



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-05-38

**DATE:** July 14, 2005

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

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Clarification of Life Safety Code Survey Issues in Nursing Homes

**Letter Summary**

- This letter addresses several Life Safety Code survey issues including wardrobe/closet sprinkler requirements, exit discharge surfacing requirements and canopy sprinkler requirements.

The purpose of this memorandum is to clarify the Centers for Medicare & Medicaid Services' (CMS) policy regarding several Life Safety Code (LSC) issues dealing with the sprinkling of wardrobes/closets, the requirements for surfacing of exit discharge pathways, and the requirements for the sprinkling of canopies in nursing homes. CMS recently received inquiries concerning these issues and requesting clarification of previous interpretations of these requirements.

**Q1:** Does CMS require wardrobe/closet units found in nursing home resident rooms to have a sprinkler head installed in them?

**A1:** No. CMS does not require that freestanding portable wardrobe units used as a closet to store clothing and other resident personal belongings have a sprinkler installed within them. These units are considered furniture and may be attached to the wall for safety reasons. As a piece of furniture they would not be required to have a sprinkler head installed in the interior of the wardrobe.

The fuel load contained in a closet/wardrobe unit that is a hanger width in depth and has no shelves or drawers internally, may be such that the sprinklers already installed in the room would be adequate and no additional sprinklers would be required in the room.

Surveyors should review the sprinkler coverage provided to ensure that complete and unobstructed coverage from nearby sprinkler heads is provided to the exterior of the wardrobe. This is in accordance with NFPA 13, Installation of Sprinkler Systems, 1999 edition.

Q2: Are exit discharges required to have a hard surface pathway to the public way? This is in reference to tag K-38 and previous guidance.

A2: Previous interpretive guidance on this subject dated 07/07/93 (under tag K-32) is still acceptable. In that guidance we stated that our response to the question was “Yes, if there is much rain or snow and if patients are expected to exit or be evacuated in wheelchairs or beds.” This would include residents using walkers. Grass or soil may be acceptable if weather conditions permit. This determination is left up to the judgment of the surveyor as to the local weather conditions and the difficulty that a resident or patient may encounter while traversing between the building and the public way.

Section 7.7.1 NFPA 101 of the LSC (2000 edition) requires that “Exits shall terminate directly at a public way or at an exterior exit discharge. Yards, courts, open spaces, or other portions of the exit discharge shall be of required width and size to provide all occupants with a safe access to a public way.” An appendix note to 7.7.1 states that the exit discharge is not required to be paved but that it must give safe access to a public way and references section 7.1.10.

Section 7.1.10 of NFPA 101 of the LSC (2000 edition) requires that the means of egress be continuously maintained free of all obstructions or impediments to full and instant use in the case of fire or emergency. An appendix note to 7.1.10 specifically points out that accumulations of snow and ice are an impediment to free movement in the means of egress.

CMS believes that a usable exit discharge is a fundamental and important life safety feature and contributes to the safety of staff and residents in an emergency. The use of the Fire Safety Evaluation System (FSSES) is inappropriate as there is no equivalent to being able to exit the building at all times in an emergency.

Q3: Is sprinkler protection required for a canopy constructed of noncombustible materials, such as a weather cover for pedestrian use or the loading or unloading of automobiles at a front entrance?

A3: No. Section 5-13.8.1 of NFPA 13, Installation of Sprinkler Systems, 1999 edition requires exterior roofs or canopies exceeding 4ft in width to have sprinklers installed under them. There is an exception to this requirement that allows for sprinklers to be omitted from certain canopies or roofs. Sprinklers are not required to be installed where a canopy or roof is constructed of noncombustible or limited combustible construction. The reference to noncombustible or limited combustible construction refers to the entire canopy assembly and not just the exposed surfaces. Canopies less than 4 feet in width are not required to be sprinklered regardless of construction type provided no combustibles are stored beneath them. Section 5-13.8.2 of NFPA 13, Installation of Sprinkler Systems, 1999 edition requires that sprinklers be installed under roofs or canopies where combustibles are stored and handled.

Automobiles stopping briefly to load or unload passengers is not considered storage or handling of combustibles and is acceptable. Canopies less than 4 feet in width are not required to be sprinklered regardless of construction type provided no combustibles are stored beneath them.

We hope that this information is useful in clarifying these issues, we will issue other guidance as the need arises in the future.

If you have further questions regarding this matter, please contact James Merrill at (410) 786-6998.

**Effective Date:** The information contained in this memorandum is current policy and is in effect for all nursing home facilities. The SA should disseminate this information within 30 days of the date of this memorandum.

**Training:** This clarification should be shared with all survey and certification staff, fire authorities, surveyors, their managers, and the state/RO training coordinator.

/s/  
Thomas E. Hamilton

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