



Amy Beasley Cronin
Secretary, Standards Council

11 August 2011

To: Interested Parties

Subject:

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| Standards Council Decision (Final): | D#11-8 |
| Standards Council Agenda Item: | SC#11-8-6-b |
| Date of Decision*: | 11 August 2011 |
| NFPA 99, <i>Health Care Facilities Code</i> , 2012 edition | |

Dear Interested Parties:

At its meeting of August 9-11, 2011, the Standards Council considered an appeal on the above referenced matter. Attached is the final decision of the Standards Council on this matter.

Sincerely,

A handwritten signature in black ink that reads "Amy Beasley Cronin".

Amy Beasley Cronin
Secretary, NFPA Standards Council

- c: D. Berry, M. Brodoff, L. Fuller, R. Bielen, J. Goyette, E. Carroll
Members, Technical Correlating Committee on Health Care Facilities (HEA-AAC)
Members, Technical Committee on Electrical Systems (HEA-ELS)
National Electrical Code Panel 15 (NEC-P15)
National Electrical Code Correlating Committee (NEC-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



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SUMMARY OF ACTION (for convenience only; not part of official decision): *The Standards Council voted to deny the appeal and to issue the new edition of NFPA 99 with the proposed new Section 4.3.2.2.8.3 and associated annex material.*

DECISION:

At its meeting of August 9-11, 2011, the Standards Council considered an appeal from Alan Lipschultz representing the Association for the Advancement of Medical Instrumentation (AAMI). The appeal requested that the 2012 edition of NFPA 99, *Health Care Facilities Code* be issued with the acceptance of Certified Amending Motion (CAM) 99-8, which sought to accept Comment 99-78. Specifically, through the acceptance of Comment 99-78, the appellant seeks to reject Proposal 99-96, resulting in the deletion of the proposed new text as follows:

~~4.3.2.2.8.3* Operating rooms shall be considered to be a wet procedure location unless a risk assessment conducted by the health care governing body determines otherwise.~~
~~A.4.3.2.2.8.3 In conducting a risk assessment, the health care governing body should consult with all relevant parties, including, but not limited to, clinicians, biomedical engineering staff, and facility safety engineering staff.~~

As background, the Technical Committee on Electrical Systems (TC) and the Technical Correlating Committee on Health Care Facilities (TCC) accepted Committee Proposal 99-96 to add new Section 4.3.2.2.8.3 and associated annex material. Comment 99-78 recommended rejection of Proposal 99-96 and was rejected by the TC and TCC. A Certified Amending Motion seeking acceptance of CAM 99-8 which sought to delete the proposed new section and annex material was made at the 2011 Association Technical Meeting (Tech Session). The motion failed.

The appeal requests that the Council overturn the action that was recommended by the NFPA codes and standards development process. This recommendation represents the consensus judgment of the responsible TC and TCC, a judgment that was also supported by a vote of the NFPA membership at the 2011 Tech Session. The appellant has had the opportunity to advocate his position at each stage of the process, and failed to persuade the consensus process to adopt his position. On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA codes and standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the proposed new Section 4.3.2.2.8.3 and associated annex material will be in the 2012 edition of NFPA 99.

Council Member Jim Pauley recused himself during the hearing, deliberation and vote on this issue.