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## MEMORANDUM

**CRITICAL  
MEMBER  
SURVEY –  
YOUR INPUT  
IS NEEDED!**

**TO:** RHCF Members

**FROM:** Dan Heim, Senior Vice President for Policy and Program Development  
Patrick Cucinelli, Senior Director of Public Policy Solutions

**DATE:** April 30, 2010

**SUBJECT:** **Federal Automatic Sprinkler Requirements and Important Deadline**

**ROUTE TO:** Administrator, CFO

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ABSTRACT: Member input needed on financing for nursing home sprinkler requirement.

### Introduction

[NYAHS Doc. ID # n00002672](#) provides members with details on the Centers for Medicare and Medicaid Services (CMS) final rule requiring automatic sprinkler systems in all residential health care facilities. The deadline for compliance is August 13, 2013, and a copy of the complete rule is available at: <http://edocket.access.gpo.gov/2008/E818670.htm>. There is also a CMS Survey and Certification letter available by [clicking here](#).

This final rule requires that all long term care facilities be equipped with sprinkler systems by August 13, 2013. Additionally, this final rule specifies requirements for maintaining the automatic sprinkler systems once they are installed, which became effective on October 14, 2008. The decision to implement this requirement is based upon the standards set forth in the 2006 edition of the National Fire Protection Association (NFPA) Life Safety Code (LSC) (<http://www.nfpa.org/>). Prior to this, the 2000 edition of the LSC only required that new construction and remodeled portions of existing structures needed to be fully sprinklered.

The three main provisions of the final rule are:

1. Adds the requirement that all long term care facilities install an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13;

2. Eliminates the requirement that all rooms contain smoke alarms, since the sprinkler system is considered a superior form of protection; and
3. Requires every long term care facility to test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, Standard for the Inspection, Testing and Maintenance of Water Based Fire Protection Systems.

## DOH Timeline

[NYAHSa Doc. ID # n00003997](#) provided members with information on the timeline that the Department of Health (DOH) has mandated for sprinkler compliance. The most immediate deadline confronting providers that are not already in compliance with the sprinkler requirements is:

*Submit a sprinkler design, funding and installation plan by **June 1, 2010** if the nursing home does not currently meet the CMS requirement to the Bureau of Architectural and Engineering Facilities Planning, Hedley Park Place, 433 River Street, Troy, New York 12180. (Please note that the equity contribution for work directly attributed to the sprinkler mandate will be set at 15%.)*

*[Source: [DOH Sprinkler DAL October 22, 2009](#)]*

Questions regarding project applications should be directed to **Thomas Jung at (518) 402-0904**. Questions regarding the regulatory requirements should be directed to **David A. Bruso at (518) 408-1282**.

## Financing Options and Member Input

Since this could entail a significant capital investment that members may find difficult to meet, NYAHSa is currently exploring affordable financing alternatives.

We are asking affected members to complete a brief survey to help us determine funding needs. The survey is posted at: <http://survey.constantcontact.com/survey/a07e2veu9kag8m0tbz9/start>  
All individual facility identifying information will be kept strictly confidential.

If you have any questions, please contact Patrick Cucinelli at 518-449-2707 ext. 145 or [pcucinelli@nyahsa.org](mailto:pcucinelli@nyahsa.org). Please complete the survey by May 10<sup>th</sup>. Again, your responses are critical in assisting us in advocating on this critical issue.