

Nursing Facility Residents **Deserve Automatic Fire Sprinkler Protection**

Request

The fire safety code of the National Fire Protection Association (NFPA), adopted by the Centers for Medicare and Medicaid Services (CMS) and many states, expects to recommend in early 2005 that all nursing facilities nationwide be equipped with automatic fire sprinkler systems. Because the majority of nursing facility care is financed through Medicare and a patchwork of under-funded programs that comprise Medicaid, the nursing care profession does not have the capital necessary to complete this retrofitting work. Since current payment systems do not take into account this need, government funding assistance should be provided to raise all nursing facilities to the new national fire safety standard in a timely manner.

Background

In 2003, multiple-death nursing facility fires in Connecticut and Tennessee claimed 31 lives. These tragedies have resulted in a reassessment of current national codes and standards used to regulate fire safety in nursing facilities. Currently, the national codes and standards used by CMS to regulate fire safety in nursing facilities only require sprinklering in newly constructed facilities or those undergoing major renovation, but not in all existing older facilities.

The two multi-death fires in 2003 were tragic, but it must be noted that the fire safety record of nursing facilities over the past 20 years has been very good. Based on NFPA fire data, there has never been a multiple-death fire in a fully sprinklered nursing facility. From 1983 to 2002, in non-sprinklered facilities, there was an average of one fire death per year. For the past ten years, the average has been 0.3 deaths per year. None-the-less, the only way to virtually eliminate multiple-death fires is to ensure that all facilities are equipped with automatic sprinklers. On October 17, 2003, AHCA formally requested that NFPA include a full sprinklering mandate in its next Life Safety Code edition to be finalized in early 2005.

CMS does not have hard data on the number of facilities that are sprinklered and non-sprinklered, but estimates that, of the approximate 17,000 facilities nationwide, about 24 percent (4,080 facilities) are not sprinklered. An informal survey by AHCA of its state affiliates conducted in 2003 and 2004 finds that 14 states have had or just recently adopted full sprinklering mandates. The remaining states have no such requirement. From its survey, AHCA estimates that at 24 percent or more of all facilities nationwide are not sprinklered. Based on an independent estimate provided by Gage Babcock, an engineering consulting firm, the cost of retrofitting all non-sprinklered facilities nationwide would be about \$1 billion. The Medicare and Medicaid funding streams, which currently provide for the long term care needs of three out of four nursing home residents, are not sufficient to finance this retrofitting cost without jeopardizing the provision of quality care to residents.

AHCA Proposal

The American Health Care Association (AHCA) supports enactment of H.R. 4967, the "*Nursing Home Fire Safety Act of 2004*", introduced by Rep. John Larson (D-CT) and Senate counterpart legislation to be introduced soon. This legislation mandates that all nursing homes nationwide must be fully equipped with automatic fire sprinklers within five years and it provide funding through Medicare and Medicaid to finance the retrofitting work.

In addition to supporting H.R. 4967, AHCA supports an alternative legislative approach contained in H.R. 1824 and S. 1566 that provide for a tax benefit through accelerated depreciation of retrofit costs. AHCA is also exploring loan insurance options provide by HUD and private financing options to assist providers complete this work.

Expectations are, with the availability of adequate financing, completion of engineering and design requirements, and installation work, all nursing facilities can be fully sprinklered in a 3- to 5-year timeframe. When completed, this work will enhance the safety of the more than one million residents now receiving quality care in our nation's nursing facilities each day.