

CMS Life Safety Code Waiver Process

Background: The authority to grant waivers of life safety code provisions is found at § 1819(d) (2) (B) (I) of the Social Security Act.

Procedures:

1. This process only applies to surveys conducted by the State Agency (SA) at certified facilities. The SA is responsible for receiving, evaluating and deciding if waivers are to be granted. Waivers can only be requested for a deficiency that has been cited during a SA survey. There are no provisions to grant waivers for conditions that have not been identified as a deficiency during the survey process. *Exception – categorical LSC waivers do not need to go through the application process.*
 - A. The facility submits a Plan of Correction (POC) and letter to SA requesting a waiver for one or more cited deficiencies.
 - B. The facility must complete a Waiver Request Form. It is very important that the form is completed completely and accurately. Errors in completion of the form will postpone the potential approval of the request.**
 - C. The SA reviews the POC, ensuring that the facility has included the following information:
 1. Why a waiver is needed;
 2. Document to the survey agency that there will be no adverse effects on the health and safety of the residents and employees of the facility and that compliance would result in an unreasonable hardship on the facility;
 3. A timetable with milestone dates of major activities to correct the deficiency and that the surveyor could monitor (by phone) or subsequent follow-up visits;
 4. A detailed interim safety measure for the deficiency that includes a method for increased fire safety awareness. This increased fire safety awareness may include the establishment of interim safety measures such as fire watch during construction, increased number of drills and training of staff, or other measures that would provide an increased measure of fire protection; and
 5. List of person(s) responsible for overseeing the project to completion.
 - D. Waivers are time limited and are granted according to the time required to correct the deficiency. The project completion date must be included in the facility's POC.
 - E. The the waiver request sent to the CMS Regional Office (RO) for final approval. The CMS waiver review process can take up to 2-4weeks. The RO decision will be communicated to the facility through the SA.
 - F. RO will return their waiver decision to the SA Life Safety Code Surveyor who in turn informs the requesting facility.
2. If a facility determines that it is not going to meet the POC completion date, a waiver extension is required to remain in compliance. LSC waiver extension requests must be made prior to the expiration date listed on the original POC/LSC waiver request. The waiver extension request process is the same as a standard waiver process.

CMS Life Safety Code Waiver Process

- A. Waiver extensions are not granted to circumvent the enforcement process.
- B. Since a waiver extension is requested to increase the time needed to complete the LSC project, the facility must provide a project progress timeline based on the previously submitted POC.