

**OREGON STATE FIRE MARSHAL**  
*Fire & Life Safety Services*  
**TECHNICAL INFORMATION BULLETIN #6**

**“Facility Responsibilities During Immediate Jeopardy Conditions  
in Health Care Facilities”**

Immediate Jeopardy is defined as, “a situation in which the provider’s noncompliance with one or more requirements of participation in the Medicare/Medicaid program, has caused or is likely to cause, serious injury, harm, impairment or death to a resident.” (CFR 489.3) NOTE: Immediate jeopardy situations commonly occur when there are severe weather conditions that damage facilities, or during construction projects involving remodeling and/or new additions.

Examples of fire and life safety conditions that could be considered immediate jeopardy include:

- Failure to maintain fire and life safety systems (e.g., sprinkler systems, fire alarm systems) in an operating condition.
- Nonfunctioning emergency equipment and/or emergency power sources (e.g. emergency generators, emergency lights).
- Widespread obstruction of the means of egress (e.g., exit doors, hallways, corridors, landings, stairs, ramps, exit passageways, etc.) and/or unapproved locking of exit doors.
- Widespread failure to maintain the integrity of fire separations and smoke barriers. Examples include removal of fire and/or smoke doors and widespread unprotected openings in fire and smoke walls and exit corridor walls.
- Recurring incidents of hazardous practices, widespread lack of staff training and fire drills, and/or exposure of residents to hazardous conditions or materials.
- Any other condition or combination of conditions, as determined by the fire authority having jurisdiction, which has the potential for catastrophic effects on critical systems and/or fire and life safety features and may result in immediate harm to the residents and staff.

Whenever a facility has a condition or combination of conditions that has the potential for immediate jeopardy, facility staff shall take the following actions, in accordance with ORS 479.170 (*Oregon Uniform Fire Code Section 103.4.5*) and Section 7308 of Transmittal 13, Medicare State Operations Manual, Provider Certification, (*Health Care Financing Administration*):

1. Concurrently, facilities shall notify the local fire department and the Office of State Fire Marshal.

*NOTE: First, facilities should attempt to notify the Deputy State Fire Marshal assigned to the area where the facility is located. If this is not possible, then call the State Fire Marshal Health Care Facilities Program Representative at 503 373-1540 extension 257 or the State Fire Marshal Program Manager at 503 373-1540 extension 252, both in Salem.*

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2. Provide a fire watch through the use of standby personnel, as specified in *Oregon Uniform Fire Code Section 2501.18*. Individual(s) assigned to a fire watch shall have no other assigned duties, shall have a reliable means of communication with the fire department (e.g. cell phone, telephone, etc.), and shall ensure that all fire appliances and equipment, as well as appropriate fire safety measures, are maintained.
  - This person(s) shall make complete rounds of the facility every 15 minutes. If a single person is incapable of making complete rounds of the entire facility within the 15-minute time frame, then additional persons shall be assigned to ensure that the entire facility is being observed.
  - Documentation of the assigned fire watch staff and rounds shall be maintained for periodic review by the fire authority.
3. Begin to immediately correct all identified problems that are causing the immediate jeopardy condition(s) in the facility. Contact appropriate third-party service(s) if a fire and life safety protection system has been deactivated or removed from service.  
***NOTE: If residents are in imminent danger, remove or relocate as necessary to avoid injury or death.***
4. Prepare to supply the fire authority with all information related to the condition(s) that led to the immediate jeopardy situation.  
*NOTE: The assigned Deputy State Fire Marshal will either respond to the facility to conduct an on-site inspection or may request the local fire authority to evaluate the situation and report their findings to the State Fire Marshal.*
5. Develop a plan of correction for all conditions to restore the facility into substantial compliance.  
*NOTE: The Deputy State Fire Marshal will document the immediate jeopardy conditions on a Statement of Conditions which will be given to the facility for a required plan of correction to be completed.*
6. Once the condition(s) have been corrected, notify the Deputy State Fire Marshal, Program Representative, or Program Manager, as soon as possible.