

Center for Medicaid, CHIP, and Survey & Certification/Survey & Certification Group

S&C-10-26-LSC

DATE: July 23, 2010

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: 42CFR 483.470(i)(2)(i) Evacuation Drills for Intermediate Care Facilities for the Mentally Retarded (ICFs/MR) Certified Under the Life Safety Code NFPA 101, 2000 Edition

Memorandum Summary

- **Self-evacuation during an emergency** - Clients residing in ICFs/MR certified under Chapter 32/33 of the Life Safety Code NFPA 101, 2000 Edition (LSC) are expected to be capable of self-evacuation during an emergency.
- **Full evacuation drills** - All drills under this Chapter must be full evacuation drills unless the facility is designated as evacuation capability, "impractical."
- **Exceptions to full evacuation drills** - With a designation of evacuation capability "impractical" the facility must meet the requirements of Chapter 18/19 of the LSC as regards evacuation drills.

Discussion

Sections 32.7 of Chapter 32 and 33.7 of Chapter 33 of the LSC require that emergency drills be conducted not less than six (6) times per year on a bi-monthly basis. At least two of these drills must take place during sleeping hours. The drills may be announced in advance to the clients in the facility. Each drill must include the actual evacuation of all clients to a pre-arranged assembly location (per the emergency plan of the facility) and provide clients with experience in egress through all exits and means of escape. It is expected that ICF/MR clients who reside in a facility certified under this Section of the LSC will be capable of self-evacuation. Self evacuation in turn requires practice to familiarize the clients with the physical nuances of the facility. The actual evacuation drills provide them with this practice.

There are two exceptions provided to the above requirements:

- 1) The actual exiting by the clients from windows is not required for compliance with the Code. Opening the window and signaling for help is an acceptable alternative.

2) Sections 32.7.3 and 33.7.3 of the LSC state that, in those facilities that have an evacuation capability classification of “impractical”, as defined by chapter six (6) of NFPA 101A, 2001 Edition *Evacuation Capability for Board and Health Care Occupancies*, the residents who cannot meaningfully assist in their own evacuation or have special health needs shall not be required to actively participate in the drill. In these cases, (i.e., the facility has an evacuation capability classification of “impractical”) Section 18.7 or 19.7 of the LSC would apply.

Sections 18.7 and 19.7 of the LSC require quarterly fire drills which simulate emergency fire conditions and are conducted to familiarize facility personnel with the emergency actions they may be required to perform. The general emphasis of these Sections of the Code is upon training of the staff and not upon providing practice for the clients. These Sections of the Code do not require the full evacuation of the clients but do imply that the clients are to be involved in the drills by adding an exception to the section that infirm or bedridden patients are not required to be moved during drills. However, the ICF/MR regulations at 42CFR 483.470(i)(2)(i) require that the facility must actually evacuate clients during at least one emergency drill each year on each shift.

Conclusion:

ICF/MR facilities that are certified under Section 32.7.3 or Section 33.7.3 of the LSC must conduct emergency drills no less than six (6) times per year on a bi-monthly basis. These drills must all be full evacuation drills and *all* clients residing in the facility must participate in *each* drill. At least two of these drills must take place during sleeping hours. This requirement is consistent with the requirements of 42CFR 483.470(i)(2)(i) which require actual evacuation of clients during at least one emergency drill each year on each shift.

ICF/MR facilities certified under Section 32.7.3 or Section 33.7.3 of the LSC with a capability classification of “impractical” must meet the emergency drill requirements found at Section 18.7 or Section 19.7 of the LSC. These sections require that the facility conduct fire drills which simulate emergency fire conditions on a quarterly basis. Since these drills are conducted to train staff rather the clients, the Code does not require full evacuation. However, the facility must *also* meet the ICF/MR regulations at 42CFR 483.470(i)(2)(i) which do require the actual evacuation of clients during at least one emergency drill each year on each shift. These drills are conducted primarily to prepare and train staff and it is critical that the staff from each shift participate in these drills. The facility may not elect to conduct night shift drills during another shift.

The LSC requires that the facility make the determination of “impractical” utilizing the criteria of the Code found in Sections 32/33.2.1.2.2 concerning the characteristics of the client population. The LSC surveyor verifies that the determination was correctly made at the time of the annual survey.

This memorandum addresses the requirements of *full evacuation* during a drill and is not intended to address the requirements for *frequency* of evacuation drills. The regulation at §483.470 (i) requires that evacuation/fire drills be conducted at all ICF/MR facilities on a quarterly basis on each shift. While this requirement supersedes the *number* of evacuation drills

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required by the LSC under Chapters 32/33 it does not impact the requirements for full evacuation during such drills.

Effective Date: Immediately. Please ensure that all appropriate staff is fully informed within 30 days of the date of this memorandum.

/s/

Thomas E. Hamilton

cc: Survey and Certification Regional Office Management