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## California State Fire Marshal Information Bulletin

### **BEDRIDDEN PERSONS IN RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE'S) HOUSING 7 or MORE NON-AMBULATORY CLIENTS**

The Office of the State Fire Marshal has received numerous questions concerning the admission and retention of "bedridden" persons in a 7 or more Licensed Residential Care Facility for the Elderly (RCFE). The purpose of this "Information Bulletin" is to clarify this issue and prevent the unnecessary relocation of bedridden persons.

Health and Safety Code Section 1569.72(a) indicates that **no bedridden persons** as determined by the Department of Social Services (other than for a temporary illness or one who is recovering from surgery) shall be admitted or retained in a residential care facility for the elderly (RCFE).

However, Section 1569.72(c), a newer statute resulting from SB 1896, allows bedridden persons to be admitted to and remain in residential care facilities for the elderly that secure and maintain a fire clearance. It states that a fire clearance shall be issued to a facility in which a bedridden person as determined by the Department of Social Services (DSS) resides if either of the following conditions are met:

- (1) The fire safety requirements are met.
- (2) Alternative methods of protection are approved.

(1) The fire safety requirements are met. If Item 1 is used to obtain the fire clearance, all other fire safety requirements for the specific R-2.1 occupancy (7 or more non-ambulatory) for the elderly as prescribed in the current 2001 edition of the California Building Code shall apply. It should be noted that the current code prohibits "bedridden" client sleeping rooms other than those used for "temporary bedridden" be located above or below the first floor.

(2) Alternative methods of protection are approved. If Item 2 is used to obtain the fire clearance for bedridden residents above the first floor, the facility can request the enforcing agency to grant approval for an alternate material, design or method of construction that shall be approved where the enforcing agency finds that the proposed design is satisfactory and complies with the intent of the provisions of the code. This request is subject to final approval by the enforcing agency on a case by case basis. Example: utilization of the recently adopted 2007 California Building Code which does not prohibit bedridden persons from being placed and/or retained on or above the first floor or any other alternate means of protection that is acceptable to the enforcing agencies that provides for an equal or better degree of protection. The recently adopted code can be found at <http://osfm.fire.ca.gov/pdf/codeadoption/part2expresstermsfinal.pdf>.

For questions and information regarding this Information Bulletin, please contact Chief Ernie Paez at (626) 305-1908 or [ernie.paez@fire.ca.gov](mailto:ernie.paez@fire.ca.gov)