

111TH CONGRESS
1ST SESSION

H. R. 1642

To provide loans and grants for fire sprinkler retrofitting in nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mr. LARSON of Connecticut (for himself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide loans and grants for fire sprinkler retrofitting
in nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nursing Facility Fire
5 Safety Act of 2009”.

6 **SEC. 2. FINDINGS AND SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) On February 26, 2003, a fire at a Hart-
9 ford, Connecticut, nursing facility without an auto-
10 matic fire sprinkler system claimed the lives of 16

1 patients, and on September 27, 2003, a fire at a
2 Nashville, Tennessee, nursing home without an auto-
3 matic fire sprinkler system claimed the lives of 15
4 patients.

5 (2) The National Fire Protection Association
6 finds no record of a multiple death fire in a nursing
7 facility equipped with an automatic fire sprinkler
8 system.

9 (3) An estimated 1.5 million Americans reside
10 in approximately 16,300 nursing facilities nation-
11 wide, an estimated 20 to 30 percent of which lack
12 an automatic fire sprinkler system.

13 (4) Many nursing facilities lack the financial
14 capital to install sprinklers on their own and must
15 consider closure as an alternative to taking on large
16 loans or other financing options in order to install
17 sprinklers.

18 (5) In a July 2004 report, the GAO found that
19 “the substantial loss of life in the Hartford and
20 Nashville fires could have been reduced or eliminated
21 by the presence of properly functioning automatic
22 sprinkler systems” and that “Federal oversight of
23 nursing home compliance with fire safety standards
24 is inadequate”.

1 (6) Recognizing that automatic fire sprinkler
2 systems greatly improve the chances of survival for
3 older adults in the event of a fire, the National Fire
4 Protection Association, with the support of the
5 American Health Care Association, the fire safety
6 community, and the nursing facility profession, re-
7 cently adopted requirements for automatic sprinklers
8 in all existing nursing facilities.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) within five years, every nursing facility in
12 America should be equipped with automatic fire
13 sprinklers in order to ensure patient, resident, and
14 staff safety; and

15 (2) the Secretary of Health and Human Serv-
16 ices (in this Act referred to as the “Secretary”), act-
17 ing through the Administrator of the Centers for
18 Medicare & Medicaid Services should—

19 (A) adopt a requirement that all nursing
20 facilities be fully sprinklered with the support of
21 the nursing facility industry; and

22 (B) ensure that skilled nursing facilities
23 participating in the Medicare program comply
24 with fire safety standards, such as those devel-

1 oped by the National Fire Protection Associa-
2 tion in the 2006 Life Safety Code.

3 **SEC. 3. DIRECT LOANS FOR FIRE SPRINKLERS RETROFITS.**

4 (a) **AUTHORITY.**—Not later than 120 days after the
5 date of the enactment of this Act, the Secretary of Health
6 and Human Services shall establish a program of direct
7 loans to existing nursing facilities to finance the retrofit
8 of the facilities with an automatic fire sprinkler system.
9 Such loans shall be made under terms and conditions spec-
10 ified by the Secretary.

11 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There is
12 authorized to be appropriated to carry out this section
13 \$200,000,000 for fiscal year 2010, \$100,000,000 for fis-
14 cal year 2011, \$75,000,000 for fiscal year 2012,
15 \$50,000,000 for fiscal year 2013, and \$25,000,000 for fis-
16 cal year 2014.

17 **SEC. 4. SPRINKLER RETROFIT ASSISTANCE GRANTS.**

18 (a) **AUTHORITY.**—Not later than 120 days after the
19 date of the enactment of this Act, the Secretary of Health
20 and Human Services shall establish a program to award
21 grants to nursing facilities for the purposes of retrofitting
22 them with an automatic fire sprinkler system. Such grants
23 shall be awarded under terms and conditions specified by
24 the Secretary.

1 (b) PRIORITY.—In awarding grants under this sec-
2 tion, the Secretary shall give a priority to applications that
3 demonstrate a need or hardship. In determining hardship,
4 the Secretary may take into account factors such as the
5 number of Medicare and Medicaid patients, the age and
6 condition of the facility, and the need for nursing facility
7 beds in the community involved.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$20,000,000 for each fiscal years 2010 through 2014.

11 **SEC. 5. CONSULTATION AND EVALUATION OF ALTER-**
12 **NATIVES.**

13 (a) CONSULTATION.—The Secretary of Health and
14 Human Services shall consult with the Secretary of Hous-
15 ing and Urban Development to determine if there are loan
16 programs or other funds available for retrofitting nursing
17 facilities with an automatic fire sprinkler system in addi-
18 tion to the loans and grants authorized in this Act.

19 (b) EVALUATION OF ALTERNATIVE REMEDIAL AC-
20 TIONS.—The Secretary may evaluate, in unique cir-
21 cumstances, where a nursing facility may not have an ade-
22 quate structure to retrofit the entire facility with an auto-
23 matic fire sprinkler system within a reasonable timeframe.
24 In such an instance, the Secretary shall work with rep-
25 resentatives of the facility to identify other remedial ac-

1 tions that may include retrofitting a majority of the facil-
2 ity with such a system, construction timeframes for a new
3 or remodeled facility, or other actions.

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