

Statement of Conditions™ Instructions

EQUIVALENCY INSTRUCTIONS

The **Time-Limited Waiver / Equivalency** tab is a submittal page for organizations seeking additional time to complete a physical environment (EC or LS) Requirement for Improvement (RFI) outside of the 60 days provided within the evidence of standards compliance (ESC) allotted time or for Equivalency of an RFI Life Safety Code® deficiency that cannot be corrected without major construction.

A. Introduction:

Occasionally building owners discover building features or deficiencies that are not compliant with the National Fire Protection Association (NFPA) *Life Safety Code*® (LSC), also known as NFPA 101-2012. The preferred course of action is to immediately correct the deficiency. However, in some instances, the corrective action may pose a hardship to the organization and not directly impact patient, staff, or visitor safety. Under these conditions, the organization may submit a request for an equivalency to The Joint Commission for review.

B. Two Equivalency Types:

The accredited organization may submit either a *Traditional Equivalency* or an *FSES-based Equivalency*.

1. **Traditional Equivalency:** A *Traditional Equivalency* is based on field verification by either the local fire marshal responsible for fire safety of the building; a registered architect or Professional Engineer (PE); or a Certified Fire Protection Specialist (CFPS).
2. **Fire Safety Evaluation System (FSES) Equivalency:** The *FSES Equivalency* process was developed by NFPA. It objectively applies specific values to building features and allows deficiencies to be deducted from the building features numerical value. Once the calculations are completed, if the building score is zero or better, the building as evaluated would be considered compliant based on the FSES process and the identified deficiencies would not be considered a threat to occupants of the building. The NFPA 101A document does not specify qualifications of the submitter; however, The Joint Commission requires a thorough understanding of the Life Safety Code, NFPA 101A - 2013, *Guide on Alternative Approaches to Life Safety*, and the building(s) being evaluated.

C. Instructions for Submitting an Equivalency Request:

To accurately respond to your Statement of Conditions™ (SOC) request, the Standard Interpretation Group (SIG) Engineers require you to follow the submittal process exactly. Any

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deviation will result in our denying your request and requiring your re-submittal. All references to the *Life Safety Code (LSC)* are to the NFPA 101-2012 edition.

1. **Add New Equivalency (Traditional and FSES):**
 - a. Select the **Time-Limited Waiver /Equivalency** tab and select **Add New Time-Limited Waiver / Equivalency**.

Summary of Time Limited Waiver/Equivalency items:

+ Add New Time Limited Waiver/Equivalency						
View/Edit	ID	PFI/SPFI	Requestor	Submit Date	Status	Doc's Received?
No records to display.						

- b. A **Summary of Time-Limited Waiver / Equivalency Items** form will open.
- c. **All** fields within the form are required to be filled out, including:
 - i. **Organization Information**, including the organization’s *CMS Certification Number (CCN) number**, if applicable. *Please note, that an organization’s CCN number can be found in their secure Joint Commission Connect page. For instructions on how to locate a CCN number, refer to Annex A.*
 - ii. **Submitter Information**
 - iii. **Request Information**, including:
 - a. **Request Type** select, **Traditional Equivalency** or **FSES Equivalency**
 - b. **Survey Date**, enter the last day of survey date found on final survey report
 - c. **SPFI Unique ID** that was utilized when creating the SPFI
 - d. Document the **LSC* Chapter** and **LSC* Section**. Refer to NFPA 101 for guidance as to the **LSC Chapter** and **LSC Section** if not automatically populated. **Life Safety Code*
 - e. **Construction Type**, select **New** or **Existing**

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- iv. **ILSM/ Mitigation Actions Implementation as per Policy** that includes any ILSMs or other mitigation actions that are currently being implemented for the SPFI. (*Maximum 250 Characters*)

IMPORTANT

When deficiencies are identified that require management in the Statement of Conditions™ as a Plan for Improvement (PFI) or Survey-related Plan for Improvement (SPFI) they must clearly identify the deficiency, describe the plan to correct, establish how long the corrective action will take and follow organization policy for Interim Life Safety Measures (ILSM) or Risk Assessment.

Non-compliance may place the building occupants at risk, so it is important that the PFI/ SPFI is detailed in the identification of the deficiencies and clearly describes the corrective actions and ILSM/mitigation actions as appropriate.

TIP

Please note the character limitations in any of the free text boxes.

- v. **Request Summary** must include (*Maximum 250 Characters*):
 - a. Summary of the deficiency.
 - b. Summary of request of equivalency
- vi. **Proposed Corrective Action** must include (*Maximum 250 Characters*):
 - a. Summary timeline of proposed corrective action, *if applicable*
 - b. Any other information that may be relevant to the decision making process, *if applicable*
 - c. **If the above**
- d. Select **Save** at the bottom of the page.

2. **Upload Documents Based on Equivalency Type:** Please refer to **Annex B** for required documentation for Traditional Equivalency and **Annex C** for FSES Equivalency.

- a. **How to Upload Documentation:**
 - i. Select **Upload a New Document**
 - ii. Enter a File Description for the document you are about to upload
 - iii. Select **Browse** and locate the file

TIP

The Equivalency submission **MUST** be saved before you can upload any documents!

+ Upload New Document				
	File Name	File Description	Uploaded By	Delete
File Description	<input style="width: 95%;" type="text"/>			
Upload File	<input style="width: 80%;" type="text"/>	<input type="button" value="Browse"/>		
<input type="button" value="Insert"/> <input type="button" value="Cancel"/>				

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- iv. Once you have selected the document to upload select **Insert** or select **Cancel** to cancel the request.
- v. Verify in the **Upload New Document** field that all documents were successfully uploaded.

Upload Equivalency Documents				
Upload New Document				
	File Name	File Description	Uploaded By	Delete
Edit	Test Final Report.docx ←	Test Final Report	APLESOC	Delete
<input type="button" value="Save"/> <input type="button" value="Cancel"/>				

- vi. Select **Save**.
 - a. If you have completed uploading all required documentation select **Submit**.
 - b. If you have additional documentation continue to upload, but select Save after each document is uploaded so no work is lost.
 - c. The organization may edit the equivalency request up until its submission.
- vii. After you have submitted your request, select **View All** from the Menu on the left side of the page to verify the submission of your Equivalency. The **Status** will list **Submitted to TJC**. A notification has been submitted to the Department of Engineering at the Joint Commission for processing.

View/Edit	ID	PFI/SPFI	Requestor	Submit Date	Status	Doc's Received?
View	9	9874	sam test	5/11/2016	Submitted to TJC ←	Y

- viii. Once received by the Joint Commission Department of Engineering, and email of receipt with a case number will be sent to the submitter email address listed in the Equivalency request form.
- ix. A summary of Time-Limited Waivers and Equivalencies submitted on or after August 1, 2016 may be viewed in the **View All** screen.

TIP An Equivalency is NOT guaranteed!

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D. Equivalency Review Process:

1. Once an equivalency submission is received by the Joint Commission, an email of receipt with a case number will be sent to the submitter of the equivalency request.
2. If any of the above documentation is not provided, the organization will be notified once to make the necessary corrections and to resubmit the equivalency request. If the required documentation is not received within two weeks, or no communication related to the required missing documentation has been received by the Joint Commission within two weeks from the notification, then the equivalency request will be rejected.
3. Once an equivalency submission is received by the Joint Commission, an email of receipt with a case number will be sent to the submitter of the equivalency request.
4. **Approval/Rejection Process:** After receiving a request for an equivalency, The Joint Commission will conduct the required analysis.
 - a. **Deemed Status:**
 - i. **Joint Commission Action:**
 - a. If found to be acceptable by the Joint Commission, the review will be documented in the SOC by modifying the status of the equivalency request to **Submitted to CMS** and noting the status in the History/Audit Trail.
 - b. An email of the Joint Commission approval and notification of submission of the equivalency request to the relevant regional office (RO) of CMS for their approval or rejection will be sent to the submitter of the equivalency request.
 - c. During this period of RO review, the organization is still required to resolve any pending issues associated with the equivalency request, including appropriate Interim Life Safety Measures (ILSM).
 - ii. **CMS Approval:** Once approved by the RO, the approval will be documented in the SOC by modifying the status of the equivalency request to **Approved by CMS** and noting the decision in the History/Audit Trail. An email of approval will be sent to the submitter of the equivalency request.

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- iii. **Rejection:**
 - a. If found to not be acceptable during the Joint Commission review, the rejection will be documented in the SOC by modifying the status of the equivalency request to **Rejected by TJC**. An email of rejection will be sent to the submitter of the equivalency request.
 - b. Once rejected by the RO, the rejection will be documented in the SOC by modifying the status of the equivalency request to **Rejected by CMS**. An email of rejection will be sent to the submitter of the equivalency request.
- b. **Non-Deemed Status:**
 - i. **Approval:** If the equivalency is found acceptable, the approval will be documented in the SOC by modifying the status of the equivalency request to **Approved by TJC** and noting the decision in the History/Audit Trail. An email of approval will be sent to the submitter of the equivalency request.
 - ii. **Rejected:** If found to not be acceptable, the rejection will be documented in the SOC by modifying the status of the equivalency request to **Rejected by TJC**. An email of rejection will be sent to the submitter of the equivalency request.

If you have any questions or need further guidance on submitting an equivalency request, please contact the Department of Engineering at The Joint Commission at (630) 792-5900 or via email at Engineer@jointcommission.org.

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Annex A: Accessing CCN

1. Log into your organization's secure Joint Commission Connect page.
2. Select the **Survey Process** tab and select **General Application**

> Home	Survey Process	Continuous Compliance	Communication	Resources and Tools	Security Admin
Pre-Survey Learn More <ul style="list-style-type: none"> • Survey Planning Tools • Survey Activity Guide • Customer Value Assessment 		Post-Survey Learn More <ul style="list-style-type: none"> • Evidence of Standards Compliance • Measure of Success • Accreditation Report and Letter 		Customer Feedback Learn More <ul style="list-style-type: none"> • Evaluations • Customer Value Assessment 	Contracts and Billing Learn More <ul style="list-style-type: none"> • Contracts • Fee, Billing and Invoice Information • Pricing Schedule
Quality Check @ Learn More <ul style="list-style-type: none"> • Your Quality Report • What's New in Quality Report • Updated Quality Information • Organization Commentary 		Application for Accreditation Learn More <ul style="list-style-type: none"> • General Application 		Continuous Compliance Tools Learn More <ul style="list-style-type: none"> • Intracycle Monitoring(ICM) • Statement of Conditions • Corporate Portal 	

3. This will open the organization's **Dashboard**
4. Select the green button, **Update Application**
5. Select **Tab 6 Survey Details**
6. From the Menu on the left side of the page, select **CCN Information**
7. The CCN will be located in the table header, column 3, **Hospital CCN**

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Annex B: Traditional Equivalency Required Documentation

The following documentation is required:

1. **Final Survey Report**
2. An **Executive Summary** on organization/company letterhead must:
 - a. Define the deficiency or condition that the equivalency is being requested for
 - b. Include the justification for why this is an unreasonable hardship*
 - c. Indicate the total cost and describe the source, availability, and commitment of funds for the proposed alternate solutions (if work is required for proposed alternate solutions). Provide a timetable of events from present through completion.
 - d. Include detailed justification to show that the equivalency will not adversely affect occupant health and safety (Occupant Safety Assessment)
 - e. Propose an alternate solution that shows an equivalent condition or additional steps being taken to ensure occupant health and safety
3. **Supporting Evidence** to be included with the Equivalency Request:
 - a. Provide detailed drawings showing existing conditions and proposed solutions, *if applicable*
 - b. Include photos of proposed placement of equipment, *if applicable*
 - c. Include photos of the deficiency or condition that the equivalency is being requested for, *if applicable*
 - d. Include a letter from an Authorized Agent: Have one of the following certify, in writing, that to the best of their knowledge, the organization's proposed alternate solution meets either the intent of the LSC identified in the Executive Summary or provide an equivalent level of life safety.
 - i. Registered Architect
 - ii. Licensed/Certified Fire Safety Professional – PE or CFPS
 - iii. Local authority having jurisdiction (i.e. fire marshal or building official)
 - e. Field verification of the conditions is required and must be identified in the written documentation submitted.

**Unreasonable Hardship exists when an implementing agency finds that compliance with the building standards would make the specific work of the project affected by the building standard unattainable, based on an overall evaluation of the following factors: the cost of providing access, the cost of all construction considered, the financial impact of proposed improvements of the project, the nature of the accessibility which would be gained or lost, and the nature of the use of the facility under construction and its accessibility to persons with disabilities.*

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Annex C: FSES Equivalency Required Documentation

The following documentation is required:

1. **Final Survey Report**
2. An **Executive Summary** on organization/company letterhead must:
 - a. Include details of the deficiencies/conditions being equivalized and validation of onsite survey results
 - b. Include any corrective actions necessary to achieve a passing score, *if applicable*
 - c. Include justification explaining why this is an unreasonable hardship*
 - d. Include detailed justification to show that the equivalency will not adversely affect occupant health and safety (Occupant Safety Assessment)
 - e. Submit on organization/company letterhead.
3. **Supporting Evidence** that must be included with the Equivalency Request:
 - i. FSES Worksheets for each building zone for the entire building.
 - ii. Provide detailed drawings showing existing conditions and proposed solutions.
 - iii. Indicate the total cost and describe the source, availability, and commitment of funds for any necessary corrective actions required (if work is required to achieve passing scores). Provide a timetable of events from present through completion.

**Unreasonable Hardship exists when an implementing agency finds that compliance with the building standards would make the specific work of the project affected by the building standard unattainable, based on an overall evaluation of the following factors: the cost of providing access, the cost of all construction considered, the financial impact of proposed improvements of the project, the nature of the accessibility which would be gained or lost, and the nature of the use of the facility under construction and its accessibility to persons with disabilities.*