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Congressional Record S. 19758-9 - Montana Hospitals and Sprinkler Systems

Mike Mansfield 1903-2001

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MONTANA HOSPITALS AND SPRINKLER SYSTEMS

Mr. MANSFIELD. Mr. President, on December 7, 1970, I wrote a letter to the Honorable Elliott L. Richardson, Secretary of Health, Education, and Welfare, and have received his reply of December 9, 1970. I take this means to thank Secretary Richardson for his understanding and recognition of the problem and to express my personal appreciation for his reply.

I ask unanimous consent that the letters be printed in the Record.
December 9, 1970

There being no objection, the letters were ordered to be printed in the Record, as follows:


Hon. Elliot L. Richardson, Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: I am writing pursuant to past correspondence regarding the life safety code's application and effect upon hospitals and rest homes under provisions provided in the 1967 amendments to the Social Security Act.

For your information, I am enclosing a copy of the Congressional Record of December 4 and I would draw your particular attention to the statement I made on this matter, commencing on page S19465.

As you are undoubtedly aware, the United States Senate Committee on Finance has given favorable consideration to a revised amendment providing assistance for facilities affected by this ruling. I would, however, draw your attention to the fact that end of session business, as well as the need for appropriation considerations, precludes the possibility of any immediate assistance to the affected facilities.

In the Commissioner of Social Security's report to you of November 7, he stated that, if a facility were unable to meet the existing deadlines for valid reasons, an extension would be granted. In light of the numerous difficulties resulting from this ruling relating to availability of sprinkler firms, installation and maintenance, as well as the entire area of financing, I am herein requesting a one-year extension of the existing compliance deadlines. It would be my hope that, during the coming year, the Department and the Social Security Administration will give concerted consideration to the various expressions of concern resulting from this ruling.

It has come to my attention that the National Fire Protection Association is still developing and reviewing existing and future life safety systems. I also think it pertinent that in departmental consideration of this question, that an appropriate review be made of those policies allowing for the delegation of authority to non-governmental bodies in the establishment of standards in connection with federal programs.

I would appreciate being apprised of your decision in this matter at your earliest possible convenience.

Assuring you of my concern and thanking you for your consideration, I am, with best personal wishes,

Sincerely yours,

Mike Mansfield.

P.S.—Elliot, this is very, very important to a lot of small people, small towns, and small hospitals. Something should be done. Can you help?

Regards,

Mike M.


Hon. Mike Mansfield, U.S. Senate, Washington, D.C.

Dear Senator Mansfield: Your letter of December 7 and the material you enclosed from the Record emphasize well the need for consideration of special circumstances in application of the sprinkler requirement for health care facilities.

As indicated in our earlier correspondence with you, we will grant an extension to a facility having valid reasons for failure to meet the January 31, 1971, deadline date that has been set. I will go further and say that valid reasons will include a facility's inability to negotiate a reasonable contract within the time limit for installation of sprinklers, as well as difficulty in timely arrangement for financing the proper cost of the equipment. Any serious difficulties experienced by a facility agreeing to install the equipment will be thoroughly considered in terms of justification for an extension of time. Also recognition is given to the situation where a facility housed in a wood frame building has begun construction of a new building.

I believe this will greatly alleviate hardship situations. In others where a facility simply disagrees with the sprinkler standard, or is reluctant to incur the costs, I think the paramount concern of patient safety strongly calls for adherence to the time limit that has been set.

A blanket moratorium or extension for a year would expose a great many aged people to what leading fire safety experts have held is real and avoidable danger.

We are asking the State departments of health, which assist us to determine which facilities meet the standards for Medicare participation, to work closely with all facilities experiencing problems with the sprinkler equipment and to notify us of any that seem to warrant an extension.

With best regards,

Sincerely,

Elliot L. Richardson, Secretary.