



Center for Medicaid and State Operations/Survey and Certification Group

Ref: S&C-10-04-LSC

DATE: October 30, 2009

TO: State Survey Agency Directors
State Fire Authorities

FROM: Director
Survey and Certification Group

SUBJECT: Waiver to Allow Hospitals to Use the NFPA 6-Year Damper Testing Interval

Memorandum Summary

- **Option for Damper Testing Interval:** This memorandum permits hospitals to apply the NFPA 6-year testing interval for fire and smoke dampers in hospital heating and ventilating systems, so long as the hospital's testing system conforms to the testing requirements under the *2007 edition of NFPA 80 and NFPA 105*.
- **Categorical Waiver:** Hospitals may operate under the damper testing cycle of the NFPA 2007 edition without special application to CMS.

After due consideration of State survey agency findings and conclusions of the National Fire Protection Association (NFPA), we are issuing a categorical waiver pursuant to 42 CFR 482.41(b)(2) to permit a testing interval of 6 years rather than 4 years for the maintenance testing of fire and smoke dampers in hospital heating and ventilating systems, so long as the hospital's testing system conforms to the requirements under *2007 edition of NFPA 80: Standard for Fire Doors and Other Opening Protectives and the 2007 edition of NFPA 105: Standard for the Installation of Smoke Door Assemblies*. The 6-year testing interval shall commence on the date of the last documented damper test.

While the 1999 edition of *NFPA 80: Standard for the Installation of Air-Conditioning and Ventilating Systems* specified a 4-year testing cycle, the NFPA more recently determined that an increase to a 6-year interval did not lower the fire protection of hospitals but could instead lower the incidence of infections that may be spread when the ventilation system was shut down and restarted at shorter time intervals. There is also some indication of cost savings to institutions when maintaining these dampers on a longer time interval.

Under this categorical waiver, a hospital that conforms to the above requirements will not need to apply in advance for a waiver nor will it need to wait until being cited for a deficiency in order to apply for a waiver. At the time of a CMS onsite life-safety code survey, the hospital must notify the survey team that it has elected to operate under this categorical waiver and is in conformance with the testing requirements of the above-cited 2007 NFPA edition. The survey team will note this attestation in its records and apply the 2007 testing cycle requirements in the course of its survey.

If you have any questions concerning this memorandum, please contact James Merrill at James.Merrill@cms.hhs.gov

Effective Date: The information contained in this memorandum is current policy and is in effect for all hospital facilities. The State Agency should disseminate this information within 30 days of the date of this memorandum.

Training: This information should be shared with all appropriate survey and certification staff, surveyors, their managers and state fire authorities and their staff.

/s/
Thomas E. Hamilton

cc: Survey and Certification Regional Office Management