

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

November 25, 2009

Memorandum For: Nursing Home Administrators

From: Health Facilities and Emergency Medical Services Division

Subject: Life Safety Code Time Limited Waivers – Guidance for Submission

This memorandum provides you guidance in the submission of a request for a time limited waiver of less than six months for a life safety code (LSC) deficiency (K Tag). This office can grant such a waiver. If a waiver in excess of six months is needed, the regional office of the Centers for Medicare and Medicaid Services (CMS) must grant the waiver. For such a longer waiver, you must submit the required information to the Life Safety Code Program Manager to the Colorado Department of Public Health and Environment (CDPHE). CDPHE will forward the information to CMS for their decision.

CMS recognizes that some deficiencies may require a correction period beyond that normally afforded by the State's opportunity to correct date, beyond three months, and even beyond six months. Time limited waivers may be granted if an earlier correction date would result in an unreasonable hardship for the facility, but only if the waiver would not adversely affect the health and safety of residents or facility staff.

Your request for a time limited waiver must include the following:

- The specific tag for which a waiver is requested.
- Exit Date of original survey and survey ID#.
- Provider ID#.
- Why the deficiency cannot be corrected within the opportunity to correct date.
- Any steps the facility already has taken to correct the deficiency.
- A timetable with milestone dates of major activities to correct the deficiency.
- Steps the facility has or will take to increase fire safety awareness during the waiver period.
- The final correction date.

The above information must be submitted at the same time as your plan of correction. The information may be submitted as a separate letter. A plan of correction must be submitted on the CMS Form 2567 and must address all five elements of a plan of correction. Additionally, the plan of correction on the CMS Form 2567 is a stand-alone document and should not refer to any attachments. Your plan of correction on the CMS Form 2567 should indicate that you are requesting a time limited waiver for each requested K Tag and use the waiver date as your completion date. Again, the plan of correction must still address all five elements of an acceptable plan of correction.

If a waiver is approved, enforcement actions based on the waived deficiency will be held in abeyance. If the deficiency is corrected as indicated in the waiver request, enforcement actions will not be imposed.

At the end of the waiver date, this office will either conduct an on-site inspection or request documentation that the work has in fact been completed.

For additional information, contact the inspector who conducted your life safety code survey, or Rob Sontag (303) 692-2885.