

By Senator Lynn

7-250-05

1 A bill to be entitled

2 An act relating to emergency electrical service

3 in nursing home facilities; creating s.

4 400.115, F.S.; providing definitions; requiring

5 each nursing home facility seeking or renewing

6 a license under ch. 400, F.S., to have, at a

7 minimum, an emergency generator capable of

8 providing electrical service for a specified

9 period during an interruption of the normal

10 electrical supply; requiring that plans for the

11 installation and operation of the emergency

12 generator be submitted to the Agency for Health

13 Care Administration; providing for procedures

14 if the agency determines that a plan does not

15 meet the requirements for an emergency

16 generator; directing that an emergency

17 generator be operational within a specified

18 time; requiring a nursing home facility to have

19 a specified quantity of fuel onsite at all

20 times; requiring the nursing home facility to

21 regularly test the emergency system; directing

22 the nursing home facility to keep logs of

23 maintenance and testing; providing monetary

24 fines for violating the act; authorizing the

25 agency to prohibit admissions to a nursing home

26 facility that is in violation of the act;

27 providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31

1 Section 1. Section 400.115, Florida Statutes, is
2 created to read:

3 400.115 Emergency electrical service.--

4 (1) DEFINITIONS.--As used in this section, the term:

5 (a) "Area of refuge" means any hallway, corridor,
6 dining facility, lobby, reception area, or community room
7 designated by the nursing home facility and approved by the
8 agency.

9 (b) "Critical systems" means:

- 10 1. Heating systems;
- 11 2. Cooling systems;
- 12 3. Call light or nurse call systems;
- 13 4. Illumination for exit signs, directional signs, and
14 nursing stations;
- 15 5. Alarm systems, including fire and smoke alarms, and
16 fire-extinguishing systems;
- 17 6. Paging systems or speaker systems, if intended for
18 communication during an emergency;
- 19 7. Life-sustaining equipment and life-support
20 equipment;
- 21 8. Refrigeration for medications and for food and
22 liquids that require refrigeration;
- 23 9. Telephone systems;
- 24 10. Boiler rooms, including pumps for hot water
25 circulation;
- 26 11. Elevators in facilities with elevators;
- 27 12. Public restrooms; and
- 28 13. Illumination and a receptacle in the vicinity of
29 the nursing home facility's emergency generator.

30 (2) REQUIREMENTS FOR AN EMERGENCY GENERATOR.--
31

1 (a) A nursing home facility seeking a license or
2 renewal of a license under this part shall have, at a minimum
3 and as otherwise provided in this subsection, an emergency
4 generator that is capable of providing at least 48 continuous
5 hours of electrical service during an interruption of the
6 normal electrical supply.

7 (b)1. Each nursing home facility licensed before
8 January 1, 2006, shall, by July 1, 2006, submit to the agency
9 a plan prepared by a licensed architect, engineer,
10 electrician, or individual deemed qualified by the
11 manufacturer of the generator for the installation of an
12 emergency generator sufficient to provide power to critical
13 systems for at least 48 continuous hours in the event of
14 interruption of normal electrical service. However, a nursing
15 home facility is not required to provide heating or cooling to
16 any area not designated and approved by the agency as an area
17 of refuge.

18 2. Each nursing home facility licensed on or after
19 January 1, 2006, shall submit to the agency a plan prepared by
20 a licensed architect, engineer, electrician, or individual
21 deemed qualified by the manufacturer of the generator for the
22 installation of an emergency generator sufficient to provide
23 power to all systems in the nursing home facility which
24 require electric power for operation for at least 48
25 continuous hours in the event of interruption of normal
26 electrical service.

27 (c) If the agency determines that a plan does not meet
28 the requirements of this subsection, the agency shall:

29 1. Notify the nursing home facility in writing that
30 the plan is unacceptable and state the specific deficiencies
31 in the plan;

1 2. Require the nursing home facility to submit a
2 revised plan to the agency not later than 60 days after the
3 date of the written notice; and

4 3. Ensure that the revised plan corrects the
5 deficiencies listed in the written notice.

6 (d) A nursing home facility may appeal the
7 determination that its plan is unacceptable under chapter 120.
8 However, the filing of an appeal does not postpone the
9 deadlines for complying with the requirements of this
10 subsection.

11 (e)1. Each nursing home facility licensed before
12 January 1, 2006, shall have an emergency generator installed
13 and functioning by July 1, 2007.

14 2. Each nursing home facility licensed on or after
15 January 1, 2006, shall have an emergency generator installed
16 and functioning at the time of initial occupancy.

17 (3) OPERATION REQUIREMENTS.--

18 (a) The emergency generator must be capable of
19 operation within 10 seconds after interruption of normal
20 electrical service.

21 (b) A nursing home facility must have the capacity to
22 store sufficient fuel onsite to operate the emergency
23 generator for at least 48 hours. The nursing home facility
24 must have a written contract with a fuel distributor which
25 guarantees first-priority service for refills during
26 interruptions in electrical service.

27 (c) The nursing home facility must perform all
28 recommended and required maintenance and tests on the
29 emergency generator as specified by the manufacturer of the
30 generator or as recommended by the person or entity performing
31 the installation.

1 (d)1. An emergency generator must be inspected weekly
2 and tested under actual load and operating conditions for at
3 least 30 minutes, once each month, and the test must include
4 any automatic or manual transfer of equipment.

5 2. The emergency generator shall be tested by trained
6 staff of the nursing home facility who are familiar with the
7 generator's operation. Instructions for operating the
8 emergency generator and manually transferring emergency power
9 must be maintained with the nursing home facility's disaster
10 preparedness plan and must be separately identified in the
11 plan.

12 (e) A log shall be maintained of tests of the
13 emergency generator. Until the next licensure survey by the
14 agency, the nursing home facility must record and maintain a
15 log of all maintenance performed by the nursing home facility
16 and each monthly start-up and the operating condition of the
17 generator at each monthly start-up. Records shall be
18 maintained and kept on file for a minimum of 3 years.

19 (f) In addition to the tests required under paragraph
20 (c), at least once each year, the nursing home facility must
21 have the emergency generator tested by a licensed engineer or
22 other individual deemed qualified by the manufacturer of the
23 generator to ensure that the generator will operate as
24 required in the event of interruption of normal electrical
25 service. A nursing home facility shall retain a copy of the
26 statement of the qualified professional attesting to the
27 fitness of the generator until the next licensure survey by
28 the agency.

29 (4) PENALTIES.--
30
31

1 (a) If a nursing home facility fails to comply with
2 subsection (2) or subsection (3), the agency may assess a fine
3 not to exceed:

4 1. Two thousand dollars for each month in which the
5 nursing home facility does not comply with subsection (2) or
6 subsection (3).

7 2. Five thousand dollars for each calendar day during
8 which the nursing home facility lacks electrical power for
9 more than 4 consecutive hours.

10 (b) In addition to any fine that is imposed, the
11 agency may prohibit the nursing home facility from admitting
12 new residents until the nursing home facility complies with
13 this section.

14
15 For purposes of this paragraph, any person who was a resident
16 of the facility and was absent from the facility for the
17 purpose of receiving medical care at a separate location or
18 was on a leave of absence is not considered a new admission.

19 (c) A nursing home facility may appeal a monetary fine
20 assessed under this subsection as provided in chapter 120.

21 (d) Penalties authorized under this subsection may be
22 waived:

23 1. For any nursing home facility that is scheduled to
24 be replaced by a new nursing home facility that is under
25 construction as of July 1, 2006.

26 2. If the emergency generator is rendered inoperable
27 due to a natural disaster or other conditions beyond the
28 control or authority of the facility and the facility has
29 taken reasonable actions to ensure the operation of the
30 emergency generator.

31 Section 2. This act shall take effect July 1, 2005.

SENATE SUMMARY

1
2
3 Requires each nursing home facility seeking or renewing a
4 license under ch. 400, F.S., to have, at a minimum, an
5 emergency generator system capable of providing not less
6 than 48 continuous hours of electrical service during an
7 interruption of the normal electrical supply. Requires
8 nursing homes to submit plans for the installation and
9 operation of the emergency generator to the Agency for
10 Health Care Administration. Provides for procedures in
11 the event the agency determines that a plan does not meet
12 the requirements of the emergency electrical system.
13 Directs a nursing home facility licensed on January 1,
14 2006, to have an emergency generator installed and
15 functioning no later than July 1, 2007. Directs each
16 nursing home facility licensed after January 1, 2006, to
17 have an emergency generator installed and functioning at
18 the time of initial occupancy. Requires the nursing home
19 facility to have a specified quantity of fuel onsite at
20 all times. Requires the nursing home facility to
21 regularly test the emergency system. Directs the nursing
22 home facility to keep logs of maintenance and testing.
23 Provides monetary fines for violating the act.
24
25
26
27
28
29
30
31