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## Fire Safety at Nursing Homes Is Criticized

By ROBERT PEAR

**W**ASHINGTON, July 15 - Fatal fires at nursing homes in Connecticut and Tennessee showed severe weaknesses in federal fire safety standards, which go unenforced at many nursing homes across the country, Congressional investigators said on Thursday.

At least 59 percent of the nation's nursing homes were cited for deficiencies in fire safety in their most recent inspections, the investigators said, but many have refused to install sprinklers and smoke detectors because of the cost, and patients are exposed to huge risks as a result.

The Government Accountability Office, an investigative arm of Congress formerly known as the General Accounting Office, examined federal fire regulations for nursing homes after 16 people died in a fire at a Hartford home in February 2003, and 15 died at a Nashville home seven months later.

"The substantial loss of life in the Hartford and Nashville fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems," the report said, but the federal government has not required sprinklers at some older homes, "in part because of the cost of retrofitting such structures."

Federal officials assessed fire safety at only 40 of the 871 nursing homes they inspected last year, the report said. Under federal law, they are supposed to evaluate fire safety at all the homes they inspect.

But, the report said, "no federal assessments of fire safety were conducted in 27 states."

Enforcement of fire safety standards is critically important, the report said, because many nursing home residents have mental and physical disabilities. Some are bedbound, some use wheelchairs and many have Alzheimer's or other conditions that limit their ability to run or walk or even to follow instructions in an emergency.

Federal employees visit about 5 percent of the nation's 17,000 nursing homes each year to validate the findings of state inspectors. Nursing homes receive more than \$64 billion a year from Medicaid and Medicare, and more than 70 percent of that is federal money. About two-thirds of the nation's 1.6 million nursing home residents are on Medicaid.

Bush administration officials, stunned by the findings, moved quickly to respond.

Dr. Mark B. McClellan, the new administrator of the federal Centers for Medicare and Medicaid Services, who took office in March, said he accepted all the findings and recommendations. To comply with the law, Dr. McClellan said, he plans a fivefold increase in federal inspections. In addition, he said, his agency will propose a rule requiring smoke detectors, and he will "explore the feasibility" of requiring sprinklers in all nursing homes.

The report said sprinklers were "the single most effective fire protection" measure, and it observed that "there has never been a multiple-death fire" in a home fully protected by sprinklers. But, it said, 20 percent to 30 percent of nursing homes lack such devices.

Alan E. DeFend, vice president of the American Health Care Association, which represents nursing homes, said, "We have not seen the report."

The industry supports a requirement that all homes be equipped with fire sprinklers, Mr. DeFend said, but the federal government must help pay the cost, estimated at \$1 billion, and homes should have three to five years to comply.

Representative John B. Larson, Democrat of Connecticut, has drafted a bill that would require every nursing home in Medicaid or Medicare to be equipped with sprinklers. Under his proposal, to be introduced next week, the federal government would reimburse nursing homes for all the costs of sprinklers installed since September 2003.

In its report, the G.A.O. concluded, "State and federal oversight of nursing home compliance with fire safety standards is inadequate," and it made these points:

¶Some nursing homes lack fire alarms. Many fail to conduct routine fire drills. Many lack safeguards to prevent the spread of fire and smoke from room to room.

¶The federal government has exempted many nursing homes from selected safety standards, thus allowing deficiencies to go uncorrected for many years.

¶In many cases, "state surveyors missed obvious fire safety deficiencies." In one state, inspectors falsified information by "whiting-out deficiencies on the survey forms."

¶The nursing homes in Connecticut and Tennessee did not have smoke detectors in residents' rooms, and they were not required.

¶The federal government maintains a Web site providing comparative data on the quality of care at nursing homes. The site initially included data on fire safety violations, but federal officials removed the information because they were unsure "how to portray deficiencies that remain uncorrected" under waivers granted by the federal government.

Senator Charles E. Grassley, Republican of Iowa, who requested the study with Senator Bill Frist of Tennessee, said it showed that the inspection process "is broken." Moreover, Mr. Grassley said, the enforcement process, "in all likelihood, has been seriously corrupted."

Mr. Grassley said state inspectors had told his staff that they often felt political pressure from superiors to minimize or cover up violations.

The report said federal health officials should focus on nursing homes that lack sprinklers, but, it said, the government does not have the data needed to identify those homes. Moreover, it said, consumers using the Medicare Web site cannot find such basic information as whether patients' rooms have sprinklers or smoke detectors.

Dr. McClellan said his agency would collect such information and post it on the Web.

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