



COMMISSIONER
Chris Traylor

May 27, 2010

To: All Large Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions (ICFs/MR), Including Licensed ICFs/MR and State Mental Retardation Facilities

Subject: **Provider Letter 10-13** – Locking of Egress Doors in Large ICFs/MR (Facilities with 17 or more Client Beds)

The Department of Aging and Disability Services (DADS) is issuing this letter to remind large ICF/MR providers that locks for egress doors that are opened by keys can only be used in certain circumstances.

The National Fire Protection Association (NFPA) 101 Life Safety Code Standard, 2000 Edition (K038) requires that "exit access is arranged so that exits are readily accessible at all times in accordance with section 7.1, 18/19.2.1."

Paragraph 4.5.3.2 (Unobstructed Egress) of the NFPA 101, 2000 Edition states: "In every occupied building or structure, means of egress from all parts of the building shall be maintained free and unobstructed. No lock or fastening shall be permitted that prevents free escape from the inside of any building other than in health care occupancies and detention and correctional occupancies where staff are continually on duty and effective provisions are made to remove occupants in case of fire or other emergency. Means of egress shall be accessible to the extent necessary to ensure reasonable safety for occupants having impaired mobility."

Paragraph 19.2.2.2.4 of the NFPA 101, 2000 Edition states: "Doors within a required means of egress shall not be equipped with a latch or lock that requires the use of a tool or key from the egress side. *Exception No. 1: Door-locking arrangements without delayed egress shall be permitted in health care occupancies, or portions of health care occupancies, where the clinical needs of the patients require specialized security measures for their safety, provided that staff can readily unlock such doors at all times. (See 19.1.1.1.5 and 19.2.2.2.5 below)...*"

Paragraph 19.1.1.1.5 of the NFPA 101, 2000 Edition states: "It shall be recognized that, in buildings housing certain types of patients or having detention rooms or a security section, it might be necessary to lock doors and bar windows to confine and protect building inhabitants. In such instances, the authority having jurisdiction shall make appropriate modifications to those sections of this *Code* other than Chapter 18/19."

Paragraph 19.2.2.2.5 of the NFPA 101, 2000 Edition states: "Doors located in the means of egress that are permitted to be locked under other provisions of this chapter shall have adequate provisions made for the rapid removal of occupants by means such as remote control of locks, keying of all locks to keys carried by staff at all times, or other such reliable means available to the staff at all times. Only one such locking device shall be permitted on each door."

[Texas Administrative Code \(TAC\), Title 40, Part 1, Chapter 90, §90.64\(b\)](#) requires that, "Doors within the means of egress shall not be equipped with a latch or lock which requires the use of a key or tool to open from the inside of the building. A latch or other fastening device on a door shall be provided with a knob, handle, panic bar, or other simple type of releasing device, the method of operation of which is obvious, even in darkness. An exception is that large facilities are permitted to have doors which are locked, provided that residents can be rapidly removed by the use of remote control of locks or by keying all locks to keys readily available to staff who are in constant attendance."

[40 TAC §9.212](#) requires that: "Program providers that, in accordance with the THSC (Texas Health and Safety Code), §252.003, are exempt from the license required by THSC, §252.031, must comply with the following subchapters of 40 TAC Chapter 90 (relating to Intermediate Care Facilities for Persons with Mental Retardation or Related Conditions):

- (1) Subchapter C (relating to Standards for Licensure);
- (2) Subchapter D (relating to General Requirements for Facility Construction); and
- (3) Subchapter F (relating to Inspections, Surveys, and Visits)."

40 TAC §90.64(b) is found in Subchapter D of 40 TAC Chapter 90; therefore, State Mental Retardation Facilities must comply with this requirement.

In order for a means of egress to be locked, the facility has to identify specific medical needs of clients that indicate locking is appropriate **and** the authority having jurisdiction (both the Health and Human Services Commission and DADS) must approve the ICF/MR's request to lock its egress doors.

If you have questions regarding this provider letter, please contact an ICF/MR program specialist in the Policy, Rules and Curriculum Development unit at 512-438-3161.

Sincerely,

[signature on file]

Veronda L. Durden
Assistant Commissioner
Regulatory Services

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