

**RULES
OF
THE TENNESSEE DEPARTMENT OF MENTAL HEALTH
AND SUBSTANCE ABUSE SERVICES
OFFICE OF LICENSURE**

**CHAPTER 0940-05-04
LIFE SAFETY LICENSURE RULES**

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0940-05-04-.01 LIFE SAFETY REQUIREMENTS. For purposes of life safety facilities licensed by the Tennessee Department of Mental Health and Substance Abuse Services are required to meet the appropriate standards of the edition of the National Fire Protection Association Life Safety Code currently in use by the Office of the State Fire Marshal as set forth in rule 0780-02-02-.01 of the rules of the Department of Commerce and Insurance. The Office of Licensure will give adequate notice of any proposed changes in rule 0780-02-02-.01 to all licensees and applicants.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Administrative corrections made to agency names in December 2022 pursuant to Public Chapter 575 of 2012.

0940-05-04-.02 HEALTH CARE OCCUPANCIES.

- (1) Definition. Health Care Occupancies are those used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease, or infirmity; and for the care of infants, convalescents, or infirm aged persons. Health Care Occupancies provide sleeping facilities for the occupants or are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupants' control. Examples of facilities required to meet health care occupancy standards are the following:
 - (a) Mental Retardation Institutional Facility
 - (b) Mental Health Hospital Facility
 - (c) Crisis Stabilization Facility
 - (d) Any residential facility serving four (4) or more persons who are not capable of self-preservation and any non-residential facility serving four (4) or more persons six (6) years of age or older who are not capable of self-preservation (as defined at 0940-05-04-.10).
- (2) Criteria. For the purpose of life safety facilities required to meet Health Care Occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, 1985 Edition, Health Care Occupancies, Chapter 12 (new) or Chapter 13 (existing) or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

(Rule 0940-05-04-.02, continued)

Authority: T.C.A. §§ 4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed February 1, 1979; effective March 17, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986. Amendment filed March 19, 1996; effective June 2, 1996.

0940-05-04-.03 EDUCATIONAL OCCUPANCIES.

- (1) Definition. Educational Occupancies include all buildings used for gathering of groups of persons for purposes of instruction. Examples of facilities required to meet educational occupancy standards are the following:
 - (a) Adult Developmental Facility
 - (b) Pre-School Facility
 - (c) Day Treatment Facility
 - (d) Psychosocial Facility
 - (e) Activity Center Facility
- (2) Criteria. For the purpose of life safety facilities required to meet Educational Occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, 1985 Edition, Educational Occupancies, Chapter 10 (new) or Chapter II (existing) or equivalent standards hereafter adopted by the Office of the State Fire Marshal, and
 1. Document fire safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and
 - (ii) Under direct staff supervision;
 2. Document that all smoke-detection devices are tested at least every six (6) months.
 3. Document that all fire extinguishers are properly maintained and serviced;
 4. Document instruction to staff upon employment and to clients upon enrollment in fire evacuation procedures;
 5. Adopt and post a policy on smoking in specified areas;
 6. Suspended unit electric heaters may be used, except in means of egress, provided such heaters are located high enough to be out of the reach of persons using the area and are approved for use by the Office of Licensure of the department.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986.

0940-05-04-.04 BUSINESS OCCUPANCIES.

- (1) Definition. Business Occupancies are those used for the transaction of business (other than that covered under Mercantile), for the keeping of accounts and records, and similar purpose. Examples of facilities required to meet business occupancy standards are the following:
 - (a) Diagnosis and Evaluation Facility
 - (b) Mental Health Clinic Facility
 - (c) Alcohol and Drug Abuse Non-Residential Facility
 - (d) Methadone Non-Residential Facility
 - (e) DUI School/Program Facility
 - (f) Early Intervention Facility
- (2) Criteria. For the purpose of life safety facilities required to meet Business Occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, 1985 Edition, Business Occupancies, Chapter 26 (new) or Chapter 27 (existing) or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed February 1, 1979; effective March 17, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986.

0940-05-04-.05 REPEALED.

Authority: T.C.A. §§ 33-1-302, 33-1-303, 33-1-305, and 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Repeal filed November 25, 2024; effective February 23, 2025.

0940-05-04-.06 RESIDENTIAL OCCUPANCIES - BOARD AND CARE.

- (1) Definition. Board and Care facilities include a building or part thereof that is used for the lodging and boarding of four (4) or more residents, not related by blood or marriage to the owner or operator, to provide care services. Examples of facilities required to meet board and care occupancy standards are the following:
 - (a) Mental Retardation Boarding Home Facility
 - (b) Mental Retardation Group Home Facility
 - (c) Mental Health Residential Treatment Facility
 - (d) Mental Health Supportive Living Facility
 - (e) Mental Health Halfway House
 - (f) Alcohol and Drug Abuse Residential Facility
- (2) Criteria. For the purpose of life safety facilities required to meet Board and Care occupancy must comply with the following:

(Rule 0940-05-04-.06, continued)

- (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, 1985 Edition, Residential Board and Care Occupancies, Chapter 21, or equivalent standards hereafter adopted by the Office of the State Fire Marshal, and
 - 1. Provide at least two hundred (200) square feet, gross, of occupiable space per client,
 - 2. Provide at least:
 - (i) Eighty (80) square feet per client bedroom space for single occupancy, or
 - (ii) Sixty (60) square feet per client bedroom space for multiple occupancy,
 - 3. Not allow multiple occupancy which exceeds four (4) clients per bedroom, and
 - 4. Equip any stairways with emergency lighting,
 - 5. Provide emergency lighting in any corridors as means of egress,
 - 6. Not use unvented gas heaters,
 - 7. Use portable electric space heaters only in emergency situations with advance special permission and under conditions specified by the Office of Licensure,
 - 8. Allow the use of fireplaces only under the following conditions:
 - (i) For recreation or therapy only,
 - (ii) Not used as a primary source of heat,
 - (iii) Used in activity or living rooms,
 - (iv) Under proper supervision and in accordance with specific written fire safety procedures, and
 - (v) Fireplaces may be installed and used only in areas other than client sleeping areas, provided the fireplace is equipped with a heat-tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650 degrees Fahrenheit.
 - 9. Allow the use of portable cooking devices in the kitchen only,
 - 10. Document fire safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and
 - (ii) Under direct staff supervision;
 - 11. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by the resident and document that all smoke-detection devices are tested monthly and that batteries are changed when no longer operating, but at least yearly;
 - 12. Provide operable 2A-10B, C multi-purpose fire extinguishers in a fixed location and readily accessible for use in the facility, and document that all fire

(Rule 0940-05-04-.06, continued)

extinguishers are properly maintained and serviced. The Office of Licensure will determine the number of fire extinguishers required in a particular facility.

13. Document instructions to staff upon employment and clients upon enrollment in fire evacuation procedures;
14. Adopt and post a policy on smoking in specified areas;
15. Suspended unit electric heaters may be used, except in means of egress and client sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided the heaters are equipped with appropriate safety devices and are approved for use by the Office of Licensure of the department.
16. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the department.

- (b) Serve only persons who require no greater level of care than personal care (as defined at 0940-05-04-.08).

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986.

0940-05-04-.07 RESIDENTIAL OCCUPANCIES - ONE- AND TWO-FAMILY DWELLINGS (TWO OR THREE CLIENTS).

- (1) Definitions. One- and Two-Family Dwellings (Two or Three Clients) includes buildings in which each living unit is occupied by members of a single family or facility staff with no more than three outsiders. Examples of facilities required to meet one- and two-family dwelling occupancy standards are the following:
 - (a) Mental Retardation Boarding Home Facility
 - (b) Respite Care Facility
 - (c) Foster Care Facility
 - (d) Sponsor Care Facility
 - (e) Semi-Independent Living Facility
 - (f) Supportive Living Facility
 - (g) Sheltered Apartment Facility
 - (h) Alcohol and Drug Abuse Residential Facility
- (2) Criteria. For the purpose of life safety facilities required to meet one- and two-family dwelling occupancy must comply with the following:
 - (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, 1985 Edition, One and Two-Family Dwellings, Chapter 22, or equivalent standards hereafter adopted by the Office of the State Fire Marshal, and

(Rule 0940-05-04-.07, continued)

1. Provide at least two hundred (200) square feet, gross, of occupiable space per client,
 2. Provide at least:
 - (i) Eighty (80) square feet per client bedroom space for single occupancy, or
 - (ii) Sixty (60) square feet per client bedroom space for multiple occupancy,
 3. Maintain proper storage and safeguards for all flammable materials,
 4. Not use unvented gas heaters or portable electric space heaters,
 5. Not allow the use of portable cooking devices in rooms other than the kitchen,
 6. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the department,
 7. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by the resident, in the living rooms, and in other such rooms or areas as the Office of Licensure of the department may require,
 8. Provide an operable 2A-10B, C multi-purpose fire extinguisher in a fixed location and readily accessible for use in the facility,
 9. Identify areas where smoking is permitted - smoking in bedrooms must not be allowed,
 10. Not allow persons requiring mobility aids to sleep above or below ground floor,
 11. Document fire safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and
 - (ii) Under direct staff supervision,
 12. Document that all smoke detectors are tested monthly and that batteries are changed when no longer operating but at least yearly.
- (b) Serve only persons who require no greater level of care than personal care (as defined at 0940-05-04-.08).

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986.

0940-05-04-.08 PERSONAL CARE DEFINED. Personal care means protective care of a resident who does not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident when in the building. Protective care may include a daily awareness by the management of the resident's functioning, his or her whereabouts, the making and reminding a resident of appointments, the ability and readiness to intervene if a crisis arises for resident, supervision in areas of nutrition and medication, and actual provision of transient medical care.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986.

0940-05-04-.09 MOBILE NON-AMBULATORY RULE.

- (1) Definition. Mobile non-ambulatory individual means an individual who is able, without other assistance, to transfer to and to move about only with the aid of a wheelchair, crutch, wheeled platform, or similar device.
- (2) Criteria. For the purpose of life safety facilities required to meet the Mobile Non-Ambulatory Rule must comply with the following:
 - (a) Provide that non-ambulatory individuals only be located on the level of exit discharge;
 - (b) Provide approved ramps;
 - (c) Provide corridors of at least five (5) unobstructed feet in width;
 - (d) Provide doors and exits of at least thirty-two (32) inches clear opening; and
 - (e) Provide bathrooms approved by the Office of Licensure of the Department.

Authority: T.C.A. § 33-2-504. **Administrative History:** Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986.

0940-05-04-.10 CAPABLE OF SELF-PRESERVATION RULE.

- (1) Definition. Capable of self-preservation means that a person is capable of responding to an emergency signal, including voice, by following a pretaught evacuation procedure or other appropriate responses, whether or not the person is fully aware of the reasons for the action. A person is capable of self-preservation if the person is able to transfer unassisted from the bed to an individualized means of mobility which is continuously available and able to transverse a pre-defined means of egress from the facility within a reasonable time limitation.
- (2) Limitation. All residential facilities serving four (4) or more persons who are not capable of self-preservation and all non-residential facilities serving four (4) or more persons six (6) years of age or older who are not capable of self-preservation are required to meet the criteria for Health Care Occupancies.

Authority: T.C.A. §§ 4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986. Amendment filed March 19, 1996; effective June 2, 1996.

0940-05-04-.11 RESIDENTIAL OCCUPANCIES. One- and two-family dwellings (three beds or fewer service recipient(s) who are unable to respond to an approved emergency signal, including voice prompt, and evacuate the facility without physical assistance, in three (3) minutes or less).

- (1) Applicability: One- and two-family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three unrelated service recipient(s) who are unable to respond to an approved emergency signal, including voice prompt, and evacuate the facility without physical assistance, in three (3) minutes or less. Examples of facilities required to meet one- and two-family dwelling occupancy with service recipient(s) unable to evacuate without physical assistance, in three (3) minutes or less are the following:
 - (a) Mental Retardation Residential Habilitation Facility

(Rule 0940-05-04-.11, continued)

- (b) Mental Health Supportive Living Facility
 - (c) Mental Health Residential Treatment Facility
- (2) Physical Assistance: Includes, but is not limited to, staff leading the service recipient by hand, guiding a service recipient, and helping a service recipient transfer to a wheelchair.
- (3) Criteria: For the purpose of life safety, facilities accommodating service recipient(s) unable to evacuate without physical assistance, in three (3) minutes or less and are required to meet one- and two-family dwelling occupancies must comply with the following:
 - (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, or equivalent standards hereafter adopted by the Office of the State Fire Marshal.
 - (b) The following additional standards:
 - 1. All staff should be able to assist each service recipient in evacuation from the facility. This may be accomplished, for example, by assigning responsibility for a particular service recipient(s) to a particular staff member, especially where the service recipient(s) needs complete physical assistance to evacuate. Service recipient(s) who use a wheelchair for evacuation purposes need not be assigned a specific staff person to assist them as long as they are able to transfer from a fixed position to the wheelchair without physical assistance, and evacuate the facility in three (3) minutes or less.
 - 2. Evacuation procedures shall be sufficient so that it is not necessary for a staff person to re-enter the building after once leaving.
 - 3. A risk assessment must be completed for each service recipient admitted to the facility within five (5) calendar days of admission to the facility on a form prepared by the Department.
 - 4. If the risk assessment indicates that the service recipient is able to evacuate without physical assistance within three (3) minutes or less, then it is not necessary to assign a specific staff person to assist the service recipient in evacuating.
 - 5. If the risk assessment indicates that the service recipient is not able to evacuate without physical assistance within three (3) minutes or less, then a specific staff person must be assigned to assist the service recipient(s) in evacuating. Such staff assignment is required at all times that the service recipient(s) is inside the facility.
 - 6. The risk assessment must be repeated when the service recipient(s)'s circumstances change.
 - 7. Staff assigned to service recipient(s) needing assistance must be trained in evacuation procedures specific to the service recipient(s) being assisted.
 - 8. Ambulatory service recipient(s) who cannot evacuate independently within three (3) minutes must receive training needed to improve his ability to evacuate the facility more independently. Those service recipient(s) with a documented inability to respond to training need not receive this training.

(Rule 0940-05-04-.11, continued)

9. Provide at least two hundred (200) square feet, gross, of occupiable space per service recipient,
10. Provide at least:
 - (i) Eighty (80) square feet per service recipient bedroom space for single occupancy, or
 - (ii) Sixty (60) square feet per service recipient bedroom space for multiple occupancy,
11. Maintain proper storage and safeguards for all flammable materials,
12. Not use unvented gas heaters or portable electric heaters,
13. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department; and
14. Provide a smoke detector in each bedroom occupied by the service recipient, in the living rooms, and in other such rooms or areas as the Office of Licensure may require. Smoke detectors must be hardwired into the facility's electrical system.
15. Provide operable, type 2A-10B, C, multipurpose fire extinguishers in a fixed location and readily accessible for use in the facility, and document that all fire extinguishers are properly maintained and serviced.
16. Identify areas where smoking is permitted; smoking in bedrooms must not be allowed.
17. Not allow service recipient(s) unable to evacuate without assistance above or below the ground floor.
18. Document fire safety drills which must be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and ensuring each shift holds one (1) per quarter;
 - (ii) Under direct staff supervision,

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, and 33-1-305. **Administrative History:** Original rule filed March 1, 2002; effective May 15, 2002.