

Cause #: 01-42V

Name: Adams County Memorial Hospital

Administrative Law Judge: William Teegarden

Date: December 31, 2001

Commission Action: Affirmed

FINDINGS OF FACT

1. The FPBSC is an agency within the meaning of IC 4-21.5.
2. IC 4-21.5, IC 22-13, 675 IAC 12, and the 1998 IFC apply to this proceeding.
3. The FPBSC is both the initial granting authority and the ultimate authority with respect to variances.
4. At all times relevant to this proceeding, the Hospital operated an inpatient medical care facility in Decatur, Indiana.
5. In July of 2001, the Hospital filed for a variance from Section 1207.3 of the 1998 IFC.
6. Section 1207.3 of the IFC (1997 Uniform Fire Code) deals with locking devices and require that exit doors must be operable from the inside without the use of a key or any special knowledge.
7. The Hospital wants to make one small area of the facility a secure area for psychiatric patients and chemically dependent patients.
8. The unit in question is licensed to care for a maximum of 14 patients, all of whom are ambulatory.
9. The minutes of the September meeting of the FPBSC indicate the Variance was denied presumably for lack of equal alternatives.
10. Variances to the SFC are governed by IC 22-12-2-11 and 675 IAC 12-5 which provide that variances can be granted as long as there is no adverse effect on public health, safety, or welfare.
11. Subsequent to the denial of the Variance, the Hospital had several discussions with both the local fire official ("LFO") and the SFM.
12. The only equal alternative included in the Variance application involved tying the lock system into the smoke detectors
13. If some acceptable system is not devised, the Hospital will have to shut its inpatient psychiatric care unit.
14. The care unit is on the third floor. There is no fourth floor.
15. While the age of the building allows it to operate without sprinklers, the entire second floor was sprinklered as part of a prior remodeling project.
16. The unit contains pull boxes, manual fire extinguishers, a stand pipe/hose system, and smoke detectors.
17. The local fire department is nearby and its response time is 3-5 minutes.
18. Probably the most important piece of information provided on administrative review but not provided on the Variance application is the fact that this Variance is not intended to be a permanent variance.
19. The Hospital is designing a totally new facility with a 3 year time frame.

20. In the event a new building is not built, the Hospital will remodel the current facility and install sprinklers, and otherwise meet the current code.
21. Both the LFO and the SFM agree that under the above circumstances, they are not opposed to the Variance.
22. The Variance should be granted for a period of three years, at which time if the unit is still in use, it must be fully sprinklered and meet the current building and fire codes.

NONFINAL ORDER

Variance 09-08-8 is hereby granted for a period of three years.