



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-03-21

DATE: May 8, 2003

FROM: Director
Survey and Certification Group

SUBJECT: Adoption of New Fire Safety Requirements for Religious Non-medical Health Care Institutions (RNHCIs), Ambulatory Surgical Centers (ASCs), Hospice, Programs of All-Inclusive Care for the Elderly (PACE), Hospitals, Long Term Care, Intermediate Care Facilities for the Mentally Retarded (ICFs/MR), and Critical Access Hospitals (CAHs)

TO: Survey and Certification Regional Office Management (G-5)
State Survey Agency Directors/State Fire Authorities

The purpose of this memorandum is to notify states and regional offices (ROs) of the publication on January 10, 2003, in the **Federal Register** (68 FR 1374), of a final rule entitled "Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities." A copy of the regulation is attached.

This regulation requires the adoption of the 2000 edition of the Life Safety Code (LSC) of the National Fire Protection Association (NFPA) for RNHCIs, ASCs, Hospice, PACE, Hospitals, Long Term Care, ICFs/MR, and CAHs. This regulation adopting the 2000 edition of the LSC eliminates references to all earlier editions of the LSC such as the 1967, 1973, 1981, and 1985 found in current regulations. The adoption of the 2000 edition of the LSC will also, where required, update reference documents to more current editions and provide more state-of-the-art fire protection features for healthcare facilities.

All RNHCIs, ASCs, Hospice, PACE, Hospitals, Long Term Care, and CAH facilities are required to comply with the requirements of the 2000 edition of the LSC. This edition of the LSC code has been expanded to include a chapter for existing board and care facilities and a completely new chapter for facilities that want to use a performance based design option in designing their facilities, rather than using the prescriptive code requirements. This performance based option outlines a process that can be used to determine whether the building design satisfies the fire safety goals and objectives specified in the LSC. The performance based design option provides the engineer with design flexibility. We are also continuing to allow facilities to use the Fire Safety Evaluation System (FSES) (2001 edition) to comply with fire safety requirements. The authority to grant waivers of specific requirements of the LSC is maintained with one change; waiver approval for ICFs/MR will now be at the RO level rather than the state level.

The provider will submit a waiver request to the State Survey Agency who will review the request and forward it, with a recommendation of approval or disapproval, to the RO. The RO will make a final decision and notify the State Survey Agency of that decision. This change is consistent with the waiver approvals for other provider types.

We are also continuing the ability of a State Survey Agency to adopt a State fire and safety code in place of the LSC with CMS approval.

Additionally, all facilities are required to transmit fire alarms off-site to an approved central station or fire department as of the effective date of the regulation.

The effective date of this regulation is March 11, 2003. Buildings that have a plan approval and are constructed after March 11, 2003 will be considered as new buildings. Buildings currently in the Medicare/Medicaid program are considered as existing buildings and have until September 11, 2003 to comply with these regulations except for the following two exceptions. These requirements are to be met by March 13, 2006 as listed below:

- The regulation requires Providers and Suppliers to replace existing roller latches with positive latching devices in both existing sprinklered and unsprinklered buildings.
- Emergency lighting, where required, is to provide illumination for at least 90-minute duration.

We expect to begin surveying facilities for compliance with the 2000 edition of the LSC on September 11, 2003. This will give Providers and Suppliers a chance to review themselves using the 2000 edition of the LSC and determine if they need to take any corrective action to comply with the new regulation.

We will provide new interpretive guidance that will assist facilities in complying with the new fire safety requirements. We will also provide updated survey forms. These forms are expected to be available later this summer. Further, CMS will provide educational trainings for surveyors to aid in this transition of life safety codes.

We will be providing additional information as it is developed. If you have questions concerning this memorandum, please contact Jim Merrill (Jmerrill1@cms.hhs.gov) of my staff at 410-786-6998 or Mayer Zimmerman (Mzimmerman@cms.hhs.gov) at 410-786-6839.

Effective Date: All health care facilities referenced in this rule must comply with the requirements by September 11, 2003 except for the requirements pertaining to roller latches and emergency lighting, which are to be met by March 13, 2006.

Training: This information should be shared with all appropriate survey and certification staff, surveyors, their managers and state fire authorities and their staff.

/s/
Steven A. Pelovitz

Attachment