



COMMISSIONER
Chris Traylor

July 22, 2011

To: Nursing Facilities (NFs)

Subject: **Provider Letter 11-27** – New Safety Operations and Emergency Preparedness Rules

The Department of Aging and Disability Services (DADS) is issuing this letter to notify NF providers of new safety operations and emergency preparedness rules in Texas Administrative Code (TAC), Title 40, Part 1, Chapter 19 that will become effective August 1, 2011. DADS initiated these changes in response to the experiences, challenges and lessons learned during past hurricane seasons. The purpose of these rules is to ensure the health, safety and well-being of NF residents during and after a disaster. You may access the proposed and final rules in the *Texas Register* at:

<http://www.sos.state.tx.us/texreg/archive/January142011/PROPOSED/40.SOCIAL%20SERVICE%20AND%20ASSISTANCE.html#34> and at

<http://www.sos.state.tx.us/texreg/sos/adopted/40.SOCIAL%20SERVICES%20AND%20ASSISTANCE.html#190>, respectively. This letter is being issued to provide a summary of the most significant changes.

Existing 40 TAC §19.326, regarding safety operations, was repealed and proposed as new 40 TAC §19.326, with most of the same rules reformatted for clarification. New 40 TAC §19.326 adds requirements to clarify that inspection, testing and maintenance of fire alarms, sprinkler systems, generators, portable fire extinguishers, and automatic fixed fire extinguishment systems mounted in kitchen range hoods must be in accordance with National Fire Protection Association standards. New 40 TAC §19.326 also requires the reporting of a malfunctioning fire alarm, electrical or sprinkler system to the local fire authority; requires a specific ashtray and container into which ashtrays can be emptied in all areas where smoking is permitted; provides criteria for the installation of alcohol-based hand rub dispensers; prohibits the use of multi-receptacle plug-in adaptors as a substitute for approved wiring; permits a listed and approved surge protection device for certain equipment; clarifies when an existing damper that is no longer required by code may be left in place and inoperable; and requires a fire safety plan.

New 40 TAC §19.1914, regarding emergency preparedness and response, requires a NF to develop an emergency preparedness and response plan that addresses the core functions of emergency management. This rule requires a NF to designate an emergency preparedness coordinator, a facility staff person who has the authority to manage the facility's response to an emergency situation in accordance with the plan. New 40 TAC §19.1914 also addresses administrative procedures, training of staff and reporting of fires.

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DADS encourages NF providers to read and become familiar with the new rules as soon as possible. If you have questions about the new rules, please contact a Life Safety Code or NF policy or rules specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161 or an architect in the Architectural unit at (512) 438-2371.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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