

DEPARTMENT OF PUBLIC SAFETY

Division of Fire Prevention and Control

8 CCR 1507- 31

**BUILDING, FIRE, AND LIFE SAFETY CODE ENFORCEMENT AND
CERTIFICATION OF INSPECTORS FOR HEALTH FACILITIES LICENSED BY THE
STATE OF COLORADO**

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

Pursuant to Section 24-33.5-1203.5, C.R.S., the Director of the Colorado Division of Fire Prevention and Control shall promulgate rules as necessary to carry out the duties of the Division of Fire Prevention and Control. This rule is proposed pursuant to this authority and is intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101, et seq., C.R.S.

The purpose of this rule change is several fold. First, the rule change addresses the Division's need to raise fees related to inspections and plan reviews under Article 13, which is necessary in order for the Division to defray the anticipated costs of the program.

Second, this rule change updates section 9.2 for inspection, testing, and maintenance programs to include mandatory reporting of all fires that occur in a healthcare facility.

Third, this rule change allows for correction of grammatical and formatting errors.

Mike Morgan, Division Director
Colorado Department of Public Safety
Division of Fire Prevention and Control

Date of Adoption

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APPLICABILITY

These rules and regulations apply to all licensed health facilities pursuant to the provisions of §24-33.5-1201, C.R.S.

ARTICLE 1 – AUTHORITY TO ADOPT RULES AND REGULATIONS

- 1.1 The Director of the Division of Fire Prevention and Control is authorized by the provisions of section 24-33.5-1203.5, C.R.S., to promulgate rules in order to carry out the duties of the Division of Fire Prevention and Control.
- 1.2 Sections 24-33.5-1201, 24-33.5-1203, 24-33.5-1204.5 and 24-33.5-1206, C.R.S. establish the authority and duty of the Division of Fire Prevention and Control to conduct or oversee the necessary plan reviews, issue building permits, and cause the necessary inspections to be performed as required by the CRS Title 24 Article 33.5 Part 12. Where the Division is the Authority Having Jurisdiction it shall enforce and inspect to the adopted codes and standards for buildings and structures of health facilities licensed by the State of Colorado promulgated by the Division. Where the local building or fire department is the Authority Having Jurisdiction, that department will continue to enforce its adopted codes and standards.
- 1.3 Sections 24-33.5-1212.5 and 24-33.5-1213.5, C.R.S. establishes the authority and duty of the Division of Fire Prevention and Control to promulgate rules to certify persons to conduct Building Code plan reviews and inspections on behalf of the Division for health facilities licensed by the State of Colorado.
- 1.4 Section 24-33.5-1211 C.R.S. establishes the authority and duty of the Division of Fire Prevention and Control to certify persons to conduct Fire and Life Safety Code plan reviews and inspections on behalf of the Division for health facilities licensed by the State of Colorado.
- 1.5 The Director of the Division of Fire Prevention and Control is authorized to establish fees and charges necessary to defray the anticipated costs of the program in these rules by the provisions of 24-33.5-1212.5.

ARTICLE 2 – DEFINITIONS

- 2.1 The definitions provided in 24-33.5-1202, C.R.S., apply to these rules. The following additional definitions also apply:

"Authority Having Jurisdiction" means the Division, Building Department, Fire Chief, Fire Marshal, or other designated official of a county, municipality, special authority, or special district that has code enforcement responsibilities and employs a building inspector or certified fire inspector.

"Building Department" means the Building Department (or a contracted third party acting on their behalf) of the Division, authority, county, town, city, or city and county.

"Building Permit" means an official document issued by the Authority Having Jurisdiction which authorizes the erection, alteration, demolition and/or moving of buildings and structures.

"Business Entity" means any organization or enterprise and includes, but is not limited to, a sole proprietor, an association, corporation, business trust, joint venture, limited liability company, limited liability partnership, partnership or syndicate. For the purposes of these rules the Business Entity may elect to be represented by a designated representative through a written delegation of authority.

"Certificate of Compliance" means an official document issued by the Division, stating that materials and products meet specified codes and standards, that work has been performed in compliance with approved construction documents, and that the provisions of applicable fire and life safety codes and standards continue to be appropriately maintained.

"Certificate of Occupancy" means an official document issued by the Authority Having Jurisdiction which authorizes a building or structure to be used or occupied for a specified purpose.

"Certified Health Facility" means a Health Facility which has been certified (or is seeking certification) by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, to participate in Federal funding of health care services under the provisions of the Federal Medicare and/or Medicaid programs.

"CMS" means the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

"Core and Shell Permit" means an official document issued by the Authority Having Jurisdiction which is limited to authorizing the construction of foundation, columns, floor slabs, roof structure, exterior walls, and exterior glazing for the building to be weather tight.

"Construction" means work that is not considered as maintenance or service and that requires a permit as prescribed in the adopted codes and standards of the Division.

"C.R.S." means Colorado Revised Statutes.

"Demolition Permit" means an official document issued by the Authority Having Jurisdiction which is limited to authorizing the demolition of all or part of a building or structure.

"Designated Representative" means a person designated by the Business Entity to act on their behalf through a written delegation of authority and is allowed to act in such manner as outlined in these rules.

"Director" means the Director of the Division of Fire Prevention and Control.

"Division" means the Division of Fire Prevention and Control in the Department of Public Safety.

"Executive Director" means the Executive Director of the Colorado Department of Public Safety.

"Fire Code Official" means the designated authority charged with the administration and enforcement of the Fire Code.

"Foundation" means work related to building footings, piers, foundation walls, slabs on grade, under slab and underground building services.

"Foundation Permit" means an official document issued by the Authority Having Jurisdiction which is limited to authorizing the construction of foundations.

"Health Facility" means a Health Facility as defined in C.R.S. 24-33.5-1202 (7.7).

"ICC" means the International Code Council.

"Individual" or **"Person"** means a person, including an owner, manager, officer, employee, or individual.

"Inspection, Testing, and Maintenance Program" means a program conducted by the building owner to satisfy the periodic inspection, testing, and maintenance requirements of fire protection and life safety systems as required by applicable codes and standards.

"Installation" means the initial placement of equipment or the extension, modification, or alteration of equipment after the initial placement.

"Life Safety Code Official" means the designated authority charged with the administration and enforcement of the Life Safety Code.

"Limited Scope Project" means a project with limited impact to fire and life safety features of a facility as defined by Division policy.

"Maintenance" means to sustain in a condition of repair that will allow performance as originally designed or intended. Maintenance does not include replacement of elements of a system which alter the performance criteria of the system as approved by the Authority Having Jurisdiction.

"Maintenance and Complaint Inspections" means periodic inspections or inspections conducted based on an allegation of nonconformance conducted by the local fire department or the Division to verify conformance with the adopted codes, rules, and standards. Such inspections are not to be considered to relieve the building owner of the responsibility to conduct an inspection, testing, and maintenance program for fire protection and life safety systems as required by the adopted codes, rules, and standards.

"NICET" means the National Institute for Certification in Engineering Technologies.

"NFPA" means the National Fire Protection Association.

"Qualified Inspector" means an inspector who has been certified by an approved national or state certifying body to conduct Building, Fire, and/or Life Safety Code inspections at the appropriate level for the task being performed.

"Qualified Fire Department" means a fire department that has Certified Fire Inspectors at the appropriate level for the fire prevention-related task being performed and provides fire protection service for the Business Entity's buildings and structures.

"Service (Or Repair)" means to repair in order to return the system to operation as originally designed or intended.

"Temporary Certificate Of Occupancy" means an official document issued by the Authority Having Jurisdiction which authorizes a building or structure to be temporarily used or occupied for a period not to exceed 90 days, unless an extension has been granted by the Authority Having Jurisdiction.

"Temporary Construction Trailer/Office" means a temporary modular building, owned and operated by the contractor that is less than 1,000 square feet and only placed for the duration of the project. Trailers meeting this definition (except where medical services are provided) are exempt from this rule. Trailers not meeting this definition will be considered as a modular building and permitted as such.

"Third-Party Inspector" means building inspectors who have been qualified by the Division to perform third-party inspection services in accordance with Article 10.1 of this rule.

"Total Project Valuation" means the construction cost of the project including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing, equipment, and permanent systems. Such valuation will be calculated using one of the following two methods:

1. For additions to, or new construction of, previously unlicensed Health Facility space, construction cost is calculated based on a per square foot cost using the International Code Council's Building Valuation Data Square Foot Construction Cost Table published February 2013.
2. For all other projects, construction cost is equal to the cost of the project as demonstrated by detailed estimates provided by the Business Entity.

ARTICLE 3 – CODES, DOCUMENTS, AND STANDARDS INCORPORATED BY REFERENCE

3.1 The technical requirements of these rules are supported primarily by codes developed by the International Code Council and the National Fire Protection Association. These two organizations are membership associations dedicated to building safety and fire prevention. These rules establish minimum requirements where the Division is the Authority Having Jurisdiction for building systems using prescriptive and performance related provisions, which are widely used to construct residential and commercial buildings. The appropriate portions of the adopted codes will be applied as prescribed by the adopted codes themselves. Where there are differing provisions for new and existing construction, all work taking place after April 1, 2019 must meet the requirements for new construction and as amended per provisions of IEBC and NFPA 101.

3.2 The following codes and their referenced standards are adopted and promulgated as minimum standards for the construction and maintenance of all property, buildings, and structures containing a Health Facility in the State of Colorado where the Division is the Authority Having Jurisdiction:

3.2.1 Adopted codes pertinent to this rule shall be as prescribed in 8 CCR 1507-1 (BUILDING AND FIRE CODE ADOPTION AND CERTIFICATION OF INSPECTORS FOR FIRE & LIFE SAFETY PROGRAMS ADMINISTERED BY THE STATE OF COLORADO).

3.2.1.1 For the purposes of this rule the Division shall enforce the Building Codes as defined in 8 CCR 1507-1 § 3.2.1.

3.2.1.2 For the purposes of this rule the Division shall enforce the Fire Codes as defined in 8 CCR 1507-1 § 3.2.2.

3.2.1.3 For the purposes of this rule the Division shall enforce the Life Safety and Health Facility Construction Codes and Guidelines as defined in 8 CCR 1507-1 § 3.2.3.

3.3 In any facility where the evacuation capability of the facility or resident population is required to be rated, the "Procedure for Determining Evacuation Capability" published by NFPA is to be used by the facility whether the facility is evaluated utilizing the NFPA 101A, Guide on Alternative Approaches to Life Safety (2013), or NFPA Standard 101, Life Safety Code (2012). The Level of Evacuation Difficulty for each facility will be determined by the scores developed in the Worksheet for Rating Residents completed by responsible staff for each resident and the level of staffing

maintained at the facility. It is the responsibility of the owner or administrator to ensure that the abilities of the residents are accurately rated in accordance with the published instructions. Each new resident shall be rated utilizing the Worksheet for Rating Residents within two (2) weeks of their admission to the facility. All resident rating scores shall be reviewed at least annually, or when there are significant changes in a resident's physical or cognitive abilities. Failure to rate the evacuation capability in accordance with these provisions upon two inspections will result in a permanent "impractical" rating for the facility.

- 3.4 Certificates of Occupancy and Certificates of Compliance issued after the adoption of codes by the Division for space not currently licensed by CDPHE will be based on compliance with the requirements for new construction within the applicable codes.

ARTICLE 4 – AUTHORITY OF LOCAL BUILDING DEPARTMENTS

- 4.1 Where the Health Facility is located in a jurisdiction with a local Building Department, the authority to conduct the necessary plan reviews, issue building permits, conduct inspections, issue Certificates of Occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with the locally adopted codes remains the responsibility of the local Building Department. Under these circumstances, the Division will accept a completed Building Permit and associated Certificate of Occupancy from the local Building Department as demonstration of compliance with the locally adopted building codes.
- 4.2 Where the Health Facility is located in a jurisdiction with no local Building Department, the authority to conduct the necessary plan reviews, issue building permits, conduct inspections, issue Certificates of Occupancy, issue Temporary Certificates of Occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with these rules is the responsibility of the Division. Under these circumstances, the Division will issue the applicable Building Permits and associated Certificates of Occupancy as demonstration of compliance with the Division's adopted building codes. The determination of when a building permit is required shall be based upon the International Building Code Section 105 requirements (except 105.1.1 and 105.1.2). Substantial changes to the scope of the project (including addition of square footage to the project scope) will require a submittal of a new application for a permit.

ARTICLE 5 – DEFINITION OF FIRE AND LIFE SAFETY CODE OFFICIALS

- 5.1 The Division is the Fire and Life Safety Code Official for Certified Health Facilities.
- 5.2 For non-certified Health Facilities located in a jurisdiction where the local fire department has Certified Fire Inspectors at the appropriate level for the task, the local fire department is responsible for conducting the necessary construction plan reviews and inspections. Under these circumstances, the local fire department is considered the Fire and Life Safety Code Official and will enforce the locally adopted Fire and Life Safety Codes.
- 5.3 If the local fire department declines to perform the plan review or any subsequent inspection, or if a Certified Fire Inspector is not available, the Division will be considered the Fire and Life Safety Code Official and the Division will perform the construction plan reviews and inspections required by the Division's adopted Fire and Life Safety Codes and will enforce the Division's adopted Fire and Life Safety Codes. The determination of when a fire and life safety permit is required will be based upon the International Building Code Section 105 requirements (except 105.1.1 and 105.1.2) and the International Fire Code Section 105.7 requirements. Substantial changes to the scope of the project (including addition of square footage to the project scope) will require a submittal of a new application for permit.
- 5.4 For Certified Health Facilities located in a jurisdiction where the local fire department has Certified Fire Inspectors at the appropriate level for the task, the local fire department is responsible for conducting the necessary fire code construction plan reviews and inspections. Under these circumstances, the local fire department will be considered the Fire Code Official. In this instance, the Division will be considered the Life Safety Code Official and the Division will

perform the construction plan reviews and inspections required by the Division's adopted Life Safety Codes and will enforce the Division's adopted Life Safety Codes. The determination of when a life safety permit is required shall be based upon the International Building Code Section 105 requirements (except 105.1.1 and 105.1.2) and the International Fire Code Section 105.7 requirements. Substantial changes to the scope of the project (including addition of square footage to the project scope) will require a submittal of a new application for a permit.

ARTICLE 6 – PERMIT APPLICATION SUBMITTAL TO THE DIVISION

6.1 Notification of Submittal to a Local Building Department

6.1.1 For projects that require a permit that will be reviewed and inspected by a local Building Department, the Business Entity shall notify the Division and the State licensing authority prior to beginning construction. Notification must include:

- A) Name of project;
- B) Location of project;
- C) Scope of work of project;
- D) Projected total cost of project;
- E) Projected square footage of project;
- E) Planned construction start and end dates;
- F) Identification of Fire Code Official (Name of the Qualified Fire Department or the Division);
- G) Identification of Building Code Official (Name of the Building Code Official or the Division);
- H) A description of the proposed health services to be provided and the type of licensure being sought through the state licensing authority;
- I) A copy of the Life Safety Code plan sheets submitted in the format as prescribed by the Division.

6.2 Permit Application Submittal to the Division

6.2.1 For all construction (including adding previously unlicensed space to a Health Facility license) or operational permits not covered under a Limited Scope Project permit as defined by this Article, the Business Entity shall submit a complete plan review application package to the Division for Life Safety Code compliance review. If there is not a local building department, the Business Entity shall also submit a complete plan review application package to the Division for Building Code compliance review.

6.2.2 The plan review application package must be submitted to the Division in the format defined by Division policy.

6.2.3 The building permit application package shall be concurrently submitted to the Division and to the local fire department. Either the Qualified Fire Department or the Division will review the submittal for compliance with the applicable codes. Permit issuance is contingent upon the review and approval of the submittal by the Fire Code Official. The Business Entity is required to contact the local fire department to determine the required submittal items not listed in this rule.

6.3 Plan Review and Permitting by the Division

- 6.3.1 The Division will notify the Business Entity if the permit application is incomplete.
 - 6.3.2 The Building Code plan review will be completed by a qualified building plans examiner within the Division or by a qualified third-party reviewer contracted by the Division.
 - 6.3.3 The Fire Code plan reviews will be completed by an individual qualified as a Fire Inspector III – Plans Examiner within the Division, qualified third-party reviewer contracted by the Division, or by the Qualified Fire Department.
 - 6.3.4 The Life Safety Code plan reviews will be completed by an individual qualified as a Fire Inspector III – Plans Examiner and CMS Qualified Life Safety Code Inspector within the Division.
 - 6.3.5 Upon completion of the code review, the Division will provide the Business Entity with a comprehensive list of corrections to be addressed prior to the issuance of a permit. This list of corrections should not be considered all-inclusive and may not be considered as approval of any condition in violation of applicable code. Once all corrections have been satisfactorily addressed, the Division will issue the permit.
- 6.4 Phased Construction
- 6.4.1 Upon request by the Business Entity, the Division may issue individual permits for demolition, construction of foundations, and construction of core and shell, or for individual phases of an overall project provided that construction documents for that portion of the building or structure being permitted have been submitted per Article 6.3. The holder of such permit for demolition or the construction of foundations or vertical construction may then proceed at the holder's own risk with building operation and without assurance that a permit for the entire structure will be granted. Issuance of this permit should not be considered all inclusive and may not be considered as approval of any condition in violation of applicable codes.
- 6.5 Deferred Design/Build Submittals/Shop Drawings
- 6.5.1 Deferred design/build (shop drawing) submittals for fire protection and life safety systems are permitted; however, construction documents must provide sufficient information to show compliance with Fire and Life Safety Code requirements and coordination between fire systems and other building systems (i.e., HVAC systems, security systems).
 - 6.5.2 Shop (Installation) drawings for fire protection and life safety systems shall be submitted to the Fire and Life Safety Code Official(s) for review and approval prior to beginning installation of the system.
 - A) Fire sprinkler and fire alarm shop drawings shall be submitted to the Fire and Life Safety Code Officials in accordance with the requirements of the adopted codes in the format as prescribed by the Division and the local fire department.
 - B) Shop (installation) drawings for other systems regulated by the Fire and Life Safety Codes shall be submitted to the Division in accordance the appropriate referenced standard for the system.
 - 6.5.3 Minimum Qualifications for Fire Protection and Life Safety System Design and Installation
 - A) Fire Suppression Systems

Any installation, modification, alteration, or repair of a fire suppression system shall be in accordance with 8 CCR 1507-11 - Colorado Fire Suppression program.
 - B) Fire Alarm Systems

- (1) The design of any new system or alteration of an existing fire alarm system using the prescriptive requirements of NFPA 72 shall be performed by a person who is currently a professional engineer or qualified by NICET at a level III or level IV in fire protection engineering technologies - fire alarm systems, or another nationally recognized organization approved by the Division.
- (2) The design of any new system or alteration of an existing fire alarm system using performance-based design methods as described by NFPA 72 or alternative materials and methods as described by the adopted Fire Code shall be performed by a person who is currently a professional engineer specializing in fire protection.
- (3) The installation of a fire alarm system shall be performed by or supervised by a person who is currently qualified at a minimum of NICET level II in fire protection engineering technologies – fire alarm systems, or another nationally recognized organization approved by the Division.

C) Other Fire and Life Safety Protection Systems Regulated by the Building, Fire, or Life Safety Codes

The design and installation shall be performed by a company or individual with manufacturer- or factory-approved training for the specific system, or as otherwise required by the applicable code section or referenced standard.

6.7 6.6 Limited Scope Project Permit

- 6.7.1 6.6.1 In lieu of an individual Building, Fire, or Life Safety Code permit for each limited scope project, the Division may issue a Limited Scope Project Permit upon approved application [for or renewal of a Certificate of Compliance](#). Permits for Limited Scope Projects expire concurrent with the Certificate of Compliance for the Health Facility. The Business Entity shall notify the Local Fire Department prior to the commencement of work conducted under a Limited Scope Project Permit.
- 6.7.2 6.6.2 Limited Scope Project Permits are restricted to those projects identified by the Division.
- 6.7.3 6.6.3 The Business Entity to whom a Limited Scope Project Permit is issued shall keep a detailed record, including stamped engineered drawings (if applicable), of all modifications made under such Permit.
- 6.7.4 6.6.4 All work completed under an Limited Scope Project Permit shall be inspected by a local building department inspector, a Third-Party Inspector, or a qualified tradesperson (as specified by local or state licensing requirements or the installation standards adopted by the Division [if applicable], the manufacturer's installation recommendations, or minimally a person with 3 years or more of experience in the field of construction) within 10 days of completion of a project, and such inspections shall be recorded on an inspection log. The Division may perform interim inspections at any time and must have access to all inspection logs at all times. Copies of such records shall be submitted to the Division within 30 days of the expiration date of the Limited Scope Project Permit.
- 6.7.5 6.6.5 If the inspection logs associated with the Limited Scope Project Permit demonstrate compliance with the Limited Scope Project Permit requirements, the Division may issue a Certificate of Compliance for projects completed under that permit.
- 6.7.6 6.6.7 If the inspection logs associated with the Limited Scope Project Permit demonstrate noncompliance with the Limited Scope Project Permit requirements, the Division will issue a correction notice and may revoke and withhold issuing another

Limited Scope Project Permit or Certificate of Compliance to the Business Entity until all corrections have been satisfied and may, based on the extent of non compliance and at the Division's discretion, elect to not issue a limited scope project permit for the next renewal of the Certificate of Compliance.

ARTICLE 7 – CONSTRUCTION INSPECTIONS

7.1 Building Code Inspections Conducted by the Division

- 7.1.1 Construction or work for which a permit is required is subject to inspection by the Division or a Third-Party Inspector hired by the Business Entity. Such construction or work shall remain accessible and exposed for inspection purposes until approved. Neither the Division nor a Third-Party Inspector contracted by the Business Entity is liable for expenses incurred in the removal or replacement of any material required to allow inspection.
- 7.1.2 The Division may contract with Third-Party Inspectors who are qualified in accordance with Article 10 of these rules to perform inspections. A Health Facility may hire and compensate Third-Party Inspectors under contract with the Division or hire and compensate other Third-Party Inspectors who are qualified in accordance with Article 10 of these rules to perform inspections.
- A) Prior to commencement of construction on projects requiring third-party inspections, the Business Entity shall notify the Division of the designated Third-Party Inspector for the permitted project. The notification shall be made in writing using a form provided by the Division. The Division may request a preconstruction meeting with the Business Entity, the contractor hired to perform the work, and the qualified Third-Party Inspector.
 - B) Third-Party Inspectors shall include their printed name and state certification number in the appropriate location on the inspection report or card.
 - C) The Division will require a sufficient number of third-party inspection reports to be submitted by the inspector based upon the scope and cost of the project to ensure quality inspections are performed. Concurrent with the permit approval, the Division will issue an Inspection Card specifying the applicable required inspections as set forth in Chapter 1 of the Building Code or as determined by the Division. The inspection card shall be on site throughout the duration of the project.
 - D) If the Division finds that inspections are not completed satisfactorily, or that all violations are not corrected, the Division will take enforcement action against the appropriate Business Entity pursuant to Article 11. In such case the Division may also require that all inspections for the next project undertaken by the Business Entity be conducted by the Division's inspectors.
- 7.1.3 For permits issued by the Division, the final inspection will be conducted only by the Division after all work required by the building permit is completed. Mid-construction inspections may be performed to observe progress and verify compliance with third-party inspection requirements as deemed necessary by the Division.

7.2 Fire and Life Safety Code Inspections

- 7.2.1 Project sites shall be inspected by the Fire and Life Safety Code Officials to verify compliance with the Fire and Life Safety Codes and approved construction documents. Construction inspections shall be conducted by a person certified as Fire Inspector II or Fire Inspector III – Plans Examiner. Third-party inspection provisions do not apply to the required Fire and Life Safety Code inspections. Either the Division or the Qualified Fire Department shall perform fire inspections.

- 7.2.2 Results of all inspections shall be documented on the job site inspection card and in the official records of the inspecting entity, and shall include type of inspection, date of inspection, identification of the responsible individual doing the inspection, and comments regarding approval or disapproval of the inspection. Inspection records shall be retained by the inspecting entity for three years after the Certificate of Compliance or Certificate of Occupancy is issued.
- 7.2.3 Certified Fire Inspectors shall include their printed name and state fire inspector certification number in the appropriate locations on the inspection report or card.
- 7.3 Inspection Request Notification to the Division.
 - 7.3.1 The Division shall be provided with notification in writing no later than noon of the Thursday in the week preceding the requested inspection. The Division will make reasonable efforts to provide the inspection on the requested day or time, provided an inspector is available. If the inspection schedule is full, an alternate day and time will be proposed for the inspection to be completed within the next 30 days, unless otherwise negotiated.
 - 7.3.2 It is the duty of the permit holder to provide access to and means for inspections of such work that are required by the inspector.
 - 7.3.3 Work will not be done beyond the point indicated in each successive inspection without first obtaining the approval from the appropriate inspection entity. The inspector, upon notification, will perform the requested inspections. In the case that the Division cannot complete the inspection within the timeframe requested, the Business Entity may elect to hire a Third-Party Inspector to conduct that inspection at their own expense. Upon completion of the inspection, the inspector will either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or their Designated Representative of any deficiencies. Any portions of the construction that do not comply with the codes adopted in these rules shall be corrected and such portion shall not be covered or concealed until authorized by the appropriate inspection entity. The re-inspection shall be requested in accordance with Article 7.3.1.
- 7.4 Stop Work Orders Issued by the Division.
 - 7.4.1 If the Division finds any work regulated by these rules being performed in a manner either contrary to the provisions of these rules or dangerous or unsafe, the Division is authorized to issue a stop work order.
 - 7.4.2 The stop work order will be in writing and will be given to the Business Entity, the Designated Representative, or the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order will state the reason for the order and the conditions under which the cited work will be permitted to resume.
 - 7.4.3 Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, will be subject to penalties as prescribed by these rules.

ARTICLE 8 – CERTIFICATE OF OCCUPANCY AND CERTIFICATE OF COMPLIANCE

- 8.1 The Business Entity shall not occupy or use a Health Facility or portion thereof for the provision of services until a completed and closed Permit, Certificate of Compliance, Certificate of Occupancy or a Temporary Certificate of Occupancy has been issued by Division and/or the local building department.
- 8.2 The Division or the local building department may issue a Temporary Certificate of Occupancy if a Health Facility requires immediate occupancy and if the Business Entity has passed the

appropriate inspections, including fire inspections, that indicate there are no life safety issues. If no renewal of the Temporary Certificate of Occupancy is issued or a permanent Certificate of Occupancy is not issued, the building shall be vacated upon expiration of the Temporary Certificate of Occupancy.

- 8.3 A Health Facility shall not provide health services without a valid Certificate of Compliance that has been issued by the Division for that portion of the Health Facility. If no renewal of the Certificate of Compliance is issued, the building shall be vacated upon expiration of the Certificate of Compliance.
- 8.4 Certificates of Occupancy and Certificates of Compliance will be issued based on the codes in effect during the most recent inspection of the facility. No Certificate of Compliance will be issued until compliance with the applicable codes and standards has been demonstrated through record review of local Authority Having Jurisdiction documents of inspection and certification, Division inspection and certification, or other appropriate documentation, showing the building to be in conformance with applicable codes and standards applicable at the time of issuance. The Business Entity is required to submit these documents to the local Authority Having Jurisdiction.
- 8.5 For the initial issuance of the Certificates of Compliance after July 1, 2013 the Certificate will be based on the codes as adopted and enforced by CDPHE during the last inspection or in effect upon the original submittal for plan review of the facility within the five years prior to July 1, 2013. For facilities that have not been inspected within the last five years, the Certificate will be issued based on the codes as adopted and enforced by CDPHE as of June 30, 2013.

ARTICLE 9 – MAINTENANCE AND COMPLAINT INSPECTIONS AND INSPECTION, TESTING AND MAINTENANCE PROGRAMS.

9.1 Maintenance and Complaint Inspections

9.1.1 The Division may perform inspections of the buildings and structures when deemed necessary to ensure that they are maintained in accordance with the appropriate chapters of the adopted Fire and Life Safety Codes. If the Health Facility is not certified or seeking certification to participate in Medicare or Medicaid funding, the Local Qualified Fire Department providing fire protection service will conduct these maintenance inspections.

- A) If the Local Qualified Fire Department is unable or unwilling to perform maintenance or complaint inspections, the Division has the authority and duty to perform them.
- B) If the Local Qualified Fire Department does not have an inspector qualified as a Fire Inspector I or above, the Division will perform regular maintenance inspections for the Business Entity to ensure compliance with this rule and the applicable statutes. In this instance the Division inspector will attempt to contact the local Fire Authority to ascertain any concerns the local fire authority might have related to the Health Facility.

9.1.2 Where a local Qualified Fire Department is performing maintenance and complaint inspections, the Business Entity is required to notify the Division that such inspections are being performed. The Business Entity shall provide a copy of the local Qualified Fire Department's inspection report and documentation that all identified deficiencies have been corrected within 30 days of the inspection and subsequent re-inspections until compliance is demonstrated. If such documentation is not provided, the Division will assume that the inspections have not been performed and will have the duty to perform them.

9.1.3 Nothing in this Article prohibits the local fire department providing fire protection services from conducting routine assessments of buildings and structures or from correcting violations that pose an immediate threat to life safety. Additionally, nothing in this Article

prohibits the local fire department from seeking enforcement under defined local procedures and rules.

- 9.1.4 A local Qualified Fire Department providing fire protection service for buildings and structures of a Health Facility that chooses to perform Fire and Life Safety Code inspections may refer notices of deficiencies to the Division for evaluation and enforcement. Notices of deficiencies and requests for evaluation and enforcement shall be submitted in writing to the Division as described in Article 11 of this Rule.

9.2 Inspection, Testing and Maintenance Programs.

- 9.2.1 The Business Entity shall ensure that building systems are inspected, tested, and maintained as required by the adopted codes and referenced standards.
- 9.2.2 Personnel employed by a Business Entity performing inspection, testing, and maintenance programs are not required to be Certified Fire Inspectors, but must be qualified to perform the actions as required by the standards or listings of the devices or systems.

Exception: Work conducted on system components that would require permits, licensing, or certifications under any adopted codes, laws, or rules shall be conducted in accordance with those requirements.

- 9.2.3 Inspection, Testing, and Maintenance Records shall be retained for at least three years. Records must indicate the procedure or inspection performed, the organization that performed the procedure or inspection, the results, and the date. The Business Entity shall provide these records for review by the local Qualified Fire Department or to the Division upon request.

9.2.4 The Business Entity shall report or cause to be reported in the manner and method required by the Division all fires that occur within any Health Facility subject to regulation by the Division in the State of Colorado. This requirement shall be met anytime a fire occurs that causes any one of the following conditions:

- A) Activates one of the fire and life safety systems installed in the building or structure (e.g. – fire alarm system, fire suppression system, etc.).
- B) Causes a response from the Fire Department
- C) Causes the evacuation of any occupants located in the building or structure.
- D) Results in the deployment and use of a fire extinguisher.

ARTICLE 10 – BUILDING CODE AND FIRE CODE INSPECTOR QUALIFICATION

- 10.1 Building Code and Fire Code Inspectors shall be certified in accordance with the provisions of 8 C.C.R 1507 – 1 (BUILDING AND FIRE CODE ADOPTION AND CERTIFICATION OF INSPECTORS FOR FIRE & LIFE SAFETY PROGRAMS ADMINISTERED BY THE STATE OF COLORADO).

10.2 Duties of Third-Party Inspectors

- 10.2.1 Third-Party Inspectors contracted by the Business Entity shall conduct the required inspections and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the Building Code adopted by the Division.
- 10.2.2 Third-Party Inspectors contracted by the Business Entity shall enforce only the codes adopted by the Division.

- 10.2.3 The Business Entity shall only use inspectors that are qualified by the Division to work on Health Facility projects.
- 10.2.4 Third-Party Inspectors contracted by the Business Entity shall send copies of their inspection reports to the Division.
- 10.2.5 If all inspections are not completed and a building requires immediate occupancy, and if the Business Entity has passed the appropriate inspections that indicate there are no life safety issues, the qualified Third-Party Inspectors contracted by the Business Entity shall notify the Division of the same. Upon this notice, the Division may issue a Temporary Certificate of Occupancy to allow the Business Entity to occupy the buildings and structures.
- 10.2.6 Applicants for Third-Party Inspection Certification must complete the process as defined by the Division.

10.3 Duties of Certified Fire Inspectors

- A) Where there is a local Qualified Fire Department, local Qualified Fire Inspectors shall conduct the required plan reviews and inspections and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the locally adopted Fire Codes.
- B) Where there is not a Qualified Fire Department, Division Fire Inspectors shall conduct the required plan reviews and inspections and require corrections or modifications as necessary to ensure that a building or structure is constructed in conformity with the Division's adopted Fire and Life Safety Codes.
- C) If all inspections are not completed and a building requires immediate occupancy, and if the Business Entity has passed the appropriate inspections that indicate there are no life safety issues, the Fire Inspector may recommend to the Division or the local Building Department that a Temporary Certificate of Occupancy be issued to allow the Business Entity to occupy the buildings and structures.
- D) The Business Entity shall maintain records of all plan reviews and inspections for a period of no less than five years. Said records shall be made available for review by the Division upon request.

ARTICLE 11 – ENFORCEMENT

11.1 The Director and Executive Director will enforce the requirements of the codes adopted in Article 3 when the Division is considered the Authority Having Jurisdiction, in accordance with the provisions of section 24-33.5-1213, C.R.S.

11.1.1 The Director may issue a notice of violation to a person who is believed to have violated the codes as determined by an inspection pursuant to section 22-32-124(2), 23-71-122(1)(v), 24-33.5-1212.5, or 24-33.5-1213.3, C.R.S. The notice shall be delivered to the alleged violator by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.

11.1.2 The notice of violation shall allege the facts that constitute a violation

11.1.3 The notice of violation may require the alleged violator to correct the alleged violation.

- 11.1.4 Within ten working days after delivery of the notice of violation, the alleged violator may request in writing an informal conference with the Director concerning the notice of violation. If the alleged violator fails to request the conference within ten days, the notice of violation is final and not subject to further review by the Director, and any requirement to correct the alleged violation pursuant to 11.1.4 becomes a binding enforcement order.
- 11.1.5 Upon receipt of a request for an informal conference, the Director shall set a reasonable time and place for the conference and shall notify the alleged violator of the time and place of the conference. At the conference, the alleged violator may present evidence and arguments concerning the allegations in the notice of violation.
- 11.1.6 Within twenty working days after the informal conference, the Director shall uphold, modify, or strike the allegations within the notice of violation and may issue an enforcement order. The decision and, if applicable, enforcement order shall be delivered to the alleged violator by certified mail, return receipt requested, or by any means that verifies receipt as reliably as certified mail, return receipt requested.
- 11.2 A person who is the subject of, and is adversely affected by, a notice of violation or enforcement order issued pursuant to Article 11 may appeal such action to the Executive Director. The Executive Director shall hold a hearing to review such notice or order and take final action in accordance with Article 11 and may either conduct the hearing personally or appoint an administrative law judge from the department of personnel.
- 11.2.1 Final agency action shall be subject to judicial review pursuant to C.R.S. Article 4 of Title 24.
- 11.2.2 An alleged violator who is required to correct an action pursuant to Article 11 shall be afforded the procedures set forth in section 24-4-104(3), C.R.S., to the extent applicable.
- 11.3 An enforcement order issued pursuant to this Article may impose a civil penalty, depending on the severity of the alleged violation, not to exceed five hundred dollars per violation for each day of violation; except that the Director may impose a civil penalty not to exceed one thousand dollars per violation for each day of violation that results in, or may reasonably be expected to result in, serious bodily injury.
- 11.4 The Director may file suit in district court in the judicial district in which a violation is alleged to have occurred to judicially enforce an enforcement order issued pursuant to this section.
- 11.5 In addition to the remedies provided in this Article, the Director is authorized to apply to the district court, in the judicial district where the violation has occurred, for a temporary or permanent injunction to restrain any person from violation any provision of section 22-32-124(2) or 23-71-122(1)(v), C.R.S., or section 24-33.5-1212.3 or 24-33.5-1213.5, C.R.S. regardless of whether there is an adequate remedy at law.
- 11.6 It is not the intent of this Article to remove, limit, or modify enforcement authority of the fire department providing fire protection service for buildings or structures of a Business Entity.

ARTICLE 12 – CODE INTERPRETATION APPEALS

- 12.1 A Business Entity who is the subject of, and is adversely affected by, a code decision or interpretation made by a Division inspector or Third-Party Inspector that conducts a plan review or inspection pursuant to these rules, may appeal such decision or interpretation to the Board of Appeals formed by Section 24-33.5-1212.5, C.R.S.

- 12.1.1 The affected Business Entity will first contest the preliminary code interpretation to the Division. After consideration, the Division will issue its final code determination on the matter.
- 12.1.2 If the Business Entity still disagrees, it may appeal to the Board of Appeals. The appeal shall be filed within 30 days after the date of the final written decision by the Division. Upon receipt of an appeal, the Division will notify the Chair of the Board of Appeals and schedule a hearing no more than 15 days after the date the appeal was filed.
- 12.1.3 An application for appeal must be based on a claim that the true intent of this code or the standards legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Board of Appeals may not waive any requirements of the codes or standards; however the Board of Appeals may recommend alternative materials or methods as provided in the codes or standards. The final written decision of the Board of Appeals is final agency action for purposes of section 24-4-106, C.R.S.

ARTICLE 13 – FEES AND CHARGES

13.1 The Division will charge the following fees for Third-Party Inspector Certifications:

Third-Party Inspector Certification Fees	
Certification of Third-Party Inspectors Through Equivalent Qualification Review	\$75.00
Renewal of Third-Party Inspector Certification	\$50.00

13.2 Plan Review, Construction Permit, and Inspection Fees

13.2.1 The Division will charge fees to cover the actual, reasonable, and necessary expenses of the Division.

13.2.2 The plan review, construction permit, and inspection fees are calculated based on the Total Project Valuation.

A) The building inspection component of this fee in 13.2.4(A) includes an allocation of site visits to complete the necessary inspections in accordance with the table below. In the event that additional inspections by the Division are necessary or requested, additional fees may be assessed as outlined in 13.2.4.

B) The Fire and Life Safety inspection component of this fee in 13.2.4(C) includes an allocation of site visits to complete the necessary inspections in accordance with the table below. In the event that additional inspections by the Division are necessary or requested, additional fees may be assessed as outlined in 13.2.4.

New Construction	
Under 50,000 sq.ft.	10 site visits
50,001-100,000 sq.ft	15 site visits
100,001-200,000 sq. ft.	25 site visits
Over 200,000 sq. ft.	5 site visits/each additional 100,000 sq. ft.
Remodels/Renovations/Single System Submittal	
Under 50,000 sq. ft.	5 site visits
50,001-100,000 sq. ft.	10 site visits
Over 100,000 sq. ft	5 site visits/each additional 100,000 sq. ft.

C) Division inspection fees do not include costs associated with inspections conducted by local Authorities Having Jurisdiction or Third-Party Inspectors.

- D) If the submitted Total Project Valuation appears to be below market value for the project, the Division reserves the right to request documentation from the Business Entity to verify the Total Project Valuation. The Business Entity has the right to mark documents submitted to verify the Total Project Valuation as proprietary information.
- 13.2.3 The Division will review the fund balance periodically and may reduce or increase the amount of the fee, if necessary, pursuant to section 24-75-402 (3) and 24-75-402 (4), C.R.S.
- 13.2.4 A fee calculator posted on the Division website enables determination of total fees (plan review and construction permit fees) prior to submittal of a project.
- A) Fees for Building Code reviews performed by the Division:
- a. ~~Fees for projects with a Total Project Valuation of \$5,000.00 or less will be subject to a flat fee of \$600.00.~~
- b.a. ~~Fees for projects with a Total Project Valuation of greater than \$5,000.00 will be subject to a base fee of \$600.00 plus a fee equal to .00094 times the Total Project Valuation.~~
- ~~B) Limited Scope Project Permit: \$300 for the duration of the currently issued Certificate of Compliance.~~
- ~~C) B) Fees for Fire and/or Life Safety Code reviews by the Division:~~
- a. ~~Fees for projects with a Total Project Valuation of \$5,000.00 or less will be subject to a flat fee of \$600.00.~~
- b.a. ~~Fees for projects with a Total Project Valuation of greater than \$5,000.00 will be subject to a base fee of \$600.00 plus a fee equal to .00094 times the Total Project Valuation.~~
- ~~D) C) When both Building and Fire and Life Safety Code reviews are performed by the Division the Fees will equal the sum of both the Building review fees in Article 13.2.4(A) and the Fire and Life Safety review fees in Article 13.2.4(C).~~
- 13.2.5 Half of the fees must be submitted prior to commencement of plan review and the remaining half must be submitted prior to permit issuance. Inspections will not be performed until the required fee has been paid. Additional inspection fees must be submitted prior to issuance of any associated Certificate of Compliance, Certificate of Occupancy, or completion of the permit.
- 13.2.6 The Division may assess a \$200 inspection for each additional inspection in excess of the number allocated by the table in 13.2.2. Additional Inspections exceeding 4 hours in length, including travel time, will be charged \$50 for each additional hour or portion thereof.
- 13.2.7 The Division may assess an additional off-hours inspection fee of \$200 for inspections requested outside of normal business hours.
- A) Normal inspection hours are Monday through Friday between 8:00 am and 5:00 pm.
- B) Off-hours inspections are scheduled on an "as-available" basis. The Division is not obligated to provide inspections outside of normal operating hours if an inspector is not available.

13.2.8 The Division may assess a fee of \$100 for the replacement of a lost inspection record card.

13.3 Fire and Life Safety Certificate of Compliance Inspection Fees

The following fees will be charged for Fire and Life Safety Certificate of Compliance inspections performed by the Division:	
Certificate of Compliance Annual Fee	\$ 500.00
On-site re-visit inspection (per 4 hour block including travel)	\$ 400.00
Documentation review	\$ 200.00

13.3.1 Fees are charged per street address.

13.3.2 Failure to pay for Fire and Life Safety Code inspections performed will result in a notice of violation and enforcement in accordance with Article 11 of this rule. In addition, the Division shall not issue the Certificate of Occupancy and/or Certificate of Compliance.

13.3.3 Fees may be waived or modified when appropriate at the discretion of the Director or his designee. Request for waiver or modification shall be in writing.

ARTICLE 15 – INQUIRIES

15.1 All questions or requests for interpretation of these rules should be submitted in writing to the Colorado Division of Fire Prevention and Control, Health Facilities Section Chief.

DRAFT