

ASSISTED LIVING FACILITY FIRE SAFETY REQUIREMENTS

TEXAS ADMINISTRATIVE CODE

TITLE 26	: HEALTH AND HUMAN SERVICES
PART 1	: HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 553	: LICENSING STANDARDS FOR ASSISTED LIVING FACILITIES
SUBCHAPTER D	: FACILITY CONSTRUCTION
DIVISION 2	: PROVISIONS APPLICABLE TO ALL FACILITIES
RULE	: §553.104 Safety Operations

1. An assisted living facility must obtain an inspection at least once every 12 months, by the local fire marshal, or the Texas State Fire Marshal's Office in locations where there is no local fire marshal, and must correct any items cited by the local fire marshal, or the Texas State Fire Marshal's Office, to the satisfaction of those authorities.

2. An assisted living facility must maintain documentation at the facility reflecting the outcome of the most recent annual inspection.
 - b) Emergency evacuation floor plan. An assisted living facility, other than a one-story small Type A or a one-story small Type B assisted living facility, must post an emergency evacuation floor plan in a location visible to residents.
 - (c) Fire safety plan. An assisted living facility must establish a fire safety plan for the protection of all persons in the facility in the event of fire.
 1. An assisted living facility must ensure the fire safety plan is in effect at all times.
 2. An assisted living facility must make written copies of the fire safety plan are available to all supervisory personnel.
 3. An assisted living facility must ensure the fire safety plan addresses:
 - a) evacuation to an area of refuge;
 - b) evacuation from the building when necessary; and
 - c) special staff actions, including fire protection procedures necessary to ensure the safety of any resident.

4. If the facility is a large Type B assisted living facility:
 - a) An existing large Type B assisted living facility must ensure the fire safety plan includes the provisions described in 19.7.2, Procedure in Case of Fire, in NFPA 101, Chapter 19, Existing Health Care Occupancies.
 - b) A new large Type B assisted living facility must ensure the fire safety plan includes the provisions described in 18.7.2, Procedure in Case of Fire, in NFPA 101, Chapter 18, New Health Care Occupancies.

5. An assisted living facility must ensure the fire safety plan is reviewed at least annually and revised, as needed, to address the changing needs of residents.

6. An assisted living facility must instruct and inform all employees of their duties and responsibilities under the fire safety plan at least annually, and when the fire safety plan is revised.

7. An assisted living facility must keep a copy of the fire safety plan readily available at all times within the facility.

8. An assisted living facility must ensure the fire safety plan reflects the current evacuation capabilities of the residents.

d) Fire drills. An assisted living facility must conduct at least one quarterly fire drill on each shift with at least one drill each month. Each drill must meet these requirements:

1. An assisted living facility must ensure staff take part in fire drills according to the assisted living facility's fire safety plan.

2. An assisted living facility must inform residents of evacuation procedures and locations of exits.

3. An assisted living facility must document every fire drill using the most current version of the required Texas Health and Human Services (HHSC) form titled "Fire Drill Report" available on the HHSC website.

4. A large Type B assisted living facility must activate the fire alarm signal during a fire drill conducted between 6:00 a.m. and 9:00 p.m.

5. An assisted living facility may announce a fire drill to residents in advance.

e) Reporting fires.

1. An assisted living facility must immediately report a fire causing injury or death to a resident.

2. An assisted living facility must report a fire causing damage to the facility or facility equipment to HHSC within 72 hours after the fire is extinguished.

3. After making a report by telephone or email, an assisted living facility must file a written report using the most current version of the required HHSC form titled "Fire Report for Long Term Care Facilities" available on the HHSC website.

f) Smoking policies. An assisted living facility must establish and enforce policies regarding smoking, even if the policy is that smoking will not be permitted. The policy must also address the use of e-cigarettes and vaping devices. If smoking will be permitted, the smoking policies must:

1. Designate smoking areas for residents and staff; and

2. Provide ashtrays of noncombustible material and safe design in smoking areas.

g) Fire alarm system. An assisted living facility must establish a program to inspect, test, and maintain the fire alarm system according to the requirements of NFPA 72, and according to the requirements of NFPA 720 where carbon monoxide detection is provided, and must execute the program at least once every six months.

1. An assisted living facility must contract with a company that holds an Alarm Certificate of Registration from the State Fire Marshal's Office to execute the program.
2. An assisted living facility must ensure a company that performs a service under the contract required under paragraph (1) of this subsection completes, signs, and dates an inspection form like the inspection and testing form in NFPA 72 for a service provided under the contract.
3. If a task required by NFPA 72 or NFPA 720 must occur at intervals other than during the contracted visits in this subsection, an assisted living facility must ensure the task is performed and documented by a knowledgeable individual.
4. An assisted living facility must ensure:
 - a) a fire alarm system component that requires visual inspection is visually inspected in accordance with NFPA 72;
 - b) a fire alarm system component that requires testing is tested in accordance with NFPA 72; and
 - c) a fire alarm system component that requires maintenance is maintained in accordance with NFPA 72.
5. An assisted living facility that provides carbon monoxide detection must ensure:
 - a) a carbon monoxide detection component that requires visual inspection is visually inspected in accordance with NFPA 720;
 - b) a carbon monoxide detection component that requires testing is tested in accordance with NFPA 720;
 - c) a carbon monoxide detection component that requires maintenance is maintained in accordance with NFPA 720; and
 - (D) a facility with a carbon monoxide detection component installed before August 31, 2021, must perform visual inspection, testing, and maintenance of that component beginning no later than August 31, 2022.

6. A large assisted living facility containing smoke compartments must ensure each required smoke damper is inspected and tested in accordance with NFPA 101.
 7. An assisted living facility must ensure smoke detector sensitivity is checked within one year after installation and every two years thereafter in accordance with test methods in NFPA 72.
 8. An assisted living facility must maintain onsite documentation of compliance with this subsection and must maintain record copies of documents regarding the installation of a fire alarm system, including as-built installation drawings, operation and maintenance manuals, the installation certificate for the system, and written sequences for its operation.
 9. An assisted living facility must make documentation described in paragraph (8) of this subsection available to HHSC on request.
- h) Fire sprinkler system. An assisted living facility that is equipped with a fire sprinkler system, including a fire sprinkler system meeting NFPA 13D, must establish a program to inspect, test, and maintain the fire sprinkler system according to the requirements of NFPA 25, and must execute the program at least once every six months.
1. An assisted living facility must contract with a company that holds an appropriate Sprinkler Certificate of Registration from the State Fire Marshal's Office to execute the program.
 2. An assisted living facility must ensure a company that performs a service under the contract required under paragraph (1) of this subsection completes, signs, and dates an inspection form like the inspection and testing form in NFPA 25 for a service provided under the contract.
 3. If a task required by NFPA 25 must occur at intervals other than during the contracted visits in this subsection, an assisted living facility must ensure the task is performed and documented by knowledgeable individuals.
 4. An assisted living facility must ensure that a sprinkler system component that requires visual inspection is visually inspected in accordance with NFPA 25.
 5. An assisted living facility must ensure that a sprinkler system component that requires testing is tested in accordance with NFPA 25.
 6. An assisted living facility must ensure that a sprinkler system component that requires maintenance is maintained in accordance with NFPA 25.
 7. An assisted living facility must ensure that an individual sprinkler head is inspected and maintained in accordance with NFPA 25.

8. An assisted living facility must maintain onsite documentation of compliance with this subsection and must maintain record copies of documents regarding the installation of a fire sprinkler system, including as-built installation drawings, hydraulic calculations, proof of adequate fire sprinkler water supply, and installation certificates for the system.

9. An assisted living facility must make documentation described in paragraph (8) of this subsection available to HHSC on request.

i) Portable fire extinguishers.

1. An assisted living facility must ensure staff are appropriately trained in the use of each type of extinguisher in the facility.

2. An assisted living facility must inspect and maintain portable fire extinguishers and:

a) ensure that its staff perform regular monthly inspections or “quick checks” to ensure extinguishers are located in the designated place, extinguisher locations are not obstructed to access or visibility, and the pressure gauge reading or indicator on the extinguisher is in the operable range or position;

b) ensure annual maintenance and inspection or “thorough checks” are performed according to NFPA 10 by an individual employed by a company holding an appropriate Extinguisher Certificate of Registration from the State Fire Marshal’s Office to perform inspection, testing, and maintenance of portable fire extinguishers;

c) maintain onsite, a record of all fire extinguisher inspections and maintenance performed; and

d) replace unserviceable fire extinguishers.

j) General facility condition and safety features.

1. An assisted living facility must ensure staff utilize procedures to avoid cross-contamination between clean and soiled processes, including the handling of linens and cooking utensils.

2. An assisted living facility must keep all buildings in good repair.

a) An assisted living facility must maintain electrical, heating, and cooling systems so these systems operate in a safe manner. As evidence that these systems operate in a safe manner, HHSC may require the facility to submit a report prepared by one of the following:

- (i) the fire marshal;
 - (ii) the city or county building official having jurisdiction over the location of the facility;
 - (iii) a licensed electrician; or
 - (iv) a registered professional engineer.
- b) An assisted living facility must ensure electrical appliances, devices, and lamps do not overload circuits or use extension cords of excessive length.
3. An assisted living facility must keep all buildings free of accumulations of dirt, rubbish, dust, and hazards.
4. An assisted living facility must maintain floors in good condition and clean floors regularly.
5. An assisted living facility must structurally maintain walls and ceilings and must repair, repaint, or clean walls and ceilings whenever needed.
6. An assisted living facility must keep storage areas and cellars organized and free from obstructions.
7. An assisted living facility must not store any items in attic spaces.
8. An assisted living facility must ensure all equipment requiring periodic maintenance, testing, and servicing is accessible.
- a) An assisted living facility must ensure equipment that is necessary to conduct maintenance, testing, and services, including ladders, specific tools, and keys, is readily available to staff or maintenance personnel on site.

 - b) An assisted living facility must provide access panels, at least 20 inches wide by 20 inches long, for building maintenance and must ensure access panels are located for reasonable access to equipment and fire or smoke barrier walls installed in the attic or other concealed spaces.
- k) Waste and storage containers.
- 1. An assisted living facility must provide metal waste baskets of substantial gauge or any UL- or FM-approved container in each area where smoking is permitted, if applicable, in accordance with the facility's smoking policies required in subsection (f) of this section.
 - 2. An assisted living facility must provide one or more garbage, waste, or trash containers with

close-fitting covers, made of metal or of any UL- or FM-approved material, for use in kitchens, janitor closets, laundry rooms, mechanical or boiler rooms, general storage rooms, and similar places. A facility may use disposable plastic liners in the containers for sanitation.

3. An assisted living facility must ensure waste, including waste classified as Special Waste from Health Care-Related Facilities, trash, and garbage are disposed of from the premises at regular intervals according to state and local requirements. The facility may not permit or allow an accumulation of waste on the facility premises, either inside or outside of facility buildings.

i) Pest control.

1. An assisted living facility must have an ongoing and effective pest control program executed by facility staff or by contract with a licensed pest control company.
2. An assisted living facility must ensure the chemicals used to control pests are the least toxic and least flammable chemicals that are effective.
3. An assisted living facility must ensure each operable window is provided with an insect screen.

m) Flammable or combustible liquids. An assisted living facility must not store flammable or combustible liquids, such as gasoline, oil-based paint, charcoal lighter fluid, or similar products in a building that houses residents.

(n) Storage of oxygen. An assisted living facility must ensure sanitary use and storage of oxygen for the safety of all residents.

1. An assisted living facility must ensure oxygen cylinders in the possession and under the control of the facility are:
 - a) identified by attached labels or stencils naming the contents;
 - b) not stored with flammable or combustible materials;
 - c) protected from abnormal mechanical shock, which is liable to damage the cylinder, valve, or safety device;
 - d) protected from tamper by unauthorized individuals;
 - e) if not supported in a proper cart or stand, properly chained or supported;

- f) stored so the cylinders can be used in the order received from the supplier;
- g) if empty and full cylinders are stored in the same enclosure or room, stored so that empty cylinders are separated from full cylinders; and
- h) if empty, marked to avoid confusion and delay if a full cylinder is needed in a rapid manner.

2. An assisted living facility must adopt, implement, and enforce procedures for resident use, storage, and handling of oxygen cylinders and liquid oxygen containers in the possession and under the control of residents, to ensure the safety of all residents.

o) Gas pressure test.

- 1. An assisted living facility must obtain an initial pressure test of facility gas lines from the gas meter or propane storage tank to all gas-fired appliances and equipment.
- 2. An assisted living facility must obtain an additional gas pressure test when the facility performs major renovations or additions to the gas piping or gas-fired equipment that interrupt gas service or replace gas-fired equipment.

p) Annual gas heating check.

- 1. An assisted living facility must ensure all gas heating systems are checked at least once per year, prior to the heating season for proper operation and safety by persons who are licensed or approved by the State of Texas to inspect the equipment.
- 2. An assisted living facility must maintain records of the testing of the gas heating system.
- 3. An assisted living facility must correct unsatisfactory conditions.

(q) Emergency generator. A large assisted living facility that uses an emergency generator to provide power to emergency lighting systems must ensure the generator is tested and maintained according to Chapter 8, Routine Maintenance and Operational Testing, in NFPA 110. Routine maintenance and operational testing required by NFPA 110 includes the following procedures:

- 1. a readily available record of inspections, test, exercising, operation, and repairs;

2. monthly testing of cranking batteries;
3. weekly inspection of the generator set and other components that make up the emergency power system;
4. monthly exercise of the generator under load;
5. monthly test of transfer switches; and
6. a continuous operational test for at least 1-1/2 hours every three years.

Source Note:

The provisions of this §553.104 adopted to be effective August 31, 2021, 46 TexReg 5189