

## AUDIT PROPOSAL

### Evaluating the State Fire Marshal's Inspection Requirements

#### SOURCE

This audit proposal was requested by Senator Chase Blasi.

#### BACKGROUND

Kansas statute (K.S.A. 31-132, et seq.) directs the Kansas State Fire Marshal (KSFM) to adopt and enforce state fire safety regulations. This includes regulations applicable to places where people work, live, or congregate, such as office buildings, childcare facilities, or adult care homes. These regulations include things like having exit signs and automatic sprinklers, conducting fire drills, and ensuring people can escape through windows and doors. KSFM has the authority to issue fines, require facility closure, or criminally charge building owners for violations of fire safety regulations. The state's current regulations were adopted in 2011.

KSFM is also responsible for enforcing federal fire safety regulations applicable to facilities like hospitals and nursing homes that receive funds through the Centers for Medicare and Medicaid Services (CMS). It does so as a subcontractor of the state agencies that contract with CMS to oversee these facilities, including the Kansas Department of Health and Environment and the Kansas Department for Aging and Disability Services. These facilities must be certified by CMS to receive funding, which includes passing fire safety inspections. Federal fire safety regulations are more stringent than those required by Kansas state law.

Legislators have expressed concern that KSFM's fire safety inspections may be excessively strict and burdensome to Kansans.

#### AUDIT OBJECTIVES AND TENTATIVE METHODOLOGY

*The audit objectives listed below are the questions we would answer through our audit work. The steps listed for each objective convey the type of work we would do. These may change as we learn more about the audit issues.*

**Objective 1: Does KSFM conduct inspections of residential facilities in alignment with applicable regulations?** Our tentative methodology would include the following:

- Talk to KSFM and CMS officials and review state and federal fire safety regulations to identify and summarize the regulations applicable to specialized residential facilities such as skilled nursing homes, assisted living facilities, and the homes of people with intellectual and developmental disabilities. Also identify recent statutory and regulatory changes that may affect the application of KSFM's inspections of residential facilities in the future.
- Review documentation and data for a sample of KSFM's inspections of these facilities over the last 5-10 years to understand how they have conducted inspections in practice and what items they look for. This would include things like inspection

frequency and completeness, the regulations being applied, and the types and numbers of violations and citations issued.

- Compare KSFM's inspection forms, timelines, results, and follow-up actions for the sample of inspections we reviewed to state and federal regulations to determine whether they align. If any issues are identified, follow up with KSFM officials to determine why.
- Talk to residential facility stakeholders to gather their opinions on KSFM's inspection processes, including things like how these inspections affect residential facilities' operations and expenses and residents' well-being. Follow up with KSFM officials on any concerns stakeholders express.

**Objective 2: Does KSFM conduct inspections of childcare facilities in alignment with applicable regulations?** Our tentative methodology would include the following:

- Talk to KSFM officials and review state fire safety regulations to identify and summarize the state regulations applicable to childcare facilities. Also identify recent statutory and regulatory changes that may affect the application of KSFM's inspections of childcare facilities in the future.
- Review documentation and data for a sample of KSFM's inspections of these facilities over the last 5-10 years to understand how they have conducted inspections in practice and what items they look for. This would include things like inspection frequency and completeness, the regulations being applied, and the types and numbers of violations and citations issued.
- Compare KSFM's inspection forms, timelines, results, and follow-up actions for the sample of inspections we reviewed to state regulations to determine whether they align. If any issues are identified, follow up with KSFM officials to determine why.
- Talk to childcare facility stakeholders to gather their opinions on KSFM's inspection processes, including things like how these inspections affect childcare facilities' operations and expenses and children's well-being. Follow up with KSFM officials on any concerns stakeholders express.

**Objective 3: How does Kansas's process for conducting inspections of residential facilities and childcare facilities compare to the inspections processes used in Kansas's local jurisdictions?** Our tentative methodology would include the following:

- For a sample of 3-5 local jurisdictions in Kansas, talk to officials and review documentation and data to determine the regulations and processes these jurisdictions use to conduct inspections of specialized residential facilities and childcare facilities. This would include things like which local agencies conduct these inspections, which regulations they apply, and the types and numbers of citations issued over the last 5-10 years.

- Compare the information we learned about the 3-5 local jurisdictions being reviewed to what we learned about KSFM in previous objectives to identify major similarities and differences. Talk to KSFM and the local jurisdictions' officials to understand the reasons for any major differences identified.
- Talk to stakeholders from the 3-5 local jurisdictions being reviewed to gather their opinions on the advantages and disadvantages of the regulations and processes being used by these jurisdictions. For any potentially advantageous differences, follow up with KSFM about their potential statewide helpfulness and feasibility.

### **ESTIMATED RESOURCES**

We estimate this audit would require a team of **4 auditors** for a total of **5 months** (from the time the audit starts to our best estimate of when it would be ready for the committee).