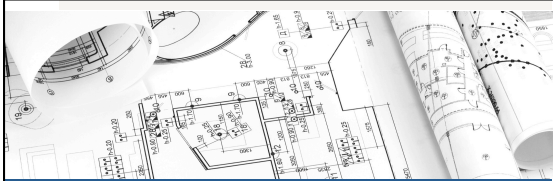





Progressive
Huddle

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LIFE SUPPORT FOR YOUR ASC SET




The "contemporary"
LIFE SAFETY CODE® SURVEY
(Medicare Physical Environment)
Nothing/Everything Has Changed



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**CMS & the contemporary LSC survey
(down the rabbit hole)**

- NFPA 101® (Life Safety Code®) requirements have not YET changed – the 2000 edition still guides overall compliance
- The CMS State Operations Manual appendix L continues to evolve, and is applied by CMS as a minimum standard, even though CMS officially intends it only to provide "guidance."
- BIG change relates to survey scrutiny, which increased dramatically for many ASCs in 2013




CMS & the contemporary LSC survey
→ Appendix L "evolution"

- 2009 explicit clarification of the meaning of "distinct entity" as precluding any spatial sharing with other entities
 - "Physical" Vs. "Temporal"
- 2009 addition of requirement to monitor and maintain O.R. air temperature and humidity in compliance with accepted national standards
 - AORN's 20% - 60% RH probably max acceptable
- 2013 addition of "flow" to O.R. air quality considerations (i.e., positive pressure)

CMS & the contemporary LSC survey
→ Increased Scrutiny

- In the past, compliance with the NFPA requirements was left largely to self-certification by ASCs themselves, with random/spot checking by surveyors
- CMS changed the game in early 2013 by directing Deemed Status survey organizations to conduct a "complete and comprehensive" evaluation of LSC compliance with every survey
- For a vast majority of surveys this now means a dedicated expert/specialist on the survey team




CMS & the contemporary LSC survey
→ Increased Scrutiny

- **THE RESULT:**
 - No more (or far less) "Getting Away" with deficiencies ASCs did not understand and/or chose to ignore until they get caught
 - A broad classification of NFPA requirements State/Regional CMS surveyors rarely if ever applied (inspection, testing & maintenance) now account for a major portion of physical environment survey citations
 - Significant plans of correction related to physical environment compliance are fairly normal, regardless of prior approval

Necessary Background

- Adopting any particular edition of the NFPA 101® Life safety Code® brings with it all "contemporary editions" of every NFPA code and standard in any way referenced from the LSC. Such as the "CMS-current 2000 ed. of NFPA 101, is contemporary to the 1999 NFPA 99, the 1999 NFPA 70, the 1998 NFPA 25, etc. for dozens of others.



Why LSC surveys can "get ugly"

- The "grandfathering" myth/hoax
 - "prior approvals made in error are null upon discovery" [CMS]
- The **dirty little secret** about NFPA compliance
 - NFPA standards include requirements for maintaining compliance
 - CMS holds ASCs solely responsible for assuring continuous compliance with all applicable NFPA & CMS standards

Common Compliance Problems *Mostly Operational*


- Holes in fire and smoke separation walls
- Fire Emergency Plan
 - R.A.C.E. – like . . .
but really R+CP.A.C.E.(e.)
"e" only if necessary to safely R, A, C or E
 - Meaningful documentation of required quarterly drills
- Furnishings & Decorations
 - NFPA 701 for curtains & hanging fabrics
 - Upholstered furniture NFPA 261 & 266

Common Compliance Problems
Mostly Operational

- Significant quantities of decorations are rendered flame retardant
- Trash & linen receptacles in **unsprinklered** buildings
 - 32-gallon maximum capacity
 - Total capacity in a room not enclosed in 1-hour construction is no greater than ½ gallon per SF of the room.


Common Compliance Problems
Inspection, Testing, & Maintenance

- Everything related to NFPA standards, that can wear out or be compromised by use and time, **REQUIRES** Inspection, Testing, & Maintenance (ITM)
- Documentation, documentation, documentation
- Emergency & normal lighting of egress path: bulbs and batteries as applicable
- Exit sign lighting bulbs and batteries as applicable
- Fire watch for sprinkler or fire alarm system malfunction of 4+ hours




Frequently Encountered Issues
Stuff often missing during a USC survey

- Signed and dated record of the Installation Contractor's acceptance test for the sprinkler system, including material and test certificates.
- High frequency ITM (inspections, testing, & maintenance) documentation for Sprinkler system & Fire Alarm system.
- Initial approval of piped medical gas & vacuum systems, including Installer Performance Testing & System Verification



Frequently Encountered Issues
Stuff often missing during a LSC survey

- Documentation of 4-hour + gen set Installation Acceptance testing
- Documentation of 2-hour annual load test of gen set if monthly does not meet min load or exhaust temp
- Documentation of smoke/fire damper testing at installation, then followed by maintenance every 4 years
- Documentation of electrical receptacle testing
 - New Vs. Existing
 - Hospital Grade Vs. Standard grade



Frequently Encountered Issues
Stuff often wrong during a LSC survey

- Cluttered/unfocussed fire emergency plans: save the cash box or expensive medical equipment, fight the fire, shut off medical gases, etc. . . .
- "No smoking" signs omitted when it is prohibited by policy or even regulation
- Maintenance-free batteries for Level 1 (Type 1 EES) Generator Set
- Patient care appliances in critical care areas undergoing biomedical testing only annually
- No tags on curtains (NFPA 701), upholstered furniture (NFPA 261 or 266), & mattresses (NFPA 267)

Common Compliance Problems
Inspection, Testing, & Maintenance

CONSULTATIVE ADVICE (not requirement):



- Any agreements with outside companies for inspection, testing, and/or maintenance of anything should include their responsibility to follow referenced NFPA standards, and to provide the ASC with documentation of any and all activity prior to leaving the site.

Continuous NFPA Compliance

- "Life Safety Systems" inspection, testing, & maintenance.
 - Fire Alarm System – NFPA 72
 - Smoke Alarm System – NFPA 72
 - Automatic Sprinkler System – NFPA 25
 - & more
- "Medical Systems" inspection, testing, & maintenance
 - Essential Electrical System – NFPA 70/99/110/111
 - Piped Medical Gas System – NFPA 99

Medicare Facility Compliance NFPA Standards

- Waiver parameters
 - Literal compliance must be "impossible"
 - There can be no adverse effect on occupant safety
 - Valid until next survey (temporary)
- Existing Power and Piped Medical Gases
 - May continue in use in ASCs continuously Certified by Medicare (new 855 ends it)
 - March 11, 2003 old/new design standards

Available on eSupport

Compliance/Life Safety Code/Overview

The screenshot shows the Progressive eSupport website interface. At the top, there is a navigation menu with links for Home, Action Plan, Operations, Compliance, Resources, Continued Education, Webinars, and My Account. The main content area is titled "Life Safety Code Overview" and includes sections for "Life Safety Code Overview" and "LIFE SAFETY CODE Overview". The "Life Safety Code Overview" section contains text about requirements for Medicare Certified / Operations Manual Appendix L and the (NFPA) Life Safety Code (LSC), CMS expectations for compliance with every ASC Medicare LSC, and a note that Medicare-certified ASCs should expect knowledgeable and better qualified surveyors. The "LIFE SAFETY CODE Overview" section includes links for "Initial Approval Documents" and "Ongoing Inspection, Testing, and Maintenance".

Available on eSupport

Compliance/Life Safety Code/Inspection, Testing and Maintenance

Inspection, Testing, and Maintenance

While compliance with the 2010 edition of the National Fire Protection Association (NFPA) codes on the responsibility of architects and engineers is the responsibility of the organization, proper performance and documentation of these ITM requirements are the source of concern and could in some cases represent Code facilities considered "open" by CMS.

To prepare for the ITM aspects of the survey, one must first understand a few key definitions and/or distinctions:

LIFE SAFETY CODE

Overview

Initial Approval Documents

Inspection, Testing, and Maintenance

Ongoing Inspection, Testing, and Maintenance

Available on eSupport

Compliance/Life Safety Code/Ongoing Inspection, Testing and Maintenance

Ongoing Inspection, Testing, and Maintenance

Inspection, testing and maintenance (ITM) related to building safety continue to be specific tasks associated with complex common sense, while others may not.

CMS State Operations Manual, Appendix

OR/Procedure Room temperature, humidity, and pressure relationships to adjacent areas are maintained per an accepted industry standard.

- The standard adopted by the ASC is identified and parameters known.
- Daily logs are maintained, and appropriate action is taken when findings are out of range.

LIFE SAFETY CODE

Overview

Initial Approval Documents

Inspection, Testing, and Maintenance

Ongoing Inspection, Testing, and Maintenance


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