



April 8, 2013

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-3267-P
P.O. Box 8010
Baltimore, MD 21244-8010

SUBMITTED ELECTRONICALLY TO <http://www.regulations.gov>.

Dear Sir/Madam:

I write on behalf of the membership of LeadingAge New York to support aspects of the proposed rule (CMS-3267-P) that would allow for waivers, under certain circumstances, of the requirement to fully sprinkler all nursing homes by August 13, 2013.

Founded in 1961, LeadingAge New York, formerly the New York Association of Homes & Services for the Aging, represents not-for-profit, mission-driven and public continuing care providers. Currently we represent 263 nursing homes in New York.

LeadingAge New York expects the majority of its members to be in full compliance with the sprinkler requirement by the August 13, 2013 deadline. However, we do have certain member organizations that, within the next year to two years, will be replacing or substantially renovating their existing buildings. For them, the prospect of a waiver is welcome news as it could help to avoid unnecessary expenditures associated with: (1) buildings that will no longer be utilized once residents are moved to replacement buildings; or (2) sprinkler installations in areas of buildings that are slated for renovations.

We understand CMS's reluctance to propose a waiver of the sprinkler compliance requirement far in advance of August 13, 2013. However, there may have been some opportunities for providers to undertake significant renovations to existing structures in a more cost efficient manner had there been an earlier discussion of a possible waiver.

Given the significant implications of this proposed regulation for affected facilities, and with only five months remaining before the August deadline, we encourage CMS to adopt the proposed revisions to 42 CFR Part 483 as soon as possible. As this proposed regulation moves forward, LeadingAge NY respectfully urges CMS to work with state survey agencies on: (1) the timely development of clear guidance on the waiver process and the additional requirements expected of facilities that plan to pursue a waiver; and (2) expediting action on waiver requests from affected facilities.

Thank you for the opportunity to comments on the proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Elliott Frost", written over a light blue horizontal line.

Elliott Frost
Senior Policy Analyst