



COMMISSIONER
Jon Weizenbaum

April 4, 2014

To: Assisted Living Facilities (ALFs)

Subject: **Provider Letter 14-01** – ALF Locked Alzheimer’s Units (Replaces PL 12-24)

The Texas Department of Aging and Disability Services (DADS) issues this letter to:

- Remind providers that an “Alzheimer’s facility” is defined at Texas Administrative Code (TAC), Title 40, Part 1, §92.2(4) as a “**Type B** assisted living facility that is **certified** to provide specialized services to residents with Alzheimer's or a related condition.”
- Remind providers that only certified Alzheimer’s facilities or certified Alzheimer’s units of an ALF may use the locking devices or special locking arrangements on doors and gates described in the licensing [Standards for Certified Alzheimer’s Assisted Living Facilities](#) in 40 TAC §92.53(h).
- Clarify to providers that DADS permits a **Type B ALF that is certified as an Alzheimer’s facility** to use the special locking arrangements described in 40 TAC §92.53(h) subject to the approval of local authorities (such as the county or city authority or the local or state fire marshal, as applicable). Assisted living facilities must meet the local authorities’ requirements prior to DADS state initial or renewal licensure.
- Remind providers that any locking device used on a door within a locked Alzheimer’s unit of a certified Alzheimer’s facility must release when a fire alarm activates, there is a power failure, or when a button is pushed at either the main staff station or the monitoring station. There must also be a manual pull and sign at the locked exit door.
- Replace Provider Letter 12-24, on the same subject, with updated regulatory references and guidance based on the adoption of new ALF rules effective January 6, 2014, specifically, 40 TAC §92.61(b)(4). Section 40 TAC §92.61(b)(4) requires compliance with the 2000 edition of the National Fire Protection Association (NFPA) 101, *Life Safety Code*, as follows:

Facility Type	NFPA 101 Chapter for New Occupancies	NFPA 101 Chapter for Existing Occupancies
Small Type A	32	33
Small Type B		
Large Type A		
Large Type B	18	19

- Inform providers that for **large Type B ALFs**, the use of special locking arrangements on doors is also supported by NFPA 101, §18/19.1.1.1.5 and §18/19.2.2.2.5.

An ALF that uses locking devices or special locking arrangements on doors, such as those described in 40 TAC §92.53(h), **must**:

- apply for licensure as a **Type B ALF** (if not already a Type B ALF) **and** certification as an Alzheimer’s facility within 30 days after the date of this letter **and** comply with all of the requirements in 40 TAC §92.53 (such as the additional training, staffing and activities requirements); **or**
- disable the locks immediately. However, in accordance with:
 - NFPA 101, §32/33.2.2.5.5, **any small ALF without Alzheimer’s certification** may maintain a “delayed egress lock” **on an exterior door**, provided that all the requirements of NFPA 101, §7.2.1.6.1 are met;
 - NFPA 101, §32/33.3.2.2.2(3), Exception #1, **any large Type A ALF without Alzheimer’s certification** may maintain a “delayed egress lock” on no more than one door in any path of egress, provided that all the requirements of NFPA 101, §7.2.1.6.1 are met; and
 - NFPA 101, §18/19.2.2.2.4, Exception #2, **any large Type B ALF without Alzheimer’s certification** may maintain a “delayed egress lock” on no more than one door in any path of egress, provided that all the requirements of NFPA 101, §7.2.1.6.1 are met.

NFPA 101, §7.2.1.6.1 permits certain doors to be equipped with “*approved, listed, delayed egress locks*” that “*unlock upon actuation of an approved supervised automatic sprinkler system... or upon actuation of any heat detector or activation of not more than two smoke detectors...*” **and** “*unlock upon loss of power controlling the lock or locking mechanism...*” Please refer to NFPA 101, §7.2.1.6.1 for the complete requirements.

If you have questions about the application of this provider letter, please contact an architect in the Architectural unit at 512-438-2371. Policy-related questions may be directed to a Life Safety Code policy specialist in the Policy, Rules and Curriculum Development unit at 512-438-3161.

Sincerely,

Mary T. Henderson
Assistant Commissioner
Regulatory Services

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