

CMS-3191-P-1

Submitter : Mr. David Uhaze

Date: 11/01/2006

Organization : State of New Jersey, Dept. of Community Affairs

Category : State Government

Issue Areas/Comments

Phase-in

Phase-in

The State of New Jersey Department of Community Affairs has already submitted a proposal to the State legislature which would require sprinklering of existing nursing homes throughout the state as any extended delay for this would be a disservice to LTC residents. That proposal has a 3-year phase-in period. A similar bill was enacted 3 years ago to require sprinklers in dormitories and was implemented with great success.

Submitter : Mr. W Rudolph

Date: 11/07/2006

Organization : Wisconsin Healthcare Engineers Association

Category : Health Care Provider/Association

Issue Areas/Comments

GAO Report

GAO Report

The CMS has already adopted the 2000 edition of the NFPA 101 Life Safety Code. This document in chapter two mandates both the NFPA 13 and the NFPA 25 documents CMS is proposing to adopt again. These statements are redundant and are not required.

The only action that needs to be developed is when does a fire sprinkler system need to be installed in existing facilities. By duplicating the reference this could create future problems if another edition of the Life Safety Code is adopted which would reference different editions of the NFPA 13 and 25 documents.

GENERAL

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As the chair of the WHEA Codes & Standards Committee, I represent over 400 professionals in Wisconsin healthcare. Thank you for the opportunity to provide input

Regulatory Impact Statement

Regulatory Impact Statement

The CMS has already adopted the 2000 edition of the NFPA 101 Life Safety Code. This document in chapter two mandates the NFPA 25 documents CMS is proposing to adopt again. This statement is redundant and are not required.

In the section III titled Collection of Information Requirements, the fourth paragraph discussing that outside contractors would most likely be used is a matter of concern. The NFPA 25 addresses who is able to perform the maintenance and testing. There should be no additional requirement that all work be completed by outside contractors as many long term care facilities have competent, trained staff who can and should perform these functions. In Wisconsin we have experienced several cases where the in house staff found issues that the contracted vendors did not due to inadequate testing.

Submitter : Mr. Randall Lewis

Date: 11/17/2006

Organization : n/a

Category : Individual

Issue Areas/Comments

Background

Background

My personal background: I am a facility architect and have over twenty years of experience in design and construction.

Current Fire Safety Status

Current Fire Safety Status

Please note that existing nursing facilities are already required to comply with building code provisions. Lives and injuries are certainly reduced significantly by the installation of sprinkler systems. However, other building code provisions such as fire walls and penetrations also increase the likelihood of survival during fires - these elements are already required by present building codes. Fire walls and penetration protection already greatly allow survival by limiting the spread of fire during evacuation of residents from danger areas.

GAO Report

GAO Report

There should be no further action in implementing of this proposed provision.

GENERAL

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There is no doubt that retrofitting existing buildings with the latest provisions of a building or life safety code would reduce fatalities and injuries. However, even current building codes do not currently require retrofitting of sprinkler systems to buildings unless a major renovation is undertaken for such facilities. Requiring retrofitting of sprinkler systems for nursing homes would be very expensive and the cost of such would just be passed on to those responsible for paying for the resident care. This would also set a strong precedent for other building types to be retrofitted as well, increasing the costs of retrofitting them. There is also no doubt that this proposed requirement would directly benefit contractors who install such sprinkler systems and could be seen only as a special interest since the first installation costs would certainly only benefit such contractors.

Installation

Installation

Sunset provision is recommended to not be applicable since the recommendation is to not implement this provision.

Phase-in

Phase-in

Phase-in should be not applicable as I am against retrofitting of existing nursing facilities.

Regulatory Impact Statement

Regulatory Impact Statement

The installation of any sprinkler system requires regular specialized maintenance. A nursing home that has a sprinkler system installed would then have increased maintenance expenses which would also be passed on to those responsible for paying of resident care. Also, sprinkler system retrofit may have to be arranged within areas of buildings that have no freeze protection which would also increase the cost of installation due to having to add such protection.

Submitter : Mr. Steve Muncy
Organization : American Fire Sprinkler Association
Category : Other Association

Date: 12/11/2006

Issue Areas/Comments

Background

Background
no comments

CMS Action

CMS Action

The American Fire Sprinkler Association (AFSA) agrees that a sunset on the previous rule on smoke alarms after completion of the sprinkler system installation proposed in the new rule is appropriate.

GAO Report

GAO Report

AFSA strongly supports the adoption of 2006 edition of NFPA 101. While we understand the concern that this action would delay the rulemaking process, we believe that CMS can begin the process of adopting the latest version of NFPA 101 while concurrently developing a sprinkler retrofit rule.

The success of CMS in providing improved life safety since enforcement of NFPA 101 began in 1970 has demonstrated the effectiveness of federal regulation in this area. We believe that there exists widespread support for a federal initiative to require automatic fire sprinklers in long term care facilities. Significant fires in the past few years have shown that most states are likely to act only after a significant fire involving loss of life.

GENERAL

GENERAL

Association Information:

American Fire Sprinkler Association
9696 Skillman, Suite 300
Dallas, Texas 75214
Phone: 214.349.5965
Contact: Steve A. Muncy, President

Installation

Installation

AFSA supports a sunset on the previous rule on smoke alarms after completion of the sprinkler system installation proposed in the new rule, provided that the provisions of the 2000 edition of NFPA 101 are still required.

Maintenance

Maintenance

AFSA strongly believes that the 2007 edition of NFPA 13 be referenced in the final rule. Reliance on older editions of the standard would not incorporate the significant changes and advances in fire protection in the latest edition.

Phase-in

Phase-in

Given the fact that there has been significant discussion in the health care industry about fire sprinkler retrofits in the past few years, a ten-year phase in period is excessive. AFSA believes that a three-year phase in is entirely appropriate, although CMS may find a three to five-year schedule based on size of the facility to be an acceptable alternative.

Regulatory Impact Statement

Regulatory Impact Statement

AFSA recommends that the 2002 edition of NFPA 25 be referenced, and that facilities already equipped with automatic fire sprinkler systems should be required to use the most current edition.

Submitter : Mr. Gerald Eagan

Date: 12/12/2006

Organization : Sprinkler Fitters Local 314, UA

Category : Individual

Issue Areas/Comments

Current Fire Safety Status

Current Fire Safety Status

The current fire safety status is unacceptable. A fire last month in a unsprinkled Anderson, MO long term care facility killed 10 people. The fire occurred in the middle of the night. A properly installed Fire Sprinkler System could have prevented the spread of that fire and allowed rescuers to evacuate the home without the terrible loss of life.

GENERAL

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I have been employed as a fire sprinkler fitter for 27 years, the last nine as Business manager of Sprinkler Fitters Local 314, UA in Kansas City, MO. I served a 4 year apprenticeship and have continued to take training courses on the changes and innovations in fire Sprinklers over the years. I am convinced that the competent installation of Fire Sprinklers, and their proper maintenance by trained sprinkler fitters, would eliminate fires that cause multiple deaths in long term care facilities.

Maintenance

Maintenance

Installation of sprinkler systems should be limited to companies with proven records in fire protection, and that employ workers properly trained in the requirements of NFPA 13: the code governing the installation of water based fire protection systems. Without preapproving contractors, we could be providing a false sense of security to those living in these facilities.

Submitter : Mr. Edward Witkowski
Organization : Sprinkler Fitters Local 692
Category : Long-term Care

Date: 12/13/2006

Issue Areas/Comments

GENERAL

GENERAL

I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule will help ensure that they get basic protection they deserve by requiring long-term care facilities have proper fire sprinkler systems in case of a fire hazard. Thank you for your attention in this matter.

Submitter : Mr. Kevin Clark

Date: 12/13/2006

Organization : Sprinkler Fitters Local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Jonathan Parker
Organization : Sprinklerfitters Local 692
Category : Long-term Care

Date: 12/13/2006

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Submitter : Mr. brian gehret
Organization : Sprinklerfitters Local 692
Category : Long-term Care

Date: 12/13/2006

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Submitter : Mr. Matthew Marini
Organization : Sprinklerfitters Local 692
Category : Long-term Care

Date: 12/13/2006

Issue Areas/Comments

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Submitter : Mr. Brian Gehret

Date: 12/13/2006

Organization : Sprinklerfitters Local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. stephen Goetz
Organization : Sprinklerfitter Local 692
Category : Long-term Care

Date: 12/13/2006

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Submitter : Mr. Alex Bateman

Date: 12/13/2006

Organization : Sprinklerfitters Local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Jason McDowell
Organization : Sprinklerfitter Local 692
Category : Long-term Care

Date: 12/13/2006

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Submitter : Mr. John Wengert

Date: 12/13/2006

Organization : Sprinklerfitter LOCAL 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Gary Lee

Date: 12/14/2006

Organization : Sprinkler Fitters Local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. nicholas yaw
Organization : sprinkler fitters local 692
Category : Long-term Care

Date: 12/14/2006

Issue Areas/Comments

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I strongly support the proposal and that the affected facilities should be given no more than 5 years to comply with the new requirements. The elderly in this country should get better treatment and this rule will help ensure that they get basic protection they deserve by requiring long-term care facilities have the proper fire sprinkler systems in case of a fire hazard. Thanks for your attention in this important matter.

Submitter : Mr. ken johnson

Date: 12/14/2006

Organization : sprinkler fitter

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. James Lydon
Organization : Sprinkler Fitters Local 692
Category : Long-term Care

Date: 12/14/2006

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Submitter : Mr. robert barrett

Date: 12/14/2006

Organization : sprinkler fitters local 692

Category : Long-term Care

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Submitter : Mr. gavin black

Date: 12/14/2006

Organization : sprinkler fitters local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Joe Hinchey

Date: 12/14/2006

Organization : Sprinkler Fitters Local 692

Category : Long-term Care

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Submitter : Mr. sean mitchell

Date: 12/14/2006

Organization : sprinklerfitters

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Ryan Curran
Organization : Sprinklerfitters Local 692
Category : Long-term Care

Date: 12/14/2006

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Submitter : Mr. Steven Weddington
Organization : Sprinkler Fitter Local 692
Category : Long-term Care

Date: 12/14/2006

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Submitter : Mr. Jason LoMastro

Date: 12/18/2006

Organization : Sprinkler Fitters Local 692

Category : Long-term Care

Issue Areas/Comments

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Submitter : Mr. Michael DeShazior
Organization : Sprinklerfitters Local 692
Category : Long-term Care

Date: 12/18/2006

Issue Areas/Comments

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