



Department of Public Health and Human Services

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Steve Bullock, Governor

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CMS CERTIFIED HEALTH CARE FACILITY PROVIDERS Life Safety Code Categorical Waivers Provider Notice: 01032014

This document will assist health care facilities certified by the Centers for Medicare and Medicaid Services (CMS) in applying for a new type of CMS approved Life Safety Code Categorical Waiver (waiver). These waivers acknowledge newer versions of the National Fire Protection Association's (NFPA) Codes. Currently, certified health care facilities are required to comply with the 2000 Edition of NFPA 101 Life Safety Code and its mandatory references in Chapter 2. CMS issued the following Survey and Certification (S&C) guidance regarding the areas to which these new waivers may apply.

- S&C-10-04-LSC: Waiver to Allow Hospitals to Use the NFPA 6-Year Damper Testing Interval, Issued October 30, 2009
- S&C-12-21-LSC: Instruction Concerning Waivers of Specific Requirements of the 2012 Edition of the National Fire Protection Association (NFPA) 101, the Life Safety Code (LSC), in Health Care Facilities – Clarification Effective Immediately, Issued March 9, 2012
- S&C-13-25-LSC & ASC: Relative Humidity (RH): Waiver of Life Safety Code (LSC) Anesthetizing Location Requirements; Discussion of Ambulatory Surgical Center (ASC) Operation Room Requirements, Issued April 29, 2013
- S&C-13-58-LSC: 2000 Edition National Protection Association (NFPA) 101 Life Safety Code® (LSC) Waivers, Issued August 30, 2013

The DPHHS, Quality Assurance Division, Certification Bureau (Bureau) has developed attestations that may be used by facilities choosing to use one or more of the new CMS waivers. The attestations provided a checklist for the facility staff as well as the survey staff to ensure compliance. If you have questions regarding the waivers, the S&Cs or the survey process, please call the Bureau office at 406-444-2099 or email MTSSAD@mt.gov.

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Projections into the Egress Corridors by Wheeled Equipment

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code

Attestation: 01032014#1

This waiver allows certain wheeled equipment to be present in the egress corridor during normal operations of a health care facility. Wheeled equipment that could be present would include wheelchairs, patient lifting devices, and gurneys.

Checklist of requirements:

- Location for wheeled equipment will not reduce corridor width to less than 60 inches (5 feet)
- Removal of wheeled equipment has been addressed in the facility fire plan for and staff are trained to remove wheeled equipment from corridors during fire drills or other emergencies
- Wheeled equipment present in the corridor system is limited to the following:
 - Equipment/carts "in use" ("in use" means not being left in one position for more than 30 minutes per CMS S&C 10-41) Examples would be food carts, medications carts, soiled linen collection cart, etc.
 - Medical emergency equipment not in use – crash cart or infection control items for isolation room(s)
 - Patient lift and transport equipment – includes wheel chairs, Hoyer Lifts, and gurneys

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101 Section 18/19.2.3.4 (4):

Signature: _____ Date: _____

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Fixed Furniture Projections into the Egress Corridor System

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code

Attestation: 01032014#2

This waiver permits limited use of fixed furniture in corridors.

Checklist of the requirements:

- Where the corridor width is at least 8 feet, projections into the required width shall be permitted for fixed furniture, provided that all of the following are met:
 - Furniture is securely attached to the floor or to the wall
 - Furniture does not reduce the clear unobstructed corridor width to less than 6 feet , except as permitted by 18/19.2.3.4(2) [reduction by additional 6 inches above the corridor handrails]
 - Furniture is located only on one side of the corridor
 - Furniture is grouped such that each grouping does not exceed an area of 50 square feet
 - Furniture groupings are separated by a distance of at least 10 feet
 - Furniture is located so as to not obstruct access to building service and fire protection equipment, such as fire extinguishers, manual fire alarm boxes, shutoff valves, and similar equipment
 - Corridors throughout the smoke compartment are protected by an electrically supervised automatic smoke detection system, or the fixed furniture spaces are arranged and located to allow direct supervision by the facility staff from a nurses' station or similar space
 - The smoke compartment is protected throughout by an approved, supervised automatic sprinkler system

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.2.3.4 (5) (a-g) & (h) for existing:

Signature: _____ Date: _____

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Residential Cooking Facilities Used for Food Warming and Limited Cooking
References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code
Attestation: 01032014#3A

This waiver permits the use of residential cooking equipment used for food warming or limited cooking without being protected by NFPA 96, Standard Ventilation Control and Fire Protection of Commercial Cooking Operations, 2011 Edition.

Checklist of the requirements:

- Residential cooking equipment being used for food warming or limited cooking (e.g. microwave ovens, hot plates, toasters, and nourishment centers)

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.3.2.5.2:

Signature: _____ Date: _____

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Cooking Facilities Open to the Corridor System

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code

Attestation: 01032014#3B

This waiver is to permit cooking facilities to be open to the corridor system.

Checklist of the requirements:

- Within a smoke compartment, where residential or commercial cooking equipment is used to prepare meals for 30 or fewer persons, one cooking facility shall be permitted to be open to the corridor, provided that all of the following conditions are met:
 - Limited to 30 beds and is separate from other portions of the facility by a smoke barrier constructed in accordance with 18/19.3.7.3, 18/19.3.7.6, and 18/19.3.7.8
 - Cooktop or range is equipped with a hood as wide as the cooking surface with grease baffles or other grease-collecting and clean-out capability
 - Hood minimum airflow of 500 cfm
 - Hood systems without ducts to the exterior have a charcoal filter to remove smoke and odor
 - Cooktop or range comply with:
 - A fire suppression system equivalent to UL300 or meets requirements of UL 300A
 - A manual release of the extinguishing system
 - An interlock is provided to turn off all sources of fuel and electrical power to the cooktop or range when the suppression system is activated
 - Use of solid fuel cooking is prohibited
 - Use of deep-fat frying is prohibited
 - Portable extinguisher in accordance with NFPA 96 are provided in kitchen (K extinguisher)
 - Switch meeting all of the following is provided:
 - A locked switch or a switch located in a restricted area that deactivates the cooktop or range
 - The switch is used to deactivate the cooktop or range whenever the kitchen is not under staff supervision
 - The switch deactivates automatically regardless of staff action after no longer than 120 minutes
 - Procedures exist for the use, inspection, testing and maintenance of the cooking equipment are in accordance with NFPA 96 Chapter 11 and the manufacturer's instructions
 - Not less than two AC-powered photoelectric smoke alarms are located not closer than 20 feet from the cooktop or range.
 - No smoke detector is located less than 20 feet from the cook top or range
 - Smoke compartment completely sprinklered by an approved, supervised automatic sprinkler system in accordance with Section 9.7

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.3.2.5.3 (1) through (12) & [(13) existing]:

Signature: _____ Date: _____

Completed Attestation shall be mailed to: DPHHS QAD CB, PO BOX 202953, Helena MT. 59620-2953, faxed to 406-444-3456, or scanned/emailed to MTSSAD@mt.gov

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Cooking Equipment Separated with Smoke Partitions from
Corridor System Not Deemed Hazardous Areas

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code
Attestation: 01032014#3C

This waiver permits cooking equipment to be in an area separated from the corridor with smoke partitions, provided multiple other cooking facility safety features are in place.

Checklist of the requirements:

- Space containing cooking equipment is not a sleeping room
- The space is separated from the corridor by appropriate partitions as required in 18/19.3.6.2 through 18/19.3.6.5
- The following requirements are met:
 - Limited to 30 beds and is separate from other portions of the facility by smoke barrier(s)
 - Cooktop or range is equipped with a hood as wide as the cooking surface with grease baffles or other grease-collecting and clean-out capability
 - Hood minimum airflow of 500 cfm
 - Hood systems without ducts to the exterior have a charcoal filter to remove smoke and odor
 - Cooktop or range comply with:
 - A fire suppression system equivalent to UL300 or meets requirements of UL 300A
 - A manual release of the extinguishing system
 - An interlock is provided to turn off all sources of fuel and electrical power to the cooktop or range when the suppression system is activated
 - Use of solid fuel cooking is prohibited
 - Use of deep-fat frying is prohibited
 - Portable extinguisher in accordance with NFPA 96 are provided in kitchen (K extinguisher)
 - Switch meeting all of the following is provided:
 - A locked switch or a switch located in a restricted area that deactivates the cooktop or range
 - The switch is used to deactivate the cooktop or range whenever the kitchen is not under staff supervision
 - The switch deactivates automatically regardless of staff action after no longer than 120 minutes
 - Procedures exist for the use, inspection, testing and maintenance of the cooking equipment are in accordance with NFPA 96 Chapter 11 and the manufacturer's instructions
 - The smoke compartment is protected by an approved, supervised automatic sprinkler system in accordance with Section 9.7 (existing)

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.3.2.5.4 (1) through (3):

Signature: _____ Date: _____

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faxed to 406-444-3456, or scanned/mailed to MTSSAD@mt.gov

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Cooking Facilities with Compliant Hood and Separated from
Corridor System Not Deemed Hazardous Area

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code
Attestation: 01032014#3D

This waiver is to permit cooking facilities separated from the corridor to be considered a non-hazardous area if the installation meets the requirements of NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2011 Edition.

Checklist of the requirements:

- Cooking equipment is protected in accordance with NFPA 96, *Standard Ventilation Control and Fire Protection of Commercial Cooking Operations*, 2011 Edition
- Room or space is not open to the corridor

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.3.2.5.5:

Signature: _____ Date: _____

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Allowance of Direct-Vent Gas or Solid Fuel-Burning Fireplaces

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code

Attestation: 01032014#4

This waiver permits the installation and use of direct-vent gas or solid fuel-burning fireplaces in health care facilities.

Checklist of the requirements:

Direct-Vent Fireplaces

Direct-vent fireplaces, as defined in NFPA 54, National Fuel Gas Code, shall be permitted inside smoke compartments containing patient sleeping areas, provided that all of the following criteria are met:

- All devices are installed, maintained and used in accordance with 9.2.2
- No such device is located in a patient sleeping room
- Location of device shall be protected with an approved supervised automatic sprinkler system per 9.7.1.1 (1) with listed quick-response or listed residential sprinkler
- The direct vent fireplace shall include a sealed glass front with a wire mesh panel or screen
- The controls for the direct vent gas fireplace shall be locked or located in restricted location
- Electrically supervised carbon monoxide detection in accordance with Section 9.8 shall be provided in the room in which the fireplace is located

Solid Fuel-Burning

Used only in areas other than patient sleeping areas, provided that all of the following criteria are met:

- Area is separated from patient sleeping spaces by construction having not less than a 1-hour fire resistance rating
- Fireplace complies with the provisions of 9.2.2
- Equipped with a fireplace enclosure guaranteed against breakage up to a temperature of 650 °F and constructed of heat-tempered glass or other approved material
- Electrically supervised carbon monoxide detection in accordance with Section 9.8 is provided in the room where the fireplace is located

Special Conditions for Either Type:

- Lock on the enclosure specified in 18/19.5.2.3(c) and other permissible precautions shall be required

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.5.2.3 (2), (3), and (4):

Signature: _____ Date: _____

CERTIFIED HEALTH CARE FACILITY CATEGORICAL WAIVER

Combustible Decorations in Egress Corridors and Rooms

References: S&C 12-21-LSC, 13-58-LSC, 2012 Edition of NFPA 101 Life Safety Code

Attestation: 01032014#5

This waiver provides definitive area percentages for combustible decorations in rooms and corridors.

Checklist of the requirements:

- Combustible decorations are flame-retardant or are treated with approved fire-retardant coating that is listed and labeled for application to the material to which it is applied
- The decorations meet the requirements of NFPA 701, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
- The decorations exhibit a heat release rate not exceeding 100 kW when tested in accordance with NFPA 289, Standard Method of Fire Test for Individual Fuel Packages, using the 20 KW ignition source
- The decorations, such as photographs, paintings, and other art, are attached directly to walls, ceiling, and non-fire rated doors in accordance with the following:
 - Decorations on non-fire rated doors do not interfere with the operation or any required latching of the door and do not exceed the area limitations of 19.7.5.6(b), (c) or (d)
 - Decorations do not exceed 20 percent of the wall, ceiling, or door areas inside any room or space of a smoke compartment that is not protected throughout by an approved automatic sprinkler system in accordance with Section 9.7
 - Decorations do not exceed 30 percent of the wall, ceiling, and door areas inside any room or space of a smoke compartment that is protected throughout by an approved supervised automatic sprinkler system in accordance with Section 9.7
 - Decorations do not exceed 50 percent of the wall, ceiling, and door areas inside patient sleeping rooms, having a capacity not exceeding four persons, in a smoke compartment that is protected throughout by an approved supervised automatic sprinkler system in accordance with Section 9.7
- (existing facilities only) Decorations such as photographs and paintings are in such limited quantities that a hazard of fire development or spread is not present

Facility Name: _____

Printed name of provider/supplier representative's signature attesting to compliance with 2012 Edition of NFPA 101, Section 18/19.7.5.6 (1) - (4) & [(5) existing]:

Signature: _____ Date: _____

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