

MEMORANDUM

Department of Aging and Disability Services (DADS)
Regulatory Services Policy * Survey and Certification Clarification (S&CC)

TO: Regulatory Services
Regional Directors and State Office Managers

FROM: Mary T. Henderson
Assistant Commissioner
Regulatory Services

SUBJECT: **S&CC 14-01** — Transferring Liquid Oxygen from One Container to Another
(Replaces S&CC 11-08)

APPLIES TO: Large Type B Assisted Living Facilities (ALFs), Freestanding Hospice Inpatient Facilities, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions (ICFs/IID), and Nursing Facilities (NFs)

DATE: April 4, 2014

DADS is replacing S&CC memo 11-08, on the same subject, with updated regulatory references for freestanding hospice inpatient facilities and large Type B ALFs, based on the adoption of new facility construction rules effective October 1, 2013 and January 6, 2014, respectively.

The transfer of liquid oxygen from one container to another presents potential hazards and must never occur in any resident sleeping room. The transfer of liquid oxygen must take place in a room specifically designated for such transfers and be protected in accordance with the **NFPA 99, *Standard for Health Care Facilities***.

Facility Type	Applicable Licensing Rule Reference Texas Administrative Code (TAC), Title 40, Part 1
Large Type B ALFs	§ 92.61 (b)(4)(C) and (D)
Freestanding hospice inpatient facilities	§ 97.871 (c)(1)
Large ICFs/IID	§ 90.61 (e) Note: 40 TAC § 9.212 , which applies to non-licensed ICFs/IID, requires compliance with Subchapter D of Chapter 90. 40 TAC § 90.61 (e) is found in Subchapter D.
NFs	§ 19.301 (a) and § 19.318 (u)

The preceding licensing rules require compliance with the 2000 edition of the NFPA 101, Chapter 18 for New Health Care Occupancies and Chapter 19 for Existing Health Care Occupancies. Sections 18/19.3.2.4 of NFPA 101 require compliance with NFPA 99. **A room specifically designated for the transferring of liquid oxygen** and protected in accordance with the 1999 edition of NFPA 99, Section 8-6.2.5.2, **must:**

1. be separated by a fire barrier (of one-hour fire-resistive construction) from any portion of a facility where residents are housed, examined or treated;

2. be mechanically ventilated and sprinklered;
3. have a ceramic or concrete flooring; and
4. have signs posted in the area indicating that the transferring of liquid oxygen is occurring and that smoking in the immediate area is prohibited.

An ALF must also meet the requirements of 40 TAC §[92.62\(i\)\(15\)](#) for the safe and sanitary use and storage of oxygen.

If you have questions regarding this memorandum, please contact an architect in the Architectural unit at 512-438-2371 or a Life Safety Code policy specialist in the Policy, Rules and Curriculum Development unit at 512-438-3161.