

## **Categorical Waiver Available:**

**CMS - S&C: 13-25**

**April 19, 2013**

### **13. Relative Humidity (RH): Waiver of Life Safety Code (LSC) Anesthetizing Location Requirements; Discussion of Ambulatory Surgical Center (ASC) Operating Room Requirements**

#### **Memorandum Summary**

- ***RH of  $\geq 20$  Percent Permitted in Anesthetizing Locations:*** The Centers for Medicare & Medicaid Services (CMS) is issuing a categorical LSC waiver permitting new and existing ventilation systems supplying hospital and critical access hospital (CAH) anesthetizing locations to operate with a RH of  $\geq 20$  percent, instead of  $\geq 35$  percent. We are also recommending that RH not exceed 60 percent in these locations.

#### **This Waiver Does Not Apply:**

- When more stringent RH control levels are required by State or local laws and regulations; or
- Where reduction in RH would negatively affect ventilation system performance.

#### **Hospitals & CAHs Must Elect to Use the Categorical Waiver:**

- Individual waiver applications are not required, but facilities are expected to have written documentation that they have elected to use the waiver.
- At the entrance conference for any survey assessing LSC compliance, a facility that has elected to use this waiver must notify the survey team.

#### **Ongoing Requirements:**

- Facilities must monitor RH in anesthetizing locations and take corrective actions when needed to ensure RH remains at or above 20 percent.

**ASCs:** ASCs are not subject to all of the same LSC requirements as hospitals, but are required, consistent with 42 CFR 416.44(a)(1), to maintain RH in operating rooms in accordance with nationally accepted guidelines.

The 2012 edition of NFPA 99 has adopted the 2008 edition of the American Society for Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standard 170, Ventilation of Health Care Facilities. Addendum D of the ASHRAE standard requires RH in anesthetizing locations to be maintained between 20 - 60 percent. In addition, this ASHRAE standard has been incorporated into the Facility Guidelines Institute (FGI) 2010 Guidelines for Design and Construction of Health Care Facilities, and has been approved by the American Society for Healthcare Engineering of the American Hospital Association and the American National Standards Institute.

**NOTE: You have to apply for a waiver from the Minnesota Health Department Engineering Services**