

EXTENSION OF DUE DATE FOR NURSING HOME AUTOMATIC SPRINKLER INSTALLATION

On May 16, 2014, CMS issued a Survey and Certification Transmittal ("Transmittal") to the state survey agency directors providing information on how Medicare and Medicaid certified long-term care facilities may obtain an extension of time for the installation of automatic sprinkler systems. The Transmittal sets forth the procedures on how a nursing home may seek an extension of time for not meeting the original deadline of August 13, 2013.

The original rule requiring the installation of automatic sprinklers was published by CMS on August 13, 2008 and required the installation of automatic sprinklers by August 14, 2013. CMS issued another rule on May 12, 2014 that provided a limited extension of the August 13, 2013 deadline for nursing homes building a replacement facility or undergoing major modifications to unsprinklered living areas of the facility. The Transmittal outlines in detail the procedures a nursing home must follow in order to be granted an extension of the August 13, 2013 deadline. An extension may be granted no longer than two years from the original deadline of August 13, 2013.

The criteria for obtaining an extension can be found in the federal regulations at 42 CFR 483.70(8)(iii). These criteria are as follows:

1. **Replacement/Major Modification:** The facility must be replacing its current facility or in the process of making major modifications of unsprinklered resident living areas with the goal of improving resident living conditions. This criteria also applies to a facility who has had a sprinkler impaired by a disaster that would authorize CMS to grant an extension.
2. **Financial Commitments:** The facility can show it has made the financial commitment to complete building replacement of the modifications.
3. **Plans Filed:** The facility has filed plans with the State or local authority responsible for plan approval.
4. **Additional Interim Protections:** The facility will put in place interim steps such as a fire watch or temporary smoke detection systems while the construction is pending.

The facility must submit the request for extension to: SprinklerExtension@cms.hhs.gov. CMS will review the information and if additional information is needed, the facility will have 15 days to respond. All CMS determinations are deemed final and are not subject to appeal.

CMS listed key information that should be a part of the extension request in the Transmittal. Such information includes:

1. **Type of Request:** Modification, replacement facility, disaster/emergency.
2. **Length of Time for Which Extension is Requested.**
3. **Major Modifications:** The facility should submit drawings of the modifications, space involved, estimated cost, time to make modifications and any correspondence to the state licensure agency if applicable.
4. **Projected Milestones:** This would involve stepping stones to project completion most likely via a timeline.
5. **Financial Commitments:** Proof from a lender showing the financial ability to complete the project.
6. **Construction Documentation:** The facility must show proof of filing and/or plan approval with any State or local agency responsible for plan approval.
7. **Interim Protections:** The facility must also show what interim protections it has in place during the time period of the extension.

How the extension affects the survey process is also discussed in the Transmittal. If the extension is approved at the time of the survey, the Initial Comment section of the CMS-2567 will note an extension has been granted and for how long. If the facility has applied or is likely to qualify for an extension, the facility can provide evidence in its plan of correction that it qualifies for the extension utilizing the criteria set

forth above. If the facility is not eligible for an extension or the extension has been denied, the facility will be cited for not having an automatic sprinkler system

A link to the Transmittal can be found [here](#).

If you have any questions regarding the Transmittal or the extension process please contact:

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