



COLORADO

Division of Fire Prevention & Control

Department of Public Safety

690 Kipling Street, Suite 2000
Lakewood, CO 80215
303.239.4600

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To All Interested Parties Associated with Health Care Facilities Licensed by the Colorado Department of Public Health and Environment

On November 1, 2021, the Colorado Division of Fire Prevention & Control (“DFPC”) issued a notice (the “Notice”) advising health care facilities licensed by the Colorado Department of Public Health and Environment (“CDPHE”) of legislative changes that took effect on July 1, 2021.

The Notice referenced Colorado House Bill 19-1237, effective July 1, 2021, and further advised that application of DFPC’s adopted codes include, from the effective date of Colorado House Bill 19-1237, all “...facilities certified or potentially eligible for certification by the federal centers for Medicare and Medicaid services...”. DFPC further clarified in this guidance that the result of these legislative changes is that state licensed health care facilities that previously elected not to participate in Medicare and Medicaid, but who could potentially be eligible to be certified to bill Medicare or Medicaid, now fall under both the local fire jurisdiction’s code provisions as well as DFPC’s adopted codes and standards for those facilities.

This Advisory Letter clarifies DFPC’s position regarding Health Facility projects that, as of July 1, 2021, had initiated construction or development or that had contact with any Colorado jurisdictional and/or government agency, including but not limited to planning and zoning inquiries, indicating an intent to initiate construction (e.g., submission of plans for approval, permit applications, or a letter of intent) (hereinafter “Projects Predating July 1, 2021”). If such projects include non-certified Health Facilities that are not seeking to become a Certified Health Facility, as those terms are defined in 8 CCR 1507-31, local fire departments will remain responsible for conducting the necessary construction plan reviews and inspections where the local fire department is the Authority Having Jurisdiction and has Certified Fire Inspectors at the appropriate level. The local fire departments will be considered as the Fire and Life Safety Code Officials and will enforce the locally adopted Fire and Life Safety Codes for initial licensure. In such instances, while submitting plans to DFPC is highly recommended, it is not required for Projects Predating July 1, 2021.



To the extent that a conflict exists between local fire department standards and those standards or codes established by the National Fire Protection Association or by International Building Codes, local fire department codes shall govern. For Projects Predating July 1, 2021, DFPC will not withhold issuance of the Certificate of Compliance required for licensure that certifies a building or structure is in conformity with the standards adopted by the DFPC Director, as more fully set forth and required pursuant to 6 CCR 1011-1, Chapter 2, § 2.8.1. Following initial licensure, DFPC will perform fire and life safety code inspections at the Certificate of Compliance stage, but such inspections will not require destruction of completed construction based upon compliance with locally adopted Fire and Life Safety Codes. In such cases, DFPC will undertake an inspection and review of drawings at these final inspections but apply the provisions of the existing chapters of the adopted Life Safety Code (NFPA 101).

Projects requiring a permit that will be reviewed and inspected by a local building department are expected to continue to submit notification to DFPC and CDPHE prior to beginning construction in accordance with 8 CCR 1507-31, Article 6.1.

For Projects which had not initiated construction or development or that did not have contact with any Colorado jurisdictional and/or government agency as of July 1, 2021, please refer to the Adopted Codes 8 CCR 1507-101. Project Permit Applications and Plan Review will be completed via the online Records Management System and in compliance with 6 CCR 1011-1, Chapter 7. Plan review projects can be submitted through DFPC's plan review process at: <https://dfpc.colorado.gov/permit-applications>

DFPC is committed to assisting Colorado's licensed healthcare facilities to provide the patients and residents a safe environment in which to receive care and treatment. This advisory letter is provided to help facilities identify potential fire and life safety concerns and to begin efforts to correct them before the next visit by a DFPC inspector. As always DFPC staff are glad to assist facilities and their design professionals in their evaluation and (if necessary) correction efforts before, during and after their next inspection. The Fire and Life Safety Section staff can be reached at (303) 239-4100.