

Support Nursing Home Fire Safety

July 5, 2006

United States Senate

Dear Senator:

We are writing to alert you to the introduction of S. 3489, the *"Nursing Home Fire Safety Act of 2006"* recently introduced by Senator Christopher Dodd (D-CT) and Senator Richard Burr (R-NC) and to encourage you to sign on as a co-sponsor.

This bill was introduced following two multi-death nursing home fires in 2003 in Hartford, Connecticut and Nashville, Tennessee. Neither of the buildings was equipped with automatic fire sprinkler systems. The lives of 31 residents were lost.

While these existing facilities were not required to have automatic fire sprinklers, National Fire Protection Association (NFPA) records clearly indicate that automatic sprinkler systems can dramatically improve the survival chances of those who cannot save themselves in a nursing facility fire. Newly constructed facilities have had these life saving systems installed by way of a code mandate since 1991. This is critically important because, as NFPA records show, there has never been a multi-death fire in a nursing facility that was fully equipped with automatic sprinklers. While several states require that all nursing homes be fully sprinklered, many states do not. As a result, about 3,000 or 20% of all nursing facilities are without sprinklers.

In 2005, the NFPA included a full sprinklering mandate in its 2006 edition of the Life Safety Code that applies retroactively to the stock of existing facilities that do not have automatic sprinklers. S. 3489 includes a "Sense of the Congress" provision that calls on the Centers for Medicare and Medicaid Services to adopt this full sprinklering requirement. The legislation also establishes a low-interest loan and "hardship" grant program to help facilities complete the retrofitting work. Without this financial assistance, many nursing facilities would be unable to access the dollars needed to complete the work.

Attached is a state-by-state breakdown of the number of facilities that are and are not fully sprinklered. It is our hope that after you've viewed this information and the bill, you will add your name as a co-sponsor to this important legislation.

Sincerely,

AARP

American Association of Homes and Services for the Aging
American Association of Nurse Assessment Coordinators
American College of Health Care Administrators
American Fire Sprinkler Association
American Health Care Association
American Medical Directors Association
American Nurses Association
American Physical Therapy Association
Catholic Health Association of the United States
Connecticut Association of Health Care Facilities
D.C. Long-Term Care Ombudsman Program

The Evangelical Lutheran Good Samaritan Society
National Association for the Support of Long Term Care
National Association of Activity Professionals
National Association of Geriatric Nursing Assistants
National Citizens' Coalition for Nursing Home Reform
National Fire Sprinkler Association
National Fire Protection Association
Service Employees International Union
Society of Fire Protection Engineers
Tennessee Health Care Association

AHCA Nursing Facility Automatic Fire Sprinkler Estimates

(As of 3-30-06)

These estimates are provided by AHCA's state affiliates. Estimates provided by 49 states find that 2,765 (17%) facilities are not fully sprinklered and would require full or partial retrofitting. The status of 844 facilities (5%) is unknown. 16 states require full sprinklering but, in some states, not all work is completed. Facilities in New Mexico and Rhode Island are assumed fully sprinklered without a state mandate. California enacted a sprinklering mandate for newly constructed facilities beginning in 1974. Facilities built prior to 1974 were grandfathered and not all of those have been retrofitted with sprinklers.

(NOTE: AHCA Affiliates do not necessarily represent all nursing facilities in a state.)

State	Total Nursing Facilities (OSCAR data June 2005 unless otherwise noted.)	Estimated Total Not Fully Sprinklered	Estimated Total Fully Sprinklered	Comments
AK	14 (100%)	0	14 (100%)	Sprinklering is a state licensing requirement.
AL	229 (100%)	37 (16%)	192 (84%)	State Law requires full sprinklering by January 1, 2007.
AR	230* (100%)	120 (52%)	110 (48%)	*Total number of facilities provided by the Arkansas Health Care Association.
AZ	134 (100%)	1 (1%)	133 (99%)	State law requires full sprinklering.
CA	1,303 (100%)	208 (16%)	1,095 (84%)	Since 1974, State law requires sprinklers in new construction. Others are grandfathered.
CO	214 (100%)	124 (58%)	90 (42%)	
CT	247* (100%)	47* (19%)	200(81%)	State mandated full sprinklering in 2004, but not all work is done. *Data provided by the CT Department of Public Health.
DC	20 (100%)	5 (25%)	15 (75%)	
DE	42 (100%)	0	42 (100%)	Fully sprinklered by state law.
FL	692 (100%)	35 (5%)	657 (95%)	2005 FL legislature required all nursing facilities to be sprinklered by 2010. Legislation included establishing a loan program through the FL Insurance Commissioner's office and it provided that the Medicaid portion of the cost would be paid as an add-on (pass-through) to Medicaid rates over a five year period.
GA	361 (100%)	11 (3%)	350 (97%)	
HI	45 (100%)	5 (11%)	40 (89%)	
IA	454 (100%)	178 (39%)	276 (61%)	
ID	80 (100%)	7 (9%)	73 (91%)	
IL	1218* (100%)	290 (24%)	770 (63%)	* Total number of nursing facilities and estimate of sprinklered and non-sprinklered facilities provided by the Illinois Dept of Public Health. Estimates and sprinklering status for an additional 158 (13%) state operated facilities is unknown.
IN	518* (100%)	30 (6%)	488 (94%)	*Total number of nursing facilities provided by Indiana Health Care Assn.
KS	366 (100%)	20 (5%)	346 (95%)	
KY	296 (100%)	23 (8%)	273 (92%)	
LA	293* (100%)	70 (24%)	223 (76%)	*Estimates provided by the Louisiana Nursing Home Assn.
MA	469* (100%)	66 (14%)	403 (86%)	*State estimate of total number of facilities.
MD	238 (100%)	12 (5%)*	226 (95%)	*5% estimate provided by the state Licensing and Certification Agency. Estimates by the State Fire Marshall's office are reportedly higher with as many as 59 (25%) of nursing facilities not being fully sprinklered, but there is no data to confirm this.
ME	116 (100%)	0	116 (100%)	Fully sprinklered by state law
MI	429 (100%)	314 (73%)	115 (27%)	2005 estimate to be updated
MN	396* (100%)	139 (35%)	257 (65%)	*Number of nursing facilities reflects only those participating in State Medicaid program. The MN Dept of Health Engineering Services Division does not have a current accounting of the sprinkler coverage in state

				nursing homes, but expects to by March 2006. Estimates based on 2002 numbers carried forward.
MO	520 (100%)	65 (13%)	455 (87%)	
MS	200* (100%)	44 (22%)	156 (78%)	*Data provided by State Licensure and Certification Dept.
MT	100 (100%)			Status of 100 facilities unknown.
NC	421 (100%)	90 (21%)	331 (79%)	
ND	83 (100%)	22 (27%)	61 (73%)	
NE	225 (100%)	62 (28%)	163 (72%)	
NH	82 (100%)	4 (5%)	51 (62%)	Status of 27 (33%) facilities unknown
NJ	362* (100%)	50 (14%)	312 (86%)	* Data from CMS survey forms and obtained via OPRA through NJDHSS.
NM	76 (100%)	0	76 (100%)	Full sprinklering achieve without state legal mandate.
NV	46 (100%)	0	46 (100%)	Fully sprinklered by state law
NY	659 (100%)	300 (46%)	359 (54%)	
OH	976 (100%)	0	976 (100%)	Fully sprinklered by state law
OK	351 (100%)	17 (5%)	326 (95%)	Estimates provided by the Oklahoma Assn of Health Care Providers after contacting the OK State Survey Agency.
OR	138 (100%)	0	138 (100%)	Fully sprinklered by state law
PA	721	46 (6%)	116 (16%)	Status of 559 (78%) facilities unknown. 2005 estimate, unchanged for 2006.
RI	101 (100%)	0	101 (100%)	100% full sprinklering is an assumption by state affiliate without a state mandate by law.
SC	192* (100%)	50 (26%)	142 (74%)	*Total number of facilities provided by SC Health Care Association.
SD	111 (100%)	65 (59%)	46 (41%)	
TN	337* (100%)	30 (9%)	307 (91%)	State mandated full sprinklering in 2004. All facilities are now in the process of becoming fully sprinklered. *Total number of facilities provided by the TN Health Care Assn.
TX	1,134 (100%)	50 (4%)	1084 (96%)	
UT	92 (100%)	0	92 (100%)	Fully sprinklered by state law
VA	278 (100%)	0	278 (100%)	Fully sprinklered by state law
VT	41 (100%)	0	41 (100%)	Fully sprinklered by state law
WA	247 (100%)	0	247 (100%)	Fully sprinklered by state law
WI	398 (100%)	123 (31%)	275 (69%)	
WV	131 (100%)	0	131 (100%)	Fully sprinklered by state law
WY	39 (100%)	1 (3%)	38 (97%)	
TOTAL	16,459 (100%)	2,709 (17%)	12,906 (78%)	Status of 844 (5%) unknown.

ESTIMATED COST: Based on a cost analysis prepared by Gage Babcock, an independent engineering consulting firm, the estimated cost to fully sprinkler a nursing facility is approximately \$6.00 a square foot (including asbestos and lead abatement considerations). If an average 100-bed facility occupies 40,000 square feet, then the cost of retrofitting 2,709 facilities would be \$650.2 million. (2,709 facilities X 40,000 square feet = 108,360,000 square feet X \$6.00 = \$650.2 million.) This is a ballpark estimate for a number of reasons. First, not all facilities are typical 100-bed facilities. High rise facilities can contain several hundred beds. Rural facilities are often much smaller than 100 beds. Second, the 2,709 facilities listed as not being FULLY sprinklered, include those that are already partially sprinklered and would not require a full retrofit. Third, it is not known how many of the estimated 844 facilities, not accounted for in this informal survey, are or are not equipped with automatic fire sprinklers. If all unaccounted for facilities are found not to have sprinkler system (which is very unlikely) then the total cost for the retrofit might be as high as \$852.7 million. (2,709+844=3,553 facilities X 40,000 square feet = 142,120,000 square feet X \$6 = \$852.7 million.)

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