

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop 02-02-38
Baltimore, Maryland 21244-1850



Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

April 18, 2011

Mr. Otis Woods, Administrator
State of Wisconsin
Department of Health Services
Division of Quality Assurance
1 West Wilson Street
PO Box 2969
Madison, WI 53701

Dear Administrator Woods,

I am sorry for the delay in responding to your letter of March 8, 2011 as I have yet to receive the hard copy you mentioned in your e-mail to me concerning the use of alternative fire suppression systems installed to protect elevator machine rooms. But I know that this is an important issue and I responding to you directly. You mention that these systems have been installed in several locations in Wisconsin over the past several years.

The Centers for Medicare and Medicaid Services (CMS) requires the use of the 2000 edition of the National Fire Protection Association (NFPA) 101, the Life Safety Code which requires the use of the 1999 edition of NFPA 13, Standard for the Installation of Sprinkler Systems as a reference. CMS also requires compliance with the 1999 edition of NFPA `13 in our regulation requiring the installation of fire sprinkler systems in existing nursing homes. CMS recognizes the use of section 1-2, Purpose, found in the 1999 edition of NFPA 13, which allows the use of alternative systems provided the level of safety prescribed by the standard is not lowered. CMS would accept systems previously installed in elevator machine rooms provided there is some form of documentation to the effect that they have been installed and maintained properly. This documentation should be provided by the facility when it is being surveyed to ensure compliance with the requirements.

If you have further questions concerning this please feel free to contact me at James.Merrill@cms.hhs.gov.

Sincerely,

/s/

James Merrill
Life Safety Engineer

Scott Walker
Governor



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Dennis G. Smith
Secretary

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March 8, 2011

James Merrill, PE
Centers for Medicare & Medicaid Services
Department of Health and Human Services
7500 Security Boulevard, Mail Stop S2-12-25
Baltimore, Maryland 21244-1850

Dear Mr. Merrill:

Greetings from the Wisconsin Department of Health Services (DHS). The purpose of this correspondence is to request a **formal clarification of elevator machine room sprinkler protection**.

The Centers for Medicare & Medicaid Services (CMS) adopted the 2000 edition of the Life Safety Code NFPA 101, which became effective March 11, 2003, with subsequent compliance required by September 11, 2003.

CMS adopted a subsequent rule requiring mandatory sprinkler protection in Long Term Care (LTC) Facilities by August 13, 2013. This installation as noted in S&C memo 09-04 shall be accomplished through the use of the 1999 edition of NFPA 13.

Wisconsin's LTC facilities and our Department are in agreement; this additional protection is a greater good for all parties involved. All occupied spaces, elevator shafts, attics, closets, canopies, coolers/freezers, loading docks, hazardous spaces, etc will be fully sprinkler protected per the 1999 edition NFPA 13.

Unfortunately, elevator machine rooms, specifically those separated from the elevator shafts, have a historical perspective that support alternative automatic suppression systems:

- (1) The 1999 edition of NFPA 13 section 5-13.6 clearly identifies elevator machine rooms as requiring sprinkler protection.
- (2) The 1996 edition of NFPA 13 section 4-13.5 clearly identifies elevator machine rooms as requiring sprinkler protection.
- (3) The 1991 edition of NFPA 13 section 4-4.1.7.2 does not identify elevator machine rooms as requiring sprinkler protection.
- (4) The 1989 edition of NFPA 13 section 4-4.7 does not identify elevator machine rooms as requiring sprinkler protection.
- (5) The 1980 edition of NFPA 13 section 4-4.8 does not identify elevator machine rooms as requiring sprinkler protection.

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(6) The 1968 edition of NFPA 13 section 4309 does not identify elevator machine rooms as requiring sprinkler protection.

Wisconsin's LTC facilities intend to protect these elevator machine rooms to meet the complete building suppression requirement, yet since some of these elevators were installed under the 1991, 1989, 1980 or earlier editions of NFPA 13, they are hoping to provide "alternative" automatic suppression technologies.

NFPA 13, 1999 edition, section 1-2 does permit "alternate arrangements" or "new technologies" as long as these systems provide the same or higher level of safety.

Alternate automatic fire-extinguishing systems are well documented and testing by independent testing laboratories. They are interlocked into the facility's fire alarm system, provide alarms and warning signs, and are monitored by the facilities fire alarm system. These systems also require periodic inspection and testing per the appropriate NFPA standards. Examples are Wet-chemical automatic extinguishing systems are required to be installed, maintained, periodically inspected and tested in accordance with NFPA 17A. Similarly, Clean-agent automatic fire-extinguishing systems are required to be installed, maintained, periodically inspected and tested in accordance with NFPA 2001 and their listing. These systems sufficiently extinguish a fire and return the equipment to service in a short period of time, thereby allowing the facility to provide care and treatment to residents with minimal disruption. Common cleaning agent liquids are also safe if they would somehow come into contact with a person.

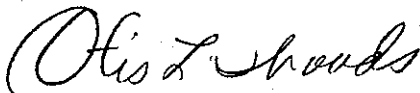
Clarification sought: Will CMS honor alternative automatic suppression systems for LTC facility elevator machine rooms constructed under the 1991 or earlier editions of NFPA 13?

Note: All Wisconsin commercial elevators, regardless of age, are periodically tested and recertified to the national ASME standards.

If you have any questions, please contact David Soens at (608) 266-9675 or david.soens@dhs.wisconsin.gov.

Thank you for you time, Jim. I appreciate any consideration for these alternative provisions for older elevator machine room applications.

Respectfully submitted,



Otis L. Woods
Administrator

Cc: David Soens, OPRI Director
Bruce Wexelberg, LSC Safety Engineer