

KSFM 2024-008 - KSFM Prevention Information Release

(This bulletin supersedes KSFM Prevention Information Release 2024-001)

Date: May 21, 2024

To: Nursing Home Providers

Subject: CMS Change of Interpretation on Posting of Codes near Locked Doors

In April of 2024, at the direction of the Kansas City office of CMS, our agency notified nursing home administrators that CMS had determined that posting of codes near cypher locked doors was prohibited. Our office objected to CMS both in writing and during meetings, but CMS overruled our concerns.

Recently, a group of nursing home advocates successfully appealed CMS determination. The KSFM is pleased to be able to announce that CMS has changed their determination and posting of codes near cypher locked doors is permitted in nursing home settings but may not ensure compliance with the Life Safety Code, as set forth in the content of an email from CMS Supervisor Stephen Pelinski on 5/6/2024 below.

“The LSC does not prohibit the posting of codes at doors in the means of egress. Doors in a means of egress are not permitted to have a lock unless they comply with Section 19.2.2.2.5, which opens up to 19.2.2.2.5.1 and 19.2.2.2.5.2. Psychiatric units, Alzheimer’s units and dementia units typically fall under the application of Section 19.2.2.2.5.1 if all residents in that unit have one of those clinical needs. In those cases where all residents in the unit with locked means of egress doors any of the means to unlock the doors in accordance with Section 19.2.2.2.6 are acceptable. Codes being posted are not always a reliable means to unlock the doors for staff. Staff in the area during a survey will be asked to demonstrate unlocking the door. Not knowing the code, not knowing a start needs to be entered after the code, not knowing it needs to be entered backwards, the posted code not being current, the posted code being hidden are all examples of codes that were found to not be a reliable means during a survey.

The other issue that arises is when an entire unit does not have a clinical need to permit the locked doors from the start. In this case, Section 19.2.2.2.4, that does not permit the locks is the requirement that applies. The mix of the residents with the clinical need to be locked in the unit and other residents without the clinical need necessitates a solution that balances the requirements. In other words, lock the doors in a way that’s permissible by the LSC, but not lock the doors. Codes being posted that are not known by residents without a clinical need, codes being hidden, codes not given to visitors, codes being cryptic, etc. are ways that could create a deficiency.

Bottom line, posting codes are not prohibited by the LSC, but posting them does not ensure compliance all the time.

Keep in mind, delayed-egress locks complying with 7.2.1.6.1 are always permitted regardless of whether or not clinical needs, special need or a mixed population exists in the building. “

For questions and to assist you in complying with the requirements, the KSFM has a section on its website devoted to nursing home and similar facilities.

Please visit www.firemarshal.ks.gov/documentcenter In the “Resources” section, select Nursing Homes.