

## Navigating the Life Safety Code® and the Myths Around “Grandfathering”

There is a common misconception in the healthcare industry that life safety requirements related to buildings and systems are applied once during the design and construction phase and do not change thereafter. This is often referred to as the “grandfathered” clause. The premise being that if there is a change in a code requirement, years or even decades later, an existing building is grandfathered if it was built in compliance with the applicable codes and standards at the time of construction. While the concept seems rationale, it is not always that simple.

If your organization participated in the Medicare and Medicaid program under the auspices of CMS, you are currently required to comply with the 2012 edition of the Life Safety Code® (LSC). This edition of the LSC was adopted by CMS back in 2016. Your requirement to comply with the 2012 edition does not vary based on when your building was designed, constructed or licensed. The LSC maintains two (2) chapters for each occupancy type, including healthcare occupancies. One chapter outlines the requirements for “new” occupancies and the second chapter references “existing” occupancies. If your building was designed, constructed, and approved prior to July of 2016 (the CMS adoption date), you are considered “existing” and follow the requirements set forth in Chapter 19 (Existing Health Care Occupancies) of the LSC. While it is generally true that some of the requirements for “existing” occupancies are less stringent than what is found in Chapter 18 (New Health Care Occupancies), those requirements do not always align with what was required when a building was built. You cannot assume that compliance when the building was constructed equates to compliance with today’s requirements.

To add to the complexity, the Life Safety Code® contains a provision that if you meet a requirement for a “new” occupancy, even though you are considered an “existing” occupancy, you cannot reduce to a lesser level of safety, even if the requirement for an “existing” occupancy is less restrictive. An example that illustrates this is the requirement for corridor width. The LSC requires “new” healthcare occupancies to have eight (8) foot wide exit access corridors. However, “existing” health care occupancies are only required to have four (4) foot wide exit access corridors. That said, if you are considered an existing healthcare occupancy, and you have eight (8) foot wide corridors, you cannot reduce the width of the corridors below eight (8) feet.

Your classification of “new” vs “existing” is also important in determining code path and code section applicability. The LSC addresses numerous occupancy types including healthcare, education, mercantile, business, hotel & dorms, and others. Each occupancy specific chapter includes life safety requirements directly within the chapter itself. The chapters also reference additional requirements found in the core chapter that focus on specific areas such as egress, building services, interior finish, etc. When applying the LSC, it is critical that you

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always begin in the applicable occupancy chapter. You only reference a requirement in a core chapter when the occupancy chapter you are working with specifically directs you to another section of the code. Otherwise, you could be applying code provisions that don't apply to your situation. For example, if you look in the LSC and go directly to Chapter 7 (Means of Egress), you will find stair requirements that are intended to apply to large assembly spaces such as stadiums. If you bypass the specific occupancy chapter, you might think these requirements apply. However, if you are a nursing home and first reference Chapter 19 (Existing Healthcare Occupancies), you will find that only certain egress provisions in Chapter 7 are referenced and applicable.

Managing and maintaining Life Safety Code® compliance can be a complicated and sometimes confusing endeavor. A good first step is to make sure you have a copy of the Code. The 2012 edition of the Life Safety Code®, along with all its reference codes and standards, can be purchased and accessed at the National Fire Protection Association's (NFPA) website ([www.nfpa.org](http://www.nfpa.org)). NFPA also develops a handbook that includes helpful commentary and illustrations along with on-line training specific to healthcare occupancies.