



COMMISSIONER  
Chris Traylor

July 22, 2011

To: Adult Day Care (ADC) Providers

Subject: **Provider Letter 11-26** – New Emergency Preparedness and Safety Operations Rules

The Department of Aging and Disability Services (DADS) is issuing this letter to notify ADC providers of new safety operations and emergency preparedness rules in Texas Administrative Code (TAC), Title 40, Part 1, Chapter 98 that will become effective August 1, 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 ADC residents during and after a disaster. You may access the proposed and final rules in the *Texas Register* at <http://www.sos.state.tx.us/texreg/archive/April12011/PROPOSED/40.SOCIAL%20SERVICES%20AND%20ASSISTANCE.html#121> and at <http://www.sos.state.tx.us/texreg/sos/adopted/40.SOCIAL%20SERVICES%20AND%20ASSISTANCE.html#207>, respectively. This letter is being issued to provide a summary of the most significant changes.

The revised 40 TAC §98.42, regarding safety operations, adds requirements to clarify that inspection, testing and maintenance of fire alarms, sprinkler systems and portable fire extinguishers must be in accordance with National Fire Protection Association standards; prohibits smoking in certain areas and requires “No Smoking” signs to be posted in those areas; requires a specific type of container into which ashtrays can be emptied in all areas where smoking is permitted; and clarifies that a facility must provide a separate room with beds and with walls from floor to ceiling for those clients who prefer privacy.

New 40 TAC §98.64, regarding emergency preparedness and response, requires an ADC to develop an emergency preparedness and response plan that addresses the core functions of emergency management. This rule requires an ADC 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 §98.64 also addresses administrative procedures, training of staff, a fire safety plan, reporting of fires and fire drills.

DADS encourages ADC providers to read and become familiar with the new rules as soon as possible. If you have questions about the new rules, please contact a Life Safety Code or ADC 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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