

Sprinkler installation compliance for Assisted Living Facilities (ALF) and Residential Care Facilities (RCF) - Chapter 33 exemption for installation of a sprinkler system:

BACKGROUND

State law and rules allow certain ALF/RCF's to forgo installation of a sprinkler system by December 31, 2012, if the facility meets an evacuation capability of "slow" or "prompt" as calculated using National Fire protection Association's (NFPA) 101A - Chapter 6 **and** the facility meets all of the provisions contained within NFPA 101 - Chapter 33.

Missouri law section 198.074, RSMo reads in part:

198.074. 1. Effective August 28, 2007, all new facilities licensed under this chapter on or after August 28, 2007, or any section of a facility licensed under this chapter in which a major renovation has been completed on or after August 28, 2007, as defined and approved by the department, shall install and maintain an approved sprinkler system in accordance with National Fire Protection Association (NFPA) 13.

2. Facilities that were initially licensed and had an approved sprinkler system prior to August 28, 2007, shall continue to meet all laws, rules, and regulations for testing, inspection and maintenance of the sprinkler system that were in effect for such facilities on August 27, 2007.

3. Multi-level assisted living facilities that accept or retain any individual with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance shall install and maintain an approved sprinkler system in accordance with NFPA 13. Single-story assisted living facilities that accept or retain any individual with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance shall install and maintain an approved sprinkler system in accordance with NFPA 13R.

4. All residential care and assisted living facilities with more than twenty residents not included in subsection 3 of this section, which are initially licensed under this chapter prior to August 28, 2007, and that do not have installed an approved sprinkler system in accordance with NFPA 13R or 13 prior to August 28, 2007, shall install and maintain an approved sprinkler system in accordance with NFPA 13R or 13 by December 31, 2012, unless the facility meets the safety requirements of Chapter 33 of existing residential board and care occupancies of NFPA 101 life safety code.

And 19 CSR 30-86.022 section 11 (C) reads:

(C) All residential care facilities, and assisted living facilities that do not admit or retain a resident with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance, that were licensed prior to August 28, 2007, with more than twenty (20) residents, and do not have an approved sprinkler system in accordance with NFPA 13, 1999 edition, or NFPA 13R, 1999 edition, shall have until December 31, 2012, to install an approved sprinkler system in accordance with NFPA 13 or 13R, 1999 edition. I/II

The department shall grant exceptions to this requirement if the facility meets Chapter 33 of NFPA 101, 2000 edition, and the evacuation capability of the facility meets the standards required in NFPA 101A, Guide to Alternative Approaches to Life Safety, 2001 edition. I/II

PROCEDURE TO REQUEST A CHAPTER 33 EXEMPTION

Facilities wishing to request the Chapter 33 exemption must submit the NFPA 101A Chapter 6 evacuation capability documentation and documentation of Chapter 33 compliance to the Division of Fire Safety.

- 1) The Division will examine the Chapter 6 evacuation capability sheets to ensure they are completed correctly, math contained within the forms is correct and the facility's score reflect a "prompt" or "slow" evacuation capability.
 - a. The Division will address any concerns about the forms to the facility.
 - b. Information on the Chapter 6 submissions will be shared with DHSS.
- 2) The Division will then review any Chapter 33 survey documentation submitted.
 - a. The Division will address any concerns about the documentation to the facility
 - b. The Division will schedule a visit to verify compliance with those provisions.
 - c. Neither the Division nor its staff will perform the Chapter 33 exemption survey for the facility. It is recommended that due to the extremely technical nature of this survey, facilities consider the use of a code professional to assist in conducting this Chapter 33 survey of the facility.
- 3) A recommendation from the Division to grant/deny the exemption will then be forwarded to DHSS.

Additional points to consider

- 1) The exemption is NOT a one-time exemption; the Chapter 6 evacuation capability survey will be updated at least twice a year or anytime one of the following occurs:
 - a. There is a change in residents (admitted or discharged from the facility), or
 - b. There a change in a resident's ability to evacuate, or
 - c. There is a change in staffing at the facility, or
 - d. There are changes to building features / structural changes, or

- e. Any other change which may affect the ability of the residents to evacuate the facility.
- 2) Facilities will be responsible to maintain copies of the forms/documentation and any updates to those forms and provide those to any inspector upon request.
- 3) Any observations during an inspection placing a facility in non-compliance with the exemption will be addressed as any other deficiency.
- 4) Section 198.074 (6), RSMo provides; “...*If a facility under this subsection does not have an approved sprinkler system installed by December 31, 2012, such facility shall be required to install and maintain an approved sprinkler system in accordance with NFPA 13 by December 31, 2013...*”. This section of law indicates any facility not obtaining the Chapter 33 exemption before December 31, 2012 **or** falling out of compliance at a future date may then be required to install a sprinkler system fully compliant with NFPA 13, not just NFPA 13R.

Copies of NFPA 101 and NFPA 101A may be obtained from the National Fire Protection Association at:

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269-9101; or

www.nfpa.org; or

By telephone at (617)770-3000 or 1-800-344-3555.

You may also register with NFPA to view these NFPA standards documents online in a **read-only** format by accessing the following link:

http://www.nfpa.org/itemDetail.asp?categoryID=279&itemID=18123&order_src=C848