

By the Committee on Domestic Security; and Senators Margolis, Campbell, Bullard and Miller

583-1881-06

1   A bill to be entitled

2           An act relating to nursing home facilities;

3           creating s. 400.0627, F.S.; providing

4           legislative intent; requiring the Agency for

5           Health Care Administration to commence a pilot

6           program to increase the emergency electrical

7           power capacity of nursing home facilities by

8           reimbursing such facilities for the costs of

9           installing a permanent connection for a

10          generator and of a contract for the acquisition

11          of a generator when needed; providing

12          eligibility criteria for reimbursement;

13          authorizing the agency to adopt rules;

14          providing an effective date.

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

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18           Section 1. Section 400.0627, Florida Statutes, is

19 created to read:

20           ~~400.0627 Emergency electric power system capacity.--~~

21           (1) It is the intent of the Legislature that each

22 nursing home facility in this state be encouraged to have an

23 emergency electrical power system capacity that is sufficient

24 to remain fully operational during and after an emergency in

25 order to maintain the safety and health of the residents of

26 the nursing home facility and, if necessary, to provide care

27 to residents evacuated from other nursing home facilities.

28           (2) By July 1, 2006, the Agency for Health Care

29 Administration shall commence implementation of a 2-year pilot

30 program to provide the capability for increasing the capacity

31 of emergency electrical power systems of nursing home

1 facilities. To participate in the pilot program a nursing home  
2 facility must:  
3       (a) Be located in Broward County, Collier County, Dade  
4 County, Monroe County, or Palm Beach County;  
5       (b) Not be located within a hurricane-evacuation zone;  
6       (c) Not have been cited for a class I deficiency  
7 within the 30 months preceding the commencement date of  
8 implementation of the pilot program;  
9       (d) Be capable of accepting and agree to accept at  
10 least 30 residents who are transferred from other nursing home  
11 facilities pursuant to applicable life safety and firesafety  
12 laws as determined by the agency. During any such evacuation,  
13 the facility from which the residents are transferred shall  
14 provide the receiving facility with the staff required to care  
15 for the transferred residents; and  
16       (e) Have a contract with a company that is able to  
17 supply an electrical generator when needed.  
18       (3)(a) A nursing home facility must notify the Agency  
19 for Health Care Administration if it seeks to participate in  
20 the pilot program. If a facility providing such a notice meets  
21 the criteria in subsection (2) and funds are available as  
22 specified in paragraph (b), the agency shall reimburse the  
23 facility for the cost of the contract described in paragraph  
24 (2)(e) and for the costs incurred to install a permanent,  
25 predesigned electrical service entry that will allow a quick  
26 connection to a temporary electrical generator. The connection  
27 must be installed inside a permanent metal enclosure that is  
28 rated as suitable for the purpose of providing such an entry,  
29 may be located on the exterior of the building, and must be  
30 adequate to allow the operation of the facility under normal  
31 conditions. Before any such reimbursement, the facility must

1 provide the agency with documentation that the installation is  
2 complete and the electrical work associated with the  
3 installation was performed by a certified electrical  
4 contractor.

5 (b) Reimbursement to a facility under paragraph (a) is  
6 available to the extent that funds are appropriated for each  
7 of the 2 years of the pilot program. Funds shall be provided  
8 to eligible facilities on a first-come, first-served basis.

9 (4) A nursing home facility that participates and is  
10 reimbursed for an installation under the pilot program shall  
11 ensure the proper safekeeping and maintenance of the  
12 installation and allow the Agency for Health Care  
13 Administration access as needed to inspect the installation.

14 (5) This section does not require a nursing home  
15 facility to participate in the pilot program or to modify the  
16 capacity of its existing emergency electrical power system.  
17 However, if the existing emergency electrical power system of  
18 a nursing home facility is modified as part of an installation  
19 for which reimbursement is provided under subsection (3), such  
20 system must comply with all current codes and standards.

21 (6) The Agency for Health Care Administration may  
22 adopt rules to administer this section.

23 Section 2. This act shall take effect upon becoming a  
24 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2   COMMITTEE SUBSTITUTE FOR  
3   SB 0298

4 This committee substitute provides for a 2-year pilot program  
5 to reimburse certain nursing home facilities for the costs of  
6 installing a quick connect electrical service entry that  
7 allows a temporary generator connection. The bill also allows  
8 for the reimbursement of the cost of a generator services  
9 contract. Such reimbursement is subject to the availability  
10 of funds appropriated for each of the 2 years of the pilot  
11 program.

12 The bill specifies five criteria that a nursing home must meet  
13 to be eligible for reimbursement of the costs of the emergency  
14 power system upgrade. The facility must:

15                   Be located in Broward, Collier, Dade, Monroe, or Palm  
16 Beach county

17                   Not have been cited for a class I deficiency as defined  
18 in s. 400.23(8)(a), F.S., Within the last 30 months  
19 preceding the application for reimbursement

20                   Not be in the hurricane evacuation zone in its county

21                   Be capable of and agree to accept at least 30 residents  
22 from other nursing home facilities during an evacuation

23                   Have a contract with a company that is able to supply a  
24 generator when needed

25 The bill requires that a facility participating in the pilot  
26 program shall provide proper safekeeping and maintenance of  
27 the installation.

28 The bill does not require a nursing home facility to  
29 participate or modify its existing emergency electrical power  
30 system. However, if a participating facility modifies its  
31 existing emergency electrical power system as part of the  
installation, such system must comply with current codes and  
standards.

This committee substitute provides that the Agency for Health  
Care Administration may adopt rules to administer the program.