



COMMISSIONER  
Chris Traylor

March 21, 2011

To: Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions (ICFs/MR)

Subject: **Provider Letter 11-14** – New Emergency Preparedness and Safety Operations Rules

The Department of Aging and Disability Services (DADS) is issuing this letter to notify ICF/MR providers of new emergency preparedness and safety operations rules in Texas Administrative Code (TAC), Title 40, Part 1, [Chapter 90](#) that are effective March 21, 2011. DADS initiated these changes in response to the experiences, challenges and lessons learned during past hurricane seasons. The purpose of these rules is to ensure the health, safety and well-being of ICF/MR residents during and after a disaster.

New 40 TAC [§90.50](#), regarding emergency preparedness and response, requires an ICF/MR, whether licensed or exempt from licensure, to develop an emergency preparedness and response plan that addresses the core functions of emergency management. This rule requires an ICF/MR to designate an emergency preparedness coordinator, a facility staff person who has the authority to manage the facility's response to an emergency situation in accordance with the plan. New 40 TAC §90.50 also addresses administrative procedures, training of staff and reporting of fires.

New 40 TAC [§90.74](#), regarding safety operations, clarifies that inspection, testing and maintenance requirements for fire alarm and sprinkler systems must be in accordance with National Fire Protection Association standards. It also prohibits smoking in certain areas, requires "No Smoking" signs in those areas, requires a specific type of ashtray and container into which ashtrays can be emptied in all areas where smoking is permitted, and clarifies that an ICF/MR must inform residents, staff, visitors and others about its smoking policies.

DADS encourages ICF/MR providers to read and become familiar with the new rules as soon as possible. If you have questions about the new rules, please contact an ICF/MR policy or rules specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161 or an architect in the Architectural unit at (512) 438-2371.

Sincerely,

*[signature on file]*

Veronda L. Durden  
Assistant Commissioner  
Regulatory Services

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