

Long-Term Care Survey Alert

Survey Management: Extinguish the Potential for These Fire Safety Violations

Changing the purpose of a room can open the door to K-tag citations.

Even seemingly minor safety shortfalls can increase the risk of fire -- not to mention IJ citations that are hard to fight. Below, an expert cites the fire safety hotspots and common missteps that can derail your safety and survey record.

The basics: While each state has its own fire safety code, nursing homes that get CMS funding have to comply with the 2003 version of the National Fire Protection Association (NFPA) code No. 101, known as the Life Safety Code, advises **Bill Lauzon, PE**, a fire safety consultant at the Wisconsin Department of Health Services.

The NFPA has since published 2006 and 2009 editions, which the federal government hasn't adopted, adds Lauzon. Thus, those editions don't have legal authority for nursing homes "unless a particular state or locality has adopted it in their jurisdiction. Even then, the facility would need to comply with the more stringent of the codes."

Keep in mind: "The law sets a minimum set of standards as opposed to optimal standards," Lauzon counsels. And "plaintiff attorneys may say you need to adopt the most recent edition."

Target These Areas of Vulnerability

As far as survey violations, however, some of the top K citations involve the following issues, says Lauzon.

- **Hazardous rooms.** "A hazardous room is any room that has a higher degree of hazard than normally found in the nursing home," explains Lauzon. "These rooms have to have certain levels of fire protection." Usually these are cleaning supply rooms and storage rooms, although a file room might also qualify if it contains enough files, he adds.

Watch out: Using a room for a different purpose than originally intended is usually what leads to citations, Lauzon cautions. For example, a facility may decide to store stuff in a room, including an empty resident room, which isn't built properly to be a hazardous room, he says.

- Egress out of the building. "Examples would be an exterior sidewalk that isn't level or correctly illuminated at night," Lauzon reports. Inadequate corridor lighting inside the facility or obstruction of a corridor can also land the facility with a citation.
- Corridor doors. These doors must have a doorknob with a latch that catches so the door remains shut when it closes, says Lauzon. And sometimes wear and tear causes the doors to warp so they don't latch properly, which is a maintenance issue, he adds. "Or sometimes people don't like the latch. So they push a piece of tissue paper into the hole and put some gauze or tape so the plunger doesn't latch," and they can simply push the door to open it.
- Smoker barrier walls. "All nursing homes are required to be subdivided into smoke compartments by a [fire-rated] wall and certain doors that separate the two parts of the building," Lauzon explains. Deficiencies typically occur, he says, when someone installs a telephone or computer cable, etc., through the wall without properly sealing the hole to maintain the wall's fire rating. "A good maintenance program should detect that kind of thing."
- Electrical safety requirements. The most frequently cited deficiencies Lauzon sees involve open electrical boxes in the ceiling, which are supposed to have a cover on them. Misuse of extension cords is another frequent problem. "You should not use these in place of permanent wiring," he says. "Another deficiency occurs when you store things in front of an electrical panel. There should be a minimum three-foot clearance to be able to quickly get to the panel to turn off the circuit breaker or work on the panel."

- Fire alarm testing. Surveyors sometimes discover that facilities aren't testing their systems often enough -- "or they aren't covering all the items that need to be inspected or tested," warns Lauzon.

Identify, Fix Problems Quickly

As Lauzon's rundown of common deficiencies indicates, a solid maintenance program can stave off safety and survey problems.

Case in point: Attorney **Joseph Bianculli** saw a recent case where an administrative law judge sustained an IJ finding involving smoke barrier doors. The "doors didn't automatically release and close when a fire alarm was activated during a survey," relays Bianculli, in private practice in Arlington, Va.

"The facility claimed that the malfunction was unanticipated," Bianculli says. "But the ALJ found that the evidence suggested that the facility had been aware of a problem for several months and had not fully corrected the problem."