Document to be interpreted: NFPA 101(2000) 18/19.1.2.1

Edition: 2000

Background Information (optional): SECTION OF A HEALTH CARE FACILITY – CLASSIFICATION OF ANOTHER OCCUPANCY

Sections 18/19.1.2.1 establish provisions under which a section of a health care facility may be classified as another occupancy. We have seen these sections of the Code interpreted differently by different authorities having jurisdiction, particularly with regard to clinical laboratory areas. We would like to clarify how this provision is intended to be enforced, especially with respect to lab spaces.

Case: In an existing fully sprinklered health care building of Type II (222) construction a clinical laboratory area will be renovated. The clinical lab area will be separated from the health care occupancy by 2-hour walls and by 2-hour floor construction. There are health care occupancies located above and below the clinical labs, so the lab spaces will be sub-divided into multiple smoke compartments.

The clinical labs will not serve health care occupants for purposes of housing, treatment, or customary access. Occupants of the clinical labs will have access to exits without having to enter the health care area. Likewise, health care occupants have access to multiple exits without entering the clinical labs.

The clinical lab spaces will contain minimal quantities of hazardous materials and would be classified as Class D lab units under NFPA 45. Under that standard, the labs would be allowed to be unlimited in area. They would not be classified as severe hazard spaces per Sections 18/19.3.2.2.
Questions:

**Question 1:**
Is it the intent of Sections 18/19.1.2.1 to require that the 2-hour wall run vertically through the height of the building?

**Answer 1:** No

**Question 2:**
Is it the intent of Sections 18/19.1.2.1 to preclude the clinical labs in this example from being located immediately above or below a health care occupancy?

**Answer 2:** No

**Question 3:**
May the clinical labs in this example be classified as a business use and be permitted to comply with Chapter 38 for New Business Occupancies?

**Answer 3:** Yes

**Question 4:**
Are the clinical labs in this example required to comply with the 10,000 square foot suite limitations of Chapter 18?

**Answer 4:** No

**Question 5:**
Other than subdivision to comply with the provisions of Section 18.3.7 are the clinical labs in this example required to comply with any other provisions of Chapter 18?

**Answer 5:** Yes. Where any requirements in Chapter 18 apply to the whole building (e.g. building construction types, automatic sprinklers, and shared egress components).
Question 6:

Would the clinical labs in this example be required to comply with NFPA 99?

Answer 6: No. Since the labs are not a part of the healthcare occupancy.
Document to be interpreted: NFPA 13 (1999) 5.13.9.2 and A5.13.9.2

Edition: 1999

Background Information (optional): DETERMINE THAT RECESSED WARDROBES IN AN ALCOVE ARE NOT “FREESTANDING” WARDROBES

We have a major AHJ who has determined that recessed wardrobes in an alcove are not “freestanding” Wardrobes per Sections 5.13.9.2 & A5.13.9.2 of the 1999 NFPA 13 and are required to have sprinklers installed inside the wardrobes. The nursing home industry has 1000’s of resident sleeping rooms with recessed wardrobes and to the best of my knowledge these wardrobes have never been cited for not having sprinklers inside the wardrobes. I suspect that many hospitals also have recessed wardrobes that do not have sprinklers inside the wardrobes. Please see the following attachments:

1. My letter to NFPA for a staff interpretation.
2. Letter from Jim Lake, NFPA staff liaison to NFPA 13 responding to my letter.
3. Pictures of a typical installation that has been cited for the lack of sprinklers.

Question: Do recessed wardrobes (attached or freestanding) in an alcove that is fully sheathed with sheetrock qualify as freestanding wardrobes per Sections 5.13.9.2 & A.5.13.9.2 of the 1999 edition of NFPA 13 and therefore are not required to be sprinklered?

Answer: Yes. Provided that the sprinkler protection of the room includes the floor space of the alcove.
DATE:       July 14, 2005

TO:         State Survey Agency Directors
            State Fire Authorities

FROM:       Director
            Survey and Certification Group

SUBJECT:    Clarification of Life Safety Code Survey Issues in Nursing Homes

Letter Summary

- This letter addresses several Life Safety Code survey issues including wardrobe/closet sprinkler requirements, exit discharge surfacing requirements and canopy sprinkler requirements.

The purpose of this memorandum is to clarify the Centers for Medicare & Medicaid Services’ (CMS) policy regarding several Life Safety Code (LSC) issues dealing with the sprinkling of wardrobes/closets, the requirements for surfacing of exit discharge pathways, and the requirements for the sprinkling of canopies in nursing homes. CMS recently received inquiries concerning these issues and requesting clarification of previous interpretations of these requirements.

Q1: Does CMS require wardrobe/closet units found in nursing home resident rooms to have a sprinkler head installed in them?

A1: No. CMS does not require that freestanding portable wardrobe units used as a closet to store clothing and other resident personal belongings have a sprinkler installed within them. These units are considered furniture and may be attached to the wall for safety reasons. As a piece of furniture they would not be required to have a sprinkler head installed in the interior of the wardrobe.

The fuel load contained in a closet/wardrobe unit that is a hanger width in depth and has no shelves or drawers internally, may be such that the sprinklers already installed in the room would be adequate and no additional sprinklers would be required in the room.
Surveyors should review the sprinkler coverage provided to ensure that complete and unobstructed coverage from nearby sprinkler heads is provided to the exterior of the wardrobe. This is in accordance with NFPA 13, Installation of Sprinkler Systems, 1999 edition.

Q2: Are exit discharges required to have a hard surface pathway to the public way? This is in reference to tag K-38 and previous guidance.

A2: Previous interpretive guidance on this subject dated 07/07/93 (under tag K-32) is still acceptable. In that guidance we stated that our response to the question was “Yes, if there is much rain or snow and if patients are expected to exit or be evacuated in wheelchairs or beds.” This would include residents using walkers. Grass or soil may be acceptable if weather conditions permit. This determination is left up to the judgment of the surveyor as to the local weather conditions and the difficulty that a resident or patient may encounter while traversing between the building and the public way.

Section 7.7.1 NFPA 101 of the LSC (2000 edition) requires that “Exits shall terminate directly at a public way or at an exterior exit discharge. Yards, courts, open spaces, or other portions of the exit discharge shall be of required width and size to provide all occupants with a safe access to a public way.” An appendix note to 7.7.1 states that the exit discharge is not required to be paved but that it must give safe access to a public way and references section 7.1.10.

Section 7.1.10 of NFPA 101 of the LSC (2000 edition) requires that the means of egress be continuously maintained free of all obstructions or impediments to full and instant use in the case of fire or emergency. An appendix note to 7.1.10 specifically points out that accumulations of snow and ice are an impediment to free movement in the means of egress.

CMS believes that a usable exit discharge is a fundamental and important life safety feature and contributes to the safety of staff and residents in an emergency. The use of the Fire Safety Evaluation System (FSES) is inappropriate as there is no equivalent to being able to exit the building at all times in an emergency.

Q3: Is sprinkler protection required for a canopy constructed of noncombustible materials, such as a weather cover for pedestrian use or the loading or unloading of automobiles at a front entrance?

A3: No. Section 5-13.8.1 of NFPA 13, Installation of Sprinkler Systems, 1999 edition requires exterior roofs or canopies exceeding 4ft in width to have sprinklers installed under them. There is an exception to this requirement that allows for sprinklers to be omitted from certain canopies or roofs. Sprinklers are not required to be installed where a canopy or roof is constructed of noncombustible or limited combustible construction. The reference to noncombustible or limited combustible construction refers to the entire canopy assembly and not just the exposed surfaces. Canopies less than 4 feet in width are not required to be sprinklered regardless of construction type provided no combustibles are stored beneath them. Section 5-13.8.2 of NFPA 13, Installation of Sprinkler Systems, 1999 edition requires that sprinklers be installed under roofs or canopies where combustibles are stored and handled.
Automobiles stopping briefly to load or unload passengers is not considered storage or handling of combustibles and is acceptable. Canopies less than 4 feet in width are not required to be sprinklered regardless of construction type provided no combustibles are stored beneath them.

We hope that this information is useful in clarifying these issues, we will issue other guidance as the need arises in the future.

If you have further questions regarding this matter, please contact James Merrill at (410) 786-6998.

**Effective Date:** The information contained in this memorandum is current policy and is in effect for all nursing home facilities. The SA should disseminate this information within 30 days of the date of this memorandum.

**Training:** This clarification should be shared with all survey and certification staff, fire authorities, surveyors, their managers, and the state/RO training coordinator.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)
The attached S & C letter addresses the sprinkler requirements for wardrobe units in skilled nursing facilities.

The key word in the definition of a wardrobe unit is "freestanding".

Wardrobe units that are recessed into alcoves are not considered freestanding.

If you have any further questions regarding this matter, please do not hesitate to call.

John J. Clark, P.E.
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Mr. James Lake  
National Fire Protection Association  
1 Batterymarch Place  
Quincy, MA 02169  

Ref: NFPA 13, Standard for the Installation of Sprinklers Systems  

Dear Mr. Lake:

Per our discussion, I am requesting a staff opinion on the requirements in the 1999 NFPA 13 for “free standing wardrobes” in health care facilities. I have attached a copy of a July 31, 2008 email from John Clark of CMS and a copy of the S & C letter 05-38 which he refers to in his email.

We disagree that “Wardrobe units that are recessed into alcoves are not considered freestanding.” The typical recessed wardrobe is attached to the back of the alcove and generally relatively flush with the room wall. The two sides of the alcove, the back of the alcove and the bottom of the soffit over the alcove are sheathed with sheetrock. The wardrobes are manufactured case work that are brought into the facility just like a piece of furniture and attached to the back of the alcove. The exception would be that the sprinkler system in the room would not provide coverage to the front of the wardrobe.

We believe that this type of wardrobe installation complies with the intent of Sections 5-13.9.2 and A5-13.9.2 of NFPA 13. The nursing home industry has thousands of resident sleeping rooms in existing sprinklered buildings that have recessed wardrobes which do not have sprinkler heads inside the wardrobes. These have never been cited as not complying with NFPA 13 in the past.

We appreciate your assistance relative to this issue.

Respectfully submitted,

Thomas W. Jaeger, P.E.
President
September 16, 2008

Thomas Jaeger  
JAEGER & ASSOCIATES, LLC  
11902 Holly Spring Drive  
Great Falls, Virginia 22066

Mr. Jaeger,

This responds to your e-mail transmittal requesting clarification of the 1999 edition of NFPA 13, *Standard for the Installation of Sprinkler Systems* as it applies to sprinkler protection of portable wardrobe units in paragraphs 5-13.9.2 and A-5-13.9.2. NFPA regulations prohibit me from providing a formal interpretation or reviewing plans specifically for compliance with the standard, however, please allow me to provide my personal opinion as it relates to your situation.

It is not the intent of NFPA 13 to require portable wardrobe units, such as those typically used in nursing homes and mounted to the wall to have sprinklers installed in them. These units may be attached to the finishes structure and still be considered as furniture and not part of the structure. This position has been clarified in the 2007 edition by moving this language from the Annex to the body of the standard.

Though the standard does not specifically address the arrangement you have described. It is my opinion that this section would apply regardless of the configuration of the attachment to the wall. In other words, a wardrobe unit placed in an alcove that has finished walls would still be considered a piece of furniture and therefore should be considered for exemption based on the Annex language in the 1999 edition as supported by subsequent revisions in the 2007 edition.

Best Regards:

James D. Lake  
Senior Fire Protection Specialist
Document to be interpreted: NFPA 99 (1999) 10-6

Edition: 1999

Background Information (optional)  REGULATE EYE WASHES LOCATED IN THE GENERAL AREAS OF NURSING HOMES

AHJ’s are using Section 10-6 of the 1999 NFPA 99 to regulate eye washes located in the general areas of nursing homes. We do not believe that Section 10-6 is intended to apply to eye washes other than in laboratories. Please Attachment “Extracts from 1999 NFPA 99.”

Question: Do the requirements of Section 10-6 of the 1999 edition of NFPA 99 apply to eye washes in health care facilities other than in laboratories?

Answer: No.
Chapter 10 Laboratories

10-1* Scope.

10-1.1* This chapter establishes criteria to minimize the hazards of fire and explosions in laboratories, as defined in Chapter 2.

This section is not intended to cover hazards resulting from the misuse of chemicals, radioactive materials, or biological materials that will not result in fires or explosions. Although it deals primarily with hazards related to fires and explosions, many of the requirements to protect against fire or explosion, such as those for hood exhaust systems, also serve to protect persons from exposure to nonfire health hazards of these materials.

10-6* Emergency Shower.

Where the eyes or body of any person can be exposed to injurious corrosive materials, suitable fixed facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use. Fixed eye baths shall be designed and installed to avoid injurious water pressure. If shutoff valves or stops are installed in the branch line leading to safety drenching equipment, the valves shall be OS and Y (outside stem and yoke), labeled for identification, and sealed in the open position. The installation of wall-mounted portable eye-wash stations shall not preclude the adherence to the provisions of this section.

A-10-6 Protective Devices. Showers should be controlled by a nonautomatic shutoff device. Although a self-closing shower valve (favored by most designers) would minimize flooding of the building if, for example, the shower were maliciously activated, it does not afford maximum help to the injured user. Since a person would have to use one hand to keep the valve open, efforts to remove clothing or wipe away offending materials would be greatly hampered. Although emergency showers are rarely used, their use when necessary can mean the difference between superficial burns and serious disfigurement, or loss of life. In some cases where such showers have not been activated for long periods, they have been found inoperative. It is essential that emergency showers be provided and tested from time to time to determine that their valves are in good operating condition. Advance planning needs to be made to handle the water that will flow in a test.

Floor drains in areas of hospitals and other health care facilities are likely to dry out if the floors are not wet-mopped regularly, and dry traps can permit passage of gases, vapors, odors, and vermin. Since a floor drain will be of great value if a safety shower is used, resulting in the release of several hundred gallons of water, it is recommended that floor drains be filled with water regularly, or in new construction that some plumbing be provided to fill the traps manually, automatically, or incidentally by plumbing design.

Another consideration is to be sure that all holes in floor slabs that have not been sealed around pipes to prevent the passage of smoke be so sealed, and in a manner that will prevent water from flowing to lower floors from the discharge of an emergency shower or sprinkler head.

Wall-mounted portable eye wash stations do not contain an adequate supply of water for the 15-minute flushing recommended by chemical manufacturers.
Document to be interpreted: NFPA 101 (2000) 18
NFPA 101 (2000) 19.2.2.2.4 – Exception No. 1

Edition: 2000

Background Information (optional) COMBINATION TO KEY PAD LOCKS BE POSTED AT EACH KEY PAD

We are having AHJ’s requiring that the combination to key pad locks be posted at each key pad so that anyone approaching the door can unlock the door. These doors are being locked for the safety of patients/residents who have the clinical needs for the doors to be locked due to the hazard of elopement. We recognize that the Code requires staff to be present to unlock the doors anytime the doors are locked. We disagree that the Code requires that the combination to the key pads have to be posted. To post the combinations would allow the very patients/residents whose clinical needs require the doors to be lock to unlock the doors.

**Question:** Does the combination to a keypad that unlocks doors in the means of egress in accordance with NFPA 101, Sections 18 & 19.2.2.2.4, Exception No. 1 have to be posted at the keypad?

**Answer:** No.