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Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

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Division 87@ NURSING FACILITIES/LICENSING - PHYSICAL ENVIRONMENT

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Section 411-087-0010@ New and Old Construction, Remodeling, Certificate of Need

## **411-087-0010 New and Old Construction, Remodeling, Certificate of Need**

### **(1)**

New Construction. New construction shall not be eligible for "exceptions" as provided in these rules (OAR 411-087) unless specifically authorized by the Division. All such alterations, additions, conversions in use, and renovations shall be subject to plan review in accordance with section (3) of this rule.

### **(2)**

Old Construction: (a) Where specifically provided within OAR 411-087-0010 - 411-087-0490, facilities which have been continuously licensed and operational since January 1, 1992 may be exempt from certain specified physical environment requirements. Such exemptions do not apply if there is a change in the purpose for which the room is licensed; e.g., a room which has not been continuously licensed as a resident room must comply with the requirements for new construction in order to be licensed as a resident room. The Division, however, may terminate an exemption if the Division determines that continuation of the exemption adversely impacts the facility's ability to otherwise meet nursing facility law. The exemption may be discontinued if the area subject to the exemption incurs major alterations as defined in OAR 411-085-0005; (b) Notwithstanding the "exceptions" provided for in these rules, facilities constructed prior to January 1, 1992 shall, when replacing equipment or remodeling areas subject to such exceptions, comply with

the rules to the greatest extent reasonable. Subsection (2)(b) of this rule does not apply to new construction; (c) Under no circumstances are the "exceptions" provided for in these rules intended to allow a facility that already meets or previously met these rules without the exception provision to be exempt from meeting the rules without the "exception provision."

**(a)**

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**(b)**

Notwithstanding the "exceptions" provided for in these rules, facilities constructed prior to January 1, 1992 shall, when replacing equipment or remodeling areas subject to such exceptions, comply with the rules to the greatest extent reasonable. Subsection (2)(b) of this rule does not apply to new construction;

**(c)**

Under no circumstances are the "exceptions" provided for in these rules intended to allow a facility that already meets or previously met these rules without the exception provision to be exempt from meeting the rules without the "exception provision."

**(3)**

Plan Review: (a) Schematic Plans. Schematic plans may be submitted for review; (b) Construction Plans. Two sets of project construction drawings and specifications must be submitted for review prior to initiation of related construction pursuant to subsection (3)(e) of this rule. Construction documents must be sufficient to allow the Division to determine if the project complies with OAR 411; (c) Floor Plan. Projects involving addition, deletion or relocation of beds shall include a floor plan showing the proposed number and location of each bed for which licensure will be requested. The plan shall include dimensions, area and room number of each resident room; (d) Program Narrative. All plans submitted shall be accompanied with a narrative description including: (A) Identification of services which will not be provided directly, but will instead be provided via contract; (B) All specialty services to be offered; and (C) Modifications to be made to heating, ventilating, plumbing and electrical systems. (e) Submission of Plans. All schematic and construction plans submitted shall be delivered to the Office of Health Policy (OHP), Public Health Division, Department of Human Services, State Office Building, Suite 640, 800 Oregon Street N.E., Portland, OR 97232, in accordance with OAR 409, division 17; (f) When construction or remodeling includes an increase in bed capacity, exceptions allowed for size of dining, activities and living areas (OAR 411-087-0300) shall no longer be applicable unless specifically authorized by the Division.

**(a)**

Schematic Plans. Schematic plans may be submitted for review;

**(b)**

Construction Plans. Two sets of project construction drawings and specifications must be submitted for review prior to initiation of related construction pursuant to subsection (3)(e) of this rule. Construction documents must be sufficient to allow the Division to

determine if the project complies with OAR 411;

**(c)**

Floor Plan. Projects involving addition, deletion or relocation of beds shall include a floor plan showing the proposed number and location of each bed for which licensure will be requested. The plan shall include dimensions, area and room number of each resident room;

**(d)**

Program Narrative. All plans submitted shall be accompanied with a narrative description including: (A) Identification of services which will not be provided directly, but will instead be provided via contract; (B) All specialty services to be offered; and (C) Modifications to be made to heating, ventilating, plumbing and electrical systems.

**(A)**

Identification of services which will not be provided directly, but will instead be provided via contract;

**(B)**

All specialty services to be offered; and

**(C)**

Modifications to be made to heating, ventilating, plumbing and electrical systems.

**(e)**

Submission of Plans. All schematic and construction plans submitted shall be delivered to the Office of Health Policy (OHP), Public Health Division, Department of Human Services, State Office Building, Suite 640, 800 Oregon Street N.E., Portland, OR 97232, in accordance with OAR 409, division 17;

**(f)**

When construction or remodeling includes an increase in bed capacity, exceptions allowed for size of dining, activities and living areas (OAR 411-087-0300) shall no longer

be applicable unless specifically authorized by the Division.

**(4)**

Certificate of Need. Before a facility may increase capacity, the licensee shall submit to the Division a Certificate of Need (CN) or a letter from the Office of Health Policy stating that a CN is not required.