

**JEFFERSON COUNTY BOARD OF HEALTH  
REGULATIONS FOR COMMUNAL LIVING FACILITIES**



**DRAFT**

**This page intentionally left blank**

## Table of Contents

Chapter 1	General Provisions_____	4
Chapter 2	Residency_____	11
Chapter 3	Minimum Space, Use, and Location_____	15
Chapter 4	Minimum Standards for Fixtures, Equipment, and Facilities_____	16
Chapter 5	Minimum Standards for Lighting, Ventilation, and Heating_____	22
Chapter 6	Building Safety and Maintenance_____	24
Chapter 7	Responsibilities of Owners_____	28
Chapter 8	Food Preparation and Service Requirements_____	33
Chapter 9	Permits, Application, and Submittal of Plans_____	37
Chapter 10	Compliance and Enforcement_____	42
Chapter 11	Penalties_____	47
Chapter 12	Hearings_____	48

## Chapter 1

### General Provisions

#### 1.1 Authority

Under and by authority vested in it by the legislature of Alabama in Section 22-3-2, Code of Alabama, 1975, and Act 2006-591, Alabama Legislation 2006, the Jefferson County BOARD OF HEALTH does promulgate these (“REGULATIONS”) governing minimum standards for communal living facilities.

#### 1.2 Purpose

The purpose of these REGULATIONS is to protect the health and safety of COMMUNAL LIVING FACILITY RESIDENTS.

#### 1.3 Severability

These REGULATIONS are severable. If any provision of these REGULATIONS is illegal, such illegal provision SHALL not affect other provisions.

#### 1.4 Definitions

Under these REGULATIONS, these words and phrases SHALL have these meanings, unless the context clearly requires otherwise:

**ADULT** - a PERSON who has attained the age of nineteen (19) years of age or is eighteen (18) years of age and married or anyone who, by court order, has been granted ADULT status.

**APARTMENT** – Multiple rooms in a FACILITY having contiguous living, sleeping, cooking, eating and bathroom areas let, rented, or leased by an OWNER and within a FACILITY designed for two or more residents, including duplexes. Town homes, townhouses, and condominiums are not considered APARTMENTS.

**APPROVED** – Acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards.

**BASEMENT** – See local jurisdiction GOVERNMENTAL CODES.

**BOARD OR BOARD OF HEALTH** – Jefferson County BOARD OF HEALTH, constituted under Ala. Code § 22-3-1.

**BUILDING** – A structure having a roof supported by columns and enclosed by walls designed or built for the support, enclosure, shelter, or protection of persons or property of any kind.

**COMMON AREAS AND WASTE DISPOSAL AREAS** – Areas of a COMMUNAL LIVING FACILITY used by more than one RESIDENT, excluding ROOMING UNITS, where distinct areas or FACILITIES are not assigned to each individual.

**COMMUNAL LIVING FACILITY (CLF)** – Any publicly or privately owned or operated FACILITY where more than three (3) RESIDENTS, not RELATED BY BLOOD OR MARRIAGE to the OWNER or OPERATOR or to the spouse of the OWNER or OPERATOR of the FACILITY, pay the OWNER/OPERATOR valuable compensation to occupy ROOMING UNITS. If an OWNER/OPERATOR provides room and/or board or provides similar services to over three (3) RESIDENTS, regardless of the number OF FACILITIES in which such services are provided, these REGULATIONS SHALL apply to each FACILITY regardless of the number of RESIDENTS in any FACILITY. Assisted living facilities, nursing homes, hotels, motels, APARTMENTS, dormitories, fraternity and sorority homes associated with colleges and/or universities, AND FACILITIES with DEEMED STATUS as defined below are excluded from the REGULATIONS.

Types of COMMUNAL LIVING FACILITIES include, but are not limited to:

- a) **BOARDING HOME.** A publicly or privately owned or operated FACILITY that for valuable consideration provides lodging, living accommodations, meals, and/or other personal services not limited to, but including: a ROOMING UNIT, meals, laundry, cleaning ROOMING UNITS, managing RESIDENT'S finances and/or money, shopping, arranging public transportation, and SELF-ADMINISTRATION of medication.
- b) **ROOMING HOME.** A publicly or privately owned or operated FACILITY containing one or more ROOMING UNITS in which lodging and living accommodations are provided for valuable consideration and which does not provide meals, laundry, cleaning ROOMING UNITS, managing RESIDENT'S finances and/or money, shopping, arranging public transportation, and SELF-ADMINISTRATION of medication.

**CONNECTIONS FOR HEATING EQUIPMENT AND APPLIANCES EQUIPMENT** – One or a combination of: a) Fireplace; b) Flue; c) Gas outlet; d) PROPERLY INSTALLED electric outlet; e) Oil or propane type storage tank and outlet.

**CRITICAL CONDITION OR ITEM** – A violation of these REGULATIONS that may contribute as a threat to the life, safety and/or health of the RESIDENTS of the COMMUNAL LIVING FACILITY.

**DEEMED STATUS** – A status assigned by the DEPARTMENT to a FACILITY due to its documented compliance with the standards of an Alabama state agency, an accredited or certification governmental authority acceptable to the HEALTH OFFICER including, but not limited to, contract, foster, and other FACILITIES.

FACILITIES accorded DEEMED STATUS and notified of such in writing by the HEALTH OFFICER, are exempt from these REGULATIONS.

**DEPARTMENT** – The Jefferson County Department of Health under direction of the county HEALTH OFFICER elected by the BOARD OF HEALTH.

**DIRECTOR** – DIRECTOR of the Jefferson County Department of Health, ENVIRONMENTAL HEALTH SERVICES.

**ENVIRONMENTAL HEALTH SERVICES** – ENVIRONMENTAL HEALTH SERVICES of the Jefferson County Department of Health.

**EXTERMINATION** - The control and elimination of insects, rodents, or other pests by eliminating places of harborage, removing or making inaccessible materials that may serve as their FOOD, and/or by poisoning, spraying, fumigating, trapping, or by any other recognized, legal pest elimination methods APPROVED by the HEALTH OFFICER. Poisonous or toxic material SHALL be used according to law and manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions.

**FACILITY** – A BUILDING or structure, including its contents, fixtures, equipment, contiguous land and property used for occupancy of persons.

**FAMILY UNIT** – Certified legal proof of RELATED BY BLOOD OR MARRIAGE.

**FLUSH TOILET** – A plunging fixture that disposes of human waste by using water to flush it through a drainpipe to an APPROVED sewage disposal system. A FLUSH TOILET consists of a porcelain, stainless steel, or composite plastic bowl with a water sealed trap and a tank or tankless style flushing mechanism that is SUPPLIED with water from an APPROVED water source.

**FOOD** – A raw, cooked, or prepared edible substance, ice, beverage or ingredient intended for human consumption.

**GARBAGE** – The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of FOOD.

**GOVERNMENTAL CODE** –Statutes, codes, regulations and ordinances of the United States of America, State of Alabama, Jefferson County, municipalities and the DEPARTMENT.

**HABITABLE ROOM** - A room or enclosed floor space used or intended to be used for living, sleeping, cooking, common area or dining, excluding bathrooms, toilet rooms or toilet compartments, laundries, pantries, foyers or corridors, closets, and COMMON DISPOSAL FACILITIES spaces.

**HEALTH OFFICER** - The HEALTH OFFICER of Jefferson County or his/her authorized representative.

**HEARING** – A review and disposition of issues related to a COMMUNAL LIVING FACILITY’S compliance with the DEPARTMENT’S REGULATIONS.

**IMMINENT HEALTH HAZARD** – A significant threat or danger to health or safety that is considered to exist when there is evidence sufficient to show that a practice, circumstance, or event creates situation that requires immediate correction or cessation of operation to prevent injury.

**INCIDENT** – Any physical conflict or injury, violation of RESIDENT’S rights, death, RESIDENT’S unexplained absence or other unusual occurrence which causes a change in the RESIDENT’S physical or mental status and requires intervention by emergency medical, fire, law enforcement or agency responsible for medical and mental health services.

**INFESTATION** - The presence, within or around a dwelling, of any animal, insects, rodents, or other pests or pets infected with or acting as, or likely to act as, conveyors of disease or infection under Alabama Code 22-10-1(1).

**INGRESS OR EGRESS TO THE OUTSIDE** – Any opening through the exterior walls which provides entrance to and/or exit from the FACILITY.

**INSPECTION** – An evaluation by the HEALTH OFFICER of a COMMUNAL LIVING FACILITY to determine compliance with the DEPARTMENT’S prevailing REGULATIONS.

### **JCDH – Jefferson County Department of Health**

**LINENS** – Towels, wash cloths, bath mats, and shower curtains; table cloths, cloth napkins; and cloth placemats; curtains, drapes, and similar window treatments; and bed sheets, pillowcases, blankets and bed spreads that can be washed and dried in conventional cloth washers and dryers or of being professionally dry-cleaned.

**MAY NOT** – Mandatory prohibition.

**MAXIMUM NUMBER OF RESIDENTS** - The MAXIMUM NUMBER OF RESIDENTS allowed in the COMMUNAL LIVING FACILITY as determined by the HEALTH OFFICER based upon the number of bathroom fixtures in the FACILITY and the floor space, beds, and furnishings provided in each room to meet these REGULATIONS.

**NOTICE OF VIOLATION** – Written notification of any specific violation, which is issued by the HEALTH OFFICER to a responsible party. Said notice SHALL comply with the requirements listed under Part 10.6.

**NURSE** – A health care professional qualified as a Registered NURSE.

**OPERATOR** - Any ADULT PERSON with the management, charge, care, or control of a COMMUNAL LIVING FACILITY or part thereof.

**OWNER** – Any PERSON, partnership or corporation who individually or jointly with others:

- a) Owns, leases or sub-leases a COMMUNAL LIVING FACILITY, with or without occupying or having actual possession; or
- b) Manages, oversees, or controls a FACILITY, including OPERATORS, and STAFF. Any such PERSON representing the OWNER SHALL be bound to comply with these REGULATIONS to the same extent as if he/she were the OWNER.

**PERMIT** – A document issued by the Jefferson County Department OF HEALTH that constitutes authority to operate a COMMUNAL LIVING FACILITY in compliance with these REGULATIONS.

**PERSON** – Individuals, corporations, partnerships, limited liability companies, associations and other legal entities.

**PLUMBING** – The following SUPPLIED fixtures and equipment: Gas pipes, gas-burning equipment, water pipes, GARBAGE disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing, drains, vents, and other similar SUPPLIED fixtures, with CONNECTIONS to water, sewer or gas lines.

**POTABLE** – Suitable for drinking, as specified in 40 CFR.

**PROGRAM MANAGER** – Environmental Health PROGRAM MANAGER of the Food and Lodging Protection Division of the Jefferson County Department of Health, ENVIRONMENTAL HEALTH SERVICES.

**PROPERLY CONNECTED and PROPERLY INSTALLED** –in accordance with all applicable GOVERNMENTAL CODES and APPROVED by the official having jurisdiction.

**REFUSE** – Solid waste, such as household trash and GARBAGE, not carried through water by the sewage system.



**REGULATIONS** – Rules for governing minimum standards for COMMUNAL LIVING FACILITIES as passed by the BOARD OF HEALTH.

**REHABILITATION** –An organized or defined program of therapeutics designed to help patients overcome physical, social and vocational, or economic limitations because of disability or addiction. REHABILITATION includes helping patients to reach the highest functional level of physical, psychological, and socioeconomic adjustment compatible with their disability.

**RELATED BY BLOOD OR MARRIAGE** – Certified proof of one of these relationships to the OWNER or OPERATOR or to the spouse of the OWNER or OPERATOR of the COMMUNAL LIVING FACILITY: spouses, parents, children, grandparents, grandchildren, great-grandparents, great-grandchildren, siblings, aunts, uncles, nephews, nieces, and includes in law and step-relations; guardianship from the probate court.

**RESIDENT** – A PERSON who is not RELATED BY BLOOD OR MARRIAGE to the OWNER, OPERATOR, or STAFF of any COMMUNAL LIVING FACILITY and lives in, sleeps in or occupies a ROOMING UNIT.

**RESIDENT AGREEMENT** - A signed written agreement between an OWNER/OPERATOR and a RESIDENT of a COMMUNAL LIVING FACILITY, that contains the terms of residing at the COMMUNAL LIVING FACILITY.

**REVOCATION OF A PERMIT** – Permanent loss of A PERMIT to operate a COMMUNAL LIVING FACILITY.

**ROOMING UNIT** – A HABITABLE ROOM used, or intended to be used for living and sleeping, but not cooking, eating, or for common use of RESIDENTS.

**SELF-ADMINISTRATION** – The removal of a prescribed medication from its container and the ingestion or administration of the medication by the PERSON for whom it was prescribed. This includes oral medications, injections, eye drops and other non-oral dosage forms.

**SHALL** – Mandatory requirement.

**SKILLED NURSING CARE** – Any procedure or medical care that requires the knowledge of a licensed NURSE, (e.g., administration of prescribed medications, dressing changes, vein puncture, blood sugar monitoring, etc.)

**SMOKE or SMOKING** – Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco or plant product intended for inhalation, in any manner or any form.

**STAFF-** All PERSONS, including, employees, RESIDENTS and volunteers, working either full or part time in and for a COMMUNAL LIVING FACILITY. All STAFF SHALL be 18 years or older.

**SUPPLIED** – Paid for, furnished, provided by, or under the control of the OWNER or the OPERATOR.

**SUSPENSION OF ADMISSIONS** – Temporary loss of authority to accept new RESIDENTS to a COMMUNAL LIVING FACILITY.

**SUSPENSION OF A PERMIT** – Temporary loss of authority to operate a COMMUNAL LIVING FACILITY.

**SYMPTOMS OF SEVERE MENTAL ILLNESS** - Psychiatric symptoms which either result in the PERSON posing an imminent threat to the safety and/or well-being of himself/herself or others, or which otherwise render the PERSON unmanageable in a COMMUNAL LIVING FACILITY.

**THOROUGHLY COOKED** – whole beef, pork, fish, and eggs to one hundred and forty-five degrees Fahrenheit (145F); ground beef, pork, and fish to one hundred and fifty-five degrees Fahrenheit (155F); poultry, stuffed meats, and leftovers reheated to one hundred and sixty-five degrees Fahrenheit (165F).

**TIME/TEMPERATURE CONTROL FOR SAFETY FOOD (TCS)** – A FOOD that may support pathogenic microorganism growth or toxin formation.

**UNADULTERATED** - FOOD that is safe for human consumption under Chapter 420-3-22, Food Establishment Sanitation, State BOARD OF HEALTH.

## **1.5 SMOKING Policy**

The OWNER/OPERATOR SHALL have a policy that prohibits SMOKING inside the FACILITY'S BUILDINGS.

## **1.6 How “Rooming” etc., Construed**

Whenever the words or terms “rooming,” “ROOMING UNIT,” or “FACILITY” are used; such words or terms SHALL be construed as though they were followed by the words “or any part thereof”.

## **1.7 Jurisdiction Control**

Where these REGULATIONS conflict with a GOVERNMENTAL CODE, these REGULATIONS control.

**1.8 Effective Date**

These REGULATIONS SHALL be effective sixty (60) days from the date of adoption by the BOARD.

DRAFT

## **Chapter 2**

### **Residency**

#### **2.1 Requirements for Placement**

No PERSON, firm, association, or corporation SHALL accept, place, refer, or recommend placement into a COMMUNAL LIVING FACILITY, a PERSON considered by these REGULATIONS to be unsuitable as a RESIDENT of a COMMUNAL LIVING FACILITY. The number of RESIDENTS shall not exceed the MAXIMUM NUMBER OF RESIDENTS for which the home is PERMITTED.

#### **2.2 Personal Care Requirements**

A PERSON who requires assistance to provide his or her own personal care in activities such as bathing, dressing, feeding or administering medicine, MAY NOT be admitted or allowed to remain as a RESIDENT. Should a dispute arise as to whether the PERSON is suitable as a RESIDENT of a COMMUNAL LIVING FACILITY, the written, professional opinion of a RESIDENT'S personal physician SHALL determine whether the RESIDENT can provide his or her own care. A copy of the physician's report SHALL be placed in the RESIDENT'S file and made available to the HEALTH OFFICER on request.

#### **2.3 Use of Assistive Devices Requirements**

A PERSON MAY NOT be admitted or allowed to remain as a RESIDENT of a COMMUNAL LIVING FACILITY if they cannot ambulate independently without bodily assistance. RESIDENTS using assistive devices such as canes, walkers, wheelchairs, or like devices SHALL demonstrate the ability to use such device independently of any assistance. RESIDENTS SHALL be able to transfer from bed to chair independently if using a wheelchair and be able to exit the BUILDING to a safe area outside the FACILITY promptly as required by Part 4.6 of these REGULATIONS.

#### **2.4 Physical or Mental Health Conditions Requirements**

No PERSON SHALL be admitted or be allowed to remain a RESIDENT of a COMMUNAL LIVING FACILITY who has one of the following physical or mental health conditions:

2.4.1 PERSONS determined by a physician to be infected with active tuberculosis or any other communicable disease that may pose a health hazard to other RESIDENTS or STAFF.

2.4.2 PERSONS with a chronic health condition requiring SKILLED NURSING CARE and/or daily medical supervision requiring a licensed NURSE.

- 2.4.3 PERSONS physically or mentally incapable of leaving the COMMUNAL LIVING FACILITY promptly without assistance in an emergency.
- 2.4.4 PERSONS requiring restraint or confinement for their own protection or for protecting others.
- 2.4.5 PERSONS who require assistance to provide their own personal care as described in Part 2.2.
- 2.4.6 PERSONS determined to be unsuitable by a psychiatrist or other physician due to SYMPTOMS OF SEVERE MENTAL ILLNESS.
- 2.4.7 PERSONS who are actively involved in any form of illegal drug use or trafficking, including but not limited to the personal use, sale, distribution, purchase, or promotion of illegal drugs.

## **2.5 Assessment and Periodic Monitoring of RESIDENTS for Suitability**

- 2.5.1 The OWNER/OPERATOR SHALL complete an initial assessment of a RESIDENT within 10 days of admittance to the FACILITY, to ensure initial suitability of residency in a COMMUNAL LIVING FACILITY as required in Parts 2.2-2.4.
- 2.5.2 The OWNER/OPERATOR SHALL complete an annual assessment and periodically monitor RESIDENTS to determine suitability under Parts 2.2-2.4. The annual assessment SHALL be documented and kept in the RESIDENT'S file for review by the HEALTH OFFICER.
- 2.5.3 If the OWNER/OPERATOR determines a RESIDENT no longer meets the minimum standards of residency, the OWNER/OPERATOR SHALL promptly notify the RESIDENT and the RESIDENT'S designated emergency contact, family member, designated representative, Department of Human Resources, or other agency to initiate RESIDENT transfer and discharge under Part 2.6.

## **2.6 RESIDENT Transfer and Discharge**

Should any RESIDENT fail to meet the conditions in this Chapter 2, the failure SHALL be promptly reported to the RESIDENT'S family, physician, case manager, or other authorized PERSON or agency. The OWNER/OPERATOR SHALL seek assistance from the appropriate agency in transferring such RESIDENT to a proper care FACILITY expeditiously. Money, medications and belongings SHALL be immediately transferred with RESIDENT. A RESIDENT SHALL not be transferred or discharged without reasonable notice to the RESIDENT and the RESIDENT'S family or representative, in cases where there is not an INCIDENT that requires the RESIDENT'S emergency removal for the protection of self and/or others thereby

determining the RESIDENT no longer meets the suitability requirements defined in Part 2.4.

## **2.7 Prohibition on Placement into an Unpermitted COMMUNAL LIVING FACILITY**

No PERSON, firm, association or corporation SHALL knowingly accept, place, refer, or recommend placement of an individual into a COMMUNAL LIVING FACILITY operating without a PERMIT.

## **2.8 Application for Reinstatement of Admissions**

Whenever the HEALTH OFFICER issues an order suspending admissions to a COMMUNAL LIVING FACILITY for any reason, the OWNER/OPERATOR may make written application to the HEALTH OFFICER for reinstatement upon satisfactory compliance with all applicable provisions of these REGULATIONS.

## **2.9 RESIDENT AGREEMENT**

2.9.1 A RESIDENT AGREEMENT SHALL be signed by the OWNER and RESIDENT and a copy SHALL be provided by the OWNER to each RESIDENT on the date of the RESIDENT'S admission to the COMMUNAL LIVING FACILITY.

2.9.2 A RESIDENT AGREEMENT SHALL contain:

- a) The terms about the use and occupancy of ROOMING UNITS; bathrooms, toilet rooms and compartments; COMMON AREAS,
- b) Rules for admission to and discharge from the COMMUNAL LIVING FACILITY,
- c) Supplies and services provided by the OWNER/OPERATOR,
- d) The total monthly cost, including rent and fees,
- e) Reasonable advance notice that the OWNER and RESIDENT must give to terminate the RESIDENT AGREEMENT, and conditions for ending the agreement, and
- f) Apportioning reimbursement to RESIDENT of total monthly costs, if the RESIDENT must be discharged due to medical reasons, closure of the COMMUNAL LIVING FACILITY or for failure to meet the requirements of residency under Chapter 2.

2.9.3 The COMMUNAL LIVING FACILITY OWNER must not violate the terms of any RESIDENT AGREEMENT.

2.9.4 The RESIDENT AGREEMENT SHALL be filed on-site as a part of the RESIDENT’S file. Any additional understandings, financial or otherwise, between the OWNER and the RESIDENT must be contained within the RESIDENT AGREEMENT. The RESIDENT AGREEMENT SHALL be maintained and updated throughout the RESIDENT’S period of residence. The RESIDENT SHALL be provided a copy of the RESIDENT AGREEMENT, and any updated versions. The RESIDENT AGREEMENT SHALL be kept for two years following discharge from the COMMUNAL LIVING FACILITY.

DRAFT

## Chapter 3

### Minimum Space, Use, and Location

#### 3.1 Floor Space for Sleeping Rooms

Each ROOMING UNIT SHALL contain at least seventy-two (72) square feet of floor space per RESIDENT, excluding closet space.

#### 3.2 Ceiling Heights

At least one-half of the floor area of every HABITABLE ROOM SHALL have ceiling height of at least seven (7) feet. Where the ceiling height is less than five (5) feet SHALL not be a part of the floor area in computing the total floor area of the room to determine the maximum permissible occupancy.

#### 3.3 Use of BASEMENT

No BASEMENT space SHALL be a HABITABLE ROOM or ROOMING UNIT unless:

- 3.3.1 The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- 3.3.2 The total window area in each room is equal to at least the minimum window area size required in Section 5.4.1 of these REGULATIONS.
- 3.3.3 Such required minimum window area is located entirely above the grade of the ground adjoining such window area.
- 3.3.4 The total of openable window area in each room is equal to at least the minimum required in Section 5.4.2 of these REGULATIONS, unless there is SUPPLIED some other device affording light and ventilation APPROVED by the HEALTH OFFICER.

#### 3.4 Dining Rooms

- 3.4.1 The dining room SHALL have tables and chairs to seat 100% of the number of RESIDENTS in COMMUNAL LIVING FACILITY with twelve (12) or fewer RESIDENTS.
- 3.4.2 Aisles between tables, walls and furniture SHALL be unobstructed and of sufficient width to permit STAFF and RESIDENTS to easily leave the room when RESIDENTS are seated at the table.
- 3.4.3 The dining room may be in the kitchen if the above seating and space requirements are met.



## Chapter 4

### Minimum Standards for Fixtures, Equipment, and Facilities

#### 4.1 Minimum Standards for ROOMING UNITS

##### 4.1.1 Furnishings

- a) For each RESIDENT there SHALL be at least one chest of drawers in good condition having enough drawers to contain all necessary items of clothing and personal belongings of the RESIDENT.
- b) Sufficient hanging space SHALL be provided to allow clothes not stored in drawers to be hung. Clothing SHALL not be stored on the floor.
- c) There SHALL be at least one chair in good condition in each ROOMING UNIT.
- d) There SHALL be at least one end table in good condition located adjacent to the bed in each ROOMING UNIT.
- e) At least one bed and pillow for each RESIDENT in a ROOMING UNIT SHALL be provided. Bed size, construction, and LINENS SHALL meet these requirements: Each bed SHALL be at least six (6) feet long and thirty-six (36) inches wide with supportive box springs or bed base and a clean supportive mattress in good condition.

##### 4.1.2 LINENS (ROOMING HOMES are exempt from Part 4.1.2 under Part 4.5)

- a) Beds and pillows SHALL be made and maintained with CLEAN LINENS in good condition. There SHALL be two (2) sheets for each bed.
- b) All dirty LINENS SHALL be replaced with clean LINENS at least weekly and more often if soiled.
- c) Bed covers, such as blankets or quilts, SHALL be available which are clean and in good condition.
- d) Extra bed LINENS SHALL be available to replace LINENS being laundered.
- e) Each RESIDENT SHALL be provided with bath towels and washcloths. Extra towels and washcloths SHALL be available to replace those being laundered.

## 4.2 Bathroom Requirements

- 4.2.1 At least one bathroom shall be provided inside the COMMUNAL LIVING FACILITY.
- 4.2.2 Bathrooms SHALL be enclosed, provided with a door at least two (2) feet wide by six (6) feet tall and affording privacy to a PERSON within.
- 4.2.3 The minimum fixtures that SHALL be installed within a bathroom are a FLUSH TOILET, handwashing sink, and bathtub or shower. These fixtures SHALL be PROPERLY CONNECTED to an APPROVED water source and sewage disposal system and SHALL be in good working condition and repair.
- 4.2.4 Each bathroom SHALL have a minimum floor space of thirty (30) square feet, constructed and maintained to be reasonably impervious to water and easily cleaned and sanitized.
- 4.2.5 Number and Type of bathroom Fixtures.
- a) At least one bathroom consisting of one (1) FLUSH TOILET, handwashing sink, and bathtub or shower SHALL be provided for a maximum of eight (8) PERSONS residing within a COMMUNAL LIVING FACILITY.
  - b) For multi-level FACILITIES (two or more floors) at least one (1) BATHROOM SHALL be provided on each floor.
  - c) The number of PERSONS in Subpart 4.2.5-a. SHALL include PERSONS RELATED BY BLOOD OR MARRIAGE residing in a COMMUNAL LIVING FACILITY if separate contiguous ROOMING UNITS are not provided for exclusive use by PERSONS RELATED BY BLOOD OR MARRIAGE.
  - d) In a ROOMING HOME where ROOMING UNITS are occupied by males only, flush urinals may be substituted for not more than one-half (1/2) the required number of FLUSH TOILETS.
- 4.2.6 Every handwashing sink and bathtub or shower SHALL be SUPPLIED with hot and cold water under pressure.
- 4.2.7 Location.
- a) All bathrooms and fixtures SHALL be within the COMMUNAL LIVING FACILITY where they are accessible by a common hall or passageway to all PERSONS sharing these fixtures.
  - b) Bathrooms and toilet rooms MAY NOT be located where the only access is through other ROOMING UNITS or FOOD preparation rooms.

- c) Bathrooms and toilet rooms MAY NOT open directly into any room used for the storage, preparation, or service of FOOD.
- d) Bathroom and toilet room fixtures MAY NOT be in a BASEMENT except by written approval of the HEALTH OFFICER or when the BASEMENT has a HABITABLE ROOM or ROOMING UNIT as permitted in part 3.3 and required under Subpart 4.2.5-b.

4.2.8 Bathroom Supplies. Bathrooms SHALL be provided with a supply of toilet tissue, soap, and single-use towels. The sharing by RESIDENTS of washcloths and towels is prohibited. A hand-drying device providing heated air may be used in place of single-use towels.

#### **4.3 Laundry requirements for BOARDING HOMES (ROOMING HOMES exempt from Part 4.3 under Part 4.5)**

- 4.3.1 The OPERATOR SHALL keep the RESIDENT'S clothing clean and shall maintain LINENS in good repair, and SHALL launder clothing, towels, washcloths, and bed LINENS weekly or more often as necessary to maintain cleanliness.
- 4.3.2 A BOARDING HOME that launders at the FACILITY the items required under Subpart 4.1.2 SHALL have a washer and dryer.
- 4.3.3 The washer and dryer SHALL meet these requirements:
  - a) Neither the washer nor dryer may be located directly in the kitchen.
  - b) The washer and dryer SHALL be clean and in good working condition.
  - c) The dryer SHALL be PROPERLY vented to the outside.
  - d) The dryer lint filter SHALL be cleaned free of lint and other debris after each load.
- 4.3.4 All dirty LINENS and clothing SHALL be stored in areas or rooms, so it facilitates cleaning of the storage area and that minimizes insect and rodent harborage.
- 4.3.5 Clean LINEN and clothing STORAGE areas SHALL afford protection of LINENS and clothing from dust, dirt, insects, rodents and other contaminants.
- 4.3.6 Clean LINENS and clothing SHALL be stored and handled to prevent contamination from dirty LINENS and clothing.

#### **4.4 COMMON AREAS (ROOMING HOMES are exempt from Part 4.4 under Part 4.5)**

There SHALL be provided in each COMMUNAL LIVING FACILITY a HABITABLE ROOM for the common use of all the clients for socializing, communal activities, meeting and receiving visitors. Furniture in COMMON AREAS SHALL be clean and include comfortable chairs, tables, and lamps in good repair and appearance. Where meals are served, there SHALL also be provided a separate dining room that meets the requirements of Part 3.4. The dining room may be in the kitchen if the requirements of Part 3.4 are met.

#### **4.5 Exemptions for ROOMING HOMES**

COMMUNAL LIVING FACILITIES PERMITTED as ROOMING HOMES SHALL be exempt from REGULATION Parts 4.3 and 4.4 and Subpart 4.1.2, unless there are provisions for these items in the LEASE AGREEMENT. *ROOMING HOMES SHALL not be exempt from Part 4.3.3(c).*

#### **4.6 Requirements for RESIDENTS with Physical Disabilities**

Every COMMUNAL LIVING FACILITY that provides room and/or board for physically disabled RESIDENTS SHALL have fixtures to assure their safety and comfort, including special fittings on toilets, bathtubs, etc. Provisions SHALL be made for RESIDENTS with physical disabilities to communicate their needs and to move rapidly and efficiently from room to room or to the exterior of the home and exit the FACILITY in an emergency within a reasonable amount of time. Complaints or FACILITY problems regarding the Americans with Disabilities Act SHALL be referred to the local building official having jurisdiction.

#### **4.7 Means of EGRESS**

Every COMMUNAL LIVING FACILITY SHALL have two (2) safe, unobstructed means of EGRESS from each floor that complies with GOVERNMENTAL CODES. RESIDENTS SHALL not be required to jump, slide, or swing to safety.

#### **4.8 Protective Railings**

Every COMMUNAL LIVING FACILITY SHALL have protective railings on any unenclosed structure over three (3) feet from the ground level or any steps or stairway containing three (3) or more risers. Handrails SHALL be required on any steps rising over three (3) feet from the ground level and SHALL be required at each side of open steps.

#### **4.9 Water Heating FACILITIES**

Every COMMUNAL LIVING FACILITY SHALL have water heating FACILITIES maintained in safe condition and good working condition, capable of providing

hot water at every required sink, handwashing sink, bathtub, or shower, at a temperature of not less than one hundred- and ten-degrees Fahrenheit (110F). All combustion heaters SHALL be vented in compliance with GOVERNMENTAL CODES.

#### **4.10 Well Water Supply**

Every COMMUNAL LIVING FACILITY utilizing a private water supply such as a private well SHALL meet requirements of the Alabama Department of Public Health (ADPH).

#### **4.11 GARBAGE and REFUSE DISPOSAL**

Every COMMUNAL LIVING FACILITY SHALL have and maintain GARBAGE and REFUSE containers in compliance with GOVERNMENTAL CODES.

##### **4.11.1 Containers:**

- a) GARBAGE and REFUSE SHALL be kept in durable, easily cleanable, insect- and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may line these containers and may be used inside the COMMUNAL LIVING FACILITY.
- b) There SHALL be enough containers to hold all the GARBAGE and REFUSE that accumulates between collections or disposals.
- c) Each ROOMING UNIT SHALL be provided with GARBAGE containers. Bathrooms used by women SHALL be provided with a GARBAGE container with a tight-fitting lid or cover. GARBAGE containers SHALL be constructed of durable materials that do not leak or absorb liquids. These containers SHALL be kept clean and in good repair. GARBAGE containers and single-service liners SHALL be provided in cooking areas.

##### **4.11.2 STORAGE:**

GARBAGE and REFUSE on the COMMUNAL LIVING FACILITY premises SHALL be stored in a WASTE DISPOSAL AREA to be inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet strength paper bags or baled units containing GARBAGE or REFUSE SHALL be prohibited. Cardboard or other packaging material not containing GARBAGE need not be stored covered containers.

##### **4.11.3 DISPOSAL:**

GARBAGE and REFUSE SHALL be disposed of at a frequency to prevent odor, the development of odor and the attraction of insects and rodents.

#### **4.12 Telephone Accessibility**

At least one functional telephone SHALL be easily accessible at all times for use by RESIDENTS.

#### **4.13 Emergency Numbers Posted**

The following emergency telephone numbers SHALL be posted in a conspicuous place and SHALL be easily readable and available for RESIDENTS with limited English proficiency.

Address and phone number of the COMMUNAL LIVING FACILITY

911 (if available)

Nearest Law Enforcement (if no 911 service)

Fire Department (if no 911 service)

Ombudsman

OWNER/OPERATOR

Health Department

#### **4.14 Posted Street Address**

The street address number of the COMMUNAL LIVING FACILITY SHALL be affixed to the structure to be easily visible from the street.

## Chapter 5

### Minimum Standards for Lighting, Ventilation, and Heating

#### 5.1 Lighting in ROOMING UNITS / HABITABLE ROOMS

Every ROOMING UNIT and any other HABITABLE ROOMS SHALL contain at least one wall or ceiling mounted lighting fixture to provide adequate lighting.

#### 5.2 Lighting and Ventilation of Bathrooms, Water Closets Compartments

Lighting fixtures SHALL provide adequate light intensity. Lighting fixtures and ventilation for bathrooms SHALL comply with GOVERNMENTAL CODES.

#### 5.3 Lighting in Halls and Stairways

Every hall and stairway SHALL be SUPPLIED with conveniently located light switches controlling a lighting system, which provides at least twenty (20) foot-candles to all areas of the passageway.

#### 5.4 Windows, Skylights and Ventilation in HABITABLE ROOMS

5.4.1 Every HABITABLE ROOM SHALL have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every HABITABLE ROOM SHALL be ten percent (10%) of the floor area of such room. In a HABITABLE ROOM where a window faces a light-obstructing structure or wall less than three (3) feet from the exterior wall and which extends to a height above that of the ceiling, such window SHALL not be deemed to face directly to the outdoors and SHALL not be included as contributing to the required minimum total window area of the HABITABLE ROOM. Whenever the only window in a room is a skylight-type window in the ceiling of such room, the total window area of such skylight SHALL be equal to at least fifteen percent (15%) of the total floor area of such room.

5.4.2 Every HABITABLE ROOM SHALL have at least one window or skylight which can easily be opened, or such other device as will ventilate the room. The total of openable window area in every HABITABLE ROOM SHALL be equal to at least fifty percent (50%) of the minimum window area size or minimum skylight type window size, as required in this section unless some other device affording ventilation is SUPPLIED and PROPERLY INSTALLED.

## **5.5 Screens**

Every door, opening directly to the outdoors SHALL have a self-closing device and screens in good repair if door is used for ventilation. Every window or other device, which opens to the outdoors, used or intended to be used for ventilation, SHALL likewise have screens in good repair.

## **5.6 Minimum and Maximum ROOMING UNIT Temperature**

During the winter heating season an air temperature of at least sixty-eight degrees Fahrenheit (68° F) measured at a distance of three (3) feet above the floor SHALL be provided in all rooms indicated in Subpart 5.7.2. Provisions SHALL be made to assure that the temperature in ROOMING UNITS occupied by RESIDENTS SHALL not exceed ninety degrees Fahrenheit (90° F) when measured at a distance of three (3) feet above the floor.

## **5.7 Space Heating Equipment**

- 5.7.1 Space heating equipment that meet the requirements for the local building and fire codes SHALL comply with GOVERNMENTAL CODES and be maintained in good working condition. If the space heating units are gas operated, such equipment units SHALL be vented according to GOVERNMENTAL CODES.
- 5.7.2 When operating, the space heating equipment SHALL heat all ROOMING UNITS, bathrooms, and toilet rooms, even when doors are closed.



## Chapter 6

### BUILDING Safety and Maintenance

#### 6.1 Structural

- 6.1.1 All interior walls, ceilings, and floors SHALL provide privacy to individual RESIDENTS where required and SHALL be maintained free of holes, cracks, loose or deteriorated materials, or any other condition which constitutes a hazard to the RESIDENTS or is a harborage for insects, pests, or vermin.
- 6.1.2 All interior walls, ceilings, floors, doors, windows, and woodwork SHALL be kept clean and free of loose, defective or missing parts, peeling paint, and peeling paper.
- 6.1.3 Interior doors to ROOMING UNITS, bathrooms, and toilet rooms, and other HABITABLE ROOMS SHALL be tight fitting, equipped with the appropriate hardware, and maintained in good working condition. Doors with locking devices may be installed to provide privacy to RESIDENTS of ROOMING UNITS, bathrooms and toilet rooms. Locks on interior doors SHALL be prohibited where such locks restrict access to emergency exits.
- 6.1.4 Every closet door latch SHALL be readily opened from the inside in case of an emergency.
- 6.1.5 Every interior door lock SHALL permit the opening of the locked door from the inside and outside of the room in case of an emergency.
- 6.1.6 All doors opening to a flight of stairs SHALL be self-closing and kept closed when not in use.

#### 6.2 Windows, Exterior Doors

- 6.2.1 All windows, exterior doors, and BASEMENT hatchways SHALL be weather tight, insect and rodent-proof, PROPERLY INSTALLED and equipped with the appropriate hardware, and maintained in good repair and sound working condition.
- 6.2.2 Locks, which can be easily opened manually from the inside, SHALL be provided on all exterior doors and all windows that open.

#### 6.3 Stairs, Porches, Sills, Joists, Piers, and Foundations

- 6.3.1 Every inside and outside stair, porch, ramp and appurtenance thereto SHALL be so constructed as to be safe to use and capable of supporting the

load that normal use may cause to be placed thereon and SHALL be kept in sound condition and good repair.

## **6.4 PLUMBING**

- 6.4.1 Every PLUMBING fixture and water and waste pipe SHALL be PROPERLY INSTALLED and maintained in good sanitary working condition, free from defects, leaks, and obstructions.
- 6.4.2 Every POTABLE water line SHALL be in good working condition and PROPERLY CONNECTED to an APPROVED water supply under positive pressure. Each PLUMBING fixture SHALL be PROPERLY CONNECTED to an APPROVED sewage disposal system.
- 6.4.3 The OWNER/OPERATOR SHALL report all sewage disposal system leaks to The DEPARTMENT'S ENVIRONMENTAL HEALTH SERVICES, Community Environmental Protection Division.

## **6.5 Electrical**

- 6.5.1 The minimum number of electric outlets and fixtures SHALL comply with GOVERNMENTAL CODES, but SHALL not be less than:
  - a) Every HABITABLE ROOM SHALL contain at least two (2) separate duplex electric convenience outlets.
  - b) Every ROOMING UNIT SHALL contain at least one (1) electrically operated light fixture mounted or attached to a wall or ceiling and that provides lighting adequate for reading and other uses as needed.
  - c) Every laundry or utility room SHALL contain at least one (1) duplex electrical convenience and ground fault circuit interrupter (GFCI) outlet and one (1) electrically operated light fixture mounted or attached to a wall or ceiling.
  - d) Every bathroom, toilet room, hall, and furnace room SHALL contain at least one (1) electrically operated light fixture mounted or attached to a wall or a ceiling.
- 6.5.2 Temporary wiring or extension cords SHALL only be used during an emergency and SHALL comply with GOVERNMENTAL CODES.

## **6.6 Construction and Maintenance, Generally**

- 6.6.1 Every FACILITY, piece of equipment, fixture or utility required in these REGULATIONS SHALL be constructed or installed so it will function safely and effectively and SHALL be maintained in good repair.
- 6.6.2 COMMUNAL LIVING FACILITIES SHALL comply with GOVERNMENTAL CODES and meet the requirements of all building, electrical and PLUMBING codes as enforced by the local regulatory authority departments having jurisdiction. It SHALL be the OWNER/OPERATOR'S responsibility to maintain the COMMUNAL LIVING FACILITY in compliance with GOVERNMENTAL CODES.
- 6.6.3 The DEPARTMENT may require an INSPECTION by the regulatory authority having jurisdiction any time renovation or repair work is done in the COMMUNAL LIVING FACILITY, when there is a request for a change in housing capacity, or there is reason to believe that a risk to RESIDENTS exists.

## **6.7 Discontinuance of Service**

COMMUNAL LIVING FACILITIES SHALL be SUPPLIED with telephone, water, electricity and gas utilities. It SHALL be unlawful for any OWNER, OPERATOR, STAFF member, or RESIDENT to cause or allow any utility service, fixture, equipment, or utility to be removed from, or shut off from, or discontinued from any occupied COMMUNAL LIVING FACILITY, except for such temporary interruption which may be necessary to effect repairs or alterations, or during temporary emergencies.

## **6.8 Hazardous Materials**

### **6.8.1 Presence of Hazardous Materials**

There SHALL be present in the COMMUNAL LIVING FACILITY only those poisonous or toxic materials necessary for maintaining and cleaning the premises, washing clothes, LINENS and towels, cleaning and sanitizing equipment, and controlling insects and rodents.

### **6.8.2 Labeling of Hazardous Materials**

Containers of poisonous or toxic materials SHALL be prominently and distinctly labeled according to law for easy identification of contents.

### **6.8.3 Usage and Storage of Hazardous Materials**

All poisonous caustics, pesticides, toxic and/or flammable substances SHALL be stored and used in accordance with the manufacturer's labeling instructions and in such a manner as to ensure safety of RESIDENTS, prevention of contamination with FOOD, FOOD preparation surfaces, and/or POTABLE water supplies. Such substances SHALL be stored separately, safely and in such a manner as to prevent unauthorized access and use.

## **6.9 Fire Detection and Protection**

- 6.9.1 Fire safety approval SHALL be obtained from the fire department having jurisdiction of the COMMUNAL LIVING FACILITY. Smoke detectors and fire extinguishers SHALL be maintained in good working condition and comply with GOVERNMENTAL CODES. Fire extinguisher inspection dates SHALL be current and labeled to comply with GOVERNMENTAL CODES. Each COMMUNAL LIVING FACILITY in a fire district or volunteer fire jurisdiction SHALL be a member of the fire district or volunteer fire jurisdiction and SHALL keep current all required fees and dues.
- 6.9.2 Each COMMUNAL LIVING FACILITY SHALL have a written fire and evacuation plan posted in a conspicuous place. This plan SHALL set forth responsibilities and steps to be taken by STAFF and RESIDENTS in case of fire or another emergency. OWNER/OPERATOR(s) SHALL conduct fire drills and maintain records of the drill as required by local fire jurisdictions.
- 6.9.3 Gasoline operated maintenance equipment, lawn care equipment, and flammable supplies SHALL not be stored in the COMMUNAL LIVING FACILITY.

## Chapter 7

### Responsibilities of OWNERS

#### 7.1 Sanitation and Maintenance of COMMUNAL LIVING FACILITY

- 7.1.1 The OWNER/OPERATOR SHALL be responsible for maintenance and sanitation of the COMMUNAL LIVING FACILITY and the premises to prevent the harborage and feeding of insects, rodents, or other pests.
- 7.1.2 The COMMUNAL LIVING FACILITY SHALL be kept clean and free from overgrown or untended vegetation, discarded materials, and insanitary nuisances such as tires and unused or untended bird baths or pools.
- 7.1.3 Openings to the outside SHALL be protected from rodents and insects by tight-fitting, self-closing doors, closed windows, screening or other means.

#### 7.2 Insect and Rodent Control

- 7.2.1 The OWNER/OPERATOR SHALL provide effective EXTERMINATION of insects, rodents, etc. All pesticides SHALL be stored and used according to law.
- 7.2.2 Use of ROOMING UNITS or other areas of a COMMUNAL LIVING FACILITY found to be infested with rodents and/or insects such as cockroaches, bed bugs, fleas, lice or mites, SHALL be immediately vacated or quarantined until such pests have been eliminated as determined by the HEALTH OFFICER. If the INFESTATION or treatment of the areas infested affects other areas of the COMMUNAL LIVING FACILITY, the HEALTH OFFICER may also require that all or part of the COMMUNAL LIVING FACILITY be closed and RESIDENTS relocated to another PERMITTED COMMUNAL LIVING FACILITY. If RESIDENTS are relocated, COMMUNAL LIVING FACILITY operations SHALL not be resumed until the HEALTH OFFICER declares the problem abated and notifies the OWNER/OPERATOR in writing.

#### 7.3 RESIDENT'S Rights

- 7.3.1 All RESIDENTS SHALL be free from any form of abuse (physical, sexual, emotional, verbal), financial exploitation, neglect, confinement to a room, or withholding of FOOD, and SHALL be free of interference, coercion, discrimination, and reprisal from the OWNER/OPERATOR. The OWNER/OPERATOR SHALL be held responsible for the actions of the STAFF personnel. Complaints involving RESIDENTS' rights SHALL be referred to the appropriate PERSON and agency such as the Department of Human Resources, Case Manager, Personal Physician, family, Department of

Mental Health, Ombudsman, Police, District Attorney, Social Security, and/or other agencies.

- 7.3.2 The OWNER of a COMMUNAL LIVING FACILITY SHALL ensure that the RESIDENT'S rights are read and explained to the RESIDENT and by including a list of those rights in the RESIDENT'S Agreement. The RESIDENT'S rights SHALL include that the RESIDENT:
- a) Is not restricted in his/her right to leave and return to the home
  - b) May receive visitors
  - c) Has access in reasonable privacy to a telephone and can make local calls without charge
  - d) Has access to the United States Mail, can write, send and receive uncensored and unopened mail at RESIDENT'S own expense
  - e) May request and receive assistance in relocating
  - f) Is encouraged to exercise rights as a citizen and may voice grievances and recommend changes in policies and services of the COMMUNAL LIVING FACILITY, including the right to receive assistance from advocacy programs
  - g) Is entitled to compensation under state and federal laws for all labor performed on behalf of the COMMUNAL LIVING FACILITY, except for personal housekeeping tasks related directly to the RESIDENT'S personal care and space
  - h) Has the right to privacy of self and possessions
  - i) Is entitled to humane care and a humane environment
  - j) Is entitled to be treated with dignity and respect
- 7.3.3 A notice of RESIDENT'S RIGHTS SHALL be legible and posted in a conspicuous place within the COMMUNAL LIVING FACILITY and available for RESIDENTS with limited English proficiency.
- 7.3.4 The OWNER/OPERATOR may provide a posted list of House Rules. House Rules SHALL not contradict the RESIDENT'S RIGHTS.

## **7.4 Financial Conflict of Interests**

7.4.1 The OWNER/OPERATOR or STAFF MAY NOT engage in any actions or services with the RESIDENT that constitutes a financial conflict of interest. These actions/services include, but are not limited to OWNER/OPERATOR or STAFF:

- a) Receiving Government Benefits as the resident's representative payee (If in circumstances where the RESIDENT cannot manage his/her own benefits, the RESIDENT'S funds may be managed through the RESIDENT'S representative such as a FAMILY member, court appointed guardian, or an authorized agency designated as an Organizational Payee in the Social Security Representative Payee Program.);
- b) Borrowing from or loaning money to RESIDENTS;
- c) Comingling funds;
- d) Witnessing wills or insurance policies in which an OWNER/OPERATOR OR STAFF are named as beneficiary to a RESIDENT'S estate; and/or
- e) Having a power of attorney of RESIDENT'S financial accounts or assets.

## **7.5 RESIDENT Records**

7.5.1 The OWNER of a BOARDING HOME SHALL keep a current record of each RESIDENT'S personal information, which SHALL contain the following information:

- a) Name of RESIDENT
- b) Date of birth
- c) Name of medical insurance provider and insurance information
- d) Previous address
- e) Name and telephone number of the PERSON or agency referring the RESIDENT to the BOARDING HOME.
- f) Name of the RESIDENT'S social worker or case manager (if applicable)
- g) Veteran status
- h) Name and telephone number of physicians treating the RESIDENT

- i) The move-in date
- j) The name address, and telephone number of the PERSON identified by the RESIDENT or referral source to be contacted in the event of an emergency or death of RESIDENT
- k) Discharge date, reason for move, and a forwarding address of former RESIDENT

7.5.2 The RESIDENT'S file and any other personal RESIDENT information SHALL be considered confidential, SHALL be maintained in a safe and secure manner, and SHALL not be accessible to other RESIDENTS or unauthorized parties. The RESIDENT'S file SHALL be maintained on-site and SHALL be provided for review by the HEALTH OFFICER and emergency response personnel. Other parties may be granted access to such records within a reasonable time if such access is authorized by the written consent of the RESIDENT.

7.5.3 A RESIDENT'S record SHALL be maintained and updated when there is a change in the information in section 7.5.1.

## **7.6 INCIDENT Reports**

In the event of an INCIDENT, the BOARDING HOME OWNER/OPERATOR SHALL complete a detailed INCIDENT report form. The INCIDENT report must be filed with the ENVIRONMENTAL HEALTH SERVICES PROGRAM MANAGER within 72 hours of the INCIDENT occurring. The INCIDENT REPORT SHALL be kept in the RESIDENT'S file in cases of an INCIDENT involving the RESIDENT. The INCIDENT report must contain:

- a) Date and time of INCIDENT
- b) Location of INCIDENT and circumstances
- c) Description of the INCIDENT including list of witnesses
- d) Date and time appropriate agencies were notified
- e) Outcome of INCIDENT

## **7.7 Medications in BOARDING HOMES**

7.7.1 Prescription medications SHALL be stored in the original container and handled under current applicable laws and regulations. The OWNER/OPERATOR is required to:



- a) Store medications in a centralized, safe, secure, and organized manner. Medications SHALL be organized in separate containers, labeled with the RESIDENT'S name for which the medication is prescribed, and locked in a cabinet or secure area.
- b) Store medications requiring refrigeration in organized, clearly labeled containers with the RESIDENT'S name for which the medication is prescribed, so it prevents the contamination of stored FOODS.
- c) Make medications available to the resident at times and in dosages as prescribed.
- d) Notify the prescribing physician if, in the opinion of the OWNER/OPERATOR (or his/her designee), the RESIDENT'S habitual non-compliance with medications are likely to result in a threat to the health and/or safety of the RESIDENT or others.

7.7.2 SELF-ADMINISTRATION of medications is required. However, the OWNER/OPERATOR may assist with SELF-ADMINISTRATION of medications, which is limited to:

- a) Placing the medication on a clean surface or in the RESIDENT'S hand.
- b) Reminding the RESIDENT to take medications as prescribed.
- c) Reminding the RESIDENT when prescription medications require refill.

***Assistance with SELF-ADMINISTRATION of medication does not include:***

- a) ***Placing medication in the mouth or FOOD of the RESIDENT.***
- b) ***Administering medications into or onto the body by other means, such as injections, suppositories, eye drops, etc.***

## **7.8 Pets**

7.8.1 Pets may be allowed in the COMMON AREAS of a COMMUNAL LIVING FACILITY at the OWNER/OPERATOR'S discretion if:

- a) The animal is excluded from all FOOD preparation and storage areas and laundry and LINEN storage areas;
- b) The animal poses no health or safety threat to the RESIDENTS; and
- c) The animal is kept clean and vaccinated as required by law.

7.8.2 The OWNER/OPERATOR of the COMMUNAL LIVING FACILITY SHALL include a written pet policy in the terms of RESIDENT'S Agreement.

7.8.3 The OWNER/OPERATOR of the COMMUNAL LIVING FACILITY SHALL be responsible for compliance with these requirements.

***Nothing in this section should be construed to prohibit service animals per the Americans with Disabilities Act, or dogs accompanying law enforcement personnel in their duties.***

DRAFT

## Chapter 8

### FOOD Preparation and Service Requirements

#### 8.1 Cooking of FOOD

The cooking of FOOD in areas other than APPROVED kitchens is prohibited, except in ROOMING HOMES, where a microwave oven may be used in the ROOMING UNIT if APPROVED by the local fire department or authority.

#### 8.2 BOARDING HOME FOOD Service and Sanitation Requirements

BOARDING HOMES SHALL comply with the ***BOARDING HOME FOOD Service and Sanitation Requirements***. FOOD that is purchased, prepared, stored and served by the OWNER/OPERATOR to the RESIDENTS of the BOARDING HOME, SHALL be safe, UNADULTERATED, and honestly presented.

***Items in Subparts 8.2.1 – 8.2.4 denoted in superscript C – <sup>C</sup> are designated CRITICAL ITEM violations. All violations SHALL be corrected as required in Part 10.8.***

##### 8.2.1 Meal Service

- a) At least three meals for each RESIDENT sufficient in quantity and quality SHALL be served daily at regular hours.<sup>C</sup>
- b) The OWNER/OPERATOR SHALL maintain a minimum three (3) day supply of FOOD sufficient to feed all RESIDENTS.
- c) A time schedule of meals SHALL be posted.
- d) No more than fourteen (14) hours SHALL elapse between the beginning of an evening meal and the beginning of the following morning meal. Intervals between other meals SHALL not be less than four (4) hours and not more than six (6) hours.
- e) Alternate FOOD selections SHALL be available for RESIDENTS as medically necessary.
- f) Daily menus SHALL be accurately recorded, dated, posted in a conspicuous place, and kept on file.
- g) A sack meal SHALL be sent with any RESIDENT who attends a day care, day treatment, or REHABILITATION day center, which does not provide a lunch.

- h) The OWNER/OPERATOR SHALL not avoid serving a meal by sending or transporting RESIDENTS to missions, soup kitchens, etc. for meals.
- i) FOOD may be dispensed from containers and placed on tables around WHICH RESIDENTS are seated. Each RESIDENT may choose and partake of FOOD desired. Such FOOD dispensing SHALL be closely supervised by the OPERATOR to preclude the mishandling and/or contamination of FOOD. The RESIDENTS may eat at a dining table in the kitchen area or in a separate dining room.

#### 8.2.2 FOOD Handlers

- a) All FOOD handlers SHALL be free of illnesses and symptoms, which may contaminate FOODS.<sup>C</sup>
- b) All FOOD handlers SHALL practice good personal hygiene as necessary to prevent contamination of FOODS.<sup>C</sup>
- c) FOODS SHALL be prepared, stored, handled, and served in a manner that protects from contamination.<sup>C</sup>

#### 8.2.3 Preparation and Storage of FOODS

- a) All FOODS SHALL be of sound condition and free of adulteration.<sup>C</sup>
- b) All FOODS prepared off-site SHALL be acquired from an APPROVED source.<sup>C</sup>
- c) Raw meats, fish, poultry, and eggs, SHALL be THOROUGHLY COOKED to kill associated pathogenic microorganisms.<sup>C</sup>
- d) FOODS that require TIME/TEMPERATURE CONTROL FOR SAFETY (TCS) FOODS SHALL be stored cold at forty-one degrees Fahrenheit (41F) or below and hot at one hundred and thirty-five degrees Fahrenheit (135F) or above.<sup>C</sup>
- e) FOODS prepared in the home and kept for more than twenty-four (24) hours, SHALL be cooled PROPERLY to protect from growth of pathogenic microorganisms or toxin formation.<sup>C</sup>
- f) FOODS prepared in the FACILITY and kept for more than twenty-four (24) hours SHALL be labeled with a preparation date and served or discarded within 6 days.<sup>C</sup>
- g) FOODS SHALL be handled, stored and discarded per manufacturer's instructions.

#### 8.2.4 Utensils, Equipment and Supplies

- a) In BOARDING HOMES, an automatic dishwashing machine, device, or FACILITIES and procedures may be APPROVED by the HEALTH OFFICER for cleaning or sanitizing equipment and utensils if it can be readily established that such machine, device, or FACILITIES and procedures will routinely render equipment and utensils clean to sight and touch. If an automatic dishwashing machine is not installed, a three-compartment sink SHALL be installed and used for dishwashing. In FACILITIES with more than twelve (12) APPROVED RESIDENTS, a commercial mechanical dishwasher SHALL be required for use in automatic dishwashing.<sup>C</sup>
- b) A sink dedicated to handwashing SHALL be installed in the kitchen. Sinks used for dishwashing or food preparation MAY NOT be used for handwashing. All handwashing stations shall be equipped with soap and single-use towels.<sup>C</sup>
- c) All utensils and equipment SHALL be adequately cleaned to sight and touch.<sup>C</sup>
- d) All utensils and equipment SHALL be smooth, cleanable and safe for use in FOOD service.<sup>C</sup>
- e) Clean utensils SHALL be air dried, stored and handled in a manner that protects from contamination.
- f) Refrigeration equipment SHALL be adequate in number and able to store TCS FOODS at forty-one degrees Fahrenheit (41F) or below.
- g) An appropriate FOOD thermometer SHALL be provided and readily accessible for measuring internal FOOD temperatures.<sup>C</sup>
- h) An appropriate and accurate ambient thermometer SHALL be provided in all refrigerators and freezers.
- i) Freezers SHALL be adequate in number SHALL be available and able to maintain FOODS frozen.
- j) Cooking equipment SHALL have adequate ventilation to the outside and SHALL be sufficient in preventing grease or condensation from collecting on walls or ceilings.

### **8.3 Exemption for ROOMING HOMES**

COMMUNAL LIVING FACILITIES PERMITTED as ROOMING HOMES SHALL be exempt from Part 8.2.

DRAFT

## Chapter 9

### PERMITS, Application, Submittal of Plans

#### 9.1 PERMIT Required

It SHALL be unlawful for any PERSON to own or operate a COMMUNAL LIVING FACILITY unless such PERSON holds a valid PERMIT issued by the HEALTH OFFICER in the name of the OWNER or OPERATOR and for the specific COMMUNAL LIVING FACILITY. The JCDH COMMUNAL LIVING FACILITY PERMIT SHALL be conspicuously displayed in the COMMUNAL LIVING FACILITY and remains the property of JCDH.

#### 9.2 Exemptions

A COMMUNAL LIVING FACILITY certified by an accredited or governmental agency under standards considered by the HEALTH OFFICER equivalent to these REGULATIONS or standards which are otherwise considered acceptable by the HEALTH OFFICER, SHALL be afforded DEEMED STATUS. Such FACILITIES SHALL be exempt from these REGULATIONS provided such exemption is requested in writing by the OWNER/OPERATOR of each FACILITY, a copy of the certification document is provided to the HEALTH OFFICER by the accrediting governmental agency, and approval is granted in writing by the HEALTH OFFICER. Examples of such FACILITIES may include professionally STAFFED FACILITIES certified by the Alabama Department of Mental Health under Alabama Code 22-50-11 to provide residential services to mentally ill, intellectually disabled, clients with substance use disorders, or other disabled PERSONS.

#### 9.3 Expiration Date

Each COMMUNAL LIVING FACILITY PERMIT issued SHALL expire December 31 of each calendar year following its date of issuance, unless sooner SUSPENDED or REVOKED.

#### 9.4 Transfer of PERMIT, Notice of Sale, Closure of COMMUNAL LIVING FACILITY

9.4.1 A COMMUNAL LIVING FACILITY PERMIT SHALL NOT be transferable, whether by law or otherwise, from one FACILITY to another type of FACILITY. Requests for a change in a PERMIT SHALL be by filing a PERMIT APPLICATION under these REGULATIONS.

9.4.2 The OWNER/OPERATOR SHALL notify the DEPARTMENT of a planned or unplanned closure of the COMMUNAL LIVING FACILITY at least within 72 hours before such date of closure. The OWNER/OPERATOR SHALL provide a list of RESIDENTS and forwarding addresses for each RESIDENT with the notice of closure.

## 9.5 PERMIT Application, Approval and Denial of PERMIT

9.5.1 ANY PERSON who wishes to obtain a PERMIT to operate a COMMUNAL LIVING FACILITY SHALL complete these steps:

- a) Complete a JCDH COMMUNAL LIVING FACILITY Application for PERMIT. If the FACILITY is under a leasehold agreement, the application SHALL include written authorization by the property owner for use of the FACILITY as a COMMUNAL LIVING FACILITY.
- b) Provide a drawing of the FACILITY's floor plan that includes: proposed bedrooms with length, width and ceiling height measurements and proposed number of beds in each ROOMING UNIT; bathrooms with number of toilets, showers/tubs, handwashing sinks; laundry area; common area; kitchen; and exterior entrances and windows.
- c) Complete an Alabama Law Enforcement Agency Application to Review Alabama Criminal History Record Information and a Criminal History Information Release Form with cost for application fee.
- d) Submit GOVERNMENTAL CODE approvals from the zoning and/or planning authority having jurisdiction.
- e) Submit GOVERNMENTAL CODE approvals from local fire marshal having jurisdiction.
- f) Submit GOVERNMENTAL CODE approvals (building, electrical, mechanical, and PLUMBING) from authorities having jurisdiction.

9.5.2 Upon completion of all requirements for application in Part 9.5, the HEALTH OFFICER SHALL approve or deny the PERMIT application within a reasonable time.

9.5.3 Within five (5) days of HEALTH OFFICER approval of the PERMIT application, the applicant SHALL pay the PERMIT fee. The PERMIT fee SHALL be determined under the "Fee Manual for Environmental Services". The PERMIT will not be issued until the PERMIT fee is paid.

9.5.4 The HEALTH OFFICER may deny a PERMIT to any PERSON who:

- a) Is not suitable to be an OWNER/OPERATOR under Part 9.7 below; or
- b) Violates these REGULATIONS; or
- c) Misrepresents any material fact on the application.



## 9.6 Criminal History

- 9.6.1 All new applicants, OWNERS and OPERATORS SHALL provide a completed Criminal History Application to Review Alabama Criminal History Record and a Criminal History Information Release Form to the Jefferson County Department of Health as a part of the application before a PERMIT may be evaluated for issuance. The DEPARTMENT may seek additional information from other sources as deemed necessary to ensure that a thorough background check has been conducted. A criminal history of the applicant and any member of the staff SHALL be provided if there are any past criminal convictions or if requested by the HEALTH OFFICER.
- 9.6.2 Every OWNER/OPERATOR SHALL report any charge or conviction as determined in Part 9.6 of these REGULATIONS to the HEALTH OFFICER within ten (10) days after the occurrence. All information about any change in the criminal history of any OWNER, OPERATOR or STAFF at a COMMUNAL LIVING FACILITY for which a PERMIT has been issued and is in force SHALL be furnished. Immediately upon hiring new STAFF the OWNER/OPERATOR shall submit an Alabama Law Enforcement Agency Application to review Alabama Criminal History Record Information and a Criminal History Information Release Form.

## 9.7 Suitability to Own or Operate a COMMUNAL LIVING FACILITY

- 9.7.1 Any PERSON should be considered unsuitable to own, operate, or be employed in a COMMUNAL LIVING FACILITY if he/she: has a history of indicated abuse, neglect, or exploitation of a PERSON; has a history of noncompliance with REGULATIONS of COMMUNAL LIVING FACILITIES in any county or state; has obstructed or interfered with the HEALTH OFFICER during A COMMUNAL LIVING FACILITY INSPECTION; or has a criminal conviction at any time of certain offenses listed in the Alabama Criminal Code - Title 13A including, but not limited to:
- a) **Chapter 6. Offenses Involving Danger to the PERSON** – homicide, assaults, kidnapping and related offenses, sexual offenses, stalking, domestic violence, human trafficking, crimes within the Protecting Alabama’s Elders Act, bestiality
  - b) **Chapter 7. Offenses Involving Damage to and Intrusion Upon Property** – burglary, criminal damage to property, arson and explosives
  - c) **Chapter 8. Offenses Involving Theft** – theft and related offenses, robbery, fraudulent leasing or rental of property, crimes within the Consumer Identity Protection Act

- d) **Chapter 9. Forgery and Fraudulent Practices** – forgery or related offenses, business fraud, charitable fraud, illegal possession of FOOD stamps, public assistance fraud
- e) **Chapter 10. Offenses Against Public Administration** – obstruction of public administration, bribery and corrupt influence, perjury or related offenses, offenses relating to judicial and other proceedings, terrorism, endangering FOOD and water supply
- f) **Chapter 11. Offenses Against Order and Safety** – Offenses against public order and decency, offenses against privacy, offenses related to fire arms and weapons, registration of felons, registration of sex offenders, cruelty to animals, leaving a felony or class A misdemeanor, child or incapacitated PERSON unattended in a motor vehicle.
- g) **Chapter 12. Offenses Against Public Health and Morals** – prostitution offenses, obscenity and related offenses, drug offenses
- h) **Chapter 13. Offenses Against the Family**

9.7.2 Conviction for offenses other than those listed in 9.7.1 a – h, above will be evaluated to determine whether they constitute a danger or threat to RESIDENTS of COMMUNAL LIVING FACILITIES based on the seriousness of the crime, the existence of extenuating circumstances, the propensity to recommit the crime, and evidence of rehabilitation since the crime was committed.

9.7.3 An OWNER, OPERATOR OR STAFF MAY NOT work in the COMMUNAL LIVING FACILITY if the PERSON has a communicable disease likely to infect A RESIDENT or other COMMUNAL LIVING FACILITY STAFF.

## **9.8 Beds, ROOMING UNITS, and MAXIMUM NUMBER OF RESIDENTS**

9.8.1 The PERMIT SHALL state the maximum number of beds for RESIDENTS that can be accommodated in ROOMING UNITS.

9.8.2 The MAXIMUM NUMBER OF RESIDENTS SHALL be based upon the floor space, the beds and furnishings provided in each room and the number bathroom fixtures in the FACILITY to meet these REGULATIONS.

9.8.3 Separate ROOMING UNITS designated for family of OWNERS/OPERATORS and STAFF SHALL be identified by signage in the COMMUNAL LIVING FACILITY.

9.8.4 In COMMUNAL LIVING FACILITIES with over three (3) ROOMING UNITS, each ROOMING UNIT SHALL have an identifying number permanently affixed to the entry door.

## **9.9 Review of Plans**

Whenever a COMMUNAL LIVING FACILITY is constructed or remodeled, or whenever an existing structure is converted to change the APPROVED use as a COMMUNAL LIVING FACILITY, or whenever an existing COMMUNAL LIVING FACILITY proposes to expand bed space, a new floor plan shall be submitted to the HEALTH OFFICER for review and approval before construction, remodeling, conversion or expansion is begun. No COMMUNAL LIVING FACILITY SHALL be constructed, remodeled converted, or expanded except under plans and specifications APPROVED by the HEALTH OFFICER. Before a PERMIT may be considered or evaluated for issuance, all zoning, building, fire, county, city and state approvals SHALL be submitted to the HEALTH OFFICER.

## **9.10 Zoning/Land Use Requirement**

All COMMUNAL LIVING FACILITIES SHALL be within a zoning/land use classification which permits the ownership and operation of a COMMUNAL LIVING FACILITY. Before the DEPARTMENT'S approval of any application to own or operate a COMMUNAL LIVING FACILITY, the applicant SHALL submit to the DEPARTMENT written verification that the COMMUNAL LIVING FACILITY is within a zoning/land use classification which permits the ownership and operation of a COMMUNAL LIVING FACILITY. It SHALL be unlawful for any PERSON to own or operate a COMMUNAL LIVING FACILITY when a zoning/land use classification does not permit said ownership or operation.

## **9.11 Fire and BUILDING Requirements**

COMMUNAL LIVING FACILITIES SHALL comply with GOVERNMENTAL CODES. Written documentation of compliance SHALL be provided by the OWNER/OPERATOR before issuance of the PERMIT.

## Chapter 10

### Compliance and Enforcement

#### 10.1 Compliance with these REGULATIONS

It SHALL be unlawful for any PERSON to own, operate, control, occupy or lease any FACILITY, structure or ROOMING UNIT as a COMMUNAL LIVING FACILITY for more than three (3) PERSONS not RELATED BY BLOOD OR MARRIAGE for occupancy, which does not comply with these REGULATIONS.

#### 10.2 INSPECTIONS by HEALTH OFFICER: HEALTH OFFICER's Right to Entry

The HEALTH OFFICER SHALL inspect COMMUNAL LIVING FACILITIES within Jefferson County to enforce these REGULATIONS. After presenting DEPARTMENT identification, the HEALTH OFFICER may enter any room or part of the COMMUNAL LIVING FACILITY to inspect and examine any records to determine compliance with these REGULATIONS. The OWNER/OPERATOR of a COMMUNAL LIVING FACILITY SHALL allow the HEALTH OFFICER free access to the COMMUNAL LIVING FACILITY at all reasonable times for such INSPECTION. The OWNER/OPERATOR of the COMMUNAL LIVING FACILITY SHALL not obstruct or interfere with the HEALTH OFFICER'S INSPECTION.

#### 10.3 INSPECTION Frequency

BOARDING HOMES SHALL be inspected at least two (2) times each year and ROOMING HOMES SHALL be inspected at least one (1) time per year. Additional INSPECTIONS shall be performed as often as necessary to enforce these REGULATIONS.

#### 10.4 A Report of INSPECTION

Whenever a COMMUNAL LIVING FACILITY is inspected, the findings SHALL be recorded on an INSPECTION report form on a weighted point value for each requirement. The most recent INSPECTION report SHALL be conspicuously displayed within the said COMMUNAL LIVING FACILITY and remains the property of JCDH.

#### 10.5 Authority of HEALTH OFFICER

Whenever the HEALTH OFFICER determines there has been a violation of these REGULATIONS, the HEALTH OFFICER may issue a NOTICE OF VIOLATION to the OWNER/OPERATOR/STAFF.

## **10.6 NOTICE OF VIOLATION**

Any NOTICE OF VIOLATION issued by the HEALTH OFFICER to an OWNER, OPERATOR or STAFF.

A NOTICE OF VIOLATION SHALL contain the following:

- a) Reference the provision of the REGULATIONS for the violation and instructions to correct the violation;
- b) A reasonable time for the OWNER or OPERATOR to correct the violation;
- c) A statement that failure to correct the violation within the time limit specified may cause SUSPENSION or REVOCATION of a PERMIT, or SUSPENSION of RESIDENT ADMISSIONS; and
- d) A notice to the OWNER/OPERATOR of the right to request a HEARING under Chapter 12 below.

## **10.7 Service of NOTICE OF VIOLATION**

A NOTICE OF VIOLATION, SHALL be served upon the OWNER or his agent, or the OPERATOR, as the case may require; provided that such notice SHALL be deemed served when presented to said OWNER, agent, or OPERATOR personally; or if a copy thereof is sent by regular mail to the last known address of the OWNER, agent, or OPERATOR; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if the OWNER, agent, or OPERATOR is served by any other method authorized or required under the laws of this State.

## **10.8 Correction of Violations**

All CRITICAL CONDITIONS OR CRITICAL ITEM violations SHALL be corrected immediately, but in any event within a date stated on the NOTICE OF VIOLATION, but no later than ten (10) days following the NOTICE OF VIOLATION. All other violations SHALL be corrected as soon as possible, but in any event by the time of the next INSPECTION. The HEALTH OFFICER may require appropriate training of the OWNER/OPERATOR and STAFF as a condition of compliance with the NOTICE OF VIOLATION as deemed necessary.

## **10.9 IMMINENT HEALTH HAZARD**

If an IMMINENT HEALTH HAZARD exists, such as discontinuance of utility services under section 6.7 including excessive heat or cold temperatures in the COMMUNAL LIVING FACILITY, misuse of poisonous or toxic materials, gross insanitary occurrence or condition, an order that the COMMUNAL LIVING FACILITY is uninhabitable issued by the local governing authority, or other circumstances that may endanger the health and safety of RESIDENTS or the general public:

- a) The OWNER, OPERATOR OR STAFF SHALL immediately notify the DEPARTMENT.
- b) The HEALTH OFFICER SHALL cite the provisions of the REGULATIONS violated and order immediate corrective action be taken, including SUSPENSION or REVOCATION of the PERMIT.
- c) The OWNER/OPERATOR SHALL take emergency measures within twenty-four (24) hours to assist the RESIDENTS in relocation, such as notifying each RESIDENT’S emergency contact, Family contact, Case Worker, the Department of Human Resources or the Ombudsman’s Office. All information for relocation of RESIDENTS SHALL be provided to the HEALTH OFFICER.

#### **10.10 SUSPENSION of PERMIT**

The HEALTH OFFICER may issue a “Notice of SUSPENSION” due to:

- a) Failing to timely correct a violation in a NOTICE OF VIOLATION of any PERMIT. A PERMIT may also be suspended by an emergency order under Part 10.9 above, or under any other provisions in the REGULATIONS allowing for SUSPENSION of PERMITS; or
- b) The criminal conviction of any OWNER, OPERATOR OR STAFF for crimes as specified in Part 9.7 of the REGULATIONS SHALL be grounds for the immediate SUSPENSION of any PERMIT; or
- c) The criminal conviction at any time of any OWNER, OPERATOR or STAFF for crimes as specified in Part 9.7 of these REGULATIONS SHALL be grounds for the immediate SUSPENSION of any PERMIT unless the OWNER, OPERATOR or STAFF is no longer employed at the COMMUNAL LIVING FACILITY.

#### **10.11 SUSPENSION of RESIDENT ADMISSIONS**

The HEALTH OFFICER may issue an order in writing to an OWNER/OPERATOR suspending admissions to a COMMUNAL LIVING FACILITY for the following reasons:

- a) Failure to timely correct a violation in a NOTICE OF VIOLATION;
- b) The number of RESIDENTS in the FACILITY exceeds the MAXIMUM NUMBER OF RESIDENTS for which the home is PERMITTED; or
- c) A FACILITY with a RESIDENT in the home who is inappropriate as determined by an appropriate agency, or by a NURSE or physician

employed or contracted by the DEPARTMENT of Health under Part 2.2-2.4 above and the RESIDENT is not vacated or transferred within the reasonable time allowed as stated in the NOTICE OF VIOLATION.

#### **10.12 Reinstatement after SUSPENSION OF PERMIT OR SUSPENSION OF ADMISSIONS**

Upon SUSPENSION of a PERMIT, all RESIDENTS SHALL be transferred to a PERMITTED COMMUNAL LIVING FACILITY or other FACILITY acceptable to the HEALTH OFFICER. Upon SUSPENSION OF ADMISSIONS, the OWNER/OPERATOR may not accept any new residents. The OWNER/OPERATOR may apply to the HEALTH OFFICER for reinstatement of the suspended PERMIT or ADMISSIONS and such application SHALL include a written plan of correction that contains these minimum elements:

- a) A description of the action that will be or was taken to correct the violation;
- b) A description of the steps to be taken to prevent recurrence of the violation;
- c) The identity of the party responsible for ensuring that the violation will be or has been corrected; and
- d) The date by which the violation will be or was corrected.

**The COMMUNAL LIVING FACILITY may resume operations or admissions only upon the written order of the HEALTH OFFICER.**

#### **10.13 REVOCATION of PERMIT**

A PERMIT may be revoked for any of the following:

- a) Abuse, neglect or exploitation of RESIDENTS; or
- b) When an OWNER/OPERATOR lacks suitability to own or operate a COMMUNAL LIVING FACILITY under Part 9.7 above; or
- c) When the violations indicate a history of habitual non-compliance with these REGULATIONS; or
- d) When the OWNER/OPERATOR obstructs or interferes with the HEALTH OFFICER DURING A COMMUNAL LIVING FACILITY INSPECTION; or
- e) When the PERMIT holder made a false statement as to a material matter in the application or in a HEARING about the PERMIT; or

- f) The PERMIT holder failed to timely pay a required fee; or
- g) A cause for SUSPENSION under Parts 10.09 - 10.11 has occurred and the PERMIT has been suspended at least once within the preceding twelve (12) months.

#### **10.14 Requirements for Orders Suspending, Revoking, or Denying PERMIT, or Suspending Admission of RESIDENTS**

Any order issued by the HEALTH OFFICER suspending, revoking, or denying a PERMIT or suspending the admission of RESIDENTS to a COMMUNAL LIVING FACILITY, SHALL contain the following information:

10.14.1 A statement of the basis of the SUSPENSION, REVOCATION, or denial of a PERMIT, and citations of the REGULATIONS upon which the SUSPENSION, REVOCATION or denial is based;

10.14.2 If a PERMIT is suspended or RESIDENT admissions are suspended, a statement that the SUSPENSION SHALL remain in effect until the OWNER/OPERATOR has complied with all provisions of these REGULATIONS and has applied to the HEALTH OFFICER for reinstatement; and

10.14.3 A written notice to the OWNER/OPERATOR of his/her right to request a HEARING to contest the order under Chapter 12 below.

#### **10.15 Service of Orders**

All orders issued by the HEALTH OFFICER under these REGULATIONS may be served like a NOTICE OF VIOLATION under Part 10.7 above.



## Chapter 11

### Penalties

#### 11.1 Penalties

Any PERSON, firm, association or corporation who violates these REGULATIONS, or who SHALL do any act made unlawful by these REGULATIONS, or resists or interferes with the HEALTH OFFICER or any agent, servant or employee of the Jefferson County Department of Health in the enforcement of these REGULATIONS may be subject to a civil fine not to exceed two-thousand dollars (\$2,000.00), as provided in ACT 06-591, 2006 Alabama Legislature for the following violations:

- a) Operating a COMMUNAL LIVING FACILITY without a PERMIT.
- b) CRITICAL ITEM stated on the INSPECTION report or NOTICE OF VIOLATION that are a threat to the life and safety of a RESIDENT.
- c) Recurrent or continuous noncompliance with the REGULATIONS after being given NOTICE OF VIOLATION under the REGULATIONS.

The Jefferson County BOARD OF HEALTH may seek an injunction in the Circuit Court of Jefferson County upon suit being brought for violating the REGULATIONS.

## Chapter 12

### HEARINGS

#### 12.1 Informal Conferences

Informal settlement conferences with the DIRECTOR or PROGRAM MANAGER may be held to resolve contested matters. An informal settlement conference may be requested at any point before a formal HEARING. Informal settlement conferences SHALL not be of record and SHALL not be adversarial in nature, but shall resolve the contested matter before a formal HEARING under 12.2. Resolution through informal settlement SHALL be timely, shall not delay and will preclude the necessity for a formal HEARING. Informal settlement conferences SHALL not extend the deadlines for correcting violations or filing a request for formal HEARING under 12.2. Resolution of contested matters in informal CONFERENCES SHALL be in writing signed by both parties.

#### 12.2 Formal HEARINGS

##### 12.2.1 NOTICE OF VIOLATION

Any PERSON aggrieved by a NOTICE OF VIOLATION may make a written request for a HEARING before the HEALTH OFFICER or his/her designated representative (“Hearing Officer”) within seven (7) days of the service of the NOTICE OF VIOLATION. A request for a HEARING SHALL not extend the time for correcting the violations in the NOTICE OF VIOLATION.

##### 12.2.2 Order Suspending, Revoking or Denying a PERMIT, or Suspending RESIDENT Admissions.

Any PERSON aggrieved by an order suspending, revoking, or denying a PERMIT, or an order suspending resident admissions may make a written request for a HEARING before the HEALTH OFFICER or his/her designated representative (“Hearing Officer”) within seven (7) days of the service of the NOTICE OF VIOLATION. A request for a HEARING SHALL not affect or delay the order to suspend, revoke or deny. A HEARING SHALL be held and an order SHALL be entered by the HEALTH OFFICER within the timetable established under Chapter 420-1-3, et seq., Ala. Admin. Code.

##### 12.2.3 HEARING Procedure

The formal HEARING SHALL be held under the procedures set forth in the most current “Rules of Alabama State BOARD OF HEALTH,” Chapter 420-1-3, et seq., Ala. Admin. Code, with these exceptions: the deadlines above apply where different from the deadlines in the Rules of the State BOARD OF HEALTH; whenever the Rules designate State HEALTH OFFICER, insert

HEALTH OFFICER of Jefferson County, and wherever the Rules designate State Department of Public Health and State BOARD OF HEALTH, insert Jefferson County Department of Health and Jefferson County BOARD OF HEALTH, respectively.

DRAFT