



Department of Health  
and Human Services

Maine People Living  
Safe, Healthy and Productive Lives

Department of Health and Human Services  
Licensing and Regulatory Services  
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John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

October 21, 2008

To: Licensed Providers, Assisted Housing Programs

Fr: Catherine M. Cobb, Director, Division of Licensing and Regulatory Services

Re: **Waiver to lower room temperature available.**

10-144 C.M.R. Ch. 113, Regulations Governing the Licensing and Functioning of Assisted Housing Programs, including Residential Care Facilities Levels I, II, III, IV, and Private Non-medical Institutions Levels I, II, III, IV,

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In response to many inquiries from providers regarding the high cost of heating facilities and the current licensing rule that requires resident areas to be at least 70° at all times day and night, the department is reminding providers that, according to our current licensing rules, they may apply for a waiver.

The Department is prepared to consider waiver applications that request a modification of the rule to allow the room temperature to be at least 68° during the day and 65° at night when residents are present in the facility.

If you would like to request a waiver, complete the enclosed "Waiver Request Form" and fax (207 287-9252) or mail it to Todd Beaulieu, Licensing Manager. If you have any questions, please do not hesitate to contact us.

The waiver rule reads as follows:

**3.23 Waivers.** The department may waive or modify any provision(s) of these regulations as long as the provision is not mandated by state or federal law and does not violate resident rights described in Section 5 of these regulations. The applicant/licensee shall indicate, in writing, what alternative method will comply with the intent of the regulation for which the waiver is sought. If approved, the waiver may be time limited.

The room temperature rule reads as follows:

**Temperature.** Resident areas of the facility shall be maintained at a temperature of seventy degrees (70°), or higher as necessary to ensure the comfort of the residents. Thermometers shall be placed in all resident areas. This does not apply to bedrooms where residents control the temperature.