

416.44 Physical Environment: A change crosswalk

This document provides an overview of the changes to standards within 416.44 – Physical Environment resulting from CMS adoption of the 2012 code sets in NFPA 99 and NFPA 101.

CFC	Pre-July 5, 2016	Post-July 5, 2016	Status
416.44	Condition for coverage—Environment. The ASC must have a safe and sanitary environment, properly constructed, equipped, and maintained to protect the health and safety of patients.	Condition for coverage—Environment. The ASC must have a safe and sanitary environment, properly constructed, equipped, and maintained to protect the health and safety of patients.	Same
416.44(a)	(a) <i>Standard: Physical environment.</i> The ASC must provide a functional and sanitary environment for the provision of surgical services.	(a) <i>Standard: Physical environment.</i> The ASC must provide a functional and sanitary environment for the provision of surgical services.	Same
416.44(a)(1)	(1) Each operating room must be designed and equipped so that the types of surgery conducted can be performed in a manner that protects the lives and assures the physical safety of all individuals in the area.	(1) Each operating room must be designed and equipped so that the types of surgery conducted can be performed in a manner that protects the lives and assures the physical safety of all individuals in the area.	Same
416.44(a)(2)	(2) The ASC must have a separate recovery room and waiting area.	(2) The ASC must have a separate recovery room and waiting area.	
416.44(b)	(b) <i>Standard: Safety from fire.</i>	(b) <i>Standard: Safety from fire.</i>	Same
416.44(b)(1)	(1) Except as otherwise provided in this section, the ASC must meet the provisions applicable to Ambulatory Health Care Centers of the 2000 edition of the Life Safety Code of the National Fire Protection Association, regardless of the number of patients served. The Director of the Office of the Federal Register has approved the NFPA 101 ® 2000 edition of the Life Safety Code, issued January 14, 2000, for incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy of the Code is available for inspection at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . Copies may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269. If any changes in this edition of the Code are incorporated by reference, CMS will publish notice in the FEDERAL REGISTER to announce the changes.	(1) Except as otherwise provided in this section, the ASC must meet the provisions applicable to Ambulatory Health Care Occupancies and must proceed in accordance with the Life Safety Code (NFPA 101 and Tentative Interim Amendments TIA 12-1, TIA 12-2, TIA 12-3, and TIA 12-4).	Revised

416.44 Physical Environment: A change crosswalk

416.44(b)(2)	(2) In consideration of a recommendation by the State survey agency, CMS may waive, for periods deemed appropriate, specific provisions of the Life Safety Code which, if rigidly applied, would result in unreasonable hardship upon an ASC, but only if the waiver will not adversely affect the health and safety of the patients.	(2) In consideration of a recommendation by the State survey agency or Accrediting Organization or at the discretion of the Secretary, may waive, for periods deemed appropriate, specific provisions of the Life Safety Code, which would result in unreasonable hardship upon an ASC, but only if the waiver will not adversely affect the health and safety of the patients.	Revised
416.44(b)(3)	(3) The provisions of the Life Safety Code do not apply in a State if CMS finds that a fire and safety code imposed by State law adequately protects patients in an ASC.	(3) The provisions of the Life Safety Code do not apply in a State if CMS finds that a fire and safety code imposed by State law adequately protects patients in an ASC.	Same
416.44(b)(4)	(4) An ASC must be in compliance with Chapter 21.2.9.1, Emergency Lighting, beginning on March 13, 2006.	(4) An ASC may place alcohol-based hand rub dispensers in its facility if the dispensers are installed in a manner that adequately protects against inappropriate access.	Revised
416.44(b)(5)	(5) Notwithstanding any provisions of the 2000 edition of the Life Safety Code to the contrary, an ASC may place alcohol-based hand rub dispensers in its facility if—	(5) When a sprinkler system is shut down for more than 10 hours, the ASC must:	Revised
416.44(b)(5)(i)	(i) Use of alcohol-based hand rub dispensers does not conflict with any State or local codes that prohibit or otherwise restrict the placement of alcohol-based hand rub dispensers in health care facilities;	(i) Evacuate the building or portion of the building affected by the system outage until the system is back in service, or	Revised
416.44(b)(5)(ii)	(ii) The dispensers are installed in a manner that minimizes leaks and spills that could lead to falls;	(ii) Establish a fire watch until the system is back in service.	Revised
416.44(b)(5)(iii)	(iii) The dispensers are installed in a manner that adequately protects against inappropriate access;		Removed
416.44(b)(5)(iv)	(iv) The dispensers are installed in accordance with the following provisions:		Removed
416.44(b)(5)(iv)(A)	(A) Where dispensers are installed in a corridor, the corridor shall have a minimum width of 6 ft (1.8m);		Removed
416.44(b)(5)(iv)(B)	(B) The maximum individual dispenser fluid capacity shall be:		Removed
416.44(b)(5)(iv)(B)(1)	(1) 0.3 gallons (1.2 liters) for dispensers in rooms, corridors, and areas open to corridors.		Removed
416.44(b)(5)(iv)(B)(2)	(2) 0.5 gallons (2.0 liters) for dispensers in suites of rooms;		Removed
416.44(b)(5)(iv)(C)	(C) The dispensers shall have a minimum horizontal spacing of 4 ft (1.2m) from each other;		Removed

416.44 Physical Environment: A change crosswalk

416.44(b)(5)(iv)(D)	(D) Not more than an aggregate 10 gallons (37.8 liters) of ABHR solution shall be in use in a single smoke compartment outside of a storage cabinet;		Removed
416.44(b)(5)(iv)(E)	(E) Storage of quantities greater than 5 gallons (18.9 liters) in a single smoke compartment shall meet the requirements of NFPA 30, <i>Flammable and Combustible Liquids Code</i>;		Removed
416.44(b)(5)(iv)(F)	(F) The dispensers shall not be installed over or directly adjacent to an ignition source;		Removed
416.44(b)(5)(iv)(G)	(G) In locations with carpeted floor coverings, dispensers installed directly over carpeted surfaces shall be permitted only in sprinklered smoke compartments; and		Removed
416.44(b)(5)(v)	(v) The dispensers are maintained in accordance with dispenser manufacturer guidelines.		Removed
416.44(b)(6) NEW		(6) Beginning July 5, 2017, an ASC must be in compliance with Chapter 21.3.2.1, Doors to hazardous areas.	NEW
416.44(c)	(c) <i>Standard: Emergency equipment.</i> The ASC medical staff and governing body of the ASC coordinates, develops, and revises ASC policies and procedures to specify the types of emergency equipment required for use in the ASC's operating room. The equipment must meet the following requirements:	(c) Standard: Building Safety. Except as otherwise provided in this section, the ASC must meet the applicable provisions and must proceed in accordance with the 2012 edition of the Health Care Facilities Code (NFPA 99, and Tentative Interim Amendments TIA 12-2, TIA 12-3, TIA 12-4, TIA 12-5 and TIA 12-6).	NEW
416.44(c)(1)	(1) Be immediately available for use during emergency situations.	(1) Chapters 7, 8, 12, and 13 of the adopted Health Care Facilities Code do not apply to an ASC.	NEW
416.44(c)(2)	(2) Be appropriate for the facility's patient population.	(2) If application of the Health Care Facilities Code required under paragraph (c) of this section would result in unreasonable hardship for the ASC, CMS may waive specific provisions of the Health Care Facilities Code, but only if the waiver does not adversely affect the health and safety of patients.	NEW
416.44(c)(3)	(3) Be maintained by appropriate personnel.	(3) Be maintained by appropriate personnel.	Removed
416.44(d)	(d) <i>Standard: Emergency personnel.</i> Personnel trained in the use of emergency equipment and in cardiopulmonary resuscitation must be available whenever there is a patient in the ASC.	(d) <i>Standard: Emergency equipment.</i> The ASC medical staff and governing body of the ASC coordinates, develops, and revises ASC policies and procedures to specify the types of emergency equipment required for use in the ASC's operating room. The	Relocated from c

416.44 Physical Environment: A change crosswalk

		equipment must meet the following requirements:	
		(1) Be immediately available for use during emergency situations.	Relocated from c
		(2) Be appropriate for the facility's patient population.	Relocated from c
		(3) Be maintained by appropriate personnel.	Relocated from c
416.44(e)		(d) <i>Standard: Emergency personnel.</i> Personnel trained in the use of emergency equipment and in cardiopulmonary resuscitation must be available whenever there is a patient in the ASC.	Relocated from d
416.44(f) NEW		(f) The standards incorporated by reference in this section are approved for incorporation by reference by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may inspect a copy at the CMS Information Resource Center, 7500 Security Boulevard, Baltimore, MD or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html . If any changes in this edition of the Code are incorporated by reference, CMS will publish a document in the Federal Register to announce the changes.	New
416.44(f)(1) NEW		(1) National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169, www.nfpa.org, 1.617.770.3000.	New
416.44(f)(1)(i) NEW		(i) NFPA 99, Standards for Health Care Facilities Code of the National Fire Protection Association 99, 2012 edition, issued August 11, 2011.	New
416.44(f)(1)(ii) NEW		(ii) TIA 12-2 to NFPA 99, issued August 11, 2011.	NEW
416.44(f)(1)(iii) NEW		(iii) TIA 12-3 to NFPA 99, issued August 9, 2012.	NEW
416.44(f)(1)(iv) NEW		(iv) TIA 12-4 to NFPA 99, issued March 7, 2013.	NEW
416.44(f)(1)(v) NEW		(v) TIA 12-5 to NFPA 99, issued August 1, 2013.	NEW
416.44(f)(1)(vi) NEW		(vi) TIA 12-6 to NFPA 99, issued March 3, 2014.	NEW

416.44 Physical Environment: A change crosswalk

416.44(f)(1)(vii) NEW		(vii) NFPA 101, Life Safety Code, 2012 edition, issued August 11, 2011;	NEW
416.44(f)(1)(viii) NEW		(viii) TIA 12-1 to NFPA 101, issued August 11, 2011.	NEW
416.44(f)(1)(ix) NEW		(ix) TIA 12-2 to NFPA 101, issued October 30, 2012.	NEW
416.44(f)(1)(x) NEW		(x) TIA 12-3 to NFPA 101, issued October 22, 2013.	NEW
416.44(f)(1)(xi) NEW		(xi) TIA 12-4 to NFPA 101, issued October 22, 2013.	NEW