

MEMORANDUM

Department of Aging and Disability Services Regulatory Services Policy * Survey and Certification Clarification

TO: Regulatory Services
Regional Directors, State Office Managers

FROM: Mary Henderson
Assistant Commissioner, Regulatory Services

SUBJECT: **S&CC 14-08 – Locked Units in Assisted Living Facilities without an Alzheimer’s Certification**

APPLIES TO: Assisted Living Facility (ALF) Regional Survey Staff

DATE: **November 05, 2014**

The purpose of this memorandum is to provide guidance to health team surveyors pertaining to the survey of a non-certified Alzheimer’s ALF with a locked unit.

Background

The DADS licensing standards at Texas Administrative Code (TAC), Title 40, Part 1, Chapter 92, §92.125(a)(3)(Z) indicate that a resident of an ALF has the right to leave the ALF temporarily or permanently, subject to contractual or financial obligations.

Additionally, DADS licensing standards at 40 TAC Chapter 92, Subchapter D require an ALF to comply with the requirements of the Life Safety Code (LSC) for facility construction.

Policy

Locking facility doors against egress is undesirable in terms of resident rights and life safety. However, both the DADS licensing standards and the LSC recognize that the use of special locking arrangements to protect residents is necessary under certain circumstances. DADS licensing standards for certified Alzheimer’s ALFs at 40 TAC §92.53 are the only standards that allow for the use of the special locking arrangements. As such, DADS monitors an ALF’s use of locking devices and requires an ALF that uses special locking devices to:

- obtain certification as an Alzheimer’s ALF; and
- comply with 40 TAC §92.53(h)(8) and (9).

Note: Typically front doors may be locked against entry from the outside. Operation from the inside must be obvious, within a single motion and without special knowledge unless the exception within the code and standards are met.

Survey Procedure

During the initial tour of an ALF, health surveyors must identify whether the ALF has a locked unit. Surveyors must ask facility staff if there are any locked units in the ALF and look for units within the ALF that are segregated by locking devices. A locked unit is an ALF, or a portion of an ALF, that has special locking devices installed on the doors in recognition of the clinical needs of the residents. A unit with doors that have delayed-egress locking mechanisms is not considered a locked unit.

Delayed-egress locking mechanisms are the common push bar type devices. When an individual presses and holds a bar for three seconds, an alarm sounds and the lock releases in fifteen to thirty seconds. LSC Section 7.2.1.6.1 permits the use of these devices on exit doors of stores, restaurants and health care occupancies, including ALFs and nursing facilities. If a health surveyor encounters a unit that is segregated by a locking mechanism other than the delayed-egress mechanism described above, the surveyor should identify the unit as a locked unit.

If an ALF has residents in a locked unit, the ALF must be a licensed Type B ALF that has obtained Alzheimer's certification for the locked unit in which the residents are living. An ALF using locking devices without an Alzheimer's certification must disable the locks immediately, apply for licensure as a Type B ALF (if not already a Type B ALF), and obtain certification as an Alzheimer's ALF. Certified ALFs must comply with all of the requirements of 40 TAC [§92.51](#) and [§92.53](#).

If you have questions or concerns about the locking devices observed during a survey, please contact an architect in the Architectural unit at (512) 438-2371.

Policy-related questions may be directed to a policy specialist in the Policy, Rules and Curriculum Development unit at (512) 438-3161.

Sincerely,

Mary T. Henderson
Assistant Commissioner, Regulatory Services

MTH:cg

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Regional Directors