

Report From Agency

DEPARTMENT OF HEALTH SERVICES REPORT TO THE LEGISLATURE CLEARINGHOUSE RULE 16-087

Ch. DHS 124.28 (2), DHS 131.38 (2), DHS 132.82 (1), and DHS 134.82 (1) of the Wisconsin Administrative Code, relating to hospitals, hospices, nursing homes and facilities serving people with developmental disabilities.

Basis and Purpose of Proposed Rule

On May 4, 2016, the federal Centers for Medicare & Medicaid (CMS) adopted the 2012 Life Safety Code (LSC) by final rule. The LSC is published and periodically revised by the National Fire Protection Association (NFPA), which was founded in 1896 to promote the science and improve the methods of fire protection. The LSC establishes fire protection requirements that address construction, protection, and operational features, and that are intended to provide a reasonable degree of safety from fire, smoke, and panic. All federally-certified health care providers must comply with the 2012 LSC within 60 days of the publication date of the final rule, unless otherwise stated in the rule. Affected providers in Wisconsin include federally-certified hospitals, hospices, nursing homes and facilities serving people with developmental disabilities. These providers are also regulated by Chapters DHS 124, DHS 131, DHS 132, and DHS 134, which currently adopt the 2000 edition of the LSC. The department therefore proposes to adopt the 2012 edition of the LSC in these chapters, in order to promote safe and adequate care for patients and residents in Wisconsin health care facilities, and to achieve consistency between federal and state rules.

Department Response to Legislative Council Rules Clearinghouse Recommendations

The department accepted the recommendations made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

The proposed changes codify changes made by the federal Centers for Medicare & Medicaid (CMS) adopting the 2012 Life Safety Code (LSC) by final rule. Pursuant to s. 227.114 (2), Stats, the department considered the methods for reducing the impact of proposed rule revisions on small businesses. The revisions result in codifying current compliance standards and will not have an economic impact on training programs or small businesses.

Changes to the Analysis or Fiscal Estimate/Economic Impact Analysis

No changes were made to the rule's analysis or economic impact analysis.

Public Hearing Summary

The department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules website and the department's own website on February 06, 2017. A public hearing was held on February 17, 2017 in Conference Room 450 at 1 West Wilson Street, Madison, Wisconsin. No persons attended the hearing. Public comments on the proposed rule were accepted until February 24, 2017.

List of Public Hearing Attendees and Commenters

No person attended the public hearing or submitted comments on the proposed rule.