

The Municipal RISK MANAGER

SPRING 2009

A Publication of the Maine Municipal Association

Managing Public Buildings for Life Safety Part III- Emergency Equipment and Building Systems

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A common statement heard from fire victims is how many years that they worked in or lived in a building and how difficult it was for them to find their way out after a fire was discovered. In one fire a bag of trash set by an exit access door “to take out later” cost precious seconds that prevented everyone from getting out and resulted in a double tragedy.

In Part I & Part II of this article, we discussed the Life Safety Code and the need to ensure adequate exits are designed into, and maintained properly for public and employee safety.

In addition to maintaining a building’s exit components properly, there are several parts of a facility’s fire protection/life safety systems that require annual maintenance by a qualified individual. All public buildings have portable fire extinguishers that must be maintained on an annual basis by a qualified individual. This entails a 12-year maintenance cycle that includes inspections, teardowns and recharging, as well as hydrostatic testing of the extinguisher shell. Any fixed automatic extinguishing systems on cooking equipment, paint booths, or high fire hazard operations must also be serviced annually. Building fire alarm systems must be inspected and tested at least annually by a licensed technician. If your building is equipped with an automatic sprinkler system, it must be maintained by a licensed technician at least once per year. Your sprinkler

contractor may also outline monthly and weekly checks that must be performed and documented by building maintenance personnel.

Because fire protection sprinklers are so effective at confining fires and providing extra time for building occupants to safely egress, the Life Safety Code encourages the installation of sprinklers by reducing exit requirements for sprinklered buildings. A very dangerous situation can occur if a fire occurs in a “sprinklered” building where the sprinkler system fails to operate due to improper maintenance or being shut off. The exits available may not

be sufficient without sprinklers that are properly working.

Once annual maintenance requirements are set up as a component of facilities management, then a program of documented monthly inspections and tests must be established. In addition to checking exit access, exit doors, and exit discharges, exit signs must be visually inspected at least monthly. Some exit signs also have battery backups that must be tested each month. Emergency lighting units are required to be tested monthly, and

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Important Medicare Reporting Requirements

Changes Affecting Your Liability and Workers Compensation Claims

As most people know, Medicare is a governmental health insurance program for people age 65 or older. It also includes people under the age of 65 with certain disabilities and people of all ages with end-stage renal disease.

In an effort to control the increasing cost of Medicare, Medicare Conditional Payments & Primary Payer Compliance was enacted in 1980. This is often referred to as “Medicare secondary payer” or MSP. The purpose of MSP was to

prevent responsible third parties from shifting the cost of medical care to the Medicare program. Responsible third parties are referred to as “primary payers”. Primary payers include all insurers (including self insurers) who handle all types of health, liability and workers compensation claims. Under MSP Medicare will not make payment for medical treatment if payment can reasonably be expected from a primary payer. Medicare does however make what is called “conditional payments”. Conditional payments are payments made by Medicare for services that another payer is responsible for paying.

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LIFE SAFETY *(cont'd)*

have an annual 90-minute endurance test. Portable fire extinguishers must receive a monthly visual inspection to ensure that they are still in place, not obstructed, gauges (on most extinguishers) are in the "green" or "normal" range, pin seals are intact, and each unit appears overall ready to be used.

Above all, employees must be trained in the facility's emergency plan and the building's features of fire protection and emergency egress. Initial and refresher training should emphasize the need to keep emergency equipment and exits clear, and the responsibility to report damage to equipment, lights burned out, or other obvious problems with life safety equipment.

If your municipality leases space or buildings to another entity, there is an obligation to provide the tenant with a safe facility. The required maintenance and inspections/tests of fire protection and life safety equipment should either be performed by a municipal employee assigned as a building manager for the facility, or clearly transferred to the tenant in the language of the lease. If the latter option is chosen, then there should still be some

reasonable amount of oversight to ensure that the facility is being managed properly for life safety.

Emergency exits, fire alarms, emergency lights and protected stairway enclosures are parts of our buildings that we hope we will never have to use. Problems with these important safety systems aren't always obvious to us during daily operations, because we don't need to use them during most days of our lives. However, if an emergency occurs, this equipment must function as designed for everyone to make it out safely. As governmental entities responsible for public safety, enforcing building codes, and providing public facilities, it is very important that municipalities set the example by adequately managing public buildings for life safety.

The people who pay our salaries through taxes and the people who work for us have a reasonable expectation that when they enter a building under our management, they will be able to leave it safely if an emergency occurs. Meeting this expectation requires proactive safety management. ■■

MEDICARE *(cont'd)*

Conditional payments sometimes occur because a claim is denied or delayed while an individual is seeking treatment, or the medical provider is aware that the patient is a Medicare beneficiary and bills Medicare instead of billing the primary payer. Primary payers have always been obligated to reimburse Medicare for conditional payments. Historically even though primary payers had an obligation under MSP to reimburse Medicare, Medicare did little to enforce its rights. This resulted in significant cost shifting from primary payers to Medicare.

In order to increase compliance and enforcement Section 111 of the Medicare, Medicaid and SCHIP Extension Act (MMSEA)

was amended in 2007. MMSEA 111 requires mandatory reporting by group health plans, liability insurers and workers compensation insurers, including self-insured programs.

MMSEA 111 places significant obligations on all primary payers and also attaches stiff penalties of up to \$1000 per day for non-compliance. It requires primary payers to place Medicare "on notice" of claims involving Medicare beneficiaries. It is important to note that these new rules do not eliminate or change any existing statutory obligations of primary payers. It does however include penalties for noncompliance, defines what must be reported and stipulates how and when the reporting must be done.

The Centers for Medicare &

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Publisher: Risk Management Services

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Layout Designer: Jaime G. Clark

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MEDICARE *(cont'd)*

Medicaid Services (CMS) is an agency of the Federal Government. CMS is responsible for the oversight of the Medicare program, including implementing the MMSEA 111 reporting provisions. CMS has produced a 180-page document detailing who must report, what must be reported and how and when the reporting must be done. All reporting must be in electronic format. The timeframes for registration, testing and full implementation are fast approaching.

An entity that is required to place Medicare on notice and submit the required information is called a "Responsible Reporting Entity" (RRE). If you are self insured for any liability or Workers Compensation claims, your municipality will be considered a RRE. Every RRE must register with CMS between May 1, 2009 and June 30, 2009. A RRE can designate a reporting agent that will be responsible for reporting on behalf of the RRE. For self-insureds, this would typically be the Third Party Administrator (TPA) contracted by a self-insured to handle the self-insurer's claims. Every RRE must complete the registration process even if an agent will be submitting files on the RRE's behalf. An agent cannot complete the registration for the RRE. We strongly encourage all self insured entities to register timely and communicate with their designated reporting agent to make sure the reporting agent is fully aware of, and compliant with, all of the reporting requirements and timeframes associated with them.

If you are enrolled as a member in the MMA Workers Compensation Fund, then you do not have to register as an RRE for Workers Compensation. The MMA Workers Compensation Fund is the RRE, and will do all reporting for you for Workers Compensation claims. The

same holds true if you are enrolled as a Member in the MMA Property & Casualty Pool. The Pool is the RRE and will report for you on your Property & Casualty Claims. If you are covered by a commercial insurer for Workers Compensation or Property & Casualty, you may

wish to check with that insurer to see how they are handling Medicare reporting for you.

More information on Medicare reporting can be found at:

<http://www.cms.hhs.gov/MandatoryInsRep/> 

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FOR FURTHER INFORMATION PLEASE CONTACT:

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SAFETY SHORTS

Maintaining Exits for Means of Egress



Having a safe and efficient means of leaving a building or facility can enable people to successfully escape the building in an emergency. Panic, confusion, poor visibility, and lack of information FREQUENTLY cause more injuries and fatalities than actual workplace hazards. Do you know where all the exits are? Are you sure the doors will be unlocked and not blocked? Knowing the answers to these questions could keep you safe during an emergency. The following are guidelines only. Please consult NFPA 101, Life Safety Code for specific requirements.

Exit Markings Requirements

- Are the exits marked by clearly visible signs with the word EXIT in plainly legible letters at least 6 inches high and with at least a ¾" width?
- Are the exit signs illuminated either by internal or external means by a "reliable" light source giving a value of not less than 5 foot-candles on the illuminated surface?
- Is the lighting for exit routes adequate for employees with normal vision?
- Is the line-of-site to exit signs clearly visible? When the way to an exit is not readily apparent, signs or markings leading to the exit shall be provided.
- Are the doors, passageways, and stairways which might be mistaken for egress clearly marked "NOT AN EXIT" or with other labeling to show actual use such as "closet", "basement", etc.?

Design Requirements of Exits

- Are the exit routes a permanent part of the workplace? The path of egress travel must be obvious and direct.
- An exit access must be **at least** 28 inches wide.
- Exit routes can be connected to rooms only by side hinged doors, which must swing out in the direction of travel.
- Mirrors must not be placed on or near exit doors.

- Exit route doors must unlock from the inside.
- When multiple exits are required for a floor, at least two of the exits shall be separated from each other as far as possible to minimize chances of more than one being blocked.
- Means of egress shall have a minimum ceiling height of 7 feet, 6 inches and any projection from the ceiling (lights, etc.) shall be at least 6 feet, 8 inches from the floor.
- Where a means of egress is not substantially level, such differences in elevation shall be negotiated by stairs or ramps.
- Routes of exit access shall never be toward a high hazard location, unless effectively shielded.
- Exits must be unlocked and readily accessible at all times, unobstructed by materials, equipment or decorations.

Exterior Routes of Exit Access

- Exits must lead directly outside or to a street, walkway, refuge area, or public way with no dead ends longer than 20 feet.
- Where exit doors open directly onto any street, alley, or other area frequented by vehicles, are adequate barriers and warnings provided to prevent employees from stepping directly into the path of traffic?
- The outdoor exit route must be covered if snow or ice is likely to accumulate along the route, unless the employer can demonstrate that any snow or ice accumulation will be **immediately** removed.
- The outdoor exit route must have guardrails to protect unenclosed sides if a fall hazard exists.

Other Safety Shorts are available at:
www.memun.org/RMS/LC/SafetyShorts.htm