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## ISSUE BRIEF (UPDATED)

### CMS Survey and Certification Memo: S&C-12-21-LSC

Waivers for Use of Specific  
Requirements of NFPA 101-  
2012

*Released:* March 9, 2012

#### Key Points

- CMS is easing waiver requirements for health care facilities that want to take advantage of four provisions in NFPA 101-2012, including a provision allowing placement of certain items in exit corridors.
- Providers will be allowed to implement the new provisions by requesting waivers of current NFPA 101 requirements without showing “unreasonable hardship.”
- As a result of the waiver process permitted by the memo, hospitals can place certain items in corridors, including equipment being used by hospital workers, medical emergency equipment such as crash carts, and patient transportation devices.
- This ASHE Issue Brief has been updated to clarify that the memo applies to both nursing homes and hospitals.

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The Centers for Medicare & Medicaid Services (CMS) has issued a Survey & Certification Group memo indicating it will ease waiver requirements for health care facilities that want to take advantage of four provisions in the 2012 edition of NFPA 101: *Life Safety Code*®. One of these provisions allows for previously restricted items to be placed in exit corridors, which is of great importance to hospitals because the issue is currently a top cause of Joint Commission citations.

The memo initially caused some confusion because it specifically mentioned nursing home providers several times while also stating that the waiver change will apply to both new and existing health care occupancies. ASHE has confirmed with CMS that the memo applies to both nursing homes and hospitals. The information in the memo is now current policy and affects all applicable health care facilities, including hospitals and nursing homes.

To allow facilities to enact the four provisions from the 2012 *Life Safety Code*, CMS said in the memo that it will consider waivers of its current requirements (the 2000 edition of the *Life Safety Code*) without requiring facilities to show “unreasonable hardship.”

Waiver requests will be processed in accordance with standard operating procedures, CMS said. Each request will be evaluated separately to ensure the facility has followed all *Life Safety Code* requirements.

CMS will consider waivers to permit facilities to take advantage of the following provisions from the 2012 edition of the *Life Safety Code*:

- Previously restricted items can be placed in exit corridors.
- The kitchen can be open to an exit corridor under certain circumstances.
- Installation of direct-vent gas fireplaces and solid fuel burning fireplaces will be allowed.
- Combustible decorations are allowed in certain areas.

It is important to note that hospitals taking advantage of these waivers cannot use corridors for storage. CMS notes in the memo that “not in use” criteria found in a previous memo—which said an item is considered not in use if it is left unattended or not moved for more than 30 minutes—are still applicable. And the 2012 edition of the *Life Safety Code* restricts corridor items to equipment such as in-use carts, emergency equipment such as crash carts, and patient transportation devices.

The entire CMS memo (S&C-12-21-LSC) can be found on the ASHE website: [www.ashe.org/resources/member/phycms.html](http://www.ashe.org/resources/member/phycms.html).