

FIRST REGULAR SESSION

SENATE BILL NO. 118

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Read 1st time January 13, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0839S.011

AN ACT

To repeal section 198.074, RSMo, and to enact in lieu thereof one new section relating to sprinkler system requirements in long-term care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 198.074, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 198.074, to read as follows:

198.074. 1. Effective August 28, 2007, all new facilities licensed under
2 this chapter on or after August 28, 2007, or any section of a facility licensed
3 under this chapter in which a major renovation has been completed on or after
4 August 28, 2007, as defined and approved by the department, shall install and
5 maintain an approved sprinkler system in accordance with National Fire
6 Protection Association (NFPA) 13.

7 2. Facilities that were initially licensed and had an approved sprinkler
8 system prior to August 28, 2007, shall continue to meet all laws, rules, and
9 regulations for testing, inspection and maintenance of the sprinkler system that
10 were in effect for such facilities on August 27, 2007.

11 3. Multi-level assisted living facilities that accept or retain any individual
12 with a physical, cognitive, or other impairment that prevents the individual from
13 safely evacuating the facility with minimal assistance shall install and maintain
14 an approved sprinkler system in accordance with NFPA 13. Single-story assisted
15 living facilities that accept or retain any individual with a physical, cognitive, or
16 other impairment that prevents the individual from safely evacuating the facility
17 with minimal assistance shall install and maintain an approved sprinkler system
18 in accordance with NFPA 13R.

19 4. All residential care and assisted living facilities with more than twenty

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 residents not included in subsection 3 of this section, which are initially licensed
21 under this chapter prior to August 28, 2007, and that do not have installed an
22 approved sprinkler system in accordance with NFPA 13R or 13 prior to August
23 28, 2007, shall install and maintain an approved sprinkler system in accordance
24 with NFPA 13R or 13 by December 31, 2012, **[unless] or twelve months after**
25 **loans described in subsection 6 of this section are awarded to**
26 **qualifying facilities, for which the facility shall apply within six months**
27 **of such loan becoming available, whichever is later. The provisions of**
28 **this subsection shall not apply if** the facility meets the safety requirements
29 of Chapter 33 of existing residential board and care occupancies of NFPA 101 life
30 safety code.

31 5. All skilled nursing and intermediate care facilities not required prior
32 to August 28, 2007, to install and maintain an approved sprinkler system shall
33 install and maintain an approved sprinkler system in accordance with NFPA 13
34 by December 31, 2012, **[unless] or twelve months after loans described in**
35 **subsection 6 of this section are awarded to qualifying facilities, for**
36 **which the facility shall apply within six months of such loan becoming**
37 **available, whichever is later. The provisions of this subsection shall**
38 **not apply if** the facility receives an exemption from the department and
39 presents evidence in writing from a certified sprinkler system representative or
40 licensed engineer that the facility is unable to install an approved National Fire
41 Protection Association 13 system due to the unavailability of water supply
42 requirements associated with this system.

43 6. Facilities that take a substantial step, as specified in subsections 4 and
44 5 of this section, to install an approved NFPA 13R or 13 system prior to
45 December 31, 2012, may apply to the state treasurer's office for a loan in
46 accordance with section 198.075 to install such system. However, such loan shall
47 not be available if by December 31, 2009, the average total reimbursement for the
48 care of persons eligible for Medicaid public assistance in an assisted living facility
49 and residential care facility is equal to or exceeds fifty-two dollars per day. The
50 average total reimbursement includes room, board, and care delivered by the
51 facility, but shall not include payments to the facility for care or services not
52 provided by the facility. If a facility under this subsection does not have an
53 approved sprinkler system installed by December 31, 2012, such facility shall be
54 required to install and maintain an approved sprinkler system in accordance with
55 NFPA 13 by December 31, 2013. Such loans received under this subsection and

56 in accordance with section 198.075, shall be paid in full as follows:

57 (1) Ten years for those facilities approved for the loan and whose average
58 total reimbursement rate **for fiscal year 2012** for the care of persons eligible for
59 Medicaid public assistance is equal to forty-eight and no more than forty-nine
60 dollars per day;

61 (2) Eight years for those facilities approved for the loan and whose
62 average total reimbursement rate **for fiscal year 2012** for the care of persons
63 eligible for Medicaid public assistance is greater than forty-nine and no more
64 than fifty-two dollars per day; or

65 (3) Five years for those facilities approved for the loan and whose average
66 total reimbursement rate **for fiscal year 2012** for the care of persons eligible for
67 Medicaid public assistance is greater than fifty-two dollars per day.

68 (4) No payments or interest shall be due until the average total
69 reimbursement rate for the care of persons eligible for Medicaid public assistance
70 is equal to or greater than forty-eight dollars.

71 7. (1) All facilities licensed under this chapter shall be equipped with a
72 complete fire alarm system in compliance with NFPA 101, Life Safety Code for
73 Detection, Alarm, and Communication Systems, or shall maintain a system that
74 was approved by the department when such facility was constructed so long as
75 such system is a complete fire alarm system. A complete fire alarm system shall
76 include, but not be limited to, interconnected smoke detectors, automatic
77 transmission to the fire department, dispatching agency, or central monitoring
78 company, manual pull stations at each required exit and attendant's station, heat
79 detectors, and audible and visual alarm indicators.

80 If a facility submits a plan of compliance for installation of a sprinkler system
81 required by this chapter, such facility shall install a complete fire alarm system
82 that complies with NFPA 72 upon installation of the sprinkler system. Until
83 such time that the sprinkler system is installed in the facility which has
84 submitted a plan of compliance, each resident room or any room designated for
85 sleeping in the facility shall be equipped with at least one battery-powered smoke
86 alarm installed, tested, and maintained in accordance with NFPA 72. In
87 addition, any such facility shall be equipped with heat detectors interconnected
88 to the fire alarm system which are installed, tested, and maintained in
89 accordance with NFPA 72 in all areas subject to nuisance alarms, including but
90 not limited to kitchens, laundries, bathrooms, mechanical air handling rooms, and
91 attic spaces.

92 (2) In addition, each floor accessed by residents shall be divided into at
93 least two smoke sections by one-hour rated smoke partitions. No smoke section
94 shall exceed one hundred fifty feet in length. If neither the length nor the width
95 of the floor exceeds seventy-five feet, no smoke-stop partition shall be
96 required. Facilities with a complete fire alarm system and smoke sections
97 meeting the requirements of this subsection prior to August 28, 2007, shall
98 continue to meet such requirements. Facilities initially licensed on or after
99 August 28, 2007, shall comply with such requirements beginning August 28, 2007,
100 or on the effective date of licensure.

101 (3) Except as otherwise provided in this subsection, the requirements for
102 complete fire alarm systems and smoke sections shall be enforceable on December
103 31, 2008.

104 8. The requirements of this section shall be construed to supersede the
105 provisions of section 198.058 relating to the exemption of facilities from
106 construction standards.

107 9. Fire safety inspections of skilled nursing and intermediate care
108 facilities licensed under this chapter for compliance with this section shall be
109 conducted annually by the department. All department inspectors who inspect
110 facilities for compliance under this section shall complete a fire inspector course,
111 as developed by the division of fire safety within the department of public safety,
112 by December 31, 2012. Fire safety inspections of residential care and assisted
113 living facilities licensed under this chapter for compliance with this section shall
114 be conducted annually by the state fire marshal. The provisions of this section
115 shall be enforced by the department or the state fire marshal, depending on which
116 entity conducted the inspection.

117 10. By July 1, 2008, all facilities licensed under this chapter shall submit
118 a plan for compliance with the provisions of this section to the state fire marshal.

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