



**The Commonwealth of Massachusetts**  
**Executive Office of Health and Human Services**  
**Department of Public Health**  
**Bureau of Health Care Safety and Quality**  
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**Circular letter: DHCQ 12-2-557**

**TO:** Long Term Care Facility Administrators

**FROM:** Madeleine Biondolillo, MD  
Director

**DATE:** February 27, 2012

**RE:** Fire Safety Requirements for Long Term Care Facilities,  
Mandatory Sprinkler Installation Requirement

Please be advised of the following information specific to all Medicare/Medicaid certified long term care facilities (Skilled Nursing Facilities/Nursing Facilities) regarding the Fire Safety Requirement that all certified Long Term Care Facilities be fully sprinkled.

Specifically, the purpose of this letter is to advise you, the administrator of the regulation published in the Federal Register Vol. 73, No. 157 FR47075<sup>1</sup> on Wednesday, August 13, 2008 under 42 CFR 483.70(a)(8)(i) requiring building(s) in which long term care facilities are located to be protected **throughout**<sup>2</sup> by an approved, supervised automatic sprinkler system by August 13, 2013.

The Centers for Medicare and Medicaid (CMS) has recently communicated with our office to highlight this matter. Be advised, "There are no provisions in the regulation to extend the timeframe for regulatory compliance beyond August 13, 2013, either through waivers or the use of the FSES."<sup>3</sup>

**If your facility is not fully sprinkled and you have not already begun to plan and take action to address the matter, immediate action is required to avoid potential impact to your Medicare/Medicaid certification in the future. You must be in compliance (i.e., fully sprinkled) by August 13, 2013.**

<sup>1</sup> <http://edocket.access.gpo.gov/2008/pdf/E8-18670.pdf> ; also reference, CMS S&C letter #09-04 dated October 3, 2008, <http://www.cms.gov/SurveyCertificationGenInfo/downloads/SCLetter09-04.pdf>

<sup>2</sup> "This includes for example, the requirements for closets, walk in coolers/freezers, overhangs, loading docks and shafts to have sprinkler coverage. " (See references at footnote #1).

<sup>3</sup> See references at footnote #1 abovementioned esp., S&C letter #09-04

We are issuing this letter as a reminder so you may take immediate action including submitting the Determination of Need<sup>4</sup> application, if necessary; and, plan review applications needed to start and complete the work by August 13, 2013.

If applicable, your immediate attention to this matter is required.

Should you have any questions, you may contact Stanley Grass, Life Safety Code Supervisor, at 1-617-753-8212 or email at: [Stanley.Grass@state.ma.us](mailto:Stanley.Grass@state.ma.us)

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<sup>4</sup> If the facility needs to undertake a project costing \$1,713,426 or more, this will require a DoN. If the cost of the project is expected to be close to the threshold, they should also contact the Department of Public Health Determination of Need office. Before beginning the project both the DoN requirement, as applicable, and a review of the architectural plans for the project must be approved by this office.