

Expectations after the Inspection:

Inspectors from the Office of the State Fire Marshal will survey the facility.

A Violation Notice containing a list of deficiencies found by the surveyor will be provided electronically. If an email address is not available a hardcopy will be provided.

Timeframe for Response:

Facilities must submit a plan of correction for each deficiency listed on the Violation notice. The plan of correction must be entered in the right-hand column on the form and the form must be submitted back to the Office of the State Fire Marshal within 10 days of receipt of the list of deficiencies.

Submitting Plan of Correction:

Write each plan of correction on the form opposite the respective deficiency. If additional space is needed, continue on an attached sheet. However, be sure to refer to the deficiency number or State regulation number and identify the attachment.

Descriptive Content:

The plan of correction must provide information which ensures that the intent of the regulation cited is met. Stating that a deficiency has been "corrected" or "Will be Fixed" is NOT Acceptable.

Your plan of correction for each deficiency must indicate the following:

- Corrective action to address the deficiency (Federal and State Routine)
- Date of completion (Federal and State Routine)
- Systematic change to be implemented to ensure deficiency will not recur (Federal)
- Individual's title responsible for monitoring correction (Federal)

Note: you CANNOT dispute a deficiency on your plan of correction: it will be rejected.

Completion Dates:

The plan of correction must include a completion date (entered in the right-hand column). Some deficiencies may require a staged plan to accomplish total correction. Deficiencies requiring getting bids, remodel replacement of equipment, etc, will require more time to accomplish correction but should show reasonable time frames. See Fire Facts 021 and 022 for waiver request forms and instructions.

Signature and Date:

The Violation Notice must be signed and dated by the owner/operator or other authorized Official.

Waiver Request:

Facility Types: All facilities except federal healthcare

If a facility is unable to correct a deficiency within 90 days from inspection exit date, the facility may submit a waiver for an extension of time. Enforcement Officers will review and make determinations on waiver extensions of up to 6 months from inspection exit date. Any request for time that exceeds 6 months will be submitted to the Chief, Fire Prevention Division, for his/her determination.

Note: All waiver requests must be submitted along with the initial plan of correction response. Submitting a waiver request.

The plan of correction still must address how the deficiency will be corrected; however, a separate waiver request form must be submitted for each deficiency that will not be corrected within the 90 days. The following criteria must be documented on the waiver request form:

- Evidence the deficiency does not pose a hazard to the occupants
- How immediate correction would pose a hardship to the facility
- Indicate construction milestones (i.e get bid by (date), have plans submitted by (date), etc.)
- Additional safety measures that will be implemented to compensate for the delay in correction

Additional Safety Measures

Additional safety measures must be implemented to compensate for the delay in correcting the original deficiency. Each facility must implement at least two additional safety measures for each waiver request. The following is a list of additional safety measures that have been approved.

The facilities may also come up with their own additional safety measures.

- Additional single-station smoke detection (REQUIRED FOR ALL BUILDING OCCUPANCIES)
- Additional sprinklers/water curtain
- Additional fire extinguishers
- Safety rounds (dedicated person, all areas of the facility inspected for fire safety issues)
- Infrared inspection of motors and electrical panels
- Additional inspection rounds
- Local fire department completes monthly or quarterly inspections
- Local fire department completes a review of emergency plans
- Modified fire watch
- HVAC shut down tied to the fire alarm system
- Install complete sprinkler system
- Install a horizontal exit
- Additional staff training in emergency procedures
- Hands-on fire extinguisher training
- Practical and/or competency skills testing
- Additional fire drills for performance issues
- Request OSFM presentation during staff in-service

Extensions:

Extensions must be requested prior to the facility's timeframe for compliance. Waiver requests submitted after the initial plan of correction approval will only be approved on a limited basis and only due to extreme circumstances.

Appeals Process:

Occasionally a facility may feel like a violation has been cited incorrectly or that the violation was not an accurate interpretation of the code requirement. In these cases, the facility would need to submit an appeal to the Office of the State Fire Marshal.

K.S.A 31-140 grants any person the ability to appeal any violation within 15 days from the date of the violation by filing a written notice of such appeal in the office of the state fire marshal.

The state fire marshal will review the appeal within 30 days after receipt and will make a final decision. Unless the violation is revoked or modified, the violation must be appropriately addressed within the normal timeframes of providing a plan of correction.

What is an Appeal?

It's important to understand that an appeal is a written statement that you (the facility) think that the violation is inaccurate.

An appeal is not a method to:

- "Grandfather" a pre-existing, non-conforming condition (See Compensatory Measures)
- Avoid correction due to high cost (See Waiver)
- Delay correction for any reason (See Waiver)

Filing an Appeal:

Facilities must submit the appeal on official company letterhead and must contain detailed information regarding the basis for the appeal. Facilities have two options when submitting an appeal: desk review or formal hearing. You must indicate which option you are requesting.

The information below must be provided within the appeal notice:

- Facility reference number
- Date of appeal notice
- Inspection date
- Violation being disputed
- Regulatory information supporting appeal
- Title and Signature of person submitting the appeal
- Further contact information

What about the Plan of Correction?

A written plan of correction is required to be submitted to OSFM within the original allotted timeframes regardless of if a facility is submitting or has submitted an appeal. Facilities must address the disputed violation as if the violation will be upheld. If a decision to revoke or modify the violation is made, then the facility will receive a new violation notice. However, if the violation is upheld, the facility's plan of correction will be ready for final approval.