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Sprinklers - Letters from Robert Ball

Mike Mansfield 1903-2001

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Honorable Mike Mansfield
United States Senate
Washington, D.C.

Dear Senator Mansfield:

This letter will confirm the understandings you and I reached at our meeting concerning the proposed Medicare fire protection regulations.

As you know, these regulations which are called for by provisions of law in titles XVIII and XIX of the Social Security Act were issued for comment, and there will be a number of appropriate modifications before they are put in final form. When the final regulations are issued making the provisions of the Life Safety Code applicable to extended care facilities and hospitals, we will make clear that there will be appropriate discretion in the application of the Code. There may be some instances where the circumstances of the institution, its construction and all surrounding safeguards would provide equivalent patient safety to that provided by the installation of sprinklers as well as meeting other requirements of the Code. The Code itself provides for such discretion. We will not move to terminate institutions who claim to provide an equivalent level of patient protection until such claims have been examined on an individual basis.

We and other concerned parts of the Department will work with the states and other interested parties in the development of an inspection and determination process to adjudicate these individual situations. We plan to
consult with a variety of interested groups including state health officers in designing the criteria for determining equivalency and procedures for their application to individual situations. As I emphasized this morning, we do not, however, expect that there will be a high incidence of such equivalency findings, but assure you of objective assessments.

As we also indicated to you in our previous conversations and correspondence, Secretary Richardson and I are concerned about the financial difficulties the new regulations might impose on some health institutions that, after individual determinations, will be found to require installation of sprinklers or to make other changes to conform to safety requirements. In this regard, we continue to support the principle reflected in section 610 of H.R. 17550 which was included in the Senate bill at your suggestion. Hence, in any situation where it is conclusively determined that the installation of sprinklers is ultimately necessary but where there is an immediate problem of inability to secure financing, we will, as the Secretary wrote you in his letter of December 9, grant a reasonable extension.

At the Secretary's direction we will also take further steps to ascertain what changes in law, if any, and in regulations are required in order to come as close as we can to a situation in which compatible requirements of health and safety in each of the Department's programs will be applied to facilities serving patients under the financing of the several programs.

In summary, in enforcing the regulations that apply the Life Safety Code to Medicare, we will look at existing Montana hospitals and extended care facilities, (as well as those in other States), on a case by case basis. The purpose of this examination will be to make individual determinations on claims of equivalent level of patient protection and requests for an extension of time based upon financial hardship.

Sincerely yours,

Robert M. Ball
Commissioner of Social Security
JANUARY 29, 1971

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HON. FORREST ANDERSON
GOVERNOR OF MONTANA
HELENA, MONTANA

SENATOR METCALF AND I THIS MORNING CALLED A MEETING OF OFFICIALS FROM DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND THE COMMISSIONER OF SOCIAL SECURITY, ROBERT BALL, ALONG WITH DR. JOHN ANDERSON, EXECUTIVE OFFICER OF THE STATE DEPARTMENT OF HEALTH, AND OTHER INTERESTED PARTIES AT WHICH TIME WE RECEIVED ASSURANCES THAT THERE WOULD NOT BE AN AUTOMATIC CLOSING OF ANY HOSPITAL OR NURSING FACILITY BECAUSE OF ITS PRESENT FAILURE TO COMPLY WITH MEDICARE FIRE PROTECTION REGULATIONS.

COMMISSIONER BALL STATES QUOTE IN ENFORCING THE REGULATIONS THAT APPLY THE LIFE SAFETY CODE TO MEDICARE, WE WILL LOOK AT EXISTING MONTANA HOSPITALS AND EXTENDED CARE FACILITIES, (AS WELL AS THOSE IN OTHER STATES), ON A CASE BY CASE BASIS. THE PURPOSE OF THIS EXAMINATION WILL BE TO MAKE INDIVIDUAL DETERMINATIONS ON CLAIMS OF EQUIVALENT LEVEL OF PATIENT PROTECTION AND REQUESTS FOR AN EXTENSION OF TIME BASED UPON FINANCIAL HARDSHIP. UNQUOTE. WE ARE SEEKING FURTHER CLARIFICATION.

REGARDS.

SENATOR MIKE MANSFIELD
MAJORITY LEADER
UNITED STATES SENATE