



Shaping Tomorrow's Built Environment Today

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Ginger Scoggins
2023-2024 ASHRAE President

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Dr. Dora Hughes, Chief Medical Officer
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Dr. Hughes and Mrs. Parker,

ASHRAE, founded in 1894, is a technical society advancing human well-being through sustainable technology for the built environment. The Society and its more than 53,000 individual members – comprising engineers, academics and other professionals in the buildings industry – focus on building systems, energy efficiency, indoor air quality, refrigeration and sustainability within the industry. ASHRAE is writing this letter to highlight the opportunity for the Centers on Medicare & Medicaid Services (CMS) to improve staff and patient safety in hospitals through modernization of building codes.

CMS currently requires hospitals to comply with the 2012 edition of the National Fire Protection Association's NFPA 101: *Life Safety Code*® with certain modifications and the 2012 edition of *NFPA 99: Health Care Facilities Code* excluding chapters 7, 8, 12, and 13. By requiring these out-of-date editions instead of the current editions, CMS is hindering future improvements and evolutions of hospital facilities. As hospitals are built or remodeled, they are required by their state and/or local jurisdictions to comply with current building codes, which often conflict with the CMS Conditions of Participation (CoP).

Fortunately, CMS can solve this problem by updating the Conditions of Participation and Conditions for Coverage to reference the 2024 editions of the *Life Safety and the Health Care Facilities Code*.



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Advantages of adopting the 2024 *Life Safety and Health Care Facilities Codes* include:

- The 2024 editions incorporate the lessons learned, including adjusted design strategies and amenities to protect patients during future patient surges and similar events. The 2024 edition of the *NFPA codes* is also more closely aligned with other building codes that hospitals are required to comply with by their local jurisdictions.
- Many lessons learned from the pandemic have been incorporated into the ventilation standards. Currently CMS adopts the 2008 edition of the ASHRAE/ASHE Standard 170. There are several conflicts within the previous standard such as misalignment with pharmacy compounding standards and endoscopy pressure differential requirements that could lead to dangerous conflicts that could adversely impact staff and/or patients.
- Currently hospitals that want to work toward decarbonization are met with regulatory hurdles to overcome because the regulations are outdated and either conflict with today's sustainability standards or the codes don't allow the use of newer technologies that allow hospitals to operate more efficiently.
- Numerous changes to the codes have happened to make buildings safer, additional exterior sprinklering requirements, interior protections, and controls for the use of hazardous materials and protection requirements have been added to the codes.
- Updating to newer codes will align CMS with other agencies that have been providing healthcare under the latest codes such as VA and DOD hospitals.

We strongly urge you to prioritize the adoption of the 2024 edition of the *Life Safety and Health Care Facilities Code* within CMS. This update would alleviate demands on hospitals by enabling a greater allocation of resources towards enhancing patient safety and care. It will enhance safety measures for patients, staff, and visitors within these facilities while fostering uninterrupted hospital operations, allowing them to concentrate their efforts on delivering optimal patient care.

ASHRAE welcomes the opportunity to discuss the details of this request with you and your team. To contact us, please email GovAffairs@ASHRAE.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger Scoggins".

Ginger Scoggins
2023-2024 ASHRAE President