



## ISSUE BRIEF

# CMS proposes sprinkler waiver for long-term care

### Key Points

- CMS has proposed a waiver that would extend the deadline for becoming fully sprinklered for long-term care facilities that meet certain conditions.
- Current rules state that all buildings containing long term care facilities must be fully sprinklered by Aug. 13, 2013.
- Under a proposed rule, CMS says it will grant deadline extensions for up to two years for facilities building replacement facilities or undergoing major renovation projects.
- CMS proposed the rule so that facilities do not waste money sprinklering buildings that are soon to be obsolete or demolished.
- Additional details are available in the proposed rule from CMS.
- CMS is accepting public comments on the rule until April 8.

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The Centers for Medicare & Medicaid Services (CMS) has proposed a waiver for certain long-term care facilities that are undergoing construction and cannot meet an August deadline for becoming fully sprinklered.

Under current rules, all buildings containing long term care facilities are required to have automatic sprinkler systems installed throughout the building by Aug. 13, 2013. CMS says some facilities have plans to replace an old structure with a new replacement facility, but have found that it is taking more time than anticipated to complete the construction—leaving the old structure in danger of missing the August deadline. Instead of wasting money on fully sprinklering a facility that will soon become obsolete or demolished, CMS has proposed a narrowly defined exemption.

Under the proposed rule, CMS would provide deadline extensions if: the facility is replacing its current building or undergoing major modifications in all unsprinklered living areas; the facility demonstrates that it has the necessary finances to complete the project; the facility has submitted construction plans to state and local authorities for approval prior to applying for the extension; and the facility agrees to additional interim fire safety measures as determined by CMS, such as a fire watch or more fire safety inspections.

The waiver would allow long term care facilities to apply for a deadline extension not to exceed two years. An additional extension could be granted for up to one year, depending on the circumstances.

CMS says the benefits of having modern, fully-equipped facilities are substantial, and that the public interest is served by avoiding wasted money spent on retrofitting older structures that are soon to be replaced or substantially improved. CMS said the waivers would save \$22 million, and would help retain access to long term care facilities.

CMS said it considered granting extensions for facilities that are *not* planning replacement or substantial renovation, but decided against that option in an effort to balance the timely achievement of full sprinkler status with the challenges involved in large-scale construction projects.

The complete proposed rule is available online (details begin at Federal Register page number 9243):

<http://www.gpo.gov/fdsys/pkg/FR-2013-02-07/pdf/2013-02421.pdf>

Public comments are being accepted on the proposed rule until April 8. Comments can be submitted online: <http://1.usa.gov/TSEtly>.