June 5, 2017

Barbara Stewart

Ohio Department of Health

**Re: Sprinkler Requirements in Attics for ICF-IIDs**

Dear Ms. Stewart:

It has come to our attention that several OPRA members have been cited by the Ohio Department Health (the “Department”) for failure to have a sprinkler system or heat detection system in the attics of their existing facilities in accordance with Life Safety Code (“LSC”) requirements. As I am sure you are aware, CMS revised the fire safety standards for certain health care facilities, including ICF-IIDs, in 2016.[[1]](#footnote-1) These new fire safety standards were effective July 5, 2016, but have providers a three-year phase-in period in order to comply with the attic requirements. Specifically, 42 C.F.R. 483.470(j)(iv) provides the following:

 **Beginning July 5, 2019, an ICF-IID must be in compliance with Chapter 33.2.3.5.7.1, Sprinklers in attics, or Chapter 33.2.3.5.7.2, Heat detection systems in attics of the Life Safety Code.**

As far as we are aware, providers that have been incorrectly cited have successfully appealed these citations with the Department. However, it appears that the Department surveyors may not be aware of the three-year phase-in timeframe that providers were given to complete the attic sprinkler requirements. In order to avoid any future unnecessary citations for providers, we respectfully request that the Department re-train their surveyors on this requirement – specifically, that existing providers have until July 5, 2019 to comply with this requirement.

I appreciate your prompt attention to this. Should you have any questions or want to discuss this further, please feel free to contact me directly.

Very truly yours,

Anita Allen

Vice President

1. 81 Fed. Reg. 26871 (May 4, 2016); 42 C.F.R. § 483.470(j). [↑](#footnote-ref-1)