regulations. This analysis provides that basic overview for individuals or states to reference.

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## INTRODUCTION

### PURPOSE

This analysis identifies the different ways that each State in the United States regulates how an assisted living can be built. The analysis is limited to identifying basic State licensing agency regulations for designing and building an assisted living community, and how those criteria correlate or conflict with separate state building and life safety code requirements. The analysis indicates that in some states, lack of coordination and correlation between different state agencies, makes building an assisted living one of the more complex design and building processes. The purpose of this analysis is to allow interested parties to use this information to potentially bring more uniformity with less potential conflicts within a state when designing and building an assisted living.

### ASSISTED LIVING OVERVIEW

The assisted living industry started in the 1970's and first became regulated in the 1980's. By the 1990's individual States had developed their own specific version of assisted living through a variety of State regulations. Today assisted living across the United States is essentially a residential setting where persons can be assisted with their acts of daily living and personal care needs on a 24-hour basis. The extent of care and resident types allowed varies between the states.

### LIMITATIONS AND DISCLAIMER

The analysis is a general summary of findings and conclusions of the noted subject matter, relative to building assisted living. Types of communities reviewed only include communities generally serving 10 or more residents. Communities serving fewer residents are not included in this analysis, which typically have different code classifications and fewer requirements. Various classifications and naming of assisted living services occur amongst the states. Only typical assisted living classifications are noted. Other types of services or types of communities, such as independent living offering very limited services, are not identified or analyzed. Some information contained within this analysis may change with time and be outdated, or may not be accurate. Readers of this analysis should contact appropriate state agencies to confirm actual regulations.

## ANALYSIS – OVERVIEW OF BACKGROUND AND REGULATORY ISSUES

### REGULATION ISSUES AND SOLUTIONS OVERVIEW

There are often two to three State agencies in each State that regulate assisted living. Some states have little to no coordination and correlation between their own state agencies. Some states have limited coordination and correlation. A few others are fully coordinated and correlated. The purpose of this analysis is to provide information to uncoordinated states with examples of states that are fully coordinated and correlated.

- » Generally, gaining a license to develop, build, and operate an assisted living is always required through a State licensing agency. There is a wide variety and extent of State licensing agency regulation and enforcement for developing, building, and operating assisted living communities. The states with extensive licensing regulation and enforcement can often create even more conflicts with the already conflicted other two arms of enforcement (IBC building code and NFPA 101 Life Safety Code), as noted in the next bullet points.
- » Each local jurisdiction or state also enforces a separate building code that may or may not be coordinated or correlated with the State licensing agency regulations. There are about half of the states that have varying levels of a state wide enforcement of the building code. The other half of the states, enforce the building code by each local jurisdiction within the state, by each city or county. So within these individual jurisdictions within a state, there may be various editions of the building code being enforced. The International Building Code (IBC) has, over the past 15 years, become essentially the building code enforced nationally across the country. The major issue causing conflicts with the IBC, through its 2012 edition, is the IBC not allowing the resident type in its assisted living regulation that essentially all state licensing regulations allow. This conflict has caused even more inconsistency with how states and individual jurisdictions enforce assisted living regulations. The 2015 IBC essentially eliminates most of that conflict. Most jurisdictions across the country will adopt that edition or later editions of the IBC by 2020.
- » Some states to varying degree and affect also enforce another separate, essentially mostly building code, through their state licensing agencies or through their separate State Fire Marshal's office. That separate code is the National Fire Protection Agency (NFPA) Life Safety Code 101. NFPA 101 regulation of assisted living has major conflicts with the older editions of the IBC until the 2015 IBC edition. NFPA 101 appropriately changed the way it regulates assisted living in its more modern 2003 and later editions. States enforce various editions of NFPA 101. Some states still enforce older outdated 2000 and prior editions of NFPA 101 that have more conflicts with other codes. NFPA 101 is the best resource for states in dealing with existing buildings since their code has both new construction and existing construction chapters and requirements.
- » Eventually individual State or local enforcement of the 2015 or later editions of the IBC, then requiring compliance with the 2003 or later editions of NFPA 101, or possibly eliminating compliance requirements with NFPA 101, can eliminate much of current conflict that the industry has experienced. Individual State licensing agencies also reducing or eliminating redundant requirements along with other potential state adjustments can also eliminate additional conflicts because then all three major regulations can become generally much more aligned.

## ANALYSIS AND METHODOLOGY

Assisted living is regulated individually by every State. This analysis reviews benchmarks for each state's licensing regulation of resident's physical and cognitive abilities and compares it to building and life safety code criteria for occupancy designations and life safety requirements. It also compares and rates the complexity of States licensing requirements for designing and building an assisted living.

1. Individual state analysis (Two page summary of each state):
  - » Licensing: The licensing agency is identified along with relative definitions, types of communities, and whether Alzheimer's residents are allowed.
  - Licensing criteria relating to other codes:
    - » Licensing resident type conclusion relating to life safety criteria: Licensing agency regulations are reviewed relative to resident capabilities. Definitions of care types allowed, admission and discharge criteria, service types, and amount of nursing care, and NFPA 101 compliance are reviewed. These criteria are reviewed to help relate them to relative resident life safety capabilities. Conclusions from these criteria are drawn on whether some types of residents would require assistance with evacuation. Assistance with evacuation is a key differentiating aspect of determining compliance requirements for both the IBC and NFPA 101. (See Appendix Note 1 for further information. Also see Appendix Note 8, Guide for Elder Care table that correlates general resident types with both current IBC and NFPA 101 classifications.)
    - » Fire Life Safety Standards Required by Licensing: Whether NFPA 101 compliance is required by the licensing agency (or the State Fire Marshal) is noted.
    - » NFPA 101 and IBC compliance: General compliance requirements are noted. (See Appendix Note 2 for further information. Also see Appendix Note 7 for a more extensive description of the 2015 IBC concepts for assisted living that also more closely align with current NFPA 101 new construction assisted living concepts.)
  - General conclusions of state regulatory environmental tables
    - » Table: REQUIREMENTS for Physical Plant Elements Required by Licensing Agency. A rating for the level of physical plant requirements by the licensing agency is generally concluded. (See Appendix Note 3 for further information.)
    - » Table: ENFORCEMENT of Licensing Agency Physical Plant Requirements and/or Life Safety Requirements: A rating for the level of enforcement by the licensing agency is generally concluded before construction and at the end of construction. (See Appendix Note 4 for further information.)
    - » Table: COORDINATION & CORRELATION (C & C) Rating on Statewide of Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements. A rating is generally concluded for the extent of coordination and correlation between different state agencies, within the state, regulating assisted living. (See Appendix Note 5 for further information.)

- Recommendations: General and specific state agency recommendations are given to create better coordinated and correlated state requirements for assisted living. (See Appendix Note 6 for further information.)
2. State summary table:
- » The Summary Table includes a 50 state summary of the prior 50 individual state analysis. The Summary Table summarizes the findings of licensing regulation, basic NFPA and IBC comparisons and criteria, and then summarizes the ratings of the coordination between state agencies and the complexity of their enforcement.

# State Summary Table 1

Assisted Living: NFPA, IBC & Licensing Regulation and Enforcement for New Construction

STATE	EVACUATION CRITERIA <sup>2</sup>	TYPE OF COMMUNITY <sup>3</sup>	ALZHEIMER RESIDENTS ALLOWED	REFERENCED NFPA 101 <sup>4</sup>		REFERENCED IBC <sup>4</sup>		LICENSING REGULATION & ENFORCEMENT			STATEWIDE REGULATION COORDINATION <sup>7</sup>		
				NFPA Referenced	NFPA Occupancy Type	IBC Adoption <sup>6</sup>	Assumed 16+ Res. IBC <sup>6</sup>	None/Minimal	Moderate	Extensive	Full Excellent	General Good	Minor Fair
Alabama	AE A	Group Assisted Living Community:	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care or Health Care (Nursing) for Impractical	2009 IBC LS	I-2		X				X
	AE A	Congregate Assisted Living Community	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care or Health Care (Nursing) for Impractical		I-2						
Alaska	AE A	Assisted Living Home	Yes			2009 IBC S	I-2	X					X
Arizona	AE NA	Assisted Living Center: Personal Care Services	No			2012 IBC LS	I-1 / R-4		X				X
	AE A	Assisted Living Center: Direct Care Services	Yes in special units				I-2						
Arkansas	AE NA	Assisted Living Community - Level I	No	NFPA 101, 2015 edition	Residential Board & Care	2012 IBC S	I-1		X			X	
	AE A	Assisted Living Community - Level II	Yes w/special license	NFPA 101, 2015 edition	Health Care (Nursing)		I-2						
California	AE A	Residential Care Community for Elderly	Yes w/special license			2012 IBC S	R-2.1: I-1 Amended	X			X		
Colorado	AE A	Assisted Living Residence	Yes in special units	NFPA 101, 2003 edition	Residential Board & Care	2012 IBC LS	I-2	X					X
Connecticut	AE A	Assisted Living Services Agencies: Provides svcs.	Yes with special disclosure			2003 IBC S	I-2	X					X
Delaware	AE A	Assisted Living Community	Yes with special disclosure	NFPA 101, 2012 edition	Residential Board & Care	IBC I ???	I-1, I-2	X					X
Florida	AE A	Assisted Living Community	Yes w/special license	NFPA 101, 1994 edition	Residential Board & Care	2012 IBC S	I-2	X					X
Georgia	AE NA	Personal Care Homes		NFPA 101, 2012 edition	Residential Board & Care	2012 IBC S	I-1 / R-4		X				X
	AE A	Assisted Living Communities		NFPA 101, 2012 edition	Residential Board & Care		I-1 with NFPA 101						
Hawaii	AE A	Assisted Living Community	Yes			2012 IBC I	I-1 Amended	X					X
Idaho	AE A	Residential Care and Assisted Living Community	Yes w/special license			2012 IBC S	I-2			X			X
Illinois	AE A	Assisted Living Establishment	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care	2009 IBS LS	I-2	X					X
		Shared Housing Establishment	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care								
Indiana	AE A	Residential Care Community	Yes in special units			2012 IBC S	I-2		X				X
Iowa	AE A	Assisted Living Community	Yes in special units	NFPA 101, 2003 edition	Residential Board & Care	2012 IBC LS		X					X
Kansas	AE A	Assisted Living Community	Yes in special units	NFPA 101, 2006 edition		IBC I	I-2	X					X
Kentucky	AE A	Assisted Living Community	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care	IBC S modified	I-1 Amended: NFPA 101	X					X
Louisiana	AE A	Adult Residential Care Homes/ Communities	Yes in special areas	NFPA 101, 2006 edition	Residential Board & Care or Health Care	2012 IBC S	I-2	X					X
Maine	AE A	Assisted Living Housing	Yes in special units	NFPA 101, 2009 edition	Residential Board & Care	2009 IBC S	I-2		X				X
Maryland	AE A	Assisted Living Program	Yes in special units	NFPA 101, 2006 edition	Residential Board & Care	2015 IBC S	I-1 (C 2)/ R-4 (C-2)			X			X
Massachusetts	AE A	Assisted Living Residences:	Yes w/special license			2009 IBC S	I-2 (R-2 stated in Amendment)	X					X
Michigan	AE A	Home for the Aged	Yes in special units			2012 IBC S	I-2			X			X
	AE A	Adult Foster Care	Yes in special units				I-2						
Minnesota	AE A	Housing w/Services Establishment	Yes in special units			2012 IBC S	I-2	X					X
Mississippi	AE A	Personal Care Home - Assisted Living	Yes in special units	NFPA 101, 2000 Edition	Residential Board & Care or Health Care (Nursing) for Impractical	2012 IBC LS	I-2		X				X
Missouri	AE A	Assisted Living Community:	Yes with special license	NFPA 101, 2000 edition	Residential Board & Care or Health Care	2012 IBC LS	I-2			X			X
Montana	AE NA	Assisted Living Community - Category A	No	NFPA 101, 2012 edition	Residential Board & Care	2012 IBC S	I-1 / R-4		X				X
	AE A	Assisted Living Community - Category B	No	NFPA 101, 2012 edition	Residential Board & Care		I-2						
	AE A	Assisted Living Community - Category C	Yes	NFPA 101, 2012 edition	Residential Board & Care		I-2						
Nebraska	AE A	Assisted Living Community		NFPA 101, 2000 edition	Resid. Board & Care - Prompt or Slow	2012 IBC LS	I-1 / I-2 / OR R-4			X			X
	AE A	Assisted Living Community		NFPA 101, 2000 edition	Residential Board & Care or Health Care (Nursing) for Impractical		I-2						
Nevada	AE NA	Residential Community for Groups - Category 1	No	NFPA 101, 2015 edition	Residential Board & Care	2012 IBC LS	I-1 / R-4	X					X
	AE A	Residential Community for Groups - Category 2	Yes	NFPA 101, 2015 edition	Residential Board & Care		I-2						
New Hampshire	AE A	Assisted Living Residence - Residential Care	Yes with staff training	NFPA 101, 2003 edition	Residential Board & Care	2009 IBC S	I-2			X			X
	AE A	Assisted Living Residence - Supported Res. Health Care	Yes with staff training	NFPA 101, 2003 edition	Health Care (Nursing) Limited Care		I-2						



STATE	EVACUATION CRITERIA <sup>2</sup>	TYPE OF COMMUNITY <sup>3</sup>	ALZHEIMER RESIDENTS ALLOWED	REFERENCED NFPA 101 <sup>4</sup>		REFERENCED IBC <sup>4</sup>		LICENSING REGULATION & ENFORCEMENT			STATEWIDE REGULATION COORDINATION <sup>7</sup>		
				NFPA Referenced	NFPA Occupancy Type	IBC Adoption <sup>6</sup>	Assumed 16+ Res. IBC <sup>6</sup>	None/Minimal	Moderate	Extensive	Full Excellent	General Good	Minor Fair
New Jersey	AE A	Assisted Living Residence	Yes in special units			2015 IBC S	I-2 due to licensing (I-1(C-2)?			X		X	
New Mexico	AE NA	Assisted Living Communities	Yes in special units			2009 IBC S	I-1 / R-4			X		X	
	AE A	Assisted Living Communities - Non Mobile	Yes in special units				I-2						
New York	AE NA	Assisted Living Residence (Basic)	No			2006 IBC S	I-1 / R-4			X		X	
	AE A	Special Needs Assisted Living Residence:	For Alzheimer/Dem.				I-2						
	AE A	Enhanced Assisted Living Residence	No				I-2						
North Carolina	AE NA?	Adult Care Home:	No			2009 IBC S	I-1 / R-4		X			X	
	AE A	Adult Care Home with Special Units	Yes				I-2						
	AE A	Multi Unit Assisted Housing with Services	No				I-2						
North Dakota	AE A	Basic Care Community	Yes	NFPA 101, 2015 edition	Residential Board & Care	2012 IBC LS	I-2		X			X	
	AE A	Assisted Living Community	No	NFPA 101, 2015 edition	Residential Board & Care								
Ohio	AE A	Residential Care Community	Yes w/special license			2009 IBC S	I-2		X			X	
Oklahoma	AE A	Assisted Living Center:	Yes w/special license	NFPA 101, 2006 edition	Health Care (Nursing)	2012 IBC LS	I-2		X				X
Oregon	AE A	Assisted Living Communities	Yes w/special license			2012 IBC / 2015 IBC S	I-1 (C 2)/ R-4 (C-2)			X	X		
	AE A	Residential Care Communities	Yes w/special license										
Pennsylvania	AE A	Personal Care Home	Yes w/special license	NFPA 101, 2000 edition	Based on residential type- Residential Board & Care	2009 IBC S	I-1, I-2, OR R-4			X		X	X
	AE A	Assisted Living Residence	Yes w/special license		Health Care (Nursing)-Limited Care		I-2						
Rhode Island	AE NA	Assisted Living Residence Level F2	No	NFPA 101, 2012 edition	Residential Board & Care	2012 IBC S	NA: NFPA 101			X		X	
	AE A	Assisted Living Residence Level F1	Yes w/special license		Residential Board & Care or Health Care (Nursing)		NA: NFPA 101						
South Carolina		Community Residential Care Communities:	Yes with disclosure			2012 IBC S				X		X	
South Dakota	AE A	Assisted Living Center	Yes in special units	NFPA 101, 2009 edition	Residential Board & Care	2012 IBC LS	I-2		X				X
Tennessee	AE A	Assisted-Care Living Community:	Yes in secured units	NFPA 101, 2006 edition	Residential Board & Care or Health Care (Nursing) for Impractical	2012 LS	I-2	X				X	
Texas	AE NA	Assisted Living Community - Type A	No	NFPA 101, 2000 edition	Residential Board & Care - Slow	2012 IBC S	I-1 / R-4			X		X	X
	AE A	Assisted Living Community - Type B	Yes	NFPA 101, 2000 edition	Residential Board & Care or Health Care (Nursing)-Limited Care		I-2						
Utah	AE NA	Assisted Living Community - Type I	No			2012 IBC S	I-1 / R-4			X		X	
	AE A	Assisted Living Community - Type II	Yes				I-2						
Vermont	AE A	Residential Care Home Level III/ Assisted Living Residence	Yes in special units	NFPA 101, 2012 edition	Residential Board & Care	2012 IBC S	I-1 or I-2 with NFPA 101		X			X	
	AE A	RESIDENTIAL CARE HOME LEVEL IV	No		Residential Board & Care		I-1 or I-2 with NFPA 101						
Virginia	AE A	Assisted Living Community	Yes w/special license			2012 IBC/ 2015 IBC S	I-1 (C 2)/ R-4 (C-2)	X				X	
Washington	AE A	Assisted Living Community/ Boarding Home	Yes w/special requirements			2012 IBC S	R-2 as amended			X	X		
West Virginia	AE A	Assisted Living Residence - Class II	Yes w/special license	NFPA 101, 2012 edition	Residential Board & Care	IBC LS	I-1 with NFPA 101		X			X	
	AE A	Residential Care Community - Class III	No		Residential Board & Care		I-1 with NFPA 101						
Wisconsin	AE NA	Community Based Residential Communities - Class A	No			2009 IBC S	I-1 / R-4			X		X	
	AE A	Community Based Residential Communities - Class C	Yes w/special license				I-2						
Wyoming	AE A	Assisted Living Community	Yes in special units	NFPA 101, 2000 edition	Residential Board & Care	2012 IBC LS	I-2		X				X
Totals	AE A in +/- 50 States	Assisted Living or Similar	Alzheimer's Residents	NFPA 101	NFPA Residential Board & Care (Assisted Living) Occupancy is Partially or Exclusively Referenced in +/- 27 States	IBC used in 50 States	I-1 in +/- 6 States I-2 in +/- 22 States			X in 17 States			X in 27 States
	AE A in 61 of 73 Cat	Allowed in 50 States	Allowed in +/- 50 States	Required in +/- 29 States	Health Care-Limited Care (Nursing) Occupancy is Partially or Exclusively Referenced in +/- 11 States		I-1 and/ or I-2 in +/- 15 States (Other) in +/- 7 States	X @ Both Extensive and Minor in 8 Sates					

FOOTNOTES: **1. The State Summary Table** is a summary of each state's more detailed two page analysis. See each state's two page analysis and the written analysis, with appendix for additional information. **2. AE A:** Residents requiring Assistance with Evacuation is Allowed by licesning by concluision of this analysis. **AE NA:** Residents requiring Assistance with Evacuation is Not Allowed by licesning by concluision of this analysis. **3. Types of Communities** reviewed in the State Summary Table only include Communities generally serving more than 10 residents. Communities serving fewer residents are not included in this analysis, which typically have different code classifications and fewer requirements. **4. IBC:** International Building Code. **NFPA:** National Fire Protection Association (NFPA) cells are left blank where NFPA compliance is not required by either the state fire marshal, or licensing agency, or both, or in very limited cases NFPA 101 is referenced in a state modified building code.) **5. IBC S:** Statewide adoption, **IBC LS:** Limited Statewide adoption, with some adoption by local jurisdictions, **IBC I:** Individual local jurisdiction adoption occurs. **6.** IBC occupancy classification as determined by assumptions of this analysis without any individual State amendments or interpretations (Some limited states modifications are listed (CA, GE, KT,MA, RI, VT, WV, WA): \* If residents requiring assistance with evacuation are allowed per the two page state analysis, then this analysis interpretation is that the IBC occupancy classification is: Group I-2 (Nursing) for the 2012 or prior IBC editions. \* If assistance with evacuation is allowed and under the 2015 IBC edition, then the occupancy classification is considered under this analysis as Group I-1 Condition 2 (C2) (>16 residents) or R-4 Condition 2 (C2) (6-16 residents), due to residents requiring assistance with evacuation. (CA, HI, GA (NFPA), KT (NFPA), and WA amend the 2012 or prior editions of the IBC to allow evacuation assistance in non I-2 occupancy assisted living. Other states like RI, VT, and VW mix NFPA 101 and IBC requirements. **7.** General conclusions for a State of moderate, extensive, and/ or minor/ fair, may have general regulation and coordination/ correlation opportunities. See the actual state analysis and written analysis for additional information.



## ALABAMA

### LICENSING

**Licensing Agency:** Department of Public Health, Bureau of Health Provider Standards

**Types of Communities: Assisted Living Community**

- » **Family Assisted Living Community:** ALF for 2-3 adults
- » **Group Assisted Living Community:** ALF for 4-16 adults
- » **Congregate Assisted Living Community:** ALF for 17 or more adults
- » **Special Care Assisted Living Community:** For residents with Alzheimer's

**Alzheimer's Allowed:** In special care communities.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

- » **Limitations on Stories:** Group ALF limit to 1 story
- » **Smoke Barriers Required:** Required for Group and Congregate ALF's, 1-hr min., 3000 s.f.

**NFPA 101**

**Group ALF:** shall comply w/ currently adopted NFPA 101 (2000 edition) Life Safety Code for (New or Existing) Residential Board & Care Occups. The state licensing requires Impractical Evacuation Capability, which then requires Limited Care Health Care Chapter compliance (Nursing) (excluding NFPA 101A Alternative Approaches to Life Safety) (AAC Rule 420-5-4.12 Section (1), (2), (3) and (4)

**Congregate ALF:** shall comply (2000 edition) NFPA 101 Life Safety Code for New/Existing) Residential Board & Care Occupancies. The state licensing requires Impractical Evacuation Capability, which then requires Limited Care Health Care Chapter compliance (Nursing) (excluding NFPA 101A Alternative Approaches to Life Safety)

**IBC**

There is a general statewide adoption of the 2009 IBC with local adoptions by municipalities. The 2012 IBC and all prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this, some building officials may require compliance with group I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care then Health Care chapter (allowing assistance with evacuation) but requiring essentially nursing and hospital design compliance. (See NFPA notes above).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

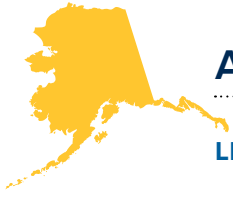
Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing may consider referencing compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## ALASKA

### LICENSING

**Licensing Agency:** Division of Health Care Services

#### Definitions

- » **Assisted Living Home:** Providing care and assistance to individuals in a home-like environment primarily to persons who have a physical disability, who are elderly, and persons with mental health, developmental, or physical disabilities who needs assistance with activities of daily living.
- » **Activities of daily living:** Walking, eating, dressing, bathing, toileting and transfer between bed and chair.

**Types of Communities:** Assisted Living Home

**Alzheimer's Allowed:** Can have dementia, but not diagnosed as chronically mentally ill.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

There are three levels of care. Type II and III allow residents who may need assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

See below

#### NFPA 101

No official adoption in the state, but some local officials may apply NFPA 101.

#### IBC

There is a statewide adoption of the 2009 IBC. The 2009 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## ARIZONA

### LICENSING

**Licensing Agency:** Arizona Department of Health Services, Division of Assurance and Licensure, Office of Assisted Living Licensure

#### Definitions

- » **Assisted Living Center:** An assisted living community that provides resident rooms or residential units to 11 or more residents that receive personal care.
- » **Assisted Living Community:** Residential care institution, including adult foster care, that provides or contracts to provide supervisory care services, personal care services or directed care services on a continuing basis.
- » **Assisted Living Home:** Provides resident room to 10 or less residents.
- » **Personal care services (PCS):** Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments by a nurse.
- » **Directed care services (DCS):** Programs and services, including personal care services, provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.

#### Types of Communities:

- » **Assisted Living Home:** Less than 11 residents.
- » **Assisted Living Center:** More than 11 residents.

**Alzheimer's Allowed:** In special care units or community licensed for such care.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies in communities offering Direct Care Services. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Direct Care Services, Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Minimal standards.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## ARKANSAS

### LICENSING

**Licensing Agency:** Department of Human Services, Division of Medical Services, Office of Long Term Care

#### Definitions

- » **Assisted Living Communities:** 24-hr care for 3 or more unrelated adults in all ADL's and limited nursing care provided or contracted out to 3rd party.
- » **Limited Nursing Services:** Licensed personnel, not complex to require 24-hr nursing supervision

#### Types of Communities:

- » **ALF Level I:** Personal care for 3 or more residents with basic ADLs, and medication assistance.
- » **ALF Level II:** Personal care for 3 or more residents with basic ADLs, medication assistance and limited nursing care

**Alzheimer's Allowed:** In special care units or community licensed for such care.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies in at least level II communities. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to compliance to IBC Group I-2 requirements for Level II communities.
- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with IBC Group I-2 requirements for Level II communities and 2015 NFPA 101. See below.

#### NFPA 101

The Health Care Chapter of the 2015 edition of NFPA 101 is required to be complied with.

#### IBC

There is a statewide adoption of the 2012 IBC. The state licensing agency requires compliance with IBC Group I-2 requirements for Level II communities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. The licensing agency requires compliance with IBC Group I-2 (nursing) and NFPA 101 Health Care (nursing) due to some limited nursing care being allowed in its assisted living.



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## CALIFORNIA

### LICENSING

**Licensing Agency:** Department of Social Services, Community Care Licensing Division

#### Definitions

- » **Residential care community for the Elderly (RCFE):** Housing for (75% or more) 60 years + where varying levels of care & supervision are provided.
- » **Non-ambulatory Person:** person who is unable to leave a building unassisted under emergency conditions, including those who depend on mechanical aids (crutches, walkers, & wheelchairs). Also includes those unable to respond physically or mentally to oral instruction and unassisted take appropriate action relating to such danger.

#### Types of Communities:

- » **Residential Care Communities for the Elderly (RCFE):**

**Alzheimer's Allowed:** In special care units or community

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent limited nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

None stated.

#### NFPA 101

No NFPA 101 compliance is required. (The State building code is similar in types of residents allowed and requirements to current editions of NFPA 101.)

#### IBC

There is a statewide adoption of the 2012 IBC with major California amendments, creating a statewide enforced California Building Code (CBC). The 2012 CBC and prior editions have various Group R (RCFE= R-2.1) occupancy designations to cover assisted living, depending on size and type of residents as defined and categorized by licensing designations. The RCFE R-2.1 with over 16 non ambulatory residents, allows residents that may require assistance with evacuation which this State licensing allows. There are numerous requirements and nuances of the designations and requirements in the CBC Chapter 4. The R-2.1 for example is limited to 2 stories wood frame, with non-ambulatory residents, smoke barriers, and NFPA 13 sprinklers.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction	X			
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing	X			
IBC	X			
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

California is considered a relatively fully coordinated state, so no recommendations are noted.



## COLORADO

### LICENSING

**Licensing Agency:** Department of Public Health

#### Definitions

- » **Residential care community for the Elderly (RCFE): Assisted Living Residences:** 3 or more unrelated individuals for personal services, protective oversight, social care, and regular supervision on a 24-hour basis, but not to the extent that 24-hr medical or nursing care is required.
- » **Bedridden:** unable to ambulate or move about independently or with the assistance of an auxiliary aid, who also requires assistance in turning & repositioning in bed.

#### Types of Communities:

- » **Assisted Living Residences:** 3 or more residents

**Alzheimer's Allowed:** In special care units or community

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Requires NFPA 101 compliance. See below.

#### NFPA 101

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2003 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2003 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the General State Recommendations section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building or life safety codes.
- » Advocate for adoption the 2015 or later editions of the IBC for new construction by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can decide to reference compliance to NFPA 101 Residential Board and Care for communities built before these potential new revised rules.



## CONNECTICUT

### LICENSING

**Licensing Agency:** Department of Human Services, Department of Health

#### Definitions

- » **Managed Residential Communities:** Community consisting of private residential units that provides a managed group living environment, inc. housing & services primarily for persons 55 and older; can provide meals, laundry, transportation, housekeeping and maintenance, social activities. Contracts w/ assisted living services agencies for services. Not a licensed entity nor regulated by State Agency. Apartments are tenants' private homes.
- » **Assisted Living Services Agencies (ALSA):** Agency that provides assisted living services.
- » **Assisted Living Services (ALS):** Limited nursing services & assistance w/ ADL provided to clients living within a managed residential community.

#### Types of Communities:

- » **Managed Residential Communities (MRC):** Unlicensed community consisting of private residential units.
- » **Assisted Living Services Agencies:** Licensed agency providing services.

**Alzheimer's Allowed:** Yes with special disclosure

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

None stated except meeting local and state regulations.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2003 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive	Rigorous
Prior to Construction		X			
End of Construction		X			

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations. Since Connecticut is a “service” license, there are no real requirements for a community. The actual building regulation is covered by other local and state authorities. Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.

- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State.



## DELAWARE

### LICENSING

**Licensing Agency:** Department of Health and Social Services

#### Definitions

- » **Assisted Living:** A special combination of housing, supportive services, supervision, personalized assistance & health care designed to respond to the individual needs of those who need help w/ ADL's and daily living.
- » **Assisted Living Communities:** Licensed entity that provides the services of assisted living.

#### Types of Communities:

- » **Assisted Living Communities**

**Alzheimer's Allowed:** Yes with special disclosure

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

None stated.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a limited adoption of the 2012 IBC with local adoptions by municipalities. The state fire marshal office seems to review new construction under the 2012 NFPA 101 with assisted living complying with Residential Board and Care (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## FLORIDA

### LICENSING

**Licensing Agency:** Agency for Health Care Administration

#### Definitions

- » **Ambulation:** Providing physical support to enable the resident to move about within or outside the community. Physical support includes supporting or holding the resident's hand, elbow, or arm; holding on to a support belt worn by the resident to assist in providing stability or direction while the resident ambulates; or pushing the resident's wheelchair. The term does not include assistance with transfer.
- » **Assistance With Transfer:** Means providing verbal and physical cuing or physical assistance or both while the resident moves between bed and a standing position or between bed and chair or wheelchair.

#### Types of Communities:

- » Assisted Living Communities

**Alzheimer's Allowed:** Yes, in special care communities or units.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 1995 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 22, 1994 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 23, 1994 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## GEORGIA

### LICENSING

**Licensing Agency:** Georgia Department of Community Health, Healthcare Community Regulation Division

#### Definitions

- » **Assisted living care:** The specialized care and services provided by an assisted living community which includes the provision of personal services, and the provision of assisted self-preservation.
- » **Assisted Living Community:** A personal care home serving 25 residents or more that is licensed by the department to provide assisted living care.
- » **Assisted self-preservation:** The capacity of a resident to be evacuated in a time period established by the Office of Fire Safety Commissioner based on the condition of the resident, assistance by staff and construction of the community.

#### Types of Communities:

- » **Assisted Living Communities (ALCs):** Communities with residents that may require assistance with evacuation
- » **Personal Care Homes (PCHs):** Communities with limits on resident types allowed including only allowing resident who can ambulate on their own with minimal assistance during emergencies.

**Alzheimer's Allowed:** In special care units or community

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with the Office of Fire Safety Commissioner (OFSC) requirements, of which the OSFC requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2012 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA 101 Chapter 32 and 33, 2012 edition. New and Existing Residential Board & Care Occupancies with Georgia amendments

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Removing the requirement for NFPA 101 compliance may not be possible due to the State’s regulation of building requirements controlled by the OFSC which enforces NFPA 101 for certain communities including ALCs.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State.



## HAWAII

### LICENSING

**Licensing Agency:** Department of Health, Office of Health Care Assurance

#### Definitions

- » **Assisted Living Community:** Building complex offering dwelling units to individuals & services to allow independent assisted living lifestyle. Staff available 24-hr.
- » **Health Care Services:** provision of services in an assisted living community that assist individual in achieving & maintaining high level of well-being. May include nursing assessments & monitoring & delegation of nursing tasks, care monitoring, record management.

#### Types of Communities:

- » Assisted Living Community

**Alzheimer's Allowed:** No statement found in regulations.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Residents with dementia, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

No substantial requirements are identified.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a limited county adoption of the 2012 IBC with local amendments for assisted living based on early pre but similar 2015 IBC provisions (allowing assistance with evacuation) and with additional requirements.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the counties in the state.



## IDAHO

### LICENSING

**Licensing Agency:** Department of Health and Welfare

#### Definitions

- » **Residential Care and Assisted Living Community:** Community or residence, however named, for the purpose of providing necessary supervision, personal assistance, meals & lodging to 3 or more unrelated adults.

#### Types of Communities:

- » **Residential and Assisted Living Communities:** 3 - 16 residents.
- » **Residential and Assisted Living Communities:** 17 or more residents.

**Alzheimer's Allowed:** Yes, if licensed for special care services.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA 101 Chapter 18 and 32, 2000 edition. New Residential Board & Care Occupancies Impractical capability level, then requiring conformance with Chapter 18 (Limited Care) Health Care (nursing) Chapter requirements.
- » NFPA 101 Chapter 33, 2003 edition. Existing Residential Board & Care Occupancies (Impractical)

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. The State licensing requires NFPA 101 Health Care Chapter compliance, similar to IBC Group I-2 requirements.



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time. This may be challenging to achieve due to the NFPA 101 requirements being statutorily required.



## ILLINOIS

### LICENSING

**Licensing Agency:** Department of Health, Division of Assisted Living

#### Definitions

- » **Assisted Living Establishment:** Operated as residential environments with supportive services and intermittent health related services designed to meet the individual resident's changing needs & preferences.
- » **Direct care:** The provision of nursing care or assistance with feeding, dressing, movement, bathing, or other personal needs.

#### Types of Communities:

- » **Assisted Living Establishment:** There are generally two levels of assisted living: One capable of self-preservation and one incapable of self-preservation.
- » **Shared Housing Establishment**

**Alzheimer's Allowed:** Yes in special care communities or units and/ or with special requirements

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. The state requires that the architect certify compliance to life safety. See below.

#### NFPA 101

- » NFPA Life Safety Code 1999 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2000 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2000 edition. Existing Residential Board & Care Occupancies
- » Some are classified as Limited care health Care Chapter 18, 200 edition.

#### IBC

There is a general statewide adoption of the 2009 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction	X			
End of Construction	X			

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## INDIANA

### LICENSING

**Licensing Agency:** Indiana State Department of Health, Division of Long Term Care (ISDH)

#### Definitions

- » **Residential Care Community:** a health care community that provides residential nursing care or that administers medications prescribed by a physician but cannot provide comprehensive nursing care with exceptions and if it retains appropriate professional staff.

#### Types of Communities:

- » **Residential Care Community:** providing room, meals, laundry, housekeeping, activities, and limited assistance in ADL's, without providing administration of medication or residential nursing care.

**Alzheimer's Allowed:** Yes in special care communities or units. Can also be licensed for mental health illnesses.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

No substantial life safety standards are identified.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

A statewide building code implements the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC	X			
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## IOWA

### LICENSING

**Licensing Agency:** Department of Inspections and Appeals, Adult Services Bureau

#### Definitions

- » **Assisted Living Program:** Housing for 3 or more residents with services, which may include, but not limited to: health-related care, personal care, assistance w/ ADL's.
- » **Health-Related Care:** Services provided by an RN, LPN on part-time or intermittent basis.
- » **Part Time or Intermittent Care:** Services provided no more than 5 days/week for temporary periods of time with predictable end within 21 days, or licensed nursing services and assistance w/medication & ADL not to exceed 28 hours/week.

#### Types of Communities:

- » **Assisted Living Program:** 3 or more.
- » **Dementia-specific Assisted Living:** Serves dementia residents or specialized care for Alzheimer's disease in a dedicated setting.

**Alzheimer's Allowed:** Yes, in dementia-specific units.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or up to two person assistance to stand are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency references compliance with NFPA 101 by referencing the enforcing agency the State Fire Marshal's Office that enforces building requirements. See below.

#### NFPA 101

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2003 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2003 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2009 IBC with local adoptions by municipalities. The 2009 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## KANSAS

### LICENSING

**Licensing Agency:** Department of Aging

#### Definitions

- » **Assisted Living Community:** 6 or more unrelated adults needing personal care and may need supervised nursing care to compensate for ADL limitations 24-hrs/7day. Skilled nursing services provided on an intermittent or limited term basis, or if limited in scope on a regular basis.
- » **Residential Health Care Community:** 6 or more unrelated adults may need personal care and supervised nursing care 24-hrs/7 days. Provision of skilled nursing procedures is allowed. Generally skilled nursing procedures are provided on an intermittent or limited term or if limited in scope, on a regular basis.

#### Types of Communities:

- » **Assisted Living Community:** 6 or more unrelated adults.

**Alzheimer's Allowed:** Yes, in special units.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or up to total assistance with evacuation or up to a two person transfer is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The Office of the State Fire Marshal (OSFM) requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2006 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA 101 Chapter 32, 2006 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2006 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a local adoption of the IBC by municipalities, with most still using the 2012 IBC or prior editions. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. The OSFM requires compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation). It is unclear as to whether local compliance with the IBC is also required.



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## KENTUCKY

### LICENSING

**Licensing Agency:** Cabinet for Health and Family Services, Department for Aging and Independent Living

#### Definitions

- » **Assisted Living Communities:** A series of living units on the same site operated by one business entity and certified to provide services to 5 or more unrelated adults.
- » **Mobile Nonambulatory:** Unable to walk without assistance, but able to move with walker, crutches or wheelchair.

#### Types of Communities:

- » **Assisted Living Communities**

**Alzheimer's Allowed:** Yes in special care communities or units

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance applicable state codes. See below.

#### NFPA 101

The state building code modifies its base the IBC for assisted living and refers to compliance to NFPA 101 Residential Board and Care except as noted in its code for certain provisions that NFPA 101 does not cover.

- » NFPA Life Safety Code 1999 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2000 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2000 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a statewide adoption of the 2012 IBC. The state building code modifies its base the IBC for assisted living and refers to compliance to NFPA 101 Residential Board and Care except as noted in its code for certain provisions that NFPA 101 does not cover.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## LOUISIANA

### LICENSING

**Licensing Agency:** Department of Human Services, Department of Health

#### Definitions

- » **Adult Residential Care:** Includes Assisted Living Communities, Personal Care Home, and Shelter Care Communities, also known as Board and Care Communities, 2 or more unrelated adults.
- » **Assisted Living Services:** Supportive personal services, 24-hr supervision and assistance, scheduled and unscheduled activities, and health-related services.

#### Types of Communities:

- » **Adult Residential Care Home/Community:** 2 or more unrelated adults and promotes 'aging in place' and personal care, but not nursing care. Provides room & board & personal services in individual living units that are apartment like with locking doors.

**Alzheimer's Allowed:** Yes, in special units/community (phone conversation w/ fire marshal).

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The Office of State Marshal requires compliance with NFPA 101. See below.

#### NFPA 101

Some information was viewed that showed requirements for compliance with NFPA 101 Health Care Chapter requirements (nursing) limited care. That information conflicts with the next bullet points:

- » NFPA Life Safety Code 2006 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA 101 Chapter 32, 2006 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2006 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## MAINE

### LICENSING

**Licensing Agency:** Department of Health and Human Services, Division of Licensing and Regulatory Services

#### Definitions

- » **Assisted Housing Program:** provide services directly or indirectly, assistance with ADL, personal supervision, protection, meals, care management and activities

#### Types of Communities:

- » **Assisted Living Type I:** Provides medication administration directly or indirectly thru agency.
- » **Assisted Living Type II:** Provides medication administration and nursing services directly or indirectly by a RN or RN coordination & oversight of services by unlicensed health care assistant.
- » **Residential Care Communities:** Provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas, and providing residents with assisted living services. A Level IV community has a capacity of more than six (6) residents.

**Alzheimer's Allowed:** Yes, in Alzheimer's/Dementia Care Units.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101 through review by the State Fire Marshal's office. See below.

#### NFPA 101

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA 101 Chapter 32, 2009 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2009 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## MARYLAND

### LICENSING

**Licensing Agency:** Department of Health and Mental Hygiene, Office of Health Care Quality

#### Definitions

- » **Assisted Living Programs:** Provided housing and supportive services, supervision, personalized assistance, health-related services or combination of these services for 1 or more unrelated. Does not include nursing homes, state communities, hospice care programs and others.

#### Types of Communities:

- » Assisted Living Programs

**Alzheimer's Allowed:** Yes, in special care units.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

No NFPA 101 compliance is required.

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2006 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2006 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2015 IBC with local adoption of different editions. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. The IBC I-1 and R-4 Condition 2 (allowing assistance with evacuation) generally correlate to and in combination with this State's NFPA 101 Residential Board and Care requirements (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## MASSACHUSETTS

### LICENSING

**Licensing Agency:** Executive Office of Elder Affairs

#### Definitions

- » **Assisted Living Residence:** for 3 or more residents, provides room and board and personal care services directly by staff or through another agency.

#### Types of Communities:

- » **Assisted Living Residences (ALR):** Offer housing, meals and personal care to adults on a rental basis

**Alzheimer's Allowed:** Yes, in special care units or residences with special care license. If special care is advertised then community must provide the care with staff.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or limited medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

None stated except requiring compliance with other applicable codes.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. There is a noted amendment in the state building code classifying assisted living as Group R. There are some local officials that require compliance with group I-2. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA	X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## MICHIGAN

### LICENSING

**Licensing Agency:** Department of Human Services, Bureau of Children and Adult Licensing

#### Definitions

- » **Assisted or Assistive Living:** Not legally defined in Michigan. Used as a marketing tool. Some licensed adult foster care communities and homes for the aged call themselves Assisted Living.
- » **Resident:** Aged condition, requires & receives foster care in an Adult AFC Family Home, & does not require continuous nursing care.

#### Types of Communities:

*Each of these has their own (similar) licensing requirements*

- » **Home for the Aged:** Part of a nursing community
- » **Adult Foster Care Communities (AFC):** 3 licensing categories with own/similar licensing rules, may not be a part of, or located in, an apartment building
  - AFC Large Group Homes: 13 - 20 residents (Congregate living communities with 10 or more residents.)

**Alzheimer's Allowed:** In special care communities or units

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, and/ or intermittent nursing care are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Some limited specific requirements stated such as smoke and sprinkler protection.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction	X			
End of Construction	X			

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## MINNESOTA

### LICENSING

**Licensing Agency:** Department of Health

#### Definitions

- » **Housing with Services Establishment (Chapter 144D):** Providing sleeping accommodations to 1 or more adults & offering or providing 1 or more regularly scheduled health-related services or 2 or more regularly scheduled supportive services, offered or provided by the community or by another entity arranged by the community. Does not include a nursing home, hospital, certified boarding care home, or supervised living community.
- » **Assisted Living Services (Chapter 144G):** Means a service or package of services advertised, marketed, or otherwise described, offered, or promoted using the phrase "assisted living" either alone or in combination with other words. The assisted living services must be registered as a Housing with Services Establishment.

#### Types of Communities:

All are establishments with a Housing with Services registration and a Home Care license to provide services.

**Alzheimer's Allowed:** In special care units with special staff training.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, and/ or intermittent nursing care are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

None stated.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
	X		X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction	X			
End of Construction	X			

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## MISSISSIPPI

### LICENSING

**Licensing Agency:** Department of Health, Office of Health Protection, Health Communities Licensure and Certification

#### Definitions

- » **Assisted Living:** Provision of personal care & the addition of supplemental service to include the provision of medical services (medication procedures & medication administration), and emergency response services.
- » **Ambulation:** Safely walk independently or with cane, walker or wheelchair. Wheelchair must be capable of transferring and propelling wheelchair independently or w/prompting. Max10% or residents shall require assistance during any staffing shift.

#### Types of Communities:

- » **Personal Care Home - Residential Living:** 24-hr/7day, personal care services, may require mental health services.
- » **Personal Care Home - Assisted Living:** 24-hr/7 day, require assisted living services.

**Alzheimer's Allowed:** Separate A/D unit with additional regulations.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, and/ or intermittent nursing care are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 13 full coverage sprinklers and has limited other requirements. See below.

#### NFPA 101

No NFPA 101 compliance is required.

- » NFPA Life Safety Code 1999 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2000 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2000 edition. Existing Residential Board & Care Occupancies
- » (Impractical communities shall meet the NFPA 101 Chapter 18 or 19, 2000 edition Health Care Occupancies.

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## MISSOURI

### LICENSING

**Licensing Agency:** Department of Health and Senior Services, Division of Regulation and Licensure

#### Definitions

- » **Assisted Living Community (ALF):** Any community (not residential care, intermediate care or skilled nursing care) which provides 24-hr care and services to 3 or more adults.

#### Types of Communities:

- » **Assisted Living Community:** Community provides 24-hr care, services and protective oversight to residents who are provided with shelter and board, and who may need assistance with activities of daily living needing assistance. This type of community may accept or retain residents who require minimal assistance in their safe evacuation from the community.
- » **Residential Care Community:** Community which provides 24-hour care to three or more residents who need or are provided with shelter, board, and protective oversight, and who are required to make a path to safety unassisted.

**Alzheimer's Allowed:** In special care units or community

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or residents requiring one person transfers are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2000 edition and Guide on Alternative Approaches to Life Safety 2001 edition.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32, 2000 edition. (Assumed) New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2000 edition. (Assumed) Existing Residential Board & Care Occupancies
- » Some classifications may require compliance to NFPA 101 Chapter 18 Health Care (Limited Care).

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## MONTANA

### LICENSING

**Licensing Agency:** Department of Public Health and Human Services, Quality Assurance Division

#### Definitions

- » **Assisted Living Community:** Provides a congregate residential setting (in a health care community) that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services.
- » **Severe cognitive impairment:** The loss of intellectual functions, such as thinking, remembering and reasoning, of sufficient severity to interfere with a person's daily functioning. Such a person is incapable of recognizing danger, self-evacuating, summoning assistance, expressing need and/or making basic care decisions.

#### Types of Communities:

- » **Category A:** 1-19 residents; essentially capable with minor ADL assistance
- » **Category B:** 1-19 residents; with up to 4 ADL's and assumed needing assistance with evacuation
- » **Category C:** Severe cognitive impairment, secured units for Alzheimer's and assumed needing assistance with evacuation.

**Alzheimer's Allowed:** Yes for Category C.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type in Type B and C communities that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents (B & C), intermittent nursing care (B & C) and/or direct medication assistance (B & C) is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA 101 Chapter 32, 2012 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2012 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## NEBRASKA

### LICENSING

**Licensing Agency:** Department of Department of Health and Human Services

#### Definitions

- » **Health Care Community:** Includes ALF.
- » **Assisted Living Community:** A community where shelter, food, and care are provided for remuneration for a period of more than 24 consecutive hours to four or more persons residing at such community who require or request such services due to age, illness, or physical disability.
- » **Complex Nursing Interventions:** Require nursing judgment to safely alter standard procedures, or proceed from one step to next, or require multidimensional application of nursing process.

#### Types of Communities:

Resident admission & retention policies, level of care provided & staffing levels contribute to the classification of community. Assisted Living Community classification is based on the State Fire Code (2000 NFPA 101) administered by the State Fire Marshal Office and is based on NFPA 101 resident Evacuation Capability: Prompt - less than 3 minutes to reach point of safety. Slow: 3 to 13 minutes. Impractical: more than 13 minutes

**Alzheimer's Allowed:** Yes in special units

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2000 edition and Guide on Alternative Approaches to Life Safety 1999 edition.
- » NFPA 101 Chapter 32 and 33, 2000 edition. New and Existing Residential Board & Care Occupancies
- » NFPA 101 Chapter 18, 2000 edition. New Health Care Occupancies for Impractical classification

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## NEVADA

### LICENSING

**Licensing Agency:** Division of Health, Bureau of Health Care Quality and Compliance

#### Definitions

- » **NAC:** Nevada Administrative Code. Provides the mechanism by which specific administrative procedures are put in place. Uses same number system as NRS.
- » **NRS:** Nevada Revised Statutes. The actual laws that govern all state agencies.

#### Types of Communities:

- » **Category 1:** Capable of physical and mental self-preservation in 4 min or less - exit community or move to other side of smoke or fire barrier.
- » **Category 2:** Needs assistance to evacuate in 4 min or less - exit community or move to other side of smoke or fire barrier.
- » **Residential Community with Endorsement:** Provides care to persons with Alzheimer's disease.

**Alzheimer's Allowed:** Yes, in residential communities with endorsement for Alzheimer's.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2015 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2015 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2015 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction



## NEW HAMPSHIRE

### LICENSING

**Licensing Agency:** Department of Health and Human Services, Office of Operational Support, Health Communities

#### Definitions

- » **Health care occupancy:** Means communities that provide sleeping accommodations for individuals who are incapable of self-preservation.
- » **Residential board and care:** As defined in NFPA 101 of the fire code, means a community where residents are provided with personal care and activities that foster continued independence and residents are trained and required to respond to fire drills to the extent they are able. These communities are further grouped as “small”, 4-16 beds or “large”, over 16 beds.

#### Types of Communities:

- » **Assisted Living Residences - Supported Residential Health Care:** (ALR-SRHC) Services include nursing care (health care), personal care, nutrition medication oversight and other limited services.
- » **Assisted Living Residences - Residential Care:** (ALR-RC) Services include personal care, nutrition medication oversight and other limited services.

**Alzheimer’s Allowed:** Yes, in residential communities with endorsement for Alzheimer’s.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer’s or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA 101 Chapter 32 and 33, 2003 edition. Residential Board & Care Occupancies for ALR-RC
- » NFPA 101 Chapter 18 and 19, 2003 edition. Health Care Occupancies for ALR-SRHC

#### IBC

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/ or in combination with this State’s non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation) for ALR-RC or still meeting Group I-2 for ALR-SRHC.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Or if maintaining NFPA 101 consider moving all ALR-SRHC and ALR-RC to complying with the Residential Board and Care requirements, removing compliance requirements with the Health Care Chapter.



## NEW JERSEY

### LICENSING

**Licensing Agency:** Department of Health and Senior Services

#### Definitions

- » **Assisted Living:** Supportive personal & health services, available 24-hrs, including persons requiring nursing home level of care.
- » **Assisted Living Residence:** Apartment-style housing & congregate dining, 4 or more adults. Comprehensive personal care home: 4+ adults; provide room & board and assure that assisted living services are available when needed.
- » **Nursing Home-Level care:** For chronic medical conditions w/moderate to severe impairment in physical, behavioral, cognitive and/or psychosocial functioning.

#### Types of Communities:

Capable of providing nursing services to maintain residents, including those requiring nursing home levels of care.

- » Special Alzheimer's/Dementia communities .
- » Respite Care (short term) permitted at admission if community offers this type of care. (Subchapter 20).

**Alzheimer's Allowed:** Yes, in special communities.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to IBC Group I-2 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with IBC Group I-2 (Nursing) requirements and limited other requirements.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2015 IBC. Licensing requires compliance with I-2 nursing occupancy requirements. The 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) but conflicts with the licensing agency requirements for Group I-2

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State licensing agency. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## NEW MEXICO

### LICENSING

**Licensing Agency:** Department of Health, Division of Health Licensing and Certification Bureau.

#### Definitions

- » **Assisted Living Community:** Community meeting rules.
- » **Ambulatory:** Able to walk without assistance.
- » **Mobile:** Means able to walk with assistance, or the ability to move from place to place with the use of a device such as a walker, cane, crutches, or a wheelchair and the capability of making independent bed-to-chair transfers.
- » **Non-mobile:** Means a person who is capable of achieving mobility only with the assistance of another person plus devices such as a wheel chair.

#### Types of Communities:

- » (1) Communities with sixteen (16) residents or fewer are classified as “group R.” (Capable of self-preservation)
- » (2) Communities with more than sixteen (16) residents are classified as “group I-1.” (Capable of self-preservation)
- » (3) Communities with more than five (5) residents who are not capable of self-preservation are classified as “group I-2.” (Non-mobile)

**Alzheimer’s Allowed:** Yes.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to IBC Group I-2
- » Alzheimer’s or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency has extensive requirements including referencing IBC occupancy classifications.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Licensing requires communities with residents that require assistance with evacuation to be in compliance with I-2 nursing occupancy requirements.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## NEW YORK

### LICENSING

**Licensing Agency:** Department of Health

#### Definitions

See types of communities.

#### Types of Communities:

- » **Adult Care Homes (ACF):**
  - 1) Adult Homes: Housing, long term residential care, personal care, for five or more
  - 2) Enriched Housing Programs: Housing, long term residential care, and personal care for more independent living.
  - 3) Residents for Adults: Generally for younger adults
- » **Assisted Living Residences (ALR):** A certified Adult Care Home or Enriched Housing Program that has additionally been approved by the DOH for licensure as an ALR:
  - 1) **Basic ALR (ALR):** A Basic ALR takes care of residents who are medically stable. May require some assistance with toileting, bathing, grooming, dressing or eating; Can walk or use a wheelchair alone or occasionally with assistance from another person, and can self-transfer; Can accept direction from others in time of emergency
  - 2) **Enhanced ALR (EALR):** Enhanced ALRs are certified to offer an enhanced level of care to serve people who wish to remain in the residence as they have age-related difficulties beyond what a Basic ALR can provide. may require assistance to get out of a chair, need the assistance of another to walk or use stairs, need assistance with medical equipment.
  - 3) **Special Needs ALR (SNALR):** Some ALRs may also be certified to serve people with special needs, for example Alzheimer's disease or other types of dementia. SNLR does not offer assistance with egress or nursing care that a EALR can provide

**Alzheimer's Allowed:** Yes, in special communities: SNALR.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to assisting persons with egress in its licensing regulations
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency has additional building requirements: Requires 6-16 residents to meet IBC R-4 and 17 or more residents to meet I-1 with numerous additional protections including smoke detection, and as noted here for 17 or more residents adding smoke barriers and NFPA 13 sprinklers. It is noted that these requirements correlate to the 2015 IBC requirements for Group I-1 Condition 2. There are also special notes for New York City's requirements.



**NFPA 101**

No NFPA 101 compliance is required.

**IBC**

There is a statewide adoption of the 2006 IBC. State licensing requires compliance with R-4 and I-1 occupancy requirements but then enhances the requirements correlating them more closely to the 2015 IBC I-1 Condition 2 allows assistance with evacuation and creates additional protection requirements. Some local fire marshals may require compliance with Group I-2.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## NORTH CAROLINA

### LICENSING

**Licensing Agency:** Department of Health and Human Services, Division of Health Services Regulation

#### Definitions

- » **Assisted Living Residence:** Any group housing & services program for 2 or more unrelated adults including Adult Care Homes (ACH) and Multi-Unit Assisted Housing with Services (MAHS).

#### Types of Communities:

- » **Adult Care Home:** An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs.
- » **Adult Care Homes with Special Care Units:** For Alzheimer's residents.
- » **Multi-Unit Assisted Housing with Services:** Allows hands on personal care services and nursing services arranged by housing management by a home care or hospice agency

**Alzheimer's Allowed:** Allowed in special care units for persons with Alzheimer's disease or related disorders.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, and/ or intermittent nursing care are allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Some limited requirements are stated like heat and smoke detectors. State fire marshal approves end of construction occupancy. That enforcement can vary and be extensive.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## NORTH DAKOTA

### LICENSING

**Licensing Agency:** Department of Health, Division of Health Communities for Basic Care Communities, and Department of Human Services for Assisted Living Communities

#### Definitions

- » **Assisted Living Community:** Building or structure containing a series of at least 5 living units operated as one entity to provide services for 5 or more individuals not related to owner...that provides or coordinates individualized support services to accommodate the needs & abilities to maintain as much independence as possible. Does not include congregate housing.

#### Types of Communities:

- » **Basic Care Community DOH:** Minimal hands on assistance
- » **Assisted Living Community (DHS):** May require assistance with evacuation arranged by housing management by a home care or hospice agency

**Alzheimer's Allowed:** Only allowed in Basic Care Communities.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101. See below.

#### NFPA 101

- » NFPA 101 Chapter 32, 2015 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2015 edition. Existing Residential Board & Care Occupancies

#### IBC

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## OHIO

### LICENSING

**Licensing Agency:** Department of Health

#### Definitions

- » **Residential Care Community:** For individuals & supervision & personal care services for 3 or + dependent on services of others, or 3 or more unrelated individuals w/ at least one needing skilled nursing care.

#### Types of Communities:

- » **Residential Care Community - Large:** 17 or more unrelated individuals, providing supervision & personal care services to 3 or more who are dependent on the services of others.

**Alzheimer's Allowed:** With special license.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Minimal requirements are stated.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## OKLAHOMA

### LICENSING

**Licensing Agency:** Department of Health, Protective Health Services

#### Definitions

- » **Assisted Living Center:** Serves 2 or more unrelated adults needing assistance w/personal care or nursing supervision. May need intermittent or unscheduled nursing care, medication assistance, assistance with transfer or ambulation.
- » **Continuum of Care Community:** Providing nursing community services and 1 or both assisted living center services or adult day care center services.
- » **Intermittent or Unscheduled Nursing Care:** Skilled nursing care given by a licensed practical nurse or RN, not required 24-hr/day.

#### Types of Communities:

- » **Assisted Living Center:** Between residential care home and nursing care.
- » **Continuum of Care Community:** Capable of providing more services than are available in typical nursing community.

**Alzheimer's Allowed:** Yes, if center licensed to provide this service.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance and reference to meeting IBC I-II (I-2) (nursing) requirements when incapable of self-preservation residents reside in community
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency references compliance with NFPA 101. See below. A 2008 law also requires communities with incapable of self-preservation residents to meet IBC I-II (I-2) (nursing) requirements.

#### NFPA 101

NFPA Life Safety Code 2006 edition is referenced by general reference only. Due to Licensing requiring Group I-2 IBC compliance, this analysis then infers if NFPA 101 compliance is required, that its Health Care Chapter (nursing) compliance applies.

#### IBC

There is a general statewide adoption of the 2009 IBC with limitations and local adoptions. Licensing also references communities with incapable of self-preservation residents to meet IBC I-II (I-2) (nursing) requirements.



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## OREGON

### LICENSING

**Licensing Agency:** Department of Human Services, Aging and People with Disabilities

#### Definitions

- » **Assisted Living Community (ALF):** A self-contained community where people reside on a 24 hour basis, that meet ADL and social needs.
- » **Residential Care Community (RCF):** A self-contained community where 6 or more people reside on a 24 hour basis, meeting ADL needs.

#### Types of Communities:

- » **Assisted Living Community:** Has more stringent physical plant requirements.
- » **Residential Care Community:** Has more flexible physical plant requirements.

**Alzheimer's Allowed:** Alzheimer's (Memory Care- MC) endorsed unit allowed with special requirements.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Footnote 1 for a detailed explanation of the criteria.

- » The state building code (OSSC/IBC) lists state licensing agency categories which lists them under classifications allowing assistance with evacuation
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

Oregon, in 2014, removed its twenty plus year history of having building and resident life safety requirements in its licensure requirements. The State's 2014 changes to its licensure rules integrated and moved all resident type and building code and life safety requirements to the state building code -2014 Oregon Structural Specialty Code - OSSC. It allows for limited assistance with evacuation.

#### NFPA 101

Oregon, in 2014, removed its nearly thirty year history of requiring some aspects of NFPA 101 Residential Board and Care requirements. It accomplished this by its integration of new assisted living criteria and requirements in its 2014 OSSC (2015 IBC for I-1 and R-4 occupancies.) The 2015 IBC I-1 and R-4 are generally consistent with current NFPA 101 concepts for its similar Residential Board and Care requirements. See above and below.

#### IBC

The 2014 state building code (OSSC) implements the 2015 IBC I-1 and R-4 Condition 2 requirements for its licensure classifications. Oregon implements those two revised occupancy classifications and also inserts its own licensing categories (ALF, MC, and RCF) into its I-1 and R-4 categories.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC	X			
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Consider removing any mechanical, electrical, or lighting requirements currently in licensing regulations and placing them in their respective state codes.



## PENNSYLVANIA

### LICENSING

**Licensing Agency:** Department of Human Services, Department of Health

#### Definitions

- » **Personal Care Home (PCH):** A premise in which food, shelter and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care community, but who do require assistance or supervision in activities of daily living or instrumental activities of daily living.
- » **Assisted Living Residence (ALR):** Any premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration.
- » **Mobile resident:** A resident who is physically and mentally capable of vacating the assisted living residence on the resident's own power or with limited physical or oral assistance in the case of an emergency, including the capability to ascend or descend stairs if present on the exit path. Physical assistance means assistance in getting to one's feet or into a wheelchair, walker or prosthetic device. Oral assistance means giving instructions to assist the resident in vacating the assisted living residence. The term includes an individual who is able to effectively operate an ambulation device required for moving from one place to another, and able to understand and carry out instructions for vacating the assisted living residence.

#### Types of Communities:

- » Personal Care Homes
- » Assisted Living Residence

**Alzheimer's Allowed:** Secured dementia care units

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Footnote 1 for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state fire marshal office requires compliance with NFPA 101. See below. Licensing also requires compliance to Group I-2.

#### NFPA 101

- » NFPA Life Safety Code 1999 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 18 and 19 (Nursing), 2000 edition. Health Care Occupancies. The State Fire Marshal office amends NFPA 101 requiring PCH and ALR communities with resident that are incapable of self-preservation to comply with this chapter.
- » NFPA 101 Chapter 32 and 33, 2000 edition. Residential Board & Care Occupancies

**IBC**

There is a statewide adoption of the 2009 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this licensing and most building officials may require compliance with I-2 nursing occupancy requirements with this State’s non correlated licensing compliance NFPA 101 Health Care requirements.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/ or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## RHODE ISLAND

### LICENSING

**Licensing Agency:** Department of Health Communities, Regulation Division

#### Definitions

- » **Assisted Living Residence:** A publicly or privately operated residence that provides directly or indirectly by means of contracts or arrangements personal assistance and may include the delivery of limited health services for six or more persons as defined.
- » **Capable of self-preservation:** The physical mobility and judgmental ability of the individual to take appropriate action in emergency situations. Residents not capable of self-preservation are limited to communities that meet more stringent Life Safety Code requirements.
- » **Resident:** An individual not requiring medical or nursing care as provided in a health care community but who as a result of choice and/or physical or mental limitation requires personal assistance, lodging and meals and may require the administration of medication and/or limited health services. A resident must be capable of self-preservation in emergency situations, unless the community meets a more stringent Life Safety Code as required under the Act. Persons needing medical or skilled nursing care, including daily professional observation and evaluation, as provided in a health care community, and/or persons who are bedbound or in need of the assistance of more than one (1) person for ambulation are not appropriate to reside in assisted living residences.

#### Types of Communities:

**Assisted Living Residences:** Must have both an F and M classification

- » **Level F1:** Not capable of self-preservation, must have marked Safe Areas.
- » **Level F2:** Capable of self-preservation (Base on construction type & fire code).
- » **Level M1:** Require central storage &/or administration of medications.
- » **Level M2:** Require assistance with self-administration of medications.

#### Alzheimer's Allowed:

- » **Alzheimer Dementia Special Care Unit:** Distinct living within an assisted living residence.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires compliance with NFPA 101 by the State Fire Marshal's Office. See below.

**NFPA 101**

- » NFPA Life Safety Code 2004 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2012 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2012 edition. Existing Residential Board & Care Occupancies

**IBC**

There is a statewide adoption of the 2012 IBC with state amendments for assisted living. The State Fire Marshal (SFM) Office actually reviews code compliance for assisted living under NFPA 101, so no local building code review occurs except where NFPA 101 does not cover certain requirements such as structural, energy, accessibility etc. Applicants have a choice under SFM to classify the assisted living under Residential Board and Care (fire drill participation) or the health care chapter (defend in place).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## SOUTH CAROLINA

### LICENSING

**Licensing Agency:** Department of Health and Environment Control, Division of Health Licensing

#### Definitions

- » **Community Residential Care Communities:** 2 or more unrelated adults, offers room and board and a beneficial or protected environment. Communities can be referred to as assisted living.

#### Types of Communities:

- » **Community Residential Care Communities:** 2 or more unrelated adults, refers to any community (other than a hospital) offering a beneficial or protected environment. Can be called assisted living.

**Alzheimer's Allowed:** Alzheimer's allowed and must be disclosed.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

There are limited requirements stated.

#### NFPA 101

No NFPA 101 compliance is required.

#### IBC

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## SOUTH DAKOTA

### LICENSING

**Licensing Agency:** Department of Health, Office of Health Care Communities Licensure and Certification

**Definitions**

» **Assisted Living Center:** One or more unrelated residents receiving care as designated.

**Types of Communities:**

» **Assisted Living Center:** One or more unrelated residents receiving care as designated.

**Alzheimer's Allowed:** Yes, in special care units.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

The state licensing agency requires compliance with NFPA 101. See below.

**NFPA 101**

- » NFPA 101 Chapter 32, 2009 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2009 edition. Existing Residential Board & Care Occupancies

**IBC**

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC				X
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## TENNESSEE

### LICENSING

**Licensing Agency:** Department of Health, Board for Licensing Health Care Communities

#### Definitions

- » **Ambulatory:** Ability to walk with or without devices without the minimal assistance of another person. The resident must be physically and mentally capable of self preservation by evacuating in response to an emergency.
- » **Assisted-Care Living Community (ACLF):** Accepts primarily aged persons for domiciliary care and provides non-medical assistance services.
- » **Assisted-Care Living Community Resident:** An aged ambulatory person needing non-medical assistance.

#### Types of Communities:

- » **Assisted-Care Living Community:**

**Alzheimer's Allowed:** Early stage allowed if community able to provide needed services as determined by an interdisciplinary team.

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

#### Fire Life Safety Standards Required by Licensing

The state licensing agency requires that an ACLF Meet NFPA 101 and may not retain a resident who cannot evacuate within 13 minutes unless the ACLF complies with Chapter 19 of the 2006 NFPA 101 and I-2 of the IBC.

#### NFPA 101

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety 2004 edition.
- » NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapters 18 or 19, 2006 edition. Health Care occupancy if evacuation over 13 minutes
- » NFPA 101 Chapters 32 and 33, 2006 edition. Residential Board & Care Occupancies for under 13 minute evacuation times.

#### IBC

There is a general statewide adoption of the 2006 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this licensing requires compliance with Group I-2 nursing occupancy requirements.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.



## TEXAS

### LICENSING

**Licensing Agency:** Department of Aging and Disability Services (DADS)

#### Definitions

- » **Assisted living community:** 4 or more unrelated adults
- » **Assisted living resident:** may exhibit mental or emotional disturbance, but not at risk of harm to others & self, need assistance w/ movement, need assistance w/ ADL, require temporary services by professional personnel, administration of medication, non-medical assistance & supervision.
- » **Short term acute episode:** illness less than 30 days, attend by licensed staff

#### Types of Communities:

- » **Type A:** capable of evacuating community unassisted, not require routine nighttime attendance, capable of following direction under emergency conditions.
- » **Type B:** require staff assistance to evacuate, incapable of following directions under emergency conditions, require nighttime attendance, not permanently bedfast, but may require transfer assistance.
- » **Type C:** 4-bed community, adult foster care community seeking assisted living license. Not ALF

**Alzheimer's Allowed:** Yes in licensed Type B communities

### LICENSING CRITERIA RELATING TO OTHER CODES

#### Licensing Resident Type Conclusion Relating to Life Safety Criteria

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Footnote 1 for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/ or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies

#### Fire Life Safety Standards Required by Licensing

##### NFPA 101

- » NFPA Life Safety Code 1988 (2000) edition and Guide on Alternative Approaches to Life Safety 2004 edition. NFPA Procedure for Determining Evacuation Capability (prompt, slow, impractical)
- » NFPA 101 Chapter 32 & 33, 1988 (2000) edition. New and Existing Residential Board & Care Occupancies for Type A communities.
- » NFPA 101 Chapter 18 & 19, 1988 (2000) edition. New Existing health Care (Limited Care) Occupancies for Type B communities.

##### IBC

There is a general statewide adoption of the 2006 IBC with local adoptions by municipalities. The 2006 IBC have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. The State licensing requires NFPA 101 Health Care Chapter compliance, similar to IBC Group I-2 requirements.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## UTAH

### LICENSING

**Licensing Agency:** Department of Aging and Disability Services (DADS)

**Types of Communities:**

- » **Assisted Living Community Type I:** Able to evacuate (mobile).
- » **Assisted Living Community Type II:** May require assistance or transfer to evacuate by one person.
- » **Assisted Living Community:** Large is 17 or more residents and stated in regulations to meet IBC I-1 requirements for Type I communities and IBC I-2 for Type II communities.
- » **Assisted Living Community:** Small is 6 to 16 residents and stated in regulations to meet IBC R-4 requirements for for Type I communities and IBC I-1 for Type II communities.
- » **Assisted Living Community:** Limited capacity is 2-5 residents and stated in regulations to meet IBC R-3 for Type I communities and R-4 for Type II communities with either staffing or sprinkler requirements

**Alzheimer's Allowed:** Allowed in Type II approved secure units.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type in Type II communities that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

The state licensing agency states emergency assistance with evacuation criteria and correlates it to IBC occupancy and requirements.

**NFPA 101**

No NFPA 101 compliance is required.

**IBC**

There is a statewide adoption of the 2012 IBC. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. State licensing requirements state and correlate licensing types of communities with IBC I-1, I-2, R-3, and R-4 requirements.



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA (Not applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## VERMONT

### LICENSING

**Licensing Agency:** Department of Disabilities, Aging, and Independent Living, Agency of Human Services

**Definitions:**

- » **Residential Care Home:** Provides board and personal care to 3 or more adults unrelated to operator.
- » **Assisted Living Residence:** Level III Residential Care Homes with some exceptions.

**Types of Communities:**

- » **Residential Care Homes Level III:** Provide personal care, supervision/management of medications, nursing overview, and aging in place.
- » **Residential Care Homes Level IV:** Same as Level III without nursing overview.

**Alzheimer's Allowed:** Special care units.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

The state licensing agency and Division of Fire Prevention requires compliance with NFPA 101. See below.

**NFPA 101**

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2012 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2012 edition. Existing Residential Board & Care Occupancies

**IBC**

There is a statewide adoption of the 2012 IBC. The State mixes requiring both NFPA 101 and IBC requirements in its State Fire Code. NFPA 101 occupancy chapters rule (assisted living under NFPA 101 Residential Board and Care), while other base IBC chapters (Construction type etc.) also rule.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## VIRGINIA

### LICENSING

**Licensing Agency:** Department of Social Services, Division of Licensing Programs

**Definitions:**

- » **Assisted Living Community:** Provides 24-hour supervision and assistance to 4 or more unrelated adults.

**Types of Communities:**

- » **Assisted Living Communities:** 4 or more unrelated adults.
- » **Assisted Living Dedicated Hospice Community:** Licensure of hospice.

**Alzheimer's Allowed:** Yes, in secure environment units.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference in the 2014 Virginia Uniform Statewide Building Code (2012 IBC with 2015 IBC modified for I-1 and R-4).
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

None stated.

**NFPA 101**

No NFPA 101 compliance is required.

**IBC**

There is statewide adoption of the 2012 IBC as the 2014 Virginia Uniform Statewide Building Code (2012 IBC with 2015 IBC modified for I-1 and R-4). Virginia's implementation of the 2015 IBC I-1 and R-4 (modified for Virginia) integrates its licensing resident type with building code requirements, allowing residents who may require assistance with evacuation during emergencies. Some limited jurisdictions may require compliance with Group I-2.

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
		X		

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction		X		
End of Construction		X		

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing	X			
IBC	X			
NFPA (Not Applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Virginia coordinates and correlates its licensing resident type in its statewide building code implementing the concepts (modified for Virginia) of the 2015 IBC I1 and R-4 requirements. This makes it a good coordinated state, so no recommendations are given.



## WASHINGTON

### LICENSING

**Licensing Agency:** Washington State Department of Social and Health Services/ Aging and Disability Services Administration

**Definitions:**

- » **Ambulatory:** Means capable of walking or traversing a normal path to safety without the physical assistance of another individual:
  - » **(1) Nonambulatory:** Means unable to walk or traverse a normal path to safety without the physical assistance of another individual;
  - » **(2) Semiambulatory:** Means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another individual.

**Types of Communities:**

- » **Assisted Living Communities/ Boarding Homes:** Means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care.

**Alzheimer's Allowed:** In special care units or community

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to certain residents requiring assistance with evacuation in its definitions.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

None stated.

**NFPA 101**

No NFPA 101 compliance is required.

**IBC**

There is a statewide adoption of the 2012 IBC with state amendments modifying and enhancing regulations for assisted living> Washington classifies assisted living as a modified and enhanced R-2 (apartment) occupancy assuming some assistance with evacuation. The requirements are similar and slightly less stringent than the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing	X			
IBC	X			
NFPA (Not Applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State.



## WEST VIRGINIA

### LICENSING

**Licensing Agency:** Department of Health and Human Services, Bureau for Public Health, Office of Health Licensure and Certification

**Definitions:**

- » **Classification of Standards:** 3 levels of assisted living residents: Class I, II, and III (I most impact, III Least).

**Types of Communities:**

- » **Class I: Legally Unlicensed Health Care Home (L/U):** 1-3 persons not related to operator, may be dependent on services, or may require limited and intermittent nursing care, including hospice care.
- » **Class II: Assisted Living Residence (ALS):** 4 or more unrelated residents needing assistance, supervision or both, may require nursing care at a level no greater than limited and intermittent nursing care. Small residence is 4 - 16, large residence in 17 or more.
- » **Class III: Residential Care Community (RCC):** 17 or more residential apartments in a large independent living community, providing accommodations, personal assistance and supervision on a monthly basis, who may require limited and intermittent nursing care, but are capable of self-preservation and are not bed fast.

**Alzheimer's Allowed:** Yes, in special care units offering 24-hour specialized care to Alzheimer's and dementia care.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

The State Fire Commission requires compliance with NFPA 101. See below.

**NFPA 101**

- » NFPA Life Safety Code 2003 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2012 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2012 edition. Existing Residential Board & Care Occupancies

**IBC**

There is a general statewide adoption of the 2012 IBC (State Building Code) with local adoptions by municipalities. The State Fire Code (NFPA 101 takes precedence over the State Building Code where there are conflicts. So essentially assisted living comply mostly with NFPA 101 residential board and Care (allowing assistance with evacuation).



**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC		X		
NFPA (Not Applicable)		X		

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.



## WISCONSIN

### LICENSING

**Licensing Agency:** Department of Health Services, Division of Quality Assurance, Bureau of Assisted Living

**Definitions:**

- » **Community Based Residential Communities (CBRF):** 5 or more unrelated adults, do not require care above intermediate level nursing care, reside and receive care, treatment or services that are above the level of room and board, but include no more than 3 hours of nursing care per week per resident. Categorized by size and ability to evacuate.
- » **Residential Care Apartment Complexes (RCAC):** 5 or more adults reside in independent apartments, and that provides to resident not more than 28 hours/week of services that are supportive, personal and nursing services.
- » **Ambulatory:** Means the ability to walk without difficulty or help.

**Types of Communities:**

- » **Community Based Residential Communities (CBRF):** 3 sizes: small: 5-8, medium: 9-20, large: 21 or more. Also differ by class determined by resident's ability to move (ambulation), follow directions (mental capacity), and self-preservation under emergency conditions.
- » **Class A ambulatory (A):** Ambulatory, and are mentally and physically capable of responding to a fire alarm by exiting without any help or verbal or physical prompting.
- » **Class A semi-ambulatory (AS):** Ambulatory or semi-ambulatory, and are mentally and physically capable of responding to a fire alarm by exiting without any help or verbal or physical prompting.
- » **Class A nonambulatory (ANA):** Ambulatory, semi-ambulatory or non-ambulatory, and are mentally and physically capable of responding to a fire alarm by exiting the CBRF without any help or verbal or physical prompting.
- » **Class C ambulatory (CA):** Ambulatory but one or more of whom are not mentally capable of responding to a fire alarm by exiting without any help or verbal or physical prompting
- » **Class C semi-ambulatory (CS):** ambulatory or semi-ambulatory, but one or more of whom are not physically or mentally capable of responding to a fire alarm by exiting without help or verbal or physical prompting
- » **Class C nonambulatory (CNA):** ambulatory, semi-ambulatory or non-ambulatory, but one or more of whom are not physically or mentally capable of responding to a fire alarm by exiting without help or verbal or physical prompting.

**Alzheimer's Allowed:** Yes in Class C communities

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation with its Type C classifications.
- » Alzheimer's or dementia residents, cognitively impaired residents, intermittent nursing care, and/or direct medication assistance is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

There are extensive sprinkler and fire and smoke protection requirements are stated in licensing requirements.

**NFPA 101**

No NFPA 101 compliance is required.

**IBC**

There is a statewide adoption of the 2009 IBC. The 2009 IBC have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this, building officials require compliance with I-2 nursing occupancy requirements for most Type C communities. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
				X

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction				X
End of Construction				X

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing		X		
IBC			X	
NFPA (Not Applicable)	NA			

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.



## WYOMING

### LICENSING

**Licensing Agency:** Department of Health, Office of Healthcare Licensing and Surveys

**Definitions:**

- » **Assisted Living Community:** Non-institutional dwelling operated by person, firm or corporation engaged in providing limited nursing care, personal care & boarding home care, but not habilitative care, for persons not related to the owner.

**Types of Communities:**

- » **Assisted Living Communities:** Type based on NFPA 101 2000 occupancy classifications and evacuation capability:

**Alzheimer's Allowed:** Yes, in secure units.

### LICENSING CRITERIA RELATING TO OTHER CODES

**Licensing Resident Type Conclusion Relating to Life Safety Criteria**

The licensing agency allows a resident type that may require assistance with evacuation during emergencies. See the Analysis Background and Regulatory Issues section Appendix Note 1 at the beginning of this document for a detailed explanation of the criteria.

- » Licensing criteria allows for assistance with evacuation by its reference to NFPA 101 compliance.
- » Alzheimer's or dementia residents, cognitively impaired residents, and intermittent nursing care is allowed. Some of those residents may require assistance with evacuation during emergencies.

**Fire Life Safety Standards Required by Licensing**

The state licensing agency requires compliance with NFPA 101. See below.

**NFPA 101**

- » NFPA Life Safety Code 2000 edition and Guide on Alternative Approaches to Life Safety.
- » NFPA 101 Chapter 32, 2000 edition. New Residential Board & Care Occupancies
- » NFPA 101 Chapter 33, 2000 edition. Existing Residential Board & Care Occupancies

**IBC**

There is a general statewide adoption of the 2012 IBC with local adoptions by municipalities. The 2012 IBC and prior editions have Group I-1 and R-4 occupancy designations to cover assisted living. Those occupancies do not allow residents that may require assistance with evacuation which this State licensing allows. Due to this some building officials may require compliance with I-2 nursing occupancy requirements. Some may allow alternative means implementing the 2015 IBC I-1 Condition 2 (allowing assistance with evacuation) and/or in combination with this State's non correlated licensing compliance NFPA 101 Residential Board and Care (allowing assistance with evacuation).

**GENERAL CONCLUSIONS OF STATE REGULATORY ENVIRONMENT TABLES**

Requirements for Physical Plant Elements Required by Licensing Agency	None	Minimal	Moderate	Extensive
			X	

Enforcement of Licensing Agency Physical Plant Requirements and/ or Life Safety Requirements	None	Minimal	Moderate	Extensive
Prior to Construction			X	
End of Construction			X	

Coordination & Correlation (C & C) Rating of Statewide Licensing Physical Plant Requirements with IBC and NFPA 101 (if applicable) Requirements	Full C & C: Excellent	General C & C: Good	Minor C & C: Fair	No C & C: Poor
Licensing			X	
IBC				X
NFPA			X	

**RECOMMENDATIONS**

See the “Recommendations” section at the beginning of this document for detailed explanation of the recommendations.

- » Remove as much redundancy as possible between licensing regulations and the building and/or life safety codes.
- » Consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Consider advocating for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- » Licensing can reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for communities built before these potential new revised rules.
- » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.

## APPENDIX - DETAILED NOTES FOR THE ANALYSIS AND METHODOLOGY

### 1. Appendix notes for licensing agency criteria relating to other codes:

- » Licensing Agency Categories Allowing Assistance with Evacuation: A majority of state licensing categories, through state licensing agency regulations, allow a resident type that may require assistance with evacuation during emergencies - not capable of self-preservation. That criteria is a major threshold for additional requirements required by other state agency requirements (IBC and NFPA 101). Most licensing agencies do not actually state any reference to whether a resident would be capable or not capable self-preservation during emergency evacuation. Due to this, the analysis reviews and draws conclusions of licensing resident capability criteria that can be interpreted as thresholds for resident emergency evacuation capabilities.
- » Assistance with Evacuation Definition: This analysis interprets that requiring assistance with evacuation, technically means that some residents in a community may require more than one or two directions or reminders, or more than a temporary gentle arm hold during emergency evacuation. This conclusion is based on interpretation of the 2003 edition of NFPA Guide on Alternative Approaches to Life Safety, which the 2015 IBC also references in its (2012) approved substantiation for the IBC assisted living change that occurred in that edition. (See Footnote 5 for further information.)
- » Licensing Agency Categories Requiring Self Evacuation: There are also some licensing categories in some states where either a specific licensing category, resident or service type, or other licensing admissions, discharge, or other various licensing criteria, essentially limits the resident type to require them to be capable of self-preservation/ capable of self evacuation. Some states like Arizona and Texas for example, have multiple licensing categories or service types where one category essentially limits the resident type to being capable of self-preservation. Requiring residents to be capable of self-preservation eliminates many of the other conflicts between licensing and other codes (IBC and NFPA 101). Many assisted living operators prefer not to limit the resident type that can live in their communities. Many operators prefer to allow the most extensive aging in place resident type allowed by the individual state.
- » Licensing Agency Resident Capability Assumptions: This analysis reviews the resident capability aspects of licensing agencies to draw initial interpretive assumptions and conclusions of a resident's potential evacuation capability level based on the following either possible cognitive or physical limitations:
  - State licensing agencies that list and require, and/ or reference compliance with NFPA 101 Residential Board and Care or Health Care occupancy requirements, or IBC Groups I-2, I-1 Condition 2 or R-4 Condition 2 (through their agency or other state agencies (Fire Marshal), are assumed to have some residents that may require assistance with evacuation during emergencies. This assumption is due to those occupancies assuming that some residents require assistance with evacuation.
  - State licensing categories or specific community requirements allowing residents beyond initial stages of Alzheimer's are assumed to have some residents that may require assistance with evacuation during emergencies due to cognitive limitations in responding to emergency situations.

- State licensing categories or specific community requirements allowing more advanced cognitively impaired residents are assumed to have some residents that may require assistance with evacuation during emergencies.
- State licensing categories or specific community requirements allowing residents that require beyond a minimum amount of intermittent nursing are assumed to have some residents that may require assistance with evacuation during emergencies.
- State licensing categories or specific community requirements allowing residents that allow direct administration of medications to the resident due to cognitive or physical impairment, are assumed to have some residents that may require assistance with evacuation during emergencies.

## 2. Appendix notes for IBC and NFPA 101:

- » Both IBC and NFPA 101 generally regulate assisted living occupancies between requirements of their apartment and nursing occupancies in their inhabitants' abilities and associated requirements. Both codes create different more stringent requirements when any occupants in a building could require assistance with evacuation. Currently there are approximately 14 ways that assisted living are regulated around the country, combined between both codes plus state amendments. This is more than any other use group. This inconsistency creates a large hurdle in developing assisted living around the country. The following are brief summaries of the varying requirements:
  - 2012 IBC and prior editions: Limits its assisted living occupancies Group I-1/ over 16 residents, and R-4 /6-16 residents, to include all residents that are capable of self-preservation/ evacuation. This limitation conflicts with what most state licensing agencies allow. Essentially this conflict made these older editions of the IBC complicated or even obsolete relative to its regulation of assisted living. These older editions of the IBC then by general interpretation, imply compliance with Group I-2 (nursing and hospital) requirements. Group I-2 compliance has been applied to care buildings (assisted living) with occupants who require assistance with evacuation including but not limited to requiring a maximum of one story wood frame construction, full NFPA 13 sprinklers, and smoke barriers. The issue with compliance with Group I-2 is that this occupancy is set up for occupants requiring total "defend in place" strategies during emergencies (bed movement and/ or life support) with assumed higher staff ratios, so some of the actual requirements do not align with assisted living.
  - 2015 IBC and later editions: Allows assisted living occupants who may require assistance with evacuation in its Group I-1 Condition 2 (over 16 residents) and R-4 Condition 2 (6-16 residents). The IBC 2015 Group I-1 Condition 2 is limited to 3 stories wood frame, requires full NFPA 13 sprinklers, requires smoke barriers, and allows special locking arrangements for Alzheimer's residents. It is also suggested that states contemplating adopting the 2015 IBC also implement, if possible through state amendments, three key
- » I-1 revisions (additions) from the 2018 IBC, published in 2017, but approved and available in 2015. They are the revision of the definition of sleeping unit (ICC G9-15 code change), intervening room open spaces to corridor (ICC G120-15), and the open kitchens (ICC G123-15) provisions.

- 2000 NFPA 101 and prior editions of for new construction and all editions for existing construction: Assisted living is classified in its Residential Board and Care occupancies but also limits them by their evacuation capabilities of prompt, slow and impractical. Some limited states still enforce these older editions of NFPA 101 for new construction, which NFPA itself has changed its concept for regulating new assisted living from its 2003 edition forward. Some of these states require their new assisted living to be classified as impractical, which then requires essentially NFPA's compliance with its nursing and hospital occupancy requirements (Health Care chapter), limiting wood frame to a maximum of one story, requiring full NFPA 13 sprinklers and smoke barriers.
- 2003 NFPA 101 and later editions: Many states now use the newer editions of NFPA 101. It is recommended that states enforcing NFPA 101, implement the 2003 or later editions. These editions allow its Residential Board and Care occupancies for assisted living buildings to have occupants who require assistance with evacuation. Its large Residential Board and Care occupancies for new construction are limited to 2 stories wood frame, requires full NFPA 13 sprinklers, requires smoke barriers, and allows special locking arrangements for Alzheimer's residents. These requirements closely align with the 2015 IBC Group I-1 Condition 2.

### 3. Appendix notes for First Table (Requirements):

- » There is a variety and extent in which individual state licensing agencies require building physical plant requirements. The table indicates a general conclusion of the extent of licensing agency physical plant requirements in their licensing regulations, compared to other states. The ratings of none, minimal, moderate, or extensive are generally concluded. Minimal, generally means there are few specific regulations (less than two to three pages), and/or they are not real specific, and/ or there are no or few redundant requirements with other codes. Moderate or extensive generally means there are more specific and extensive regulations and/or they are more specific and prescriptive, and/ or there are redundant requirements with other codes. (The ratings are opinions based on the analysis and methodology stated herein. Other conclusions of a specific rating may be drawn, depending on other reviewers opinion of the various criteria reviewed.)

### 4. Appendix notes for Second Table (Enforcement):

- » The table indicates a general conclusion of licensing agency requirements relative to the general conclusion of amount of requirements. (See the prior Footnote 3.) Then general conclusions are shown relative the extent of their enforcement and/ or life safety requirements (NFPA 101) and enforcement, both before and after construction. The ratings of none, minimal, moderate, or extensive, are generally concluded. (The ratings are opinions based on the analysis and methodology stated herein. Other conclusions of a specific rating may be drawn, depending on other reviewers opinion of the various criteria reviewed.) There is a wide variety and extent in which individual state licensing agencies require and enforce building physical plant requirements. California is a good example of correlated regulation for development since there are essentially little to no building physical plant and no NFPA 101 requirements in its state licensing requirements and enforcement. Texas licensing on the other hand, has extensive physical plant requirements and enforcement, plus it also requires and rigorously enforces NFPA 101 requirements.



## 5. Appendix notes for Third Table (Coordination & Correlation):

- » The table indicates a general conclusion of each state's extent in which their assisted living regulations are coordinated and correlated (C & C) between the stated regulations. Every state has a licensing agency. All states and/ or jurisdictions also enforce separate building code (IBC) requirements for its assisted living. Some state licensing agencies or state fire marshal's office may also enforce a separate life safety code (NFPA101) for assisted living. The ratings of full/ excellent, general/ good, minor/ fair, no/ poor are generally concluded. Excellent or good are generally concluded when there is general coordination and correlation between the stated regulations. Fair or poor are generally concluded when there may not be general overall coordination and correlation between the stated regulations. Fair or poor ratings are also given when older editions of codes are required (2000 NFPA 101 or 2012 IBC and prior editions). The lack of coordination and correlation between state agencies within a state is perhaps the largest hurdle facing assisted living developers, depending on the state. (The ratings are opinions based on the analysis and methodology stated herein. Other conclusions of a specific rating may be drawn, depending on other reviewers opinion of the various criteria reviewed.)
- » California is an example of a relatively fully coordinated and correlated set of state requirements between different state agencies. The California state fire marshal office controls life safety in certain licensed communities such as assisted living (California RCFE). All state agencies are required to place life safety requirements in its state building code (CBC) of which that is where all of those requirements exist. There are minimal physical plant requirements in its state licensing requirements. California does not enforce NFPA 101. So in California, assisted living can essentially just comply with just the state building code and be compliant with its requirements to build an assisted living.
- » Texas is an example of a generally non-coordinated and non-correlated state. The State licensing agency has extensive physical plant requirements that are reviewed before and after construction. The state licensing agency also rigorously enforces an older outdated edition (6 editions old) of NFPA 101. The building code can also conflict with Texas state licensing and NFPA 101 criteria.

## 6. Appendix notes for recommendations

- » Recommendations are stated relative to eliminating redundancy in regulations between the various state agencies within a state that regulate assisted living. Recommendations are made relative to what other states have accomplished. This process can be complicated because some actions may require legislative actions, and most will at least require coordination and agreements between different state agencies. Due to this, various individual specialists are often needed to work out and complete the changes. Individual specialists often include industry specialists, trade association involvement, lobbyists, lawyers, and code specialists etc. The following bullet points explain in more detail the recommendations noted in the analysis:
  - Legislative changes, if required, should not be specific when referencing other codes. Legislative action stating compliance with an edition of a code may require the state legislature to change that. (There are a couple states in this situation.) So only state compliance with the code in affect at the time. Leave it to rulemaking authority of specific agencies to be specific as to requirements and relative codes enforced.

- Remove all redundant requirements from licensing agency requirements that the building code, electrical code, mechanical code, plumbing code, and NFPA 101 (as applies) already covers.
  - » It is preferred to place those “building” requirements in the other relative codes and have those officials enforce those requirements. This can occur more easily in states like California and Oregon, where there is statewide control of the other codes and the state can and has a history of amending them.
  - » In other states without statewide agencies controlling these other codes, licensing should still create the least amount of redundant requirements.
- » Generally consider removing the requirement for the redundant NFPA 101 compliance for at least new construction assisted living. Advocate for adoption the 2015 or later editions of the IBC for new construction assisted living by the State. Licensing should then just reference in their regulations, compliance with the building code in affect at the time.
- This may occur to varying affect, depending on the state. It may more easily occur in states with statewide building codes. In States without statewide building codes, the licensing agency may still reference local building code compliance (preferred 2015 IBC or later.)
- The issue of building code and/or life safety code (NFPA 101) compliance may be the most complicated issue, depending on the NFPA 101 history in the state. For this reason, each state should be reviewed in its own unique context. Some states like Georgia and Kentucky actually use NFPA 101 as essentially its building code for certain occupancies (assisted living) instead of the IBC. So states like Georgia and Kentucky will most likely keep using NFPA 101. Other states have a long history of using NFPA 101 by licensing or state fire marshal agencies, mostly due to federal requirements for nursing and hospitals. Those same agencies often enforce assisted living, so using NFPA 101 is consistent and familiar with those agencies. Generally, it may be more achievable to pursue removing NFPA 101 compliance only when the licensing agency requires its compliance. Removing NFPA 101 compliance by state fire marshal agencies may be more challenging.
- Finally, NFPA 101 has the longest, most sophisticated, and generally best history of regulating life safety for assisted living (NFPA 101 residential board and care). Until the 2015 IBC, there was also no real alternative to regulating new construction assisted living (See Appendix Note 2). The 2015 IBC Group I-1 and R-4 now can be considered an equal alternative to NFPA 101 residential board and care regulation for new construction.
  - » The licensing agency or state fire marshal’s office may choose to reference compliance to NFPA 101 Residential Board and Care (2003 or later editions) for the reasons stated prior.
  - » If still implementing NFPA 101, it is highly recommended to not use the 2000 and prior editions of NFPA 101, due to NFPA itself changing the way it regulates assisted living in its 2003 and later editions. (See Appendix note 2 for further information.)
  - » Licensing may consider adopting by rule or reference, NFPA 101 Existing Residential Board and Care Chapters for existing buildings that may have compliance issues, since this offers the most comprehensive and somewhat flexible requirements for existing construction.

## 7. Appendix notes for detailed description of 2015 IBC changes:

- » The following is from the 2012 approved code change substantiation for the (G31-12) revision approved for the 2015 IBC assisted living occupancies:
  - “Section 308.3 Group I-1 is revised to allow persons who can respond to an emergency situation with or without assistance from others. Assisted living is the largest use group of the custodial care uses with over 32,000 communities. Currently nearly all state licensing agencies allow a majority of their assisted living classifications to have residents that may require limited assistance from others during emergency evacuation. There are also numerous other uses in Group I-1 that have all persons that can evacuation on their own with assistance from others. The “Condition” concept is utilized from the Group 1-3 detention occupancy to differentiate Group I-1 occupancies between needing assistance and not needing assistance in evacuation. The “condition” classification is also proposed to be included in Group 1-2, under a separate proposal by the ICC Ad Hoc Committee on Healthcare.
- » The revised section implements language from the existing correlating section in Group 1-3, stating that a building shall also be classified with one of the conditions. This clarifies that Group I-1 buildings shall classified on their building permit application and occupancy permit with either a “Group I-1 Condition 1” or “Group I-1 Condition 2” occupancy classification. Most assisted living communities should be classified as Group I-1 Condition 2 unless the permit application drawings quote licensing regulations limiting the resident type to Condition 1.
- » The proposed custodial care Condition 2 occupancies include those who may need limited assistance in evacuation. The key aspect of the wording is to differentiate Group I-1 from Group 1-2. Group I-1 is limited to custodial care and Group 1-2 is for medical care. The intent of using the words “limited verbal or physical assistance” in Group I-1/R-4 Condition 2 is to clarify the difference of capability levels of emergency evacuation between custodial and medical care. Group I-1 Custodial care is limited to those persons needing limited assistance in evacuation but who can still participate in emergency evacuation response and who can still evacuate with or without assistance. Custodial care evacuation assistance is limited versus medical care of which (medical care) includes those who cannot get out of bed during emergencies, or someone completely incapable of helping themselves by being unconscious or semiconscious, or on life support systems.
- » Many assisted living, residential care, and some group home communities have some residents that may fall under the following limited assistance with evacuation condition as paraphrased from the NFPA 101A Guide on Alternative Approaches to Life Safety. This guide has been utilized by many states licensing agencies, starting since the early 1990’s, to determine the relative emergency evacuation capability of residents of custodial care types of residents, with or without assistance from others. It is used here to show the relative nuances of evacuation assistance that will be included in custodial care in the IBC. The concepts are similar as proposed herein, that the occupants still actively participate in fire drills and are trained to complete building evacuation during emergencies, with or without assistance from others:
  - A person who has mild to more resistance or confusion to respond to an alarm, or needing someone to help them with instructions as found with persons with dementia or persons with Alzheimer’s.

- A person needing extra intermediate or continuous help during their emergency evacuation.
- A person who has some physical impairment needing physical assistance to help them evacuate.
- A person who needs some assistance getting out of bed or is considered not self-starting, but can continue with or without assistance in building evacuation.
- A person with seconds or even a few minutes of impaired consciousness intermittently a few times over a few months due to medications or illness.
- A person requiring minor or constant supervision or attention to help them receive, comprehend, and follow through instructions during emergencies.
- A person who is on medications, or even exceptionally sound sleepers, making them to have some chance of not having a waking response to an alarm.
- All persons still have the capability level to participate in emergency evacuation with or without assistance from others.”

#### 8. Appendix Notes for the Guide for Elder Care:

- » The guide table on the following page shows the generic comparison of the types of residents in apartment, assisted living and nursing occupancies along with assumed classifications in recent editions of both IBC and NFPA 101. This is shown to better understand the nuanced differences between the capabilities of generic typical residents in each use. The table also shows three different levels of assisted living capabilities. A typical assisted living resident may fit into a minimum assistance need in some aspects of his or her life while requiring standby or even hands-on assistance in other aspects of his or her life. This is also shown because many States allow for different levels of assisted living categories and/ or resident types identified in their state licensing agency regulations:

ELDER CARE RESIDENT PROFILE GUIDE FOR PROPOSED 2012-15 RELATED CODES <sup>1, 2, 3</sup>				
RETIREMENT/ APARTMENTS	ASSISTED LIVING/RESIDENTIAL CARE <sup>3</sup>			NURSING
Independent (Most residents)	Minimum Assistance (Some Residents)	Standby Assistance (Some Residents)	Hands-on Assistance (Some Residents)	Total Assistance (Many Residents)
IBC: R-2 <sup>2</sup> No defined IBC care	IBC:I-1 Condition 1 <sup>2</sup> IBC: Custodial Care	IBC:I-1 Condition 2 <sup>2</sup> IBC: Custodial Care	IBC: I-1 Condition 2 <sup>2</sup> IBC: Custodial Care	IBC: I-2 Condition 1 <sup>2</sup> IBC: Medical Care
NFPA: Apartments <sup>2</sup> No defined NFPA care	NFPA: Board & Care <sup>2</sup> NFPA: Personal Care	NFPA: Board & Care <sup>2</sup> NFPA: Personal Care	NFPA: Board & Care <sup>2</sup> NFPA: Personal Care	NFPA: Health Care <sup>2</sup> NFPA: Health Care
Able to respond independently in an emergency. (Self Evacuation)	Able to respond in an Emergency. (Self Evacuation)	Needs standby assistance in an emergency. (Assisted Staged Evacuation)	Needs assistance in an emergency. (Assisted Staged Evacuation)	Needs complete assistance in an emergency. (Defend in Place)
Able to negotiate stairs in an emergency and exit the building	Walks independently in emergency, infrequent falls	Standby stair assistance during emergency. Some with fall risk	Stair assistance during emergency. Fall risk	Stair assistance not preferred approach due to many being bedridden
Transfers from bed independently	Transfers from bed independently	Standby assist from bed may be needed	Assistance from bed to wheelchair or walker may be needed during emergencies	May be completely bedfast or on life support. Movement from bed may not be preferred. 2 person assist or mechanical lift may be needed
ADL (Acts of Daily living) - Resident is able to accomplish all without assistance from staff	ADL - Independent to verbal reminders	ADL - Reminders to giving verbal cues	ADL - Verbal cues and/or hands-on assistance	ADL - Hands-on assistance
Eats and takes medications	Independent with medications & Dr. appointments	Medication reminders and management	Medication management	Medication adjustments and behavior management
Capable of own toileting and personal hygiene	Continent of bowel and bladder	Occasional incontinence assistance	Incontinence management	Incontinence management
Bathes, dresses, grooms	Independent in bathing	Bathing set up and monitoring	Bathing assistance	Bathing assistance
Meals/housekeeping provided, if chosen. No personal care assistance or monitoring	Meals, nutrition and Housekeeping assistance is helpful	Meals, nutrition and Housekeeping assistance is helpful	Meals, nutrition and housekeeping assistance is needed	Verbal cues and hands-on assistance to eat
No memory impairment	Little memory impairment	Mild memory impairment – sometimes disoriented	Impaired memory, poor orientation and confusion	Needs 24 hour nursing supervision or skilled services such as physical, occupational and/or speech therapy
Capacity for decision- making and understanding consequences	Some decline in capacity for self care and understanding consequences of actions	Declining capacity for self care and understanding consequences	Limited capacity and some to more inability to Understand consequences of actions	Limited or no capacity for self care and understanding of consequences of actions
Family does not "need" to move	Family "slightly concerned"	Family "concerned"	Family "very concerned" - "Have to do something"	Family must do something

FOOTNOTES: **1.** Edited and enhanced from Nevada Elder Care Assisted Living Guidelines 2006. **2.** This analysis preliminary assumed occupancy designations from the 2015 IBC and 2012 NFPA 101. **3.** This guide assumes general conditions of residents in the United States. Individual State regulatory agencies requirements of conditions of residents may vary from the general conditions stated in the table.





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