



COMMISSIONER
Jon Weizenbaum

June 18, 2014

To: Home and Community Based Services Providers

Subject: Information Letter 14-32
Replacement of IL 14-19 Clarification Regarding Life Safety Documentation Required to Be Kept in Four-Person Homes

BACKGROUND

Prior to April 1, 2014, the Health and Human Service Commission (HHSC) inspected four-person homes for certification if the local fire safety authority was unable to or refused to make such inspections.

On April 1, 2014, amendments to rules in Texas Administrative Code, Title 40, Part I, Chapter 9, Subchapter D, revised rules for certification of four-person homes where residential supports services are provided by Home and Community-based Services (HCS) Program providers. The amended rules ensure HCS Program providers comply with the requirements of their local fire safety authorities, or the Texas State Fire Marshal's Office (SFMO) when there is no qualified local authority.

IMPACT OF AMENDED RULES REGARDING FIRE INSPECTION:

The amended rule requires certification of a four-person home by the local fire authority before providing services to a fourth individual in the home. The authority may use National Fire Protection Association (NFPA) 101, Life Safety Code, or the International Fire Code (IFC). Please understand that the Department of Aging and Disability Services (DADS) plays no role in determining which code a local fire authority adopts or which provisions of the applicable code the authority will enforce. NFPA 101 and the IFC are regularly updated. Local authorities may have adopted any edition of these codes. You must contact the local authority where the home located to determine which code and edition that authority has adopted.

If the home is located in an area without a local fire authority, the SFMO is the fire safety authority, and the program provider must request certification by the SFMO using its currently adopted edition of NFPA 101. The SFMO will not perform inspections in areas served by local agencies with certified inspectors.

If both the local fire authority and the SFMO refuse to perform the inspection, the rule provides for inspection by DADS, using the edition of NFPA 101 currently adopted by the SFMO.

DOCUMENTATION:

A program provider may document approval by the local fire authority by requesting the authority complete DADS Form 5606, Life Safety Code Certification, available at: www.dads.state.tx.us/forms/5606/. DADS will also accept the local authority's own form or correspondence on the authority's letterhead. If the SFMO inspects the four-bed home, correspondence from the SFMO will serve as the certification documentation, as the SFMO will not complete DADS Form 5606.

The provider may request an inspection by the DADS Architectural Unit by submitting Form 5604, HCS Program Provider Request for Life Safety Inspection, to the DADS Architectural Unit along with documentation indicating refusal by the local fire authority and the SFMO. The Form 5604 is available at: www.dads.state.tx.us/Forms/5604/. The DADS Architectural Unit will verify with the local authority and the SFMO that both entities have refused to inspect the home.

ON-SITE RECORDS:

Documentation of the most recent approval from the fire safety authority must be available in the home. Between April 1, 2014 and August 31, 2014, residential reviewers will use a Life Safety Code Overview Worksheet in four-person homes without current fire inspections from the local fire authority, SFMO, or HHSC, to ensure these homes are safe for the individuals residing there.

If documentation of the fire authority approval is not available during a residential review, DADS may request the following additional information:

- The most recent fire alarm inspection report;
- In homes with fire sprinkler systems, the most recent fire sprinkler inspection reports;
- Information on fire retardant properties for wall and ceiling finishes other than gypsum board (sheetrock). Typically, no information about flooring will be requested;
- Information on fire retardant properties of new draperies in any location except bedrooms in sprinklered homes. New draperies are any draperies or curtains purchased on or after November 8, 2012;
- Information about cigarette ignition of new upholstered furniture and mattresses. New upholstered furniture and mattresses are those items purchased on or after November 8, 2012;
- In homes without a fire sprinkler, information about heat release rates of new upholstered furniture and mattresses; and
- In homes without a fire sprinkler system, DADS may request E-scores.

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HOMES WITHOUT UP-TO-DATE FIRE INSPECTIONS:

If the provider is unable to provide documentation of a current fire inspection at the time of a certification or residential review, DADS will require an acceptable safety plan and will allow ten (10) business days for the provider to obtain and provide evidence of a local fire authority or SFMO approval. If, after ten (10) business days, the provider is unable to provide this evidence, DADS may require the provider to remove the fourth individual from the home.

If you should have any questions about these rules or procedures, please contact the DADS Waiver Survey and Certification Unit at: WaiverSurvey.Certification@dads.state.tx.us.

Sincerely,

[signature on file]

Mary T. Henderson
Assistant Commissioner
Regulatory Services

Attachment