

CR 94-138

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to Life Safety Code requirements for hospitals and nursing homes were duly approved and adopted by this Department on December 7, 1994.

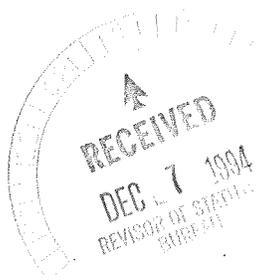
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 7th day of December, 1994.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services



ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING, REPEALING AND RECREATING, AND CREATING RULES



FINDING OF EMERGENCY

The Department of Health and Social Services finds that an emergency exists and that the rules included in this order are necessary for the immediate preservation of the public peace, health, safety, or welfare. The facts constituting the emergency are as follows:

Sections 50.02(2) and 50.36(1), Stats., require the Department to have rules consisting of regulations and standards to protect the health, safety and welfare of nursing home residents and hospital patients. The Department's rules include standards for nursing home and hospital construction deemed necessary to provide safe and adequate care and treatment in those facilities.

The Department's administrative rules for nursing homes, ch. HSS 132, and hospitals, ch. HSS 124, currently adopt by reference the 1981 edition of the National Fire Protection Association's (NFPA) Life Safety Code for facilities for which construction plans were approved on or after November 26, 1982, to protect the safety of the residents of nursing homes and patients of hospitals. The National Fire Protection Association since 1981 has updated the Life Safety Code in the light of advancing knowledge to recognize new methods of assuring the safety of residents and patients. The 1991 edition is currently used by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to establish minimum safety in all JCAHO-accredited hospitals. The federal government's Health Care Financing Administration recently proposed that the 1991 edition be adopted for all Medicare and Medicaid certified nursing homes. Because of the interest lately of some hospitals in converting part of their facilities to be nursing homes, there is need for more current life safety code standards for the converted facilities which would have a more dependent population. The converted facilities should be expected to meet the current nationally recognized minimum levels of safety for nursing home residents.

Consistent with the fire protection standard included in the 1991 Life Safety Code for nursing homes, existing rules for nursing homes are also amended to make clear that when a part of a hospital is converted to a nursing home, the entire facility must have automatic sprinkler protection throughout unless there is a 2-hour fire-rated partition wall between the nursing home part and the hospital part in which case the nursing home part

must have automatic sprinkler protection.

These are permanent rules that will replace identical emergency rules that were published on July 1, 1994.

The Department's authority to amend, repeal and recreate and create these rules is found in ss.50.02(2)(a) and 50.36(1), Stats. The rules interpret ss.50.02 and 50.36, Stats.

SECTION 1. HSS 124.27(4)(b) is amended to read:

HSS 124.27(4)(b) New construction. Any new construction or remodeling shall meet the applicable provisions of the ~~1981~~ 1991 edition of the Life Safety Code.

SECTION 2. HSS 132.82(3) is amended to read:

HSS 132.82(3) 1981 CODE. Facilities with construction plans first approved by the department on or after November 26, 1982, but before July 1, 1994, shall meet the applicable provisions of the 25th edition (1981) of the Life Safety Code. (See Table 132.82).

SECTION 3. HSS 132.82(3m) is created to read:

HSS 132.82(3m) 1991 CODE. Facilities with construction plans first approved by the department on or after July 1, 1994, shall meet the applicable provisions of the 1991 edition of the Life Safety Code. (See Table 132.82).

SECTION 4. HSS 132.82(5) and Table are repealed and recreated to read:

HSS 132.82(5) APPLICABLE CODES. The applicable provisions of the life safety codes required by subs. (1), (2), (3) and (3m) shall apply to facilities as follows:

TABLE 132.82

Life Safety Code Requirements

	1967 NFPA 101 LIFE SAFETY CODE (Existing) (New)	1973 NFPA 101 LIFE SAFETY CODE (Existing) (New)	1981 NFPA LIFE SAFETY CODE (Existing) (New)	1991 NFPA 101 LIFE SAFETY CODE (Existing) (New)
<u>Skilled Care</u> Plans approved prior to October 28, 1971	X	O	O	O
Plans approved on or after Oct. 28, 1971, but prior to June 1, 1976	X	O	O	O
Plans approved on or after June 1, 1976, but prior to Nov. 26, 1982			X	O
Plans approved on or after November 26, 1982, but prior to July 1, 1994			X	O
Plans approved on or after July 1, 1994				O X
<u>Intermediate</u> <u>Care</u> Plans approved prior to March 17, 1974	X	O	O	O

	1967 NFPA 101 LIFE SAFETY CODE (Existing) (New)	1973 NFPA 101 LIFE SAFETY CODE (Existing) (New)	1981 NFPA LIFE SAFETY CODE (Existing) (New)	1991 NFPA 101 LIFE SAFETY CODE (Existing) (New)
Plans approved on or after March 17, 1974, but prior to June 1, 1976	X	O	O	O
Plans approved on or after June 1, 1976, but prior to Nov. 26, 1982	X	O	O	O
Plans approved on or after November 26, 1982, but prior to July 1, 1994			X	O
Plans approved on or after July 1, 1994				X

X= Standard requirements apply.

O= Alternate requirements, that is, more recent editions of the Life Safety Code, which may be substituted for standard requirements at the option of the facility.

SECTION 5. HSS 132.83(6) (a) is amended to read:

HSS 132.83(6) SPRINKLERS FOR FIRE PROTECTION. (a) (title) Facilities licensed prior to December 1, 1974. Unless all walls, partitions, piers, columns, floors, ceilings, roofs, and stairs are built of noncombustible material, and all metallic structural members are protected by a noncombustible fire-resistive covering, ~~period A and B~~ facilities licensed prior to December 1, 1974 shall have automatic sprinkler protection throughout all buildings.

SECTION 6. HSS 132.83(6) (b) is repealed and recreated to read:

HSS 132.83(6) (b) Facilities licensed on or after December 1, 1974. Except for the following, all facilities licensed on or after December 1, 1974 shall have automatic sprinkler protection throughout all buildings:

1. In the event of an addition to, or remodeling of, a facility licensed prior to December 1, 1974, the entire facility shall have automatic sprinkler protection throughout unless there is a 2-hour fire-rated partition wall between the old and new construction, in which case only the new or remodeled area shall be sprinklered.

2. In the event of the conversion of a portion of a recognized inpatient care facility in operation prior to December 1, 1974 to a facility licensed under this chapter, the facility shall have automatic sprinkler protection throughout unless there is a 2-hour fire-rated partition wall separating the portion of the facility licensed under this chapter from the rest of the building, in which case only the portion of the facility licensed under this chapter shall be sprinklered.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: December 7, 1994

By: 
Gerald Whitburn
Secretary

SEAL:

RECEIVED
DEC 7 1994
REVISOR OF STATUTES
BUREAU

Tommy G. Thompson
Governor
Gerald Whitburn
Secretary



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State of Wisconsin Department of Health and Social Services

December 7, 1994



Mr. Bruce E. Munson
Revisor of Statutes
131 W. Wilson St., Suite 800
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of ss. HSS 124.27, 132.82 and 132.83, administrative rules relating to Life Safety Code requirements for hospitals and nursing homes.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Whitburn".

Gerald Whitburn
Secretary

Enclosure