**1135 Waiver Issued for Life Safety Requirements During COVID-19**

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To further assist skilled nursing facilities and other health care providers with infection control measures, CMS has issued additional 1135 blanket waivers that have direct impact on the requirements for maintaining the physical environment to reduce disruption of patient care and potential exposure/transmission of COVID-19. CMS is temporarily modifying these requirements to the extent necessary to permit facilities to adjust scheduled inspection, testing and maintenance (ITM) frequencies and activities for facility and medical equipment. Additionally, the same modifications will be allowed for ITM frequency and activities required by the Life Safety Code (LSC- NFPA #101, 2012 ed.) and the Health Care Facilities Code (HCFC- NFPA #99, 2012 ed.). The following LSC and HCFC ITM activities are considered critical and **not** included in this waiver:

* Sprinkler system monthly electric motor-driven and weekly diesel engine-driven fire pump testing.
* Portable fire extinguisher monthly inspection.
* Elevators with firefighters’ emergency operations monthly testing.
* Emergency generator 30 continuous minute monthly testing and associated transfer switch monthly testing.
* Means of egress daily inspection in areas that have undergone construction, repair, alterations or additions to ensure its ability to be used instantly in case of emergency.

When varying from prescribed IMT frequency and activities or when any alterations to the building have occurred during the management of COVID-19, facilities should also consider implementing Alternate Life Safety Measure (ALSM) to help further promote a safe and compliant environment of care.

CMS has also provided additional clarification on Life Safety code compliance.  Of particular note, SNFs can now do training instead of conducting actual fire drills **during the declared emergency**.  Facilities should conduct a training session on each shift during each quarter of the declared emergency and make sure that it is properly documented including a sign-in sheet.  The training sessions can documented with the facilities existing fire drill forms.  It will be important to include comments on the form indicating that it was a training session as allowed by CMS under the waiver instead of an actual fire drill.

In a revised communication on the 1135 waivers issued May 8, 2020, CMS is modifying (and clarifying) the following requirements:

* Alcohol-based Hand-Rub (ABHR) Dispensers: We are waiving the prescriptive requirements for the placement of alcohol based hand rub (ABHR) dispensers for use by staff and others due to the need for the increased use of ABHR in infection control. However, ABHRs contain ethyl alcohol, which is considered a flammable liquid, and there are restrictions on the storage and location of the containers. This includes restricting access by certain patient/resident population to prevent accidental ingestion. Due to the increased fire risk for bulk containers (over five gallons) those will still need to be stored in a protected hazardous materials area. Refer to: 2012 LSC, sections 18/19.3.2.6. In addition, facilities should continue to protect ABHR dispensers against inappropriate use as required by 42 CFR §482.41(b)(7) for hospitals; §485.623(c)(5) for CAHs; §418.110(d)(4) for inpatient hospice; §483.470(j)(5)(ii) for ICF/IIDs and §483.90(a)(4) for SNF/NFs.
* Fire Drills: Due to the inadvisability of quarterly fire drills that move and mass staff together, we will instead permit a documented orientation training program related to the current fire plan, which considers current facility conditions. The training will instruct employees, including existing, new or temporary employees, on their current duties, life safety procedures and the fire protection devices in their assigned area. Refer to: 2012 LSC, sections 18/19.7.1.6.
* Temporary Construction: CMS is waiving requirements that would otherwise not permit temporary walls and barriers between patients. Refer to: 2012 LSC, sections 18/19.3.3.2.

To review the actual revised CMS communication, click on the following link and examine pages 25 – 27:

<https://www.cms.gov/files/document/summary-covid-19-emergency-declaration-waivers.pdf>

Please contact CAHF’s Life Safety Consultant, Stan Szpytek with any questions- Mobile: (708) 707-6363 or e-mail: [firemarshal10@aol.com](mailto:firemarshal10@aol.com)

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