

A bill to be entitled

An act relating to nursing home facilities; creating s. 400.0627, F.S.; providing legislative intent; requiring the Agency for Health Care Administration to implement a pilot program to increase the emergency electrical power capacity of nursing home facilities; providing criteria for participation in the program; providing conditions for reimbursement of participating facilities; permitting inspections of certain facilities by the agency; requiring facilities to comply with current codes and standards when modifying emergency electrical power systems; authorizing the agency to adopt rules; requiring the agency to prepare a reimbursement plan; requiring the plan to be presented to the Legislature; providing an effective date.

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

Section 1. Section 400.0627, Florida Statutes, is created to read:

400.0627 Emergency electrical power system capacity.--

(1) It is the intent of the Legislature that each nursing home facility in this state be encouraged to have an emergency electrical power system capacity that is sufficient to remain fully operational during and after an emergency in order to maintain the safety and health of the residents of the nursing home facility and, if necessary, to provide care to residents evacuated from other nursing home facilities.

(2) By July 1, 2007, 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 of
 31 emergency electrical power systems of nursing home facilities.
 32 To participate in the pilot program, a nursing home facility
 33 shall:

34 (a) Be located in Bay County, Broward County, Collier
 35 County, Miami-Dade County, Escambia County, Monroe County,
 36 Okaloosa County, Palm Beach County, Santa Rosa County, or Walton
 37 County.

38 (b) Not be located within a hurricane evacuation zone.

39 (c) Not have been cited for a class I deficiency within
 40 the 30 months preceding the commencement date of implementation
 41 of the pilot program.

42 (d) Be capable of accepting and agree to accept at least
 43 30 residents who are transferred from other nursing home
 44 facilities pursuant to applicable life safety and firesafety
 45 laws as determined by the agency. During any such evacuation,
 46 the facility from which the residents are transferred shall
 47 provide the receiving facility with the staff required to care
 48 for the transferred residents.

49 (e) Have a contract with a company that is able to supply
 50 an electrical generator when needed.

51 (3) (a) A nursing home facility shall notify the agency if
 52 it seeks to participate in the pilot program. If a facility
 53 providing such a notice meets the criteria in subsection (2) and
 54 funds are available as specified in paragraph (b), the agency
 55 shall reimburse the facility for up to one-half the cost of the
 56 contract described in paragraph (2) (e) to secure an electrical

57 generator, which reimbursement shall not exceed \$7,500 for each
58 year of the 2-year pilot program. The agency shall also
59 reimburse the facility for the cost incurred to install a
60 permanent, predesigned electrical service entry that allows a
61 quick connection to a temporary electrical generator. The
62 connection shall be installed inside a permanent metal enclosure
63 that is rated as suitable for the purpose of providing such an
64 entry, may be located on the exterior of the building, and shall
65 be adequate to allow the operation of the facility under normal
66 conditions. Before any such reimbursement, the facility shall
67 provide the agency with documentation that the installation is
68 complete and the electrical work associated with the
69 installation was performed by a certified electrical contractor.

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

74 (c) Subject to appropriation, the agency shall reimburse
75 the facility for the cost of the predesigned electrical service
76 entry that allows a quick connection to a temporary electrical
77 generator based on the lowest of three bids secured by the
78 facility. Each facility shall submit copies of the three bids to
79 the agency with its request for plan approval.

80 (4) A nursing home facility that participates and is
81 reimbursed for an installation under the pilot program shall
82 ensure the proper safekeeping and maintenance of the
83 installation and allow the agency access as needed to inspect
84 the installation.

85 (5) This section does not require a nursing home facility
86 to participate in the pilot program or to modify the capacity of
87 its existing emergency electrical power system. However, if the
88 existing emergency electrical power system of a nursing home
89 facility is modified as part of an installation for which
90 reimbursement is provided under subsection (3), such system
91 shall comply with all current codes and standards.

92 (6) The agency may adopt rules pursuant to ss. 120.536(1)
93 and 120.54 to implement the provisions of this section
94 conferring duties upon it.

95 (7) The agency is directed to develop a reimbursement plan
96 to maximize federal funding in order to expand the pilot
97 program. The plan shall include criteria for expansion to other
98 counties and shall take into account the experiences of the
99 participants in the pilot program. The plan shall be presented
100 to the President of the Senate and the Speaker of the House of
101 Representatives by December 31, 2007.

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