

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 66

S.P. 76

In Senate, February 2, 1989

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CARPENTER of York.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative FOSS of Yarmouth and Representative CARROLL of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Adopt New Life Safety Requirements for Adult Boarding Care Facilities.



1 Be it enacted by the People of the State of Maine as follows:

3 Sec. 1. 22 MRSA §7912, as amended by PL 1985, c. 819, Pt. C,
5 §§3, 4, is repealed.

7 Sec. 2. 22 MRSA §7912-A is enacted to read:

9 §7912-A. Nonambulatory and mobile nonambulatory residents;
permanently disabled

11 Except as provided in section 7911, a boarding care facility
13 which has 8 or fewer beds may not have residents who are
nonambulatory or mobile nonambulatory except as follows:

15 1. General requirements. The Department of Human Services
17 may permit up to 2 beds in the facility for nonambulatory or
19 mobile nonambulatory residents if the following conditions are
met.

21 A. The facility conforms to the residential board and care
23 occupancy section for small facilities of the National Fire
25 Protection Association Life Safety Code, chapter 21, as
27 adopted by the State Fire Marshal. If there is an
interconnected smoke detection system and a direct exit from
the bedroom, the requirement for construction type or a
sprinkler system may be waived.

29 B. There are no more than 2 mobile nonambulatory or one
31 nonambulatory and one mobile nonambulatory residents. Any
facility housing more than one nonambulatory resident must
meet the requirements of subsection 2.

33 C. All nonambulatory and mobile nonambulatory residents
35 shall be housed on the first floor of the facility with
37 direct egress to a common corridor with 2 exits leading
directly to the exterior of the facility.

39 D. Facilities with 7 and 8 beds shall be ramped to grade at
41 both exits referred to in paragraph C. Facilities with 6 or
43 fewer beds shall be ramped to grade at one exit. Facilities
with 6 or fewer beds with a nonambulatory resident shall be
ramped to grade at both exits.

45 E. There shall be at least one staff person available on
47 the premises of the facility when any resident is present.
Additional staff may be required at night at the direction
of the Office of the State Fire Marshal.

49 F. If a facility with 7 or 8 beds is of new construction,
51 any doorway in the path of egress for a nonambulatory or
mobile nonambulatory resident shall be at least 36 inches in
width. If the facility is of existing construction, any

1 doorway in the path of egress for a nonambulatory or mobile
3 nonambulatory resident shall be at least 34 inches in width;
and

5 2. Requirements when number of nonambulatory or mobile
7 nonambulatory residents exceed limits. Boarding care facilities
9 may provide services to more residents who are nonambulatory or
mobile nonambulatory than allowed under subsection 1 if, in
addition to those requirements:

11 A. The structure meets all the requirements of the
13 residential board and care occupancy section for small
15 facilities of the National Fire Protection Association Life
17 Safety Code, chapter 21. The structure shall be of
19 protected wood frame construction unless it is provided with
either a National Fire Protection Association Standard No.
13 or a Life Safety sprinkler system. Additional staff may
be required at the direction of the Office of the State Fire
Marshal; and

21 B. A physician certifies that the nonambulatory resident
23 does not require nursing care. This certification is
required at least annually.

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STATEMENT OF FACT

29 Presently, the institutional occupancy requirements of the
31 Life Safety Code of the National Fire Protection Association must
be met to serve nonambulatory persons in adult boarding care
33 facilities with 8 or fewer beds.

35 Nonambulatory individuals who have no nursing care needs
37 have few residential placement options because of these excessive
requirements. Some nonambulatory residents grow up in a
39 children's foster home, only to have to search for an alternative
residential option when they turn 18, because of the added
safeguards provided by law for dependent adults.

41 In looking at various alternatives, the Department of Human
43 Services and Office of the State Fire Marshal have mutually
agreed that nonambulatory persons can be safely served when the
45 number of nonambulatory residents in any facility is limited and
without implementing the full requirements for institutions. The
47 first part of this amendment to the fire safety requirements for
facilities with 8 or fewer beds allows one nonambulatory resident
49 when there is a direct exit from the first floor bedroom and
there is an interconnected smoke detection system. If these
51 requirements are met, the State Fire Marshal will waive
construction type requirements and the requirement of a sprinkler
system.

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The second part of the amendment provides that, when more than one nonambulatory resident will be admitted, the presence of a sprinkler system may allow the Office of the State Fire Marshal to waive the requirement that the dwelling be of protected wood frame construction. In addition, it adopts chapter 21 of the National Fire Protection Association Life Safety Code for residential board and care occupancies, instead of the chapter dealing with institutions.

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A direct benefit of this change will be the avoidance of inappropriate placement in nursing care facilities for dependent adults with no nursing needs. It will also allow young adults to continue to reside in their foster homes when they turn 18 when the foster home provider is able to make some minor modification to protect health and safety.