



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-07-01

**DATE:** November 1, 2006

**TO:** State Survey Agency Directors  
State Fire Authorities

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Provisions of the Final Rule regarding Adoption of New Fire Safety Requirements for the Use of Alcohol Based Hand Rubs (ABHRs) and Installation of Battery Powered Smoke Alarms

**Letter Summary**

- This letter highlights the final rule concerning fire safety requirements for Hospitals, Ambulatory Surgical Centers, Nursing Homes, Religious Non-Medical Health Care Institutions, Programs of All-Inclusive Care for the Elderly (PACE) Facilities, Critical Access Hospitals, and Intermediate Care Facilities for the Mentally Retarded.
- Regarding ABHRs, the final rule clarifies terminology and adds a requirement for maintenance in accordance with manufacturer's recommendations.
- Regarding battery powered smoke alarms, the final rule changed terminology and defined the terms "common areas" and "fully sprinklered." The maintenance requirements were modified to include manufacturer's recommendations.

This memorandum notifies States and the Centers for Medicare & Medicaid Services' (CMS) regional offices of the September 22, 2006 publication of the final rule entitled: "*Medicare and Medicaid Programs; Fire Safety Requirements for certain Health Care Facilities; Amendment*" (*Federal Register* Vol. 70, No. 184, Page 55326). A copy of the regulation is attached to this memorandum.

Previously, CMS provided guidance concerning the use of ABHRs and smoke alarms in two Survey and Certification letters (S&C-05-25 and S&C-05-33) which described the requirements of the interim final rule published on March 25, 2005.

The final rule adopts the substance of the April 15, 2004 tentative interim amendment (TIA) on the use of ABHR Solutions, which was published by the National Fire Protection Association (NFPA) as an amendment to the 2000 edition of the Life Safety Code. This amendment allows certain health care facilities to place ABHR dispensers in egress corridors under certain specified conditions.

The final rule also requires that nursing facilities that are not fully sprinklered at a minimum install battery-powered single station smoke alarms in resident and common areas if the facility does not have system-based smoke detectors in those areas. This final rule confirms as final the provisions of the March 25, 2005 interim final rule with changes and responded to public comments.

Although the final rule confirms for the most part the provisions of the interim final rule of March 25, 2005 several changes to the interim final rule were made. Those changes are highlighted below.

#### **Alcohol Based Hand Rubs:**

- The term “vulnerable populations” was deleted and the requirement now states: “The dispensers are installed in a manner that adequately protects against inappropriate access.”
- A requirement was added that “The dispensers are maintained in accordance with manufacturer guidelines.” Regular maintenance is seen as a crucial step in making sure that dispensers neither leak nor the contents spill. If the manufacturer does not have specific maintenance requirements, the facility is expected to develop their own policies and procedures to ensure that the dispensers neither leak nor the contents spill.

#### **Smoke Alarms:**

- Terminology was altered in the final regulation in response to public comments received. “Smoke detectors” are now termed “smoke alarms,” “public areas” are now termed “common areas,” “sprinklers installed throughout” is now termed “fully sprinklered,” and “a hard wired smoke detection system” is now termed “system-based smoke detectors.” Additionally, definitions of the terms “common areas” and “fully sprinklered” were added to the definitions section of the regulation at 42 CFR 483.5 (d) and (e).
- The requirement for testing, maintenance, and battery replacement was modified to be more specific about what is required. A facility is now required to “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.” This should help ensure that smoke alarms are consistently functioning and we expect that this program would be included in the facility’s own policies and procedures.

If you have any questions concerning this memorandum, please contact James Merrill at 410-786-6998 or via E-mail at James.Merrill@cms.hhs.gov.

**Effective Date:** This regulation is effective October 23, 2006. There is no phase-in period provided in the regulation. Please ensure that all staff are fully apprised of this information within 30 days.

**Training:** This information should be shared with all appropriate survey and certification staff, surveyors, their managers and state fire authorities and their staff.

/s/  
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)

Attachment