



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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TO: All Hospitals, Critical Access Hospitals (CAHs) and Ambulatory Surgical Centers (ASCs) that participate in Medicare and Medicaid

RE: Centers for Medicaid and Medicare (CMS) Adoption of the 2012 edition of the National Fire Protection Association (NFPA) 101 - Life Safety Code (LSC) and 2012 edition of the NFPA 99 - Health Care Facilities Code (HCFC).

Dear Healthcare Provider:

The purpose of this letter is to provide guidance for regulated entities regarding the CMS adoption of the 2012 NFPA 101 LSC and 2012 NFPA 99 HCFC standards on May 4, 2016. The final CMS rule eliminates all references to the previously adopted 2000 edition of the LSC; and requires providers to comply with the 2012 LSC, with certain modifications and the 2012 HCFC, excluding chapters 7, 8, 12, and 13 by the effective date of July 5, 2016. The final rule continues to allow CMS to waive, for periods deemed appropriate, specific provisions of the Life Safety Code, which would result in an unreasonable hardship upon a facility, providing the waiver will not adversely affect the health and safety of the patients.

Buildings constructed before July 5, 2016 can meet Existing Occupancy requirements. In addition, buildings that receive design approval or building permits for construction before July 5, 2016 can meet Existing Occupancy requirements. All other building construction after July 5, 2016 must meet New Occupancy requirements. The department will begin surveying for compliance with the 2012 LSC and HCFC on November 1, 2016.

The final CMS rule is available for review at the Federal Register at:
<https://www.federalregister.gov/documents/2016/05/04/2016-10043/medicare-and-medicaid-programs-fire-safety-requirements-for-certain-health-care-facilities> .

The department plans to update applicable licensing rules to reflect these changes in the near future. In the meantime, if you have questions related to this matter, please contact Rebecca Read, Architectural Review Group Manager, at 512-834-6649.

Sincerely,

Renee Clack, L.N.F.A.
Director, Health Care Quality Section
Division for Regulatory Services