

To: Adult Care Facility Administrators and Operators

From: Department of Health

Date: June 28, 2020

Subject: Fire Drills

State regulations at 18 NYCRR §§487.12 and 488.12 identify the frequency at which staff and residents must participate in fire drills. However, as fire drills result in massing and moving of staff and residents, which risks social distancing not being maintained, and based on the Centers for Medicare and Medicaid Services waiving of such requirements for nursing homes, the New York State Department of Health (Department) has elected to exercise enforcement discretion when surveilling adult homes' and enriched housing programs' compliance with the fire drill requirements set forth in 18 NYCRR §§487.12(f),(g) and 488.12(g). This enforcement discretion will be exercised for the duration of the COVID-19 public health emergency, as declared under Executive Order #202.

For the Department to exercise such discretion, however, a documented orientation training program related to the facility's current fire plan, which considers current facility conditions, must be implemented. Such training must instruct employees, including existing, new or temporary employees as well as volunteers, on their current duties, life safety procedures and the fire protection devices in their assigned area. Upon expiration of Executive Order #202, the Department expects that the facility will document having scheduled a fire drill consistent with existing State regulations.

If you have any questions, please contact your regional office program manager.