

By the Committee on Health Care; and Senator Lynn

587-840-05

1 A bill to be entitled

2 An act relating to emergency electrical service

3 in nursing home facilities; amending s. 400.23,

4 F.S.; requiring that each nursing home have an

5 emergency electrical system that is capable of

6 providing electrical service for a specified

7 period during an interruption of the normal

8 electrical supply; providing requirements for

9 priority in restoring electrical power to

10 nursing homes; requiring that the state use

11 federal disaster funds to purchase generators

12 for use by nursing homes if such funds are

13 available; requiring an adjustment of the

14 Medicaid rate for the purpose of reimbursing

15 nursing homes for the cost of acquiring

16 emergency generators; providing an effective

17 date.

18

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

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21 Section 1. Paragraph (d) of subsection (2) of section

22 400.23, Florida Statutes, is amended to read:

23 400.23 Rules; evaluation and deficiencies; licensure

24 status.--

25 (2) Pursuant to the intention of the Legislature, the

26 agency, in consultation with the Department of Health and the

27 Department of Elderly Affairs, shall adopt and enforce rules

28 to implement this part, which shall include reasonable and

29 fair criteria in relation to:

30 (d) The equipment essential to the health and welfare

31 of the residents. This equipment must include an onsite

1 emergency electrical system that is designed to provide the
2 resident-occupied areas of the facility with sufficient
3 electrical power to keep the facility within normal
4 operational parameters for up to 72 hours when normal
5 electrical service has been interrupted. The design,
6 installation, and maintenance of the emergency electrical
7 equipment must be in compliance with the Florida Building Code
8 for nursing homes. Each nursing home licensed before July 1,
9 2005, must be in compliance with the requirements of this
10 paragraph by July 1, 2006.

11 Section 2. Companies that supply electrical power
12 shall restore power to nursing home facilities as
13 expeditiously as possible following a hurricane or other
14 disaster that results in loss of power. If power is not
15 restored in a timely manner, nursing homes shall be given
16 priority over other facilities for generators provided by the
17 state. The Division of Emergency Management and each affected
18 county shall designate a local representative for nursing
19 homes who shall serve as a liaison to nursing home facilities
20 in the area affected by the hurricane or other disaster and
21 monitor the status of residents in those facilities. If a
22 nursing home facility has high-acuity residents who are
23 dependent on electric-assistive devices or if the health and
24 safety of the residents are threatened because of the lack of
25 electrical power, the nursing home representative shall
26 recommend to the local emergency operations center that the
27 nursing home receive priority over other facilities for power
28 restoration or generator power.

29 Section 3. If federal disaster funds are available to
30 the state for purchasing generators, the state shall use the
31 funds to purchase generators that can be loaned to nursing

1 homes that lose electrical power during a hurricane or other
2 disaster.

3 Section 4. The Medicaid rate for providers shall be
4 adjusted in order to allow reimbursement over a 5-year period
5 for the Medicaid portion of the costs incurred to meet the
6 requirements for emergency generators provided in section
7 400.23(2)(d), Florida Statutes.

8 Section 5. This act shall take effect July 1, 2005.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 240

13 The committee substitute differs from SB 240 in the following
14 ways:

15 The Agency for Health Care Administration must adopt rules to
16 require a nursing home to have an on-site emergency electrical
17 system to provide electrical power to the resident-occupied
18 areas of the nursing home for a period of 72 hours. The
19 emergency electrical equipment must be in compliance with the
20 Florida Building Code.

21 Companies that supply electrical power must restore power to
22 nursing home facilities as expeditiously as possible. If power
23 restoration is not done in a timely manner, nursing homes must
24 have priority for state provision of a generator.

25 State and county emergency operations centers must designate a
26 local nursing home representative to serve as a liaison to
27 other nursing home facilities. The representative will be
28 responsible for recommending nursing homes for priority in the
29 restoration of power or the provision of a generator.

30 If federal disaster funds are available that could be used by
31 the state to purchase generators, the state should use the
funds to purchase generators that could be loaned to nursing
homes that lose electrical power during a hurricane or other
disaster.

The Medicaid rate for providers must be adjusted to allow
reimbursement over a 5-year period for the Medicaid portion of
the costs incurred by nursing homes to meet the requirements
for emergency generators.