

An ever-changing regulatory environment

When initiating a new senior living project in Colorado, there are many factors that contribute to a successful outcome. The regulatory environment for senior living communities in Colorado is ever changing, and it's important to understand the laws and codes that affect building compliance for different types of services.

The following tips are not meant to be all inclusive or replace consultation with your architect, and operators and developers should always consult their local and state authorities. That said, these are five of the most important things to consider when it comes to senior living and memory care facility building regulations in Colorado.

1) Comply with the International Building Code and make sure you know which version you're complying with.

Unlike some other states, Colorado has no statewide building codes. Instead, each jurisdiction adopts the building code independently and may or may not use the same version of the code, which is revised every three years. The most recent version (released in 2015) has significant changes, and even some advantages, for senior living and memory care facility construction. For example, the 2015 code includes a special category applicable to memory care facilities, which recognizes that there are residents capable of self-preservation with limited assistance. In other words, if patients are able, with staff direction, to walk out of a building on their own in an emergency situation.



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In the early stages of your project, determine which version of the code is being enforced in order to know your compliance responsibilities.

2) Determine the need to submit to the Division of Fire Prevention and Control for a plan review.

The DFPC is a state health department board that may

require a plan review for your project. If your facility is pursuing Medicare or Medicaid certification – or if the local fire inspection authority does not have qualified plan reviewers themselves – then the project will require a DFPC state plan review.

In this case, the DFPC will enforce NFPA-101 (more on this below), and maintains jurisdiction as a state agency over the operation of the facility. If a local fire authority does have a certified reviewer, however, then the project may be reviewed or under an alternative fire code such as the International Fire Code. This leads us to number three.

3) IBC is not the only code you must comply with. While IBC is often the first code to consider, these additional codes are important to overall building compliance:

- NFPA-101 compliance. The DFPC or local fire authority may require compliance with code NFPA-101, which involves some important differences from IBC related to skilled



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nursing and memory care facilities. Under NFPA-101, the operator must determine whether the building will be licensed as a medical facility or a residential board and care facility. That's because some operators prefer to use a "defend-in-place" strategy for their facility, meaning that, in the event of

minor fire, patients or residents can avoid unnecessary evacuation. Instead, they would be able to move to a separate indoor smoke-sealed compartment as a part of staged evacuation. Under NFPA-101, an operator who wants to adopt a "defend-in-place" strategy may be required to design to medical facility standards. Thus, we recommend complying with both IBC and NFPA-101 to cover your bases.

- Facility Guidelines Institute compliance. These guidelines offer authoritative direction on health care planning, design and construction in the U.S. as a guide for regulators, designers, builders and facility owners. State licensing requires FGI compliance in order to align with public health, safety and welfare codes in the health care and senior living realm.

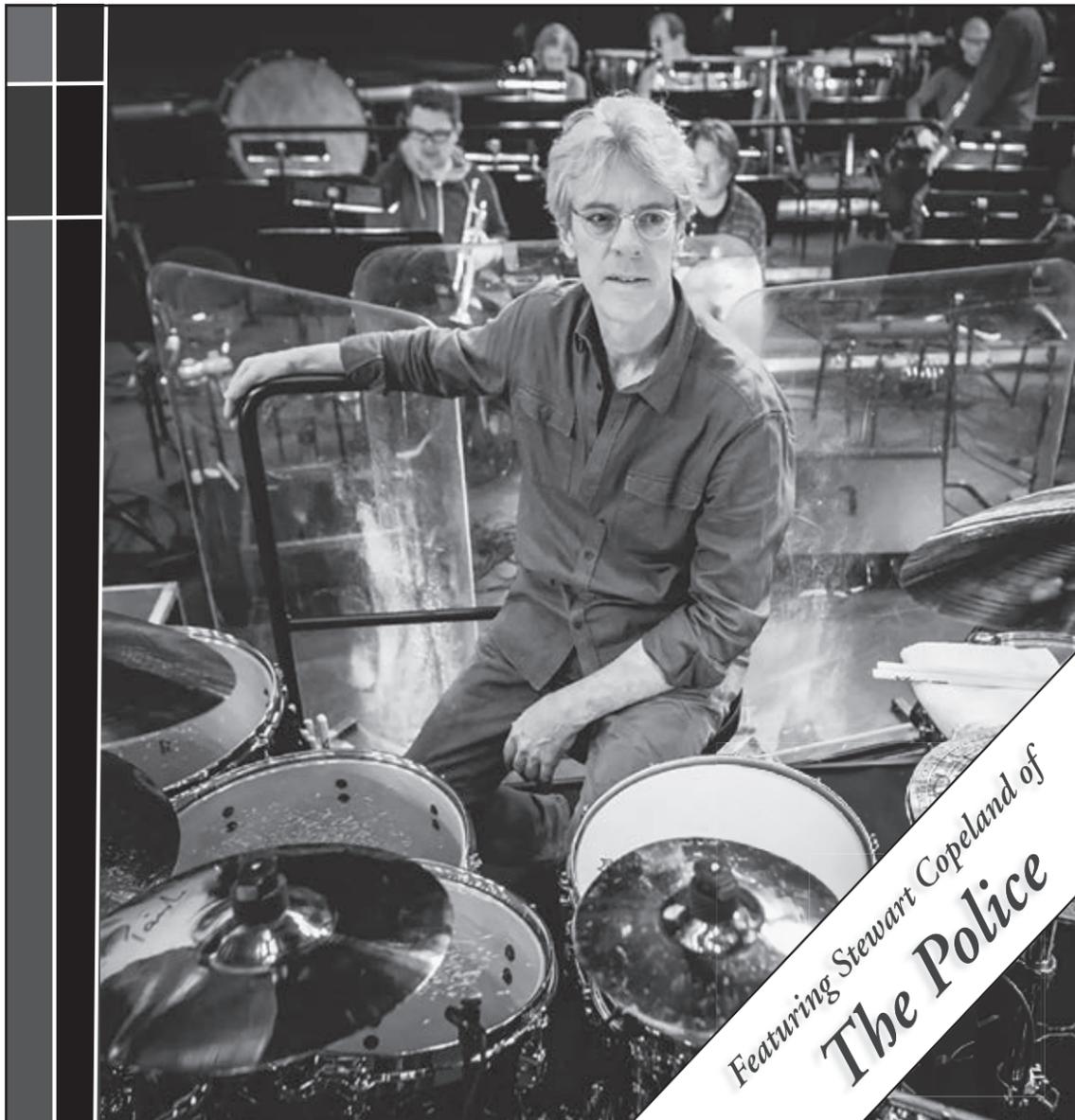
4) Understand the overall certification process. Licensing and regulation is primarily driven by the operator, who prepares a functional program for review and approval by the state health department, in this case, the

Colorado Department of Public Health and Environment. For instance, a certification requirement may stipulate the need for a laundry program. The operator must then determine whether to provide a full laundry facility on site, or instead contract with an outside laundry service. The architect can provide design support, but the operator submits the plan to the state licensing authority. The certification process must happen concurrently with design for an operator to open the facility on schedule.

5) Know that the process takes time.

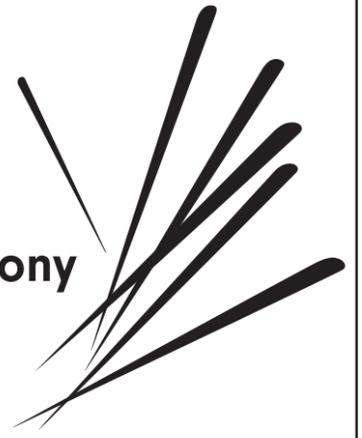
Above all, develop a realistic schedule from the outset. Allow time to work with all required agencies and be proactive in your communications. Get in front of decision-makers as early as possible, and take advantage of your allowance for state guidance during the conceptual phase. At the local level, your architect can help organize a preliminary design review meeting with as many affected local jurisdictions as possible (such as planning and zoning, building departments, fire departments and city engineering teams) early in the process to map out a schedule.

The Colorado regulations for designing senior living and health care facilities are always changing. While your architecture and design firm can (and should) be your partner throughout the process, they cannot write your functional program for you. Be sure your plans are up to code, stay aware of the certification process, and consult your local and state authorities – as well as your architect and design team – every step of the way.▲



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