

Dear Senators LODGE, Broadsword & LeFavour, and
Representatives BLOCK, Nielsen & Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed
rules of the Dept. of Health & Welfare:

IDAPA 16.07.50 - Rules and Minimum Standards Governing Non-Hospital, Medically-
Monitored Detoxification/Mental Health Diversion Units (Docket No. 16-0750-0901)
(Temporary and Proposed) (New Chapter).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by
the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice
to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis
from Legislative Services. The final date to call a meeting on the enclosed rules is no later than
4-27-09. If a meeting is called, the subcommittee must hold the meeting within forty-two (42)
days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting
on the enclosed rules is 5-26-09.

_____The germane joint subcommittee may request a statement of economic impact with
respect to a proposed rule by notifying Research and Legislation. There is no time limit on
requesting this statement, and it may be requested whether or not a meeting on the proposed rule
is called or after a meeting has been held.

To notify Research and Legislation, call 334-2475, or send a written request to the
address or FAX number indicated on the memorandum enclosed.

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Research & Legislation Staff - Paige Alan Parker

DATE: April 8, 2009

SUBJECT: Department of Health and Welfare - IDAPA 16.07.50 - Rules and Minimum Standards Governing Non-Hospital, Medically-Monitored Detoxification/Mental Health Diversion Units (Docket No. 16-0750-0901) (Temporary and Proposed) (New Chapter)

The Department of Health and Welfare proposes to create a new IDAPA 16.07.50 (Docket No. 16-0750-0901)(hereinafter “new chapter”). As a temporary rule, this new chapter became effective on October 1, 2008. The Governor’s justification for the temporary rule is the protection of public health, safety and welfare. This temporary rule was approved by the Legislature during the 2009 session. This new chapter will be presented to the 2010 session of the Legislature as a pending rule.

According to the Department, the temporary and proposed rule is authorized pursuant to sections 39-304, 39-305, 39-311 and 56-1003, Idaho Code. Section 39-304 requires the Department to establish a comprehensive and coordinated program for the treatment of alcoholics, intoxicated persons and drug addicts. Section 39-305 requires the Board of Health and Welfare to establish standards for approved public or private treatment facilities and requires the Department to periodically inspect such approved facilities. Section 39-311 required the Board to promulgate rules necessary to carry out the chapter. Section 56-1003 provides extensive powers and duties of the department’s director. Subsection (3) of that section provides for the adoption of rules for the protection of life, safety and mental health of the people of Idaho, including those related to mental illness and problems of alcoholism.

The Department states that there are currently no standards in the Administrative Code for approving a medically-monitored detoxification/mental health facility in Idaho, although one such facility is being constructed. The Department states that this new chapter is necessary to

better ensure the safety of the public. The Department notifies that standards of care and services will be added later.

According to the Department, no fee or charge is imposed by the new chapter and there is no anticipated fiscal impact to the state General Fund as a result of this rulemaking. According to the Department, informal negotiated rulemaking was conducted with interested stakeholders, but no details are provided. The Department states that a public hearing was held on January 15, 2009 in Boise. All written comments were to be delivered to the Department on or before January 28, 2009.

ANALYSIS

This appears to be a wholly new chapter, without a prior chapter precedent.

A. Standard Sections.

The introductory sections 000 (Legal Authority), 0002 (Written Interpretations) (available), 003 (Administrative Appeals), 005 (Office - Office Hours - Mailing Address - Street Address - Telephone Number - Internet Web Site), and 006 (Confidentiality of Records and Public Records Requests) are standard.

Section 001.02, Scope, provides that the chapter applies to every Detox/Mental Health Diversion Unit (hereinafter "Unit") in Idaho that provides evaluation, observation, monitoring, care and treatment, 24/7 to persons who are suffering from a sub-acute psychiatric or drug/alcohol crisis. The Department describes a Unit as "designed to withdraw an individual from alcohol or other drugs and to prepare him to enter a more extensive treatment and rehabilitation program" but "not intended to serve as a secure holding facility for the detention of any individual."

The Department describes the purpose of the new chapter as providing for: the approval, denial, suspension or revocation of certification or approval of a Unit; rules for the admittance of clients by Unit facilities; minimum standards of health, safety and quality for Unit facilities; and minimum standards for the development, construction and operation of Units.

The Department asserts that Unit facilities "must assure quality services and dignity in a structured regime through an administrator and staff who have knowledge and experience required to provide safe and appropriate services to all clients" and "must be constructed and operated consistent with these rules and applicable statutes." Section 001.03. The Department notes that it is responsible for monitoring and enforcing the provisions of these statutes and rules to protect clients by providing information, education and evaluating facilities to assure compliance. Section 001.04.

Twelve documents are Incorporated by Reference into section 004 of the new chapter.

Included are a number of building/fire codes (National Fire Protection Association Documents, Americans with Disabilities Act Accessibility Guidelines, International Building Code, Life Safety Code, American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, National Electric Code, and 2006

AIA Guidelines for Design and Construction of Health Care Facilities (AII)), several food and sanitation related documents (Idaho Diet Manual, Idaho Food Code, and National Sanitation Federation), the Idaho Board of Nursing Rules, and the Occupational Safety and Health Act of 1970.

The new chapter contains an extensive section 009 on Criminal History and Background Check Requirements. Such checks must be performed on employees, applicants, transfers, reinstated former employees, student interns, contractors, volunteers and others who provide care or service or have access to clients in the Unit. The check must be finger-print based (within 21 days of hire) and include a search of ten listed data bases. An individual, either employed or contracted, having direct patient access, must self report all arrests and convictions, be supervised until the check is completed and cannot have access if a disqualifying crime is disclosed. A new check is required when an individual accepts employment with a new employer and the last check was completed more than three years previously. The employer may accept a previous check if it was conducted within the past three years but must complete a state-only check through the ISP Bureau of Criminal Identification. A new employer may require an individual to complete a check even if the last check was within three years. Cost of the check is paid by either the Unit or the individual.

B. Definitions (Section 010).

Only three terms are defined: “Client” (includes patient, participant, resident, consumer or recipient of treatment), “Department” (of Health and Welfare) and “Non-hospital, medically-monitored detoxification/mental health diversion unit” (a freestanding, publicly-owned, residential treatment facility, approved by the Department). More extensive descriptions of a Unit are found in section 001, dealing with Title, Scope and Responsibilities.

C. Building Construction and Physical Standards (Section 250).

The building construction and physical standards apply to all newly constructed Units and existing buildings converted to Units and those Unit modifications that affect structural integrity, change functional operation, affect fire safety, or add beds, departments or services over that currently approved. Prior to construction, a complete set of the construction documents (drawings, plans and specifications) must be submitted to the Department for review. The Department has 60 days to complete its review and construction must not commence until the documents have received the Department’s written approval. Department approval may be waived in writing for minor alterations that comply with all applicable local standards, codes, rules and regulations. Any deviation from the documents must receive Department written

authorization prior to commencement of the work. All construction is subject to final visual inspection and system testing.

Unless waived by the Department, an architect or engineer licensed in Idaho must prepare all construction documents or they must be executed under his immediate supervision. The construction documents must contain specified information and be to a prescribed scale. Prior to commencing occupancy, the building must be inspected and approved by the Department, with the Department making “reasonable efforts” to schedule the inspection within two weeks of the issuance of a certificate of occupancy.

Every Unit must comply with all applicable building related codes. In event of conflict between codes, the most restrictive applies. Compliance with specified codes and rules that have been incorporated by reference is required. Evidence of approval by the local responsible planning, zoning and building officials must be provided to the Department.

D. Site Location Requirements (Section 255).

The Unit facility must: be adjacent to an all-weather road, open year around; be accessible to physician’s services and medical facilities and to public utilities; be located in a lawfully constituted fire district; have specified minimum parking spaces; have space for emergency and delivery vehicles; provide reasonable protection against natural or man-made hazards present on or bordering the property; and mitigate adverse effects of noise, odor, smoke, dust and other nuisances from railroads, factories, airports or similar facilities locate in close proximity.

E. Beds and Sleeping Areas - Residential Detox Units (Section 260).

The number of beds are limited to those that have been approved on the certificate of approval. Approved detoxification beds cannot be reallocated or relocated without prior Department approval. Beds must meet minimum requirements and be located in specified, suitable areas, capable of being enclosed by fire retardant curtains in multiple bed rooms, free of safety hazards and appropriately lighted. Client beds must be numbered and visible at all times to staff at the staff station. Same sex segregation is required. Floor-to-ceiling solid walls must separate sobering and mental health clients areas.

F. Beds and Bedrooms - Mental Health Diversion Units (Section 261).

In addition to the requirements described in section 260 on beds and sleeping areas for residential detoxification units, beds and bedrooms in mental health diversion units must meet additional requirements. The maximum room capacity is bedrooms for two clients. Bedroom doors must meet specified standards and the entrances to client bedrooms must be visible at all times to staff at the staff station. Ceiling heights must be a minimum of seven and a half feet. A staff calling system for each client meeting specified requirements must be installed in each bedroom and each toilet, bath and shower room.

G. Sobering Station (Section 262).

A sobering station is an optional Unit service. If a sobering station is provided, rules apply. The number of clients is limited to that stated on the certificate of approval and the number of approved beds cannot be reallocated or relocated without prior Department approval. Client areas must be visible at all times to staff at that staff station. One way vision windows must be made of tempered, shatterproof glass. Alternatives to one way vision rules will be considered. Client areas must be provided for disease protection, be maintained in a clean, sanitary condition, have furniture that is weighted or secured to the floor, and located in approved areas separated from other client areas by solid, floor-to-ceiling wall. Client rooms must be numbered and provide at least 30 square feet per client, have doors that meet specific requirements and entrances that are visible at all times to staff, have a toilet and hand-washing sink that is separated from the sleeping area and mechanically ventilated to the outside, free from hazards, appropriately lighted. At least one private airborne infection isolation room with a toilet, hand-washing sink and other accessory facilities and meeting specified requirements must be provided.

H. Toilet and Bathing Facilities (Section 265).

Client toilet facilities must meet certain specifications, including being accessible to persons with mobility and sensory impairments. Client bathing facilities must also meet certain specifications, including space drying and dressing and for a wheelchair and attendant.

I. Administrative Areas (Section 270).

Specific types of administrative areas are identified and described by the new chapter, including one or more staff stations, lounge and toilet, closets and compartments, clean workroom or clean holding room, soiled workroom, soiled holding room, drug distribution station, nourishment station equipment storage rooms, janitor's closet and lockable storage area. The size and disposition of each administrative area will depend upon the number and types of approved beds to be served. The Unit must submit details of proposals to the Department for prior approval, which will give consideration to design solutions that would accommodate some functions without specific designation of areas or rooms.

J. Additional Room and Area Requirements (Section 271).

Minimum requirements for a dining room and a day room, dietary facility standards, required public areas (entrance, lobby, reception and information counter or desk, waiting area, public toilet, public telephone, drinking fountain and safe and secure outdoor areas) and required program areas (interview, counseling and business offices; multipurpose rooms for social activities, meetings, group counseling and health education; medical examination rooms; onsite medical storage; and quiet social areas) subject to Department approved design solutions are identified and described by the new chapter.

K. Linen and Laundry Facilities and Services (Section 272).

Good quality and quantity linen essential to the proper care and comfort of clients is required at all times. An onsite laundry processing area must be able to process a seven day supply of linen. Soiled linen and clean linen handling and storage must be kept separate. There must be adequate storage areas. The janitor's closet must contain a floor receptor or service sink and storage space.

L. Walls and Floor Surfaces (Section 273).

Floors and walls must meet certain interior finish requirement to permit cleaning, including washable surfaces for walls and ceilings of kitchens, bathrooms and utility rooms.

M. Water (Section 274).

Water plumbing must meet the local plumbing code. Approved public or municipal water must be used where available. Private water supply must meet Department approved standards and samples must be submitted to an approved laboratory for bacteriological examination at least quarterly with the reports kept on file in the facility.

N. Lighting (Section 275).

Lighting must be adequate and appropriate in client sleeping areas, dining rooms, living rooms, common and private areas, bathrooms and hallways. A minimum of 35 foot candles is required for reading, study or close work and 30 foot candles in work areas.

O. Ventilation (Section 276).

Ventilation must meet the minimum requirements of the Uniform Mechanical Code. Sobering stations must comply with certain 2006 AIA Guidelines for Design and Construction of Health Facilities.

P. Utility Requirements (277).

Plumbing must comply with state and local codes. Hot water must be between 105 and 120 degrees Fahrenheit and at a capacity of three gallons per client bed per hour. Heating must be at least 70 degrees during the day and 62 degrees at night. Wood stoves cannot be the sole source. The thermostat must be remote from any wood stove. Sewage and liquid waste either must be discharged into a municipal system or, when such system is not available, collected, treated and disposed of in a manner approved by the Department.

Q. Mobility and Sensory Impairment Accessibility (Section 280).

Ramps, bathrooms and doors, grab bars and toilet facilities must meet certain American with Disabilities Act Accessibility Guidelines. Suitable hand railing must be provided on both sides of all stairs leading into and out of a building for clients who require the use of crutches, walkers or braces.

SUMMARY

The Department's new chapter is authorized by sections 39-304, 39-305, 39-311 and 56-1003, Idaho Code.

cc: Department of Health and Welfare
Tamara Prisock & Kathleen Allyn

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.50 - RULES AND MINIMUM STANDARDS GOVERNING NON-HOSPITAL, MEDICALLY-MONITORED DETOXIFICATION/MENTAL HEALTH DIVERSION UNITS

DOCKET NO. 16-0750-0901 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 39-304, 39-305, 39-311 and 56-1003, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - JANUARY 15, 2009 - 1:30 p.m.

**DEPARTMENT OF HEALTH AND WELFARE
Pete Cenarrusa Bldg. - 3rd Floor, Rm. 3a
450 West State St.
Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

A need has been identified for a medically-monitored detoxification/mental health facility; one is being constructed in Idaho. Currently there are no standards in Administrative Code for approving this new type of facility to better ensure the safety of the public. The Department has written a new chapter of rules for the minimum design and construction requirements for a medically-monitored detoxification/mental health diversion unit. (The standards of care and services will be added to this new chapter at a later date.)

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

New rules are needed to ensure that new detoxification/mental health diversion units are regulated in order to protect the health, safety, and welfare of the public.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: NA

FISCAL IMPACT: The following is a specific description, if applicable, of any fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact to the state general fund due to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, informal negotiated rulemaking was conducted. Department staff met with interested stakeholders to discuss the changes proposed in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Kathleen Allyn at (208) 334-6997.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 28, 2009.

DATED this 10th day of November, 2008.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
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THE FOLLOWING IS THE TEXT OF DOCKET 16-0750-0901

**IDAPA 16
TITLE 07
CHAPTER 50**

16.07.50 - RULES AND MINIMUM STANDARDS GOVERNING NON-HOSPITAL, MEDICALLY-MONITORED DETOXIFICATION/MENTAL HEALTH DIVERSION UNITS

000. LEGAL AUTHORITY.

Under Title 39, Chapter 3, Idaho Code, the Board of Health and Welfare has authority to adopt minimum standards, rules, and regulations for the development, construction, and operation of non-hospital, medically-monitored detoxification/mental health diversion units in Idaho (Detox/Mental Health Diversion Unit). The Idaho Legislature has delegated to the Department of Health and Welfare, as the state mental health and substance abuse authority, the responsibility to assure that mental health and substance use disorders treatment and services are available throughout the state of Idaho to individuals who need such care and who meet certain eligibility criteria under the Regional Mental Health Services Act and Alcoholism and Intoxication Treatment Act. Section 56-1003, Idaho Code, authorizes the Director of the Department to adopt and enforce rules to promote safe and adequate services and treatment of individuals within a Detox/Mental Health Diversion Unit. (10-1-08)T

001. TITLE, SCOPE, AND RESPONSIBILITIES.

01. Title. The title of this chapter is IDAPA 16.07.50, "Rules and Minimum Standards Governing Non-Hospital, Medically-Monitored Detoxification/Mental Health Diversion Units," and may also be known as "Detox/Mental Health Diversion Units." (10-1-08)T

02. Scope. These rules and minimum standards apply to every Detox/Mental Health Diversion Unit in Idaho, that provides: evaluation; observation; monitoring; care; and treatment; twenty-four (24) hours per day, seven (7) days a week, to persons who are suffering from a sub-acute psychiatric or drug/alcohol crisis. These services are offered in a residential setting under the supervision of a physician. A Detox/Mental Health Diversion Unit is designed to withdraw an individual from alcohol or other drugs and to prepare him to enter a more extensive treatment and rehabilitation program. These facilities are not intended to serve as a secure holding facility for the detention of any individual. The purpose of this chapter is to provide rules for: (10-1-08)T

a. The approval, denial, suspension, or revocation of certification or approval of Detox/Mental Health Diversion Unit facilities in Idaho; (10-1-08)T

b. To provide rules for the admittance of clients by Detox/Mental Health Diversion Unit facilities in Idaho; (10-1-08)T

c. To establish minimum standards of health, safety and quality for Detox/Mental Health Diversion Unit facilities in Idaho; and (10-1-08)T

d. To establish minimum standards the development, construction, and operation of non-hospital, medically-monitored detoxification/mental health diversion units in Idaho. (10-1-08)T

03. General Facility Responsibilities. Detox/Mental Health Diversion Unit facilities provide services and treatment to persons, who are suffering from a sub-acute psychiatric or drug/alcohol crisis, twenty-four (24) hours per day, seven (7) days a week, in a non-hospital medically supervised residential setting. Detox/Mental Health Diversion Unit facilities must assure quality services and dignity in a structured regime through an administrator and staff who have the knowledge and experience required to provide safe and appropriate services to all clients. Detox/Mental Health Diversion Unit facilities must be constructed and operated consistent with these rules and applicable statutes. (10-1-08)T

04. General Department Responsibilities. The Department is responsible for monitoring and enforcing the provisions of the statutes and these rules to protect clients by providing information, education and evaluating facilities to assure compliance with statutes and these rules. This responsibility includes: approving facilities and monitoring the services provided and the conditions of the facility. (10-1-08)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Department may have written statements that pertain to the interpretations of the rules of this chapter. These documents are available for public inspection as described in Sections 005 and 006 of these rules. (10-1-08)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals and all contested cases are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (10-1-08)T

004. INCORPORATION BY REFERENCE.

01. NFPA. National Fire Protection Association (NFPA) Documents. The NFPA documents referenced in this chapter of rules are available from the National Fire Protection Association, 11 Tracy Drive, Avon, MA 02322-9908; 1-800-344-3555; and online at <http://www.nfpa.org>. (10-1-08)T

02. Idaho Diet Manual. This manual is available from the Idaho Dietetic Association, Ninth Edition, 2005, online at <http://eatrightidaho.org>. (10-1-08)T

03. Idaho Food Code. IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments," April 2, 2008. These rules are available online at <http://adm.idaho.gov/adminrules/rules/idapa16/0219.pdf>. (10-1-08)T

04. Americans with Disabilities Act Accessibility Guidelines. 28 CFR Part 36, Appendix A. This code is available online at <http://www.ada.gov/publicat.htm>. Contact phone number is 1-800-514-0301. (10-1-08)T

05. Idaho Board of Nursing Rules. IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." These rules are available online at http://adm.idaho.gov/adminrules/idapa27/27_index.htm. (10-1-08)T

06. International Building Code. Edition 2003. This code is available from the International Code Council, 4051 West Flossmoor Rd., Country Club Hills, IL 60478-5795, phone: 1-888-422-7233 and online at <http://www.iccsafe.org>. (10-1-08)T

07. Life Safety Code. National Fire Protection Association Standard 101, the Life Safety Code, 2000 Edition, including mandatory references is incorporated by reference. A copy of the code is available at 1 Batterymarch Park, Quincy, Massachusetts, 02169-7471. The telephone contact number is 1 (800) 344-3555. The

internet address for the code is <http://www.nfpa.org/catalog/product.asp?pid=10100>. (10-1-08)T

08. American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People (ANSI/ICC A117.1-2003). These standards are incorporated by reference and are available at the following internet address: <http://www.ansi.org/>. (10-1-08)T

09. National Electric Code. National Electric Code AKA: NFPA Standard 70, the National Electric Code, 2000 Edition, is incorporated by reference. A copy of the code is available at the following internet address: <http://www.nfpa.org/aboutthecodes/AboutTheCodes.asp?DocNum=70>. (10-1-08)T

10. Occupational Safety and Health Act of 1970 (OSHA). This rule incorporates by reference the OSHA construction standards and can be obtained by contacting OSHA at 200 Constitution Avenue, NW, Washington, DC 20210. The internet address is <http://www.osha.gov/doc/index.html>. (10-1-08)T

11. National Sanitation Federation. This rule incorporates by reference the National Sanitation Federation standards. They may be found at this website: http://www.nsf.org/business/about_NSF/. (10-1-08)T

12. 2006 AIA Guidelines for Design and Construction of Health Care Facilities (AII). 2006 AIA Guidelines for Design and Construction of Health Care Facilities (AII) are incorporated by reference and are applicable to airborne infection isolation rooms for facilities operating a sobering station (optional). The guidelines may be obtained at the following internet address: http://www.aia.org/aah_gd_hospcons#howto. (10-1-08)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- AND INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-08)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (10-1-08)T

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State St., Boise, Idaho 83720. (10-1-08)T

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (10-1-08)T

05. Internet Website. The Department's internet website is found at: <http://www.healthandwelfare.idaho.gov>. (10-1-08)T

06. Substance Abuse Services Website. The Substance Abuse Services internet website is found at http://www.healthandwelfare.idaho.gov/portal/alias__Rainbow/lang__en-US/tabID__3460/DesktopDefault.aspx. (10-1-08)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUEST.

01. Confidential Records. The use and disclosure of any information about a Detox/Mental Health Diversion Unit covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (10-1-08)T

02. Licensure, Certification, or Approval. In compliance with Section 9-340C(9), Idaho Code and IDAPA 16.05.01, "Use and Disclosure of Department Records," records will be released if they are part of an inquiry into a Detox/Mental Health Diversion Unit facility's fitness to be granted or retain a license, certificate, permit, privilege, commission or position. These records will otherwise be provided in redacted form as required by law or rule. (10-1-08)T

007. -- 008. (RESERVED).

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Criminal History and Background Check. Each Detox/Mental Health Diversion Unit must complete a criminal history and background check on employees, applicants, transfers, reinstated former employees, student interns, contractors, volunteers, and others who provide care or services or have access to clients in the Detox/Mental Health Diversion Unit. The Department check conducted under IDAPA 16.05.06, "Criminal History and Background Checks," satisfies this requirement. Other criminal history and background checks may be acceptable provided they meet the criteria in Subsection 009.02 of this rule and the entity conducting the check issues written findings. The entity must provide a copy of these written findings to both the facility and the employee. (10-1-08)T

02. Scope of a Criminal History and Background Check. The criminal history and background check must, at a minimum, be fingerprint-based and include a search of the following record sources: (10-1-08)T

- a.** Federal Bureau of Investigation; (10-1-08)T
- b.** National Crime Information Center; (10-1-08)T
- c.** Idaho State Police Bureau of Criminal Identification; (10-1-08)T
- d.** Idaho Child Protection Central Registry; (10-1-08)T
- e.** Idaho Adult Protection Registry; (10-1-08)T
- f.** Sexual Offender Registry; (10-1-08)T
- g.** Office of Inspector General List of Excluded Individuals and Entities; (10-1-08)T
- h.** Idaho Department of Transportation Driving Records; (10-1-08)T
- i.** Nurse Aide Registry; (10-1-08)T
- j.** Other states and jurisdiction records and findings. (10-1-08)T

03. Availability to Work. Any direct patient access individual hired or contracted with must self-disclose all arrests and convictions before having access to residents. The individual is allowed to only work under supervision until the criminal history and background check is completed. If a disqualifying crime as described in IDAPA 16.05.06, "Criminal History and Background Checks," is disclosed, the individual cannot have access to any resident. (10-1-08)T

04. Submission of Fingerprints. The individual's fingerprints must be submitted to the entity conducting the criminal history and background check within twenty-one (21) days of his date of hire. (10-1-08)T

05. New Criminal History and Background Check. An individual must have a criminal history and background check when: (10-1-08)T

- a.** Accepting employment with a new employer; and (10-1-08)T
- b.** His last criminal history and background check was completed more than three (3) years prior to his date of hire. (10-1-08)T

06. Use of Previous Criminal History and Background Check. Any employer may use a previous criminal history and background check obtained under these rules if: (10-1-08)T

- a.** The individual has received a criminal history and background check within three (3) years of his date of hire; (10-1-08)T

- b.** The employer has documentation of the criminal history and background check findings; (10-1-08)T
- c.** The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification; and (10-1-08)T
- d.** No disqualifying crimes are found. (10-1-08)T
- 07. Employer Discretion.** The new employer, at its discretion, may require an individual to complete a criminal history and background check at any time, even if the individual has received a criminal history and background check within three (3) years of his date of hire. (10-1-08)T
- 08. Cost.** All costs associated with the criminal history and background check will be paid for by the applicant or the Detox/Mental Health Diversion Unit. (10-1-08)T

010. DEFINITIONS AND ABBREVIATIONS.

- 01. Client.** The recipient of services. The term “client” is synonymous with the terms: patient, participant, resident, consumer, or recipient of treatment. (10-1-08)T
- 02. Department.** The Idaho Department of Health and Welfare. (10-1-08)T
- 03. Non-Hospital, Medically-Monitored Detoxification/Mental Health Diversion Unit.** This facility, referred to in this rule as a “Detox/Mental Health Diversion Unit,” means a freestanding publicly owned residential treatment facility, approved by the Department of Health and Welfare. (10-1-08)T

011. -- 249. (RESERVED).

250. REQUIREMENTS FOR BUILDING CONSTRUCTION AND PHYSICAL STANDARDS.

- 01. Applicability.** These rules apply to: (10-1-08)T

 - a.** All new construction of any building or facility for use as a Detox/Mental Health Diversion Unit. (10-1-08)T
 - b.** Conversion of any existing building or facility for use as a Detox/Mental Health Diversion Unit. (10-1-08)T
 - c.** All modifications, additions, alterations, upgrades, deletions, conversions, modernization, remodels, or significant, major and material changes to any existing building(s) or facility(ies) that affect the structural integrity of the building or facility, that change functional operation, that affect fire safety, or that add beds, departments, or services over those for which the Detox/Mental Health Diversion Unit is currently approved. (10-1-08)T
- 02. Design Development Plans, Working Drawings, and Specifications.** (10-1-08)T

 - a.** Prior to breaking ground and commencing any construction, a complete set of actual construction drawings, plans, and specifications must be submitted to and approved by the Department to assure compliance with these rules and regulations. The Department has up to sixty (60) days, after receiving a complete set of actual construction drawings, plans, and specifications, to notify the applicant of its determination. (10-1-08)T
 - b.** Ground breaking and actual construction must not be commenced until actual construction drawings, plans, and specifications have been approved by the Department. Any deviations from the approved actual construction drawings, plans, and specifications must be authorized in writing by the Department prior to breaking ground or commencing any work. Ground breaking and any actual construction commenced prior to Department approval is at the applicant's sole risk. All construction is subject to final visual inspection and systems testing. The requirement of Department approval may be waived in writing by the Department in connection with minor

alterations provided the alterations comply with all applicable local standards, codes, rules and regulations. (10-1-08)T

c. The actual construction drawings, plans, and specifications must be prepared by, or executed under, the immediate supervision of a licensed architect or engineer in Idaho. The requirement of a licensed architect or engineer may be waived in writing by the Department, if the Department determines the size of the project does not necessitate involvement of an architect or engineer, provided the alterations comply with all applicable local standards, codes, rules and regulations. (10-1-08)T

d. The actual construction drawings, plans, and specifications must include, at a minimum, the following: (10-1-08)T

i. The size and shape of the entire site. (10-1-08)T

ii. The footprint showing orientation and location of all proposed buildings. (10-1-08)T

iii. The location and description of any existing structures, adjacent streets, highways, sidewalks, railroads, etc., properly designated. (10-1-08)T

iv. The size, characteristics, and location of all existing public utilities, including information concerning water supply available for fire protection, distance to nearest fire hydrant, parking, and any hazardous areas, e.g. cliffs, roads, hills, pools, etc. (10-1-08)T

v. Floor plans and the assignment of all spaces, size of areas and rooms, and indicated in outline, the fixed and movable equipment and furniture, including overall dimensions of buildings. (10-1-08)T

vi. The location and size of doors, windows, and other openings with swing of doors properly indicated. (10-1-08)T

vii. A Life Safety Plan showing all fire walls, exits, exit calculations, locations of smoke barriers if required, fire rated walls, locations of stairs, elevators, dumbwaiters, vertical shafts, and chimneys. (10-1-08)T

viii. The location and size of all fixed equipment. (10-1-08)T

ix. Outline specifications that include a general description of construction, including interior finishes and mechanical systems acoustical material, its extent and type of heating, electrical, and ventilation systems. (10-1-08)T

e. The actual construction drawings, plans, and specifications must be drawn at a scale sufficiently large to clearly present the proposed design, but not less than a scale of one-eight (1/8") equals one foot (1'). (10-1-08)T

f. A plan for each floor, including the basement or ground floor, and approach or site plan, showing roads, parking areas, sidewalks, etc. (10-1-08)T

g. The total floor area and number of beds shall be computed and noted on the development drawings, plans, and specifications. (10-1-08)T

h. The actual construction drawings, plans, and specifications must be well prepared so that clear, distinct prints may be obtained, accurately dimensioned, and must include all necessary explanatory notes, schedules, legends, and be stamped with a licensed architect's or engineer's seal. (10-1-08)T

i. The actual construction drawings, plans, and specifications must be complete and adequate for contract purposes and should include separate drawings for each of the following branches of work: architectural, mechanical, and electrical. (10-1-08)T

j. Prior to commencing occupancy, the building or facility must be inspected and approved by the

Department. The Department will make reasonable efforts to schedule an inspection within two (2) weeks of receiving a certificate of occupancy issued by the local governing authority, a city or county in Idaho or other evidence submitted by the applicant that the building or facility is ready for final inspection. (10-1-08)T

03. Codes and Standards. Every Detox/Mental Health Diversion Unit must comply with all state and local building, fire, electrical, plumbing, zoning, heating, or other applicable codes in which the Detox/Mental Health Diversion Unit is located and which are in effect when construction is begun. Written evidence of compliance must be kept in the facility. (10-1-08)T

- a. In the event of a conflict between codes, the most restrictive requirements will apply. (10-1-08)T
- b. Compliance with the applicable provisions of the following codes and standards is required: (10-1-08)T
 - i. 2000 Edition of the Life Safety Code, including mandatory references. (10-1-08)T
 - ii. American National Standard Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People (ANSI/ICC A117.1-2003). (10-1-08)T
 - iii. Idaho Department of Health and Welfare Rules, IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments," also known as the Idaho Food Code. (10-1-08)T
 - iv. National Electric Code. (10-1-08)T
 - v. International Fire Code. (10-1-08)T
 - vi. Occupational Safety and Health Act of 1970 (OSHA). (10-1-08)T
 - vii. National Sanitation Federation. (10-1-08)T
 - viii. For facilities operating a sobering station (optional), at least one airborne infection isolation room must comply with (AII) 2006 AIA Guidelines for Design and Construction of Health Care Facilities. (10-1-08)T
- c. No facility will be approved unless the applicant provides evidence to the Department that responsible local officials (planning, zoning, and building) have approved the facility/building for code compliance. (10-1-08)T

251. -- 254. (RESERVED).

255. SITE LOCATION REQUIREMENTS.

The location of every Detox/Mental Health Diversion Unit is governed by the following rules: (10-1-08)T

- 01. All Weather Road.** The facility must be adjacent to an all-weather road, kept open to motor vehicles at all times of the year. (10-1-08)T
- 02. Physician and Medical Facilities.** The facility must be accessible to physician's services and medical facilities. (10-1-08)T
- 03. Public Utilities.** The facility must be accessible to public utilities. (10-1-08)T
- 04. Fire District.** The facility must be in a lawfully constituted fire district. (10-1-08)T
- 05. Parking Space.** The facility must have parking space to satisfy the minimum needs of clients, employees, staff, and visitors. In the absence of a local requirement, each facility will provide not less than one (1) space for each day shift staff member and employee, plus one (1) space for each five (5) client beds. This ratio may be reduced in areas convenient to a public transportation system or to public parking facilities provided that prior written approval of any reduction is obtained from the Department. Space must be provided for emergency and delivery

vehicles. (10-1-08)T

06. Natural or Man-made Hazards. If natural or man-made hazards are present on the facility property or border the property, reasonable precautions such as suitable fences, guards, railings or a combination thereof must be taken for the protection of clients. (10-1-08)T

07. Mitigation of Adverse Effects. If railroads, factories, airports or similar facilities, are located in close proximity to the facility, reasonable precautions must be taken to mitigate adverse effects of noise, odor, smoke, dust, and other nuisances. (10-1-08)T

256. - - 259. (RESERVED).

260. BEDS AND SLEEPING AREAS FOR MEDICALLY-MONITORED RESIDENTIAL DETOXIFICATION UNIT.

Each Detox/Mental Health Diversion Unit must be in compliance with the following rules: (10-1-08)T

01. Number of Approved Beds for Detoxification Unit. The number of approved beds for detoxification is limited to the number stated on the certificate of approval. Each approved bed for detoxification must have, at a minimum, a comfortable single bed mattress with moisture-proof cover, sheets, blankets, bedspread, pillow and pillow cases; roll-away type beds, cots, bunk-beds, and folding beds cannot be used and will not be approved. (10-1-08)T

02. Location of Beds. Client beds for medical detoxification may be located within an area suitable for multiple beds ("suite"), provided the suite is surrounded by solid walls, floor to ceiling, and is constructed and maintained in accordance with Chapter 18 of the 2000 Edition of the Life Safety Code. (10-1-08)T

03. Cubicle Curtains. Cubicle curtains of fire retardant material, capable of enclosing each approved bed must be provided in multiple-bed rooms or suites to ensure privacy for clients. (10-1-08)T

04. Unacceptable Location of Beds. Client beds for detoxification must not be located in hallways, closets, attics, corridors, trailer houses, or in any room other than one approved for clients. (10-1-08)T

05. Numbered Beds. Client beds for detoxification must be numbered. (10-1-08)T

06. Square Footage Requirements. Square footage requirements for client sleeping areas must provide for not less than sixty (60) square feet of floor space per client. (10-1-08)T

07. Visibility of Client Beds. Client beds for detoxification must be visible at all times to staff at the staff station. (10-1-08)T

08. Occupants of Sleeping Areas. Solid walls or moveable partitions, floor to ceiling, must be used to ensure that sleeping areas and suites for detoxification are occupied only by those of the same sex. (10-1-08)T

09. Safe and Secure Sleeping Areas. Sleeping areas for detoxification must be free of safety hazards, and appropriately lighted with no items or articles that a client might use to injure himself or others. (10-1-08)T

10. Separate and Distinct Client Areas. Solid walls, floor to ceiling, must be used to ensure that client areas for medically-monitored detoxification are separate and distinct from client areas for sobering and mental health. (10-1-08)T

11. Prior Approval Needed for Reallocated or Relocated Beds. Once the Department has approved the actual construction drawings, plans, and specifications, approved beds for detoxification cannot be reallocated or relocated unless prior written approval has been obtained from the Department. (10-1-08)T

261. BEDS AND BEDROOMS FOR MENTAL HEALTH DIVERSION UNIT.

Each Detox/Mental Health Diversion Unit must be in compliance with the following rules: (10-1-08)T

01. Number of Approved Beds for Mental Health Diversion Unit. The number of approved beds for mental health diversion is limited to the number stated on the certificate of approval. Each approved bed for mental health diversion treatment must have, at a minimum, a comfortable single bed mattress with moisture-proof cover, sheets, blankets, bedspread, pillow and pillowcases; roll away type beds, cots, bunk beds, and folding beds cannot be used and will not be approved. (10-1-08)T

02. Cubicle Curtains. Cubicle curtains of fire retardant material, capable of enclosing each approved bed must be provided in multiple-bed rooms to ensure privacy for clients. (10-1-08)T

03. Maximum Room Capacity. The maximum room capacity in bedrooms is two (2) clients. (10-1-08)T

04. Staff Calling System. A staff calling system for each client must be installed in each bedroom and in each toilet, bath, and shower room. A staff call must be considered as an emergency call. All staff calls will register at the staff station. The emergency call system must be designed so that a signal light activated by the client will remain lit until turned off by staff at the client's calling station - bed, bath, or shower room. The staff calling system is not a substitute for supervision. (10-1-08)T

05. Location of Client Beds. Client beds must not be located in hallways, closets, attics, corridors, trailer houses, or in any room other than one approved for clients. (10-1-08)T

06. Numbered Bedrooms and Beds. Client bedrooms and beds must be numbered. (10-1-08)T

07. Size of Client Sleeping Areas. Square footage requirements for client sleeping areas must provide for not less than sixty (60) square feet of floor space per client. (10-1-08)T

08. Entrances to Client Bedrooms. Entrances to all client bedrooms must be visible at all times to staff at the staff station. (10-1-08)T

09. Ceiling Height. Ceiling heights must be a minimum of seven (7) feet, six (6) inches. (10-1-08)T

10. Occupants of Bedrooms. In bedrooms used for mental health diversion, each bedroom must be occupied only by those of the same sex. (10-1-08)T

11. Bedroom Door Requirements. Client bedrooms must have a ninety-degree (90°) swinging door, at a minimum, that will not block any corridor or hallway, that is no less than thirty-two (32) inches in width, with a vision window, and that opens out directly into a corridor visible at all times to staff at the staff station. (10-1-08)T

12. Safe and Secure Client Bedrooms. Client bedrooms must be free of safety hazards, and appropriately lighted with no items or articles that a client might use to injure himself or others. (10-1-08)T

13. Separate and Distinct Client Areas. Solid walls, floor to ceiling, must be used to ensure that client areas for mental health diversion are separate and distinct from client areas for sobering and medically-monitored detoxification. (10-1-08)T

14. Prior Approval Needed for Reallocated or Relocated Beds. Once the Department has approved the actual construction drawings, plans, and specifications, approved beds for mental health diversion cannot be reallocated or relocated unless prior written approval has been obtained from the Department. (10-1-08)T

262. SOBERING STATION (OPTIONAL).

A sobering station is an optional service that may be provided in a Detox/Mental Health Diversion Unit. If a sobering station is provided it must be in compliance with the following rules: (10-1-08)T

01. Number of Clients in a Sobering Station. The number of clients that may be housed in the sobering station is limited to the number stated on the certificate of approval. (10-1-08)T

02. Visible Client Areas. Client areas for sobering must be visible at all times to staff at the staff

station. If vision windows are used they must provide for one-way vision into client areas for staff at the staff station and must be made of tempered, shatterproof glass. The Department will consider alternative design solutions to one-way vision which will accommodate the requirements for client area accessibility and monitoring. (10-1-08)T

03. Disease Protection of Clients. Client areas must provide for disease protection and be maintained in a clean sanitary condition at all times. (10-1-08)T

04. Furniture. Furniture located in client areas must be weighted or secured to the floor to ensure safety of staff and clients. (10-1-08)T

05. Location of Client Areas. Client areas in a sobering station must not be located in hallways, closets, attics, corridors, trailer houses, or in any room other than one approved for clients. (10-1-08)T

06. Numbered Rooms. Client rooms for a sobering station must be numbered. (10-1-08)T

07. Size of Client Rooms. Square footage requirements for client rooms in a sobering station must provide for not less than thirty (30) square feet of floor space per client. (10-1-08)T

08. Entrances to Client Rooms. Entrances to all sobering station client rooms must be visible at all times to staff at the staff station. (10-1-08)T

09. Ceiling Height of Client Rooms. Ceiling heights for client rooms must be a minimum of seven (7) feet, six (6) inches. (10-1-08)T

10. Floor Drain in Client Room. Client rooms in a sobering station must have at least one tamper resistant floor drain installed. (10-1-08)T

11. Doors on Client Rooms. Client rooms in a sobering station must have a ninety-degree (90°) swinging door, at a minimum, that will not block any corridor or hallway, that is no less than thirty-two (32) inches in width, with a vision window, and that opens out directly into a corridor visible at all times to staff at the staff station. The Department will consider alternative design solutions to one-way vision which will accommodate the requirements for client area accessibility and monitoring. (10-1-08)T

12. Utilities in Client Rooms. Client rooms in a sobering station must have a toilet and hand-washing sink with solid walls or partitions to separate the toilet from the sleeping area, and have mechanical ventilation to the outside. (10-1-08)T

13. Client Rooms Free of Hazards. Client rooms and areas in a sobering station must be free of safety hazards, and appropriately lighted with no items or articles that a client might use to injure himself or others. (10-1-08)T

14. Airborne Infection Isolation Room. Every sobering station must have at least one private airborne infection isolation room with a toilet, hand-washing sink, and other accessory facilities that complies with (AII) 2006 AIA Guidelines for Design and Construction of Health Care Facilities. Private airborne infection isolation rooms must have no hardware, equipment, or furnishings that obstruct observation of a client or that present a physical hazard or a suicide risk. Private airborne infection isolation rooms must have at least sixty (60) square feet of floor space and a ceiling height of seven (7) feet, six (6) inches. (10-1-08)T

15. Separate and Distinct Client Areas. Solid walls, floor to ceiling, must be used to ensure that client areas for sobering are separate and distinct from client areas for medically-monitored detoxification and mental health diversion. (10-1-08)T

16. Prior Approval Needed for Reallocated or Relocated Beds. Once the Department has approved the actual construction drawings, plans, and specifications, approved beds for a sobering station cannot be reallocated or relocated unless prior approval has been obtained from the Department. (10-1-08)T

263. -- 264. (RESERVED).

265. CLIENT TOILET AND BATHING FACILITIES.

- 01. Client Toilet Facilities.** Client toilet facilities, must be in compliance with the following rules: (10-1-08)T
- a.** Be conveniently located with solid walls or partitions to separate each toilet and bathroom from all adjoining rooms with at least one (1) flush toilet for every six (6) clients. (10-1-08)T
 - b.** Have mechanical ventilation to the outside from all inside toilets and bathrooms not provided with an operable exterior window. (10-1-08)T
 - c.** Have one (1) hand washing sink with a mirror convenient to every toilet. (10-1-08)T
 - d.** Have permanently wired light fixtures located and maintained so as to give adequate light to all parts of the room. (10-1-08)T
 - e.** Have arrangements for individual privacy for clients. (10-1-08)T
 - f.** Provide a privacy screen at each window. (10-1-08)T
 - g.** The minimum dimensions of a room containing only a toilet are three (3) feet by six (6) feet. Toilets must be accessible for use by persons with mobility and sensory impairments. (10-1-08)T
- 02. Client Bathing Facilities.** Client bathing facilities must comply with the following rules: (10-1-08)T
- a.** Each tub, shower, and lavatory must have hot and cold running water with at least one (1) tub or shower for every eight (8) clients, not otherwise served by bathing facilities located in a client's room. (10-1-08)T
 - b.** Each tub or shower room or enclosure must provide space for private use of the bathing fixture, for drying and dressing and for a wheelchair and attendant. (10-1-08)T

266. -- 269. (RESERVED).

270. ADMINISTRATIVE AREAS.

The following administrative areas must be located in the facility, or readily available to staff. The size and disposition of each administrative area will depend upon the number and types of approved beds to be served. Depending on the size of the facility and the number of clients served, there may be a need for more than one of the administrative areas listed below. Although identifiable spaces are required to be provided for each of the indicated functions, consideration will be given to design solutions which would accommodate some functions without specific designation of areas or rooms. Details of such proposals must be submitted to the Department for prior approval. Each administrative area must be in compliance with the following rules: (10-1-08)T

- 01. Staff Station.** One or more staff stations centrally located in each distinct service area, sobering, medically-monitored detoxification, and mental health diversion, with adequate space for charting and storage for administrative supplies. (10-1-08)T
- 02. Lounge and Toilets for Staff.** Lounge and toilet rooms for staff (toilet rooms may be unisex). (10-1-08)T
- 03. Closets and Compartments.** Individual closets or compartments for the safekeeping of coats and personal effects of personnel, must be located convenient to the staff station or in a central location close to personnel. (10-1-08)T
- 04. Clean Workroom or Clean Holding Room.** If the room is used for work, it must contain a counter and hand-washing facilities. When the room is used only for storage as part of a system for distributing clean and

sterile supplies, the work counter and hand-washing facilities can be omitted. (10-1-08)T

05. Soiled Workroom and Soiled Holding Room. The soiled workroom must contain a clinical sink or equivalent flushing rim fixture and a sink for hand-washing, towel dispenser, work counter, waste receptacle, and soiled linen receptacle. (10-1-08)T

06. Drug Distribution Station. The drug distribution station must be secure and convenient, with prompt twenty-four (24) hour availability of medicine. A secure medicine preparation area must be available and under the nursing staff's visual control and contain a work counter, refrigerator, and locked storage for controlled drugs, convenient to hand washing station and have a minimum area of fifty (50) square feet. A medicine dispensing unit can be located at the staff station, in the clean workroom, or in an alcove or other space convenient to staff and under staff control. (10-1-08)T

07. Nourishment Station. The nourishment station must contain a sink equipped for hand-washing, towel dispenser, equipment for serving nourishment between scheduled meals, refrigerator, and storage cabinets. Ice for clients' must be provided only by icemaker-dispenser units. (10-1-08)T

08. Equipment Storage Rooms. Rooms must be available for storage of equipment. (10-1-08)T

09. Janitor's Closet. Rooms must be available for storage of janitorial supplies and equipment. (10-1-08)T

10. Lockable Storage Area. A storage area of at least sixty-four (64) cubic feet (4x4x4), with segregated lockable storage compartments for client personal effects, must be maintained on-site. This storage area for client personal effects may be located in a separate area inside or outside of the facility's buildings. (10-1-08)T

271. ADDITIONAL ROOM AND AREA REQUIREMENTS.

01. Dining Room. The following minimum requirements apply to dining areas: (10-1-08)T

a. Ventilation. The facility must have an adequately ventilated separate dining room or area for the exclusive use of clients, employees, and invited guests. (10-1-08)T

b. Area Requirements. The total area set aside for dining purposes must be at least twenty (20) square feet per approved bed with a minimum total area of at least two hundred twenty-five (225) square feet. (10-1-08)T

02. Day Room. The following minimum requirements apply to day room areas: (10-1-08)T

a. Ventilation. The facility must have an adequately ventilated separate day room or area for the exclusive use of clients, employees, and invited guests. (10-1-08)T

b. Area Requirements. The total area set aside for day use purposes must be at least twenty (20) square feet per approved bed with a minimum total area of at least two hundred twenty-five (225) square feet. The same area can be used for dining and day room space. (10-1-08)T

03. Dietary Facilities. Food service, facilities, and equipment on-site and food service prepared by off-site contractors, must comply with Idaho Department of Health and Welfare Rules, IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments," also know as the Idaho Food Code. (10-1-08)T

04. Public Areas. Every Detox/Mental Health Diversion Unit must provide: (10-1-08)T

a. Entrance at grade level, sheltered from the weather and able to accommodate persons with mobility and sensory impairments. (10-1-08)T

b. Lobby space, including: (10-1-08)T

i. Reception and information counter or desk; (10-1-08)T

- ii. Waiting area; (10-1-08)T
- iii. Public toilet facility; (10-1-08)T
- iv. Public telephone; and (10-1-08)T
- v. Drinking fountain. (10-1-08)T
- c. Outdoor areas that are secure and safe. (10-1-08)T

05. Program Areas. The following program areas must be located in the facility, or readily available to staff. Although identifiable spaces are required to be provided for each of the indicated functions, consideration will be given to design solutions which would accommodate some functions without specific designation of areas or rooms. Details of such proposals must be submitted to the Department for prior approval: (10-1-08)T

- a. Sufficient general or individual offices to assure privacy for interviews, client counseling and business transactions. (10-1-08)T
- b. One (1) or more multipurpose rooms for client social activities, meetings, group counseling, and health education purposes. (10-1-08)T
- c. One (1) or more medical examination rooms. (10-1-08)T
- d. Provision for secure and convenient on-site storage of medical records. (10-1-08)T
- e. Quiet social area for clients. (10-1-08)T

272. LINEN AND LAUNDRY FACILITIES AND SERVICES.

The following rules apply to linen and laundry facilities and services: (10-1-08)T

- 01. Available Linen.** Every Detox/Mental Health Diversion Unit must have available at all times a quantity of linen essential to the proper care and comfort of clients; (10-1-08)T
- 02. Clean Linen.** Linen must be of good quality, not thread-bare, torn or badly soiled or stained; (10-1-08)T
- 03. Laundry Processing Area.** If linen is processed onsite, the laundry processing area must have commercial type equipment with which a seven (7) days' supply can be processed within a regularly scheduled work week. (10-1-08)T
- 04. Separate and Distinct Linen Processing Area.** Separate and distinct soiled linen processing, receiving, holding, and sorting area with hand-washing facilities that maximize disease protection and clean sanitary conditions at all times. (10-1-08)T
- 05. Separate and Distinct Linen Inspection Area.** Separate and distinct clean linen inspection, mending, processing, receiving, storage, issuing, and holding area that maximize disease protection and clean sanitary conditions at all times. (10-1-08)T
- 06. Adequate Storage.** Adequate storage for laundry supplies. (10-1-08)T
- 07. Janitor's Closet.** Janitor's closet containing a floor receptor or service sink and storage space for housekeeping equipment and supplies. (10-1-08)T

273. DETAILS AND FINISHES FOR WALLS AND FLOOR SURFACES.

Walls and floors must be of such character to permit cleaning which meet the interior finish requirements of the 2000 Edition of the Life Safety Code. Walls and ceiling in kitchens, bathrooms, and utility rooms must have washable

surfaces. (10-1-08)T

274. WATER.

Every Detox/Mental Health Diversion Unit must have an adequate supply of running hot and cold water, installed and maintained in compliance with the local plumbing code. There must be a sufficient amount of water under adequate pressure to meet the sanitary requirements of the facility at all times. The water supply must meet the following minimum requirements: (10-1-08)T

01. Approved Water Supply. An approved public or municipal water supply must be used whenever available; (10-1-08)T

02. Private Water Supply. In areas where an approved public or municipal water supply is not available, a private water supply must be provided, and it must meet the standards approved by the Department; (10-1-08)T

03. Requirements for Public or Private Water Supplies. Public or private water supplies must meet the Idaho Department of Environmental Quality Rules, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems;" (10-1-08)T

04. Water Samples from Private Supply. If water is from a private supply, water samples must be submitted to an approved laboratory for bacteriological examination at least quarterly. Copies of laboratory reports must be kept on file in the facility. (10-1-08)T

275. LIGHTING.

The facility must provide adequate and appropriate lighting in all client sleeping areas, dining rooms, living rooms, common and private areas, bathrooms and hallways. Adequate artificial light must be provided to include sufficient illumination for reading, observation, and activities. There must be a minimum of thirty-five (35) foot-candles in areas used for reading, study, or close work. Lighting in work areas must not be less than thirty (30) foot-candles. (10-1-08)T

276. VENTILATION.

The facility must be adequately ventilated and precautions must be taken to prevent offensive odors in compliance with the minimum requirements of the Uniform Mechanical Code. For facilities with a sobering station (optional), private airborne infection isolation rooms must be adequately ventilated and precautions must be taken to prevent offensive odors in compliance with the following minimum requirements of the 2006 AIA Guidelines for Design and Construction of Health Care Facilities:

TABLE 250.20 - MINIMUM REQUIREMENTS OF THE 2006 AIA GUIDELINES FOR DESIGN AND CONSTRUCTION OF HEALTH CARE FACILITIES - VENTILATION PRECAUTIONS				
Area	Air Movement/ Relation	Minimum Outdoor Air Changes/Hr	Total Air Changes/ Hr	Exhausted
Isolation Room	In	2	12	Yes

(10-1-08)T

277. UTILITY REQUIREMENTS.

01. Plumbing. All plumbing in the facility must comply with state and local codes. All plumbing fixtures must be easily cleanable and maintained in good repair. The temperature of hot water at plumbing fixtures used by clients must be between one hundred five degrees (105°F) Fahrenheit and one hundred twenty degrees (120°F) Fahrenheit. Hot water capacity must be at least three (3) gallons per client bed per hour. (10-1-08)T

02. Heating and Cooling. A heating and cooling system must be provided for the facility that is capable of maintaining a minimum temperature of seventy degrees (70°F) Fahrenheit during the day and a minimum of sixty-two degrees (62°F) Fahrenheit during the night. Wood stoves are not permitted as the sole source of heat and

the thermostat for the primary source of heat must be remotely located away from any wood stove. (10-1-08)T

03. Sewage Disposal. All sewage and liquid wastes must be discharged into a municipal sewerage system where such a system is available. Where a municipal sewerage system is not available, sewage and liquid wastes must be collected, treated, and disposed of in a manner approved by the Department. (10-1-08)T

278. -- 279. (RESERVED).

280. ACCESSIBILITY FOR PERSONS WITH MOBILITY AND SENSORY IMPAIRMENTS.

For clients with mobility or sensory impairments, the facility must provide a physical environment which meets the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and must provide as required the necessary accommodations: (10-1-08)T

01. Ramps. Ramps for clients who require assistance with ambulation must comply with the requirements of the ADAAG 4.8; (10-1-08)T

02. Bathrooms and Doors. Bathrooms and doors large enough to allow the easy passage of a wheelchair as provided for in the ADAAG 4.13; (10-1-08)T

03. Grab Bars. Grab bars in client toilet and bathrooms in compliance with ADAAG 4.26; (10-1-08)T

04. Toilet Facilities. Toilet facilities in compliance with ADAAG 4.19; and (10-1-08)T

05. Hand Railing. Suitable hand railing must be provided on both sides of all stairs leading into and out of a building for clients who require the use of crutches, walkers, or braces. (10-1-08)T

281. -- 999. (RESERVED).