

Code Committee Update – April 2023

New Topic(s):

- **Codes and Standards: CMS issues QSO-23-11-LSC Categorical Waiver – Health Care Microgrid Systems**

On March 31, 2023, the Centers for Medicare & Medicaid Services (CMS) issued [QSO-23-11-LSC \(PDF\)](#). Various CMS regulations governing certain providers and certified suppliers require compliance with the 2012 edition of the National Fire Protection Association (NFPA) Health Care Facilities Code (NFPA 99).

2012 edition of NFPA 99 requires emergency power for an essential electric system (EES) to be supplied by a generator or battery system.

2021 edition of the NFPA 99 permits emergency power for an EES to be supplied by sources other than a generator or battery system, including a health care microgrid system (HCMS).

HCMSs are small-scale electrical grids where the sources of electricity can be provided by clean energy technologies (e.g., fuel cells, solar, wind, energy storage, etc.).

Except as noted below, CMS is issuing a categorical waiver permitting new and existing health care facilities, subject to CMS requirements, to utilize alternate sources of power other than a generator set or battery system only if in accordance with the 2021 edition of the NFPA 99, 2023 edition of the National Electric Code (NFPA 70), and associated references.

The categorical waiver excludes long-term care (LTC) facilities that provide life support as the LTC requirements at 42 CFR 483.90(c)(2) requires these facilities to have an emergency generator without exception.

Questions

For questions or concerns relating to this memorandum, please contact QSOG_LifeSafetyCode@cms.hhs.gov.

On Going Topics – updates in Bold:

- WI Plumbing Code: DSPS is currently revising Plumbing code, but in somewhat of a holding pattern. There are only two non-healthcare items on the agenda. In the future there will be a red line copy of the code. Stay tuned for future Public Comment and Hearing...we encourage anyone interested to participate in the review period.
- Wisconsin Commercial Building Code ICC Updates: IBC/ICC/IMC (International Building Code, International Code Council, International Mechanical Code) will be updated to 2021 Edition. DSPS edits complete. **Public Hearings are scheduled for 4/24 and 4/25.**

https://docs.legis.wisconsin.gov/code/register/2023/808a2/register/rule_notices/cr_23_007_hearing_information/cr_23_007_hearing_information

- DHS Update
 - Preliminary Project Meetings (PPM): Department continues to promote PPM's. Emphasis is to review the project scope, schedule, and unique design features.
- FGI
 - 2022 editions: No info on adoption e.g., CMS or AO's.

- 2026 editions: Work starting in December 2022
- CMS 1135 Waiver: HHS Announced the Public Health Emergency for COVID-19 will end on May 11, 2023. What does this mean for healthcare facilities? Facilities need to plan and then execute how they will convert permanently or close their Interim Provisions to meet Physical Environment (WI Commercial Building Code, Life Safety code, and DHS 124 / DHS 132, etc.). Only exception is the Hospital at Home Program which will be extended for 2 more years per CMS direction.
- NFPA 101 and 99 – 2024 Editions. Technical Meeting - Las Vegas NV June 18-23, 2023.
- AO Survey Information. Thanks to Stephanie Angst, Skip Kraiss and Matt Malmin, we have collected a ton of info on recent surveys from CMS, DNV, TJC, etc. Look for that info soon on WHEA.com