

ISDH Long Term Care  
Newsletter Issue # 2012-09  
June 14, 2012

In Today's Issue:

- Implementation of Sprinkler  
and Smoke Detector  
Requirements

## Sprinkler and Smoke Alarm Requirements

### Introduction

In 2007, the Indiana General Assembly passed a state statute requiring comprehensive care facilities licensed by the Indiana State Department of Health (ISDH) to have an automatic fire sprinkler system and smoke alarms installed by July 1, 2012. A copy of the state statute is below.

On August 13, 2008, the Centers for Medicare and Medicaid Services (CMS) published a final regulation requiring all long term care facilities to be equipped with a supervised automatic sprinkler system by August 13, 2013. A copy of the federal regulation is below.

The Indiana requirement is therefore nearing its implementation date. By July 1, 2012, Indiana comprehensive care facilities (nursing homes) must have installed an automatic sprinkler system and smoke alarms as required by state law.

### Implementation of State Law

The ISDH is the state licensing agency for health facilities. The sprinkler system and smoke alarm statute is part of the state licensing requirements for a comprehensive care facility as stated in Indiana Code 16-28-11. In order to be licensed as a comprehensive care facility, the facility must be in compliance with the state statute.

On or after July 1, 2012, ISDH Life Safety Code Surveyors will conduct a survey at every licensed comprehensive care facility to determine compliance with the state sprinkler and smoke alarm statute. Facilities should be ready to assist surveyors in verifying that the sprinkler system and smoke alarms have been fully installed and are operational. Facilities should be ready to provide surveyors with any documentation of inspections conducted by installers or maintenance companies verifying that the system is operational. Facilities should also be ready to provide policies and procedures along with documented inspections for required checks of fire prevention system.

To begin preparing for the implementation of the new federal regulation, Life Safety Code Surveyors will also review the facility's sprinkler system and smoke alarms for compliance with the current federal regulations as well as the regulations that will become effective on August 13, 2013.

The ISDH will file a state licensure action to revoke the license of any comprehensive care facility not in compliance with the state statute.

## Indiana Sprinkler and Smoke Detector Law

The following is the Indiana statute related to sprinkler systems and smoke alarms in comprehensive care facilities:

IC 16-28-11-5

Fire sprinkler systems in health facilities

Sec. 5. (a) This section does not apply to the Indiana Veterans' Home.

(b) A health facility licensed under IC 16-28 as a comprehensive care facility must do the following:

- (1) Have an automatic fire sprinkler system installed throughout the facility before July 1, 2012.
- (2) If an automatic fire sprinkler system is not installed throughout the health facility before July 1, 2010, submit before July 1, 2010, a plan to the state department for completing the installation of the automatic fire sprinkler system before July 1, 2012.
- (3) Have a battery operated or hard wired smoke detector in each resident's room before July 1, 2012.

(c) The state department shall adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.73-2007, SEC.1.*

IC 16-28-11-6

Disclosure of fire sprinkler systems in consumer guide to nursing homes

Sec. 6. The state department shall disclose, in the state department's consumer guide to nursing homes, whether a health facility is:

- (1) fully;
- (2) partially; or
- (3) not;

equipped with fire sprinklers.

*As added by P.L.73-2007, SEC.2.*

IC 16-28-11-7

Disclosure of smoke detector information in consumer guide to nursing homes

Sec. 7. The state department shall disclose the following information in the state department's consumer guide to nursing homes:

(1) Until July 1, 2012, whether each health facility has:

- (A) a battery operated;
- (B) a hard wired; or
- (C) no;

smoke detector in each resident's room.

(2) After June 30, 2012, whether a health facility has:

- (A) a battery operated; or
- (B) a hard wired;

smoke detector in each resident's room.

(3) If a health facility has a hard wired or wireless smoke detector in each resident's room, whether the smoke detector:

- (A) provides a visual and audible signal at the nurses' stations that attend each room;
- (B) transmits to a central station service; and
- (C) connects to the health facility's fire alarm system.

*As added by P.L.73-2007, SEC.3.*

## Federal Sprinkler and Smoke Alarm Regulations

CMS [Survey and Certification Letter 09-04](#) discussed the adoption of new fire safety requirements for long term care facilities and mandatory sprinkler installation requirements. On August 13, 2008, CMS published a [final rule](#) entitled "Medicare and Medicaid Programs; Fire Safety Requirements for Long Term Care Facilities, Automatic Sprinkler Systems." This regulation requires all long term care facilities to be equipped with a supervised automatic sprinkler system by August 13, 2013, installed in accordance with the 1999 edition of the National Fire Protection Association's (NFPA) "Standard for the Installation of Sprinkler Systems" (NFPA 13). Existing sprinkler systems must meet the requirements of the 1999 edition of NFPA 13.

The following is the federal regulation regarding sprinklers and smoke detectors:

§ 483.70 Physical environment.

The facility must be designed, constructed, equipped, and maintained to protect the health and safety of residents, personnel and the public.

(a) *Life safety from fire.*

...

(7) A long term care facility must:

- (i) Install, at least, battery-operated single station smoke alarms in accordance with the manufacturer's recommendations in resident sleeping rooms and common areas.
- (ii) Have a program for inspection, testing, maintenance, and battery replacement that conforms to the manufacturer's recommendations and that verifies correct operation of the smoke alarms.
- (iii) Exception:
  - (A) The facility has system-based smoke detectors in patient rooms and common areas that are installed, tested, and maintained in accordance with NFPA 72, *National Fire Alarm Code*, for system-based smoke detectors; or
  - (B) The facility is fully sprinklered in accordance with NFPA 13, *Standard for the Installation of Sprinkler Systems*.

(8) A long term care facility must:

- (i) Install an approved, supervised automatic sprinkler system in accordance with the 1999 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems*, as incorporated by reference, throughout the building by August 13, 2013. The Director of the Office of the Federal Register has approved the NFPA 13 1999 edition of the *Standard for the Installation of Sprinkler Systems*, issued July 22, 1999 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html>. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.
- (ii) Test, inspect, and maintain an approved, supervised automatic sprinkler system in accordance with the 1998 edition of NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, as incorporated by reference. The Director of the Office of the Federal Register has approved the NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 1998 edition, issued January 16, 1998 for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federalregister/codofederalregulations/ibrlocations.html>. Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269.



The importance of a sprinkler system was highlighted this past weekend at an Indiana nursing home. A fire broke out in a resident's room and forced the evacuation of the facility. Four residents and one staff member were hospitalized from burns and/or smoke inhalation. The sprinkler system was effective in putting out the fire and helping to prevent further injuries. Other states have experienced disasters at nursing homes where there were no sprinklers or smoke alarms. The implementation of this state law is an important step in protecting the lives of Hoosiers.

Terry Whitson  
Assistant Commissioner  
Indiana State Department of Health