

Center for Medicaid and State Operations/Survey and Certification Group

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Ref: S&C-04-23

**DATE:** March 11, 2004

**TO:** State Survey Agency Directors

**FROM:** Director  
Survey and Certification Group

**SUBJECT:** Procedures in the Event of a Fire in a Medicare- or Medicaid-Certified Health Care Facility

**Letter Summary**

- This document specifies the roles of the Centers for Medicare & Medicaid Services (CMS) Central Office (CO), Regional Office (RO) and State Survey Agency (SA) in the event of a fire resulting in serious injury or death in a Medicare/Medicaid certified facility.
- We recognize that the SA or State Fire Marshall may have certain responsibilities under state law in the event of a health care facility fire. This guidance pertains only to Medicare and Medicaid certification issues and is in no way intended to interfere with or supercede those responsibilities.

The purpose of this memorandum is to inform you of the actions to be taken by the SA, CMS RO, and CMS CO in the event of a fire in a Medicare/Medicaid certified health care facility that results in serious injury or death. Due to the unfortunate occurrence of recent fires we have re-evaluated our processes and are taking this opportunity to outline a standardized procedure for gathering information and deciding what action should be taken.

Nursing home life safety from fire requirements are found at 42 CFR 483.70(a). For hospitals, the requirements are found at 42 CFR 482.41(b). However, procedures for handling complaints and self-reported incidents in any Medicare- or Medicaid-certified facility are addressed in Survey and Certification Memorandum S&C-04-09, "Guidelines to Support Management of Complaints and Incidents and the National Implementation of the ASPEN Complaints/Incidents Tracking System (ACTS)." **All fires in a Medicare/Medicaid certified health care facility that result in serious injury or death will be entered into the ACTS system as a complaint or self-reported incident.** Following the instructions found in S&C-04-09, the "allegation category" used for reporting the fire shall be "Physical Environment" in addition to any subcategories used by individual States. In these cases, the fire is to be considered a priority assignment of "Immediate Jeopardy."

In addition, the following actions are also to be taken when a report of a fire resulting in serious injury or death in a Medicare/Medicaid certified facility is received from any source.

The SA

- Enters the complaint or self-reported incident into ACTS;
- Informs the appropriate RO of fire resulting in serious injury or death within one working day;
- Compiles information as needed to present a comprehensive picture of the situation surrounding the fire;
- Takes appropriate action necessary to assist the nursing home or other health care provider to protect and/or relocate residents or patients from further harm; and
- Performs the Life Safety Code investigation in any Medicare/Medicaid survey related to the incident.

The RO

- Informs CO of the information regarding the fire and planned actions, sending a copy of the alert to the Life Safety Code specialist;
- Consults with the CO to determine whether there is an indication for CO participation in the survey for program evaluation purposes;
- Reports any findings and actions taken by the SA to the CO at the end of the on-site survey; and
- At its discretion, may accompany the SA during the on-site survey.

The CO

- Consults with the RO to determine whether or not issues are present that indicate further investigation to determine the adequacy of current standards and their application; and
- In certain cases CO staff may accompany regional and/or state personnel on the on-site survey.

**Effective Date:** Immediately

**Training:** The information contained in this announcement should be shared with all survey and certification staff, their managers, the state/RO training coordinator, and all authorities having jurisdiction.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management (G-5)