

Article 40: Nursing Facilities

26-40-301. Nursing facility physical environment; construction and site

requirements. Each nursing facility shall be designed, constructed, equipped, and maintained to protect the health and safety of the residents and personnel and the public.

(a) Codes and standards. New construction of a nursing facility and all additions and alterations to a nursing facility shall meet the requirements of the building codes, standards, and regulations enforced by city, county, or state jurisdictions. The requirements specified in this regulation shall be considered as a minimum. Each nursing facility shall meet the requirements of the following, as adopted by reference in K.A.R. 26-39-105:

- (1) The “international building code” (IBC);
- (2) the national fire protection association’s NFPA 101 “life safety code”; and
- (3) the “Americans with disabilities act accessibility guidelines for buildings and facilities” (ADAAG).

(b) Site requirements. The site of each nursing facility shall meet the following requirements:

- (1) Be served by all-weather roads or streets;
- (2) be accessible to physician services, fire and other emergency services, medical facilities, churches, and population centers where employees can be recruited and retained;
- (3) be located in an area sufficiently remote from noise sources that would cause the day or night average sound levels to exceed 65 decibels;
- (4) be free from noxious and hazardous fumes;

(5) be at least 4,000 feet from concentrated livestock operations, including shipping areas and holding pens;

(6) be located above the 100-year flood zone if the property is located in a flood hazard area; and

(7) be sufficient in area and configuration to accommodate the nursing facility, drives, parking, sidewalks, recreational area, and community zoning restrictions.

(c) Site development. Development of the site of each nursing facility shall meet the following requirements:

(1) All buildings comprising a nursing facility shall be located on one site or contiguous sites.

(2) Final grading of the site shall have topography for positive surface drainage away from each occupied building and positive protection and control of surface drainage and freshets from adjacent areas.

(3) Each nursing facility shall have off-street parking located adjacent to the main building and each freestanding building that contains a resident unit, at a rate of one parking space for every two residents, based on resident capacity.

(4) Each nursing facility shall have at least the minimum number of accessible parking spaces required by ADAAG, as adopted by reference in K.A.R. 26-39-105, that are sized and signed as reserved for the physically disabled, on the shortest accessible route of travel from the adjacent parking lot to an accessible entrance.

(5) Each nursing facility shall have convenient access for service vehicles, including ambulances and fire trucks, and for maneuvering, parking, and unloading delivery trucks.

(6) All drives and parking areas shall be surfaced with a smooth, all-weather finish.

Unsealed gravel shall not be used.

(7) Except for lawn or shrubbery used in landscape screening, each nursing facility shall have an unencumbered outdoor area of at least 50 square feet per resident, based on resident capacity, for recreational use and shall so designate this area on the plot plan. Equivalent amenities provided by terraces, roof gardens, or similar structures for facilities located in high-density urban areas may be approved by the secretary. If a nursing facility is multistoried, the nursing facility shall have outdoor space on each level. (Authorized by and implementing K.S.A. 39-932; effective P-_____.)

PROPOSED