Life Safety Code Update for Hospitals and Nursing Homes
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In response to pressure from some influential national organizations, CMS is permitting certified health care facilities to comply with the 2012 edition of the LSC in four (4) specific areas.
This includes both hospitals and nursing homes
On March 9, 2012, CMS issued S&C-12-21-LSC. This memorandum allows:

1) previously restricted items to be placed in exit corridors;

2) the recognition that a kitchen is not a hazardous area and can be open to an exit corridor under certain circumstances;
3) changes allowing the installation of direct-vent gas fireplaces and solid fuel-burning fireplaces; and

4) changes to the requirements allowing the installation of combustible decorations
These changes include

1) permitting permanent seating groupings of furniture in corridors;

2) allowing kitchens, serving less than 30 residents, to be open to the corridors provided they are contained within smoke compartments;
3) permitting gas fireplaces in common areas, and;

4) increasing the amount of wall space that may be covered by combustible decorations
This memorandum is effective immediately. CMS will allow providers to implement these four changes by considering waivers of the current LSC requirements found in the 2000 edition of the LSC.
In requesting the waiver(s), the provider is not required to demonstrate “unreasonable hardship”
CMS will consider a waiver to allow uses that meet the following requirements found in the 2012 edition of the LSC:

- Sections 18/19.2.3 Capacity of Means of Egress

- Sections 18/19.3.2.5 Cooking Facilities
Sections 18/19.5.2 Heating, Ventilating, and Air Conditioning

Sections 18/19.7.5 Furnishings, Mattresses, and Decorations
All further references to the Life Safety Code are references to the 2012 edition of that Code.
FURNITURE AND WHEELED EQUIPMENT IN THE CORRIDOR
No changes were made to the Corridor Access provisions at 18/19.2.5.6.1 that requires “every habitable room shall have an exit access door leading directly to an exit access corridor, unless otherwise provided…”
Also, previous guidance concerning “not in use” criteria found in S&C-10-18-LSC is still applicable.

According to S&C-10-18-LSC, an item is considered “not in use” if it is left unattended or is not moved for more than 30 minutes.”
It is recommended that each facility that is considering using the applicable provisions of this newer edition of the LSC purchase a copy of the 2012 edition.

The list of requirements under the Sections previously noted is, in some cases, extensive.
CMS has advised MDH that the requirements of the health care Data Tags (F-Tags and A-Tags) have not changed

THIS IS EXTREMELY IMPORTANT TO REMEMBER WHEN CONSIDERING USE OF THESE NEW PROVISIONS OF THE LSC
Regardless of having an approved waiver for provisions of the LSC, the provider is still required to meet all of the needs of their residents or patients.
For example, Data Tag 468 requires handrails securely mounted on both sides of the corridors. Data Tag F323 addresses access to these handrails.
Data Tag F-323 requires the facility to ensure that the resident environment remains as free from accident hazards as is possible and that each resident receives adequate supervision and assistance devices to prevent accidents.

Handrails are assistive devices
Obviously, the furniture clusters in the corridors, now permitted by a LSC waiver, can still result in the facility being cited at Data Tag F-323
This approach is very similar to the gas-fired fireplace. Although permitted by the LSC, the facility maintains responsibility for assuring that residents are not injured by having access to these very hot appliances.
When considering the permanent placement of furniture in the corridor, the provider may want to consider how they will meet the needs of all of their residents (e.g., mobility, etc.)
Please keep in mind that the positive side of placing furniture in the corridor can help residents achieve the highest practicable level of health and well being.
DIRECT-VENT GAS AND SOLID FUEL-BURNING FIREPLACES (LSC 18/19.5.2)
Direct-vent gas fireplaces, as defined in NFPA 54, National Fuel Gas Code, are permitted inside smoke compartments containing sleeping areas provided that all of six (6) criteria are met.
Solid fuel-burning fire places are permitted and can be used only in areas other than patient sleeping areas provided that all of four (4) conditions are met.
The exact location of smoke partitions has a great deal of influence regarding where these fireplaces can be located relative to resident or patient sleeping rooms.

Each installation must be reviewed on an individual basis
Much like the furniture in the corridor issue, the requirements of the health care Data tags (F-tags and A-tags) have not changed.
In this case, there is anecdotal evidence that health care deficiencies have been cited at the immediate jeopardy level.

These deficiencies are related to resident or patient safety.
Generally, a protective barrier is required at the front of these fireplaces to prevent access to any of the hot surfaces.
FURNISHINGS, MATTRESSES, AND DECORATIONS (LSC 18/19.7.5)
18/19.7.5 through 18/19.7.5.6 details requirements that relate to draperies, curtains, loosely hanging fabrics, upholstered furniture, mattresses, and decorations
There are specific exemptions for upholstered furniture and mattresses that belong to the resident of a nursing home.
COOKING FACILITIES
(LSC, 18/19.3.2.5)
LSC 18/19.3.2.5.2 states; “Where residential cooking equipment is used for food warming or limited cooking, the equipment shall not be required to be protected in accordance with 9.2.3, and the presence of the equipment shall not require the area to be protected as a hazardous area”
9.2.3 states (in part): “Commercial cooking equipment shall be in accordance with NFPA 96 (11), unless such installations are approved existing installations, which shall be permitted to be continued in service”
If required to be protected as a hazardous area, this kitchen would require fire sprinkler protection and 1-hour fire resistive rated separation.
The key words in 18/19.3.2.5.2 are “for food warming or limited cooking”
18/19.3.2.5.3 states; “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:
18/19.3.2.5.4 states; “Within a smoke compartment, residential or commercial cooking equipment that is used to prepare meals for 30 or fewer persons shall be permitted, provided that the cooking facility complies with all of the following conditions:”
I read these two (2) sections to address multiple cooking facilities within one smoke compartment. This is not common in Minnesota. If there are multiple cooking facilities, only one is permitted to be open to the corridor.
18/19.3.2.5.3 lists thirteen specific conditions including (but not limited to), smoke barrier separation, installation of a range hood (covering 100% of the range cooking surface, with baffles or equivalent, and minimum 500 cfm airflow), fire suppression system (UL300 or UL300A), range power deactivation switch, smoke detectors, and sprinkler protection
18/19.3.2.5.4 lists three specific conditions including (but not limited to), no cooking equipment in a sleeping room, separation IAW 18/19.3.6.2 through 18/19.3.6.5, and compliance with 18/19.3.2.5.3 (1) through (10) and (13)
Finally, 18/19.3.2.5.5 states; “Where cooking facilities are protected IAW 9.2.3 (Commercial Cooking Equipment),

- the presence of the cooking equipment shall not cause the room or space housing the equipment to be classified as a hazardous area with respect to the requirement of 18/19.3.2.1 (Hazardous Areas) and the room or space shall NOT be permitted to be open to the corridor (emphasis added)
From a practical perspective, what does this all mean??
MDH believes that, 18/19.3.2.5.2 permits a facility to continue to follow the guidance in MDH Information Bulletin 11-06. Specifically, the cooking of the seven (7) food items listed in I.B. 11-06 with no production of grease laden vapors can be considered “limited cooking”
If a facility wants to expand cooking beyond that permitted by I.B. 11-06, 18/19.3.2.5.3 and 18/19.3.2.5.4 are applicable.
Both 18/19.3.2.5.3 and 18/19.3.2.5.4 require a range hood with a UL 300 or UL 300A automatic fire extinguishment system.

Given the additional requirements for the hood, it most likely will have to be a commercial grade Type I hood.
If the cooking will result in the production of grease laden vapors, the State Building Code requires a commercial grade Type I hood (International Mechanical Code (06), 507.2)
MDH has been advised that conversion from a residential grade range hood to a commercial grade Type I hood with an automatic extinguishment system costs approximately $11,000 per location.
It is critical to understand that the deficiency will not be cited until the range hood, automatic extinguishment system, and all other requirements listed in, 18/19.3.2.5.3 and 18/19.3.2.5.4 have been installed
Once the waiver has been approved by CMS, it is our belief that there are no restrictions regarding cooking various food items, including those that result in the production of grease laden vapors.
For example, it would be acceptable to fry a raw hamburger or two for a resident who requests these food items for lunch rather than what is on the published menu.
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In the box on the left side of the page, click on POLICY & MEMOS TO STATES AND REGIONS
Under MEMO #, search for 10-18-LSC and 12-21-LSC
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