

MSHDA

TECHNICAL SERVICES MEMORANDUM - #2005-1

TO: All Management Agents

FROM: Terry Bunn 

DATE: August 12, 2005

RE: Clarification of Exigent Health and Safety Items Versus Health and Safety Items

There seems to be some confusion among Management Agents concerning the time frame for completion and reporting of "Health and Safety" items shown on Physical Inspection Reports as opposed to the items shown on the MSHDA Form "Notification of Exigent Health and Safety Hazards". The purpose of this clarification is to eliminate that confusion.

Health and Safety items are items that fall under the Health and Safety category in the UPCS report format, which MSHDA uses for its inspections. The completion and reporting time for Health and Safety items required by MSHDA is 30 days from the date on the cover letter for the UPCS or UPCS-Plus Report received from the MSHDA Inspector. An example of this type of item would be a trip hazard. It would be a safety issue but not a life threatening safety issue.

Exigent Health and Safety Items are items that are considered by the inspector to be **life threatening**. Not all items reported as "Health and Safety" items are reported as "Exigent Health and Safety" items. The exigent items must be reported on the day of the inspection on the MSHDA "Notification of Exigent Health and Safety Hazards" form. Life Threatening Health and Safety items must be resolved as soon as physically possible, but **no later than three working days of the date of the inspection.** Immediately after completing the items, Site Management must send the "Owner's Certification of Completion of Repairs and Exigent Health and Safety Items" to the MSHDA Inspector and to MSHDA as required by MSHDA Compliance Monitoring.

The following are a few related points:

- MSHDA does require a representative of Site Management to accompany the inspector and the representative should note items that the inspector is recording. The inspector is responsible for communicating to the Site Management representative each item, the location of the item, and the

severity of the item as he records them. (If residents are present at the inspection of a unit, it may be prudent to report certain items verbally only after leaving the unit.)

- The “Notification of Exigent Health and Safety Hazards” form used in the MSHDA inspections is different from the “Notification of Exigent and Fire Safety Hazards Observed” form used with REAC inspections but is identical in purpose. The REAC software automatically generates the REAC “Notification of Exigent and Fire Safety Hazards Observed” form. MSHDA inspections use a different software program, which does not generate the “Notification of Exigent Health and Safety Hazards” as part of the report. This MSHDA “Notification of Exigent Health and Safety Hazards” form must be filled out by the MSHDA Inspector at the end of the inspection and left with the Site Management representative that day. The protocol used to determine whether an item is of an “Exigent” nature is the same for UPCS, UPCS-Plus, and REAC inspections. On all three types of reports, there will be an overlap of Health and Safety items with Exigent Health and Safety items. Both the “Notification of Exigent Health and Safety Hazards” and the Inspection Report must give the location of the violation in enough detail for someone reading the report to locate the violation (or its correction) on site without having seen the item at the time of the inspection.

- For the UPCS-Plus inspection, Health and Safety items will always be reported on the UPCS portion of the inspection. The MSHDA portion of the inspection will not have Health and Safety items.

I hope this clears up the confusion. If you have any questions about this Memorandum, please contact me at 517-373-6349 or bunnt@michigan.gov

cc: Physical Inspection Contractors
MSHDA Asset Managers & Supervisors
MSHDA Compliance Monitoring Staff
Ted Rozeboom