

(PRE-FILED)

By: ~~Delegate Costa~~ Delegates Costa, Benson, Boteler, Boutin, Bromwell, Donoghue, Elliott, Frank, Goldwater, Hammen, Hurson, Kach, Kullen, Mandel, McDonough, Murray, Nathan-Pulliam, Oaks, Pendergrass, V. Turner, and Weldon

Requested: September 9, 2004  
Introduced and read first time: January 12, 2005  
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: February 17, 2005

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Assisted Living Program Facilities - Emergency Electrical Power Generator**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
4 require certain facilities offering assisted living program services to have a  
5 certain emergency electrical power generator on the premises; providing for the  
6 power and system requirements of the emergency power generator; requiring a  
7 facility to conduct a certain test of the emergency power generator a certain  
8 number of times each month; requiring an emergency power system to provide  
9 lighting to certain areas in a facility; requiring emergency electrical power to be  
10 provided to certain areas and equipment; requiring certain facilities to provide  
11 common areas or areas of refuge for certain patients under certain  
12 circumstances; requiring the Department to adopt certain regulations regarding  
13 common areas and areas of refuge; exempting certain facilities from the  
14 requirements of this Act under certain circumstances; providing for a delayed  
15 effective date; and generally relating to assisted living program facilities and  
16 emergency electrical power generators.

17 BY adding to  
18 Article - Health - General  
19 Section 19-1808  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2004 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health - General**

4 19-1808.

5 (A) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE  
6 DEPARTMENT SHALL REQUIRE THAT EACH ASSISTED LIVING PROGRAM FACILITY  
7 THAT PROVIDES SERVICES TO ~~SIX~~ 50 OR MORE INDIVIDUALS HAVE AN EMERGENCY  
8 ELECTRICAL POWER GENERATOR ON THE PREMISES.

9 (B) THE DEPARTMENT SHALL REQUIRE THAT EACH FACILITY PROVIDE  
10 EMERGENCY ELECTRICAL POWER AS PROVIDED IN THIS SECTION.

11 (C) (1) THE EMERGENCY POWER SOURCE SHALL BE A GENERATING SET  
12 AND PRIME MOVER LOCATED ON THE FACILITY PREMISES WITH AUTOMATIC  
13 TRANSFER.

14 (2) AN EMERGENCY POWER SYSTEM SHALL MEET THE FOLLOWING  
15 REQUIREMENTS:

16 (I) IN THE EVENT OF FAILURE OF THE NORMAL ELECTRIC  
17 SERVICE, THE EMERGENCY ELECTRICAL POWER SHALL BE ACTIVATED  
18 IMMEDIATELY;

19 (II) THE EMERGENCY GENERATOR SET SHALL COME TO FULL  
20 SPEED AND LOAD ACCEPTANCE WITHIN 10 SECONDS; AND

21 (III) THE EMERGENCY GENERATOR SHALL HAVE THE CAPABILITY  
22 OF 48 HOURS OF OPERATION FROM FUEL STORED ON-SITE.

23 (3) (I) THE EMERGENCY POWER SYSTEM SHALL BE TESTED ONE TIME  
24 EACH MONTH.

25 (II) THE EMERGENCY POWER SYSTEM TEST SHALL REQUIRE THAT  
26 THE GENERATOR BE EXERCISED FOR A MINIMUM OF 30 MINUTES UNDER NORMAL  
27 EMERGENCY FACILITY CONNECTED LOAD.

28 (III) THE TEST SHALL BE RECORDED IN A PERMANENT LOG BOOK  
29 MAINTAINED FOR THAT PURPOSE.

30 (D) THE EMERGENCY POWER SYSTEM SHALL PROVIDE LIGHTING IN THE  
31 FOLLOWING AREAS OF THE FACILITY:

32 (1) AREAS OF EGRESS AND PROTECTION AS REQUIRED BY THE STATE  
33 FIRE PREVENTION CODE AND LIFE SAFETY CODE 101 ADOPTED BY THE STATE FIRE  
34 MARSHAL'S OFFICE;

35 (2) NURSES' STATION;

- 1 (3) DRUG DISTRIBUTION STATION OR UNIT DOSE STATION;
- 2 (4) AN AREA FOR EMERGENCY TELEPHONE USE;
- 3 (5) BOILER OR MECHANICAL ROOM;
- 4 (6) KITCHEN;
- 5 (7) EMERGENCY GENERATOR LOCATION AND SWITCH GEAR LOCATION;
- 6 (8) ELEVATOR, IF OPERABLE ON EMERGENCY POWER;
- 7 (9) AREAS WHERE LIFE SUPPORT EQUIPMENT IS USED;
- 8 (10) IF APPLICABLE, COMMON AREAS OR AREAS OF REFUGE; AND
- 9 (11) IF APPLICABLE, TOILET ROOMS OF COMMON AREAS OR AREAS OF
- 10 REFUGE.

11 (E) EMERGENCY ELECTRIC POWER SHALL BE PROVIDED FOR THE  
12 FOLLOWING:

- 13 (1) NURSES' CALL SYSTEM;
- 14 (2) AT LEAST ONE TELEPHONE IN ORDER TO MAKE AND RECEIVE CALLS;
- 15 (3) FIRE PUMP;
- 16 (4) SEWERAGE PUMP AND SUMP PUMP;
- 17 (5) IF REQUIRED FOR EVACUATION PURPOSES, AN ELEVATOR;
- 18 (6) IF NECESSARY, HEATING EQUIPMENT NEEDED TO MAINTAIN A
- 19 MINIMUM TEMPERATURE OF 70 DEGREES FAHRENHEIT (24 DEGREES CELSIUS) IN
- 20 ALL COMMON AREAS OR AREAS OF REFUGE;
- 21 (7) LIFE SUPPORT EQUIPMENT; AND
- 22 (8) NONFLAMMABLE MEDICAL GAS SYSTEMS.

23 (F) (1) IF THE EMERGENCY POWER SYSTEM DOES NOT PROVIDE HEAT TO  
24 ALL PATIENT ROOMS OR TOILET ROOMS IN THE EVENT OF A LOSS OF ELECTRICITY  
25 FROM THE MAIN SOURCE OF POWER, THE FACILITY SHALL PROVIDE COMMON AREAS  
26 OR AREAS OF REFUGE FOR ALL PATIENTS.

27 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE  
28 REQUIREMENTS FOR DESIGNATING PARTS OF THE FACILITY AS COMMON AREAS OR  
29 AREAS OF REFUGE.

30 (G) AN ASSISTED LIVING PROGRAM FACILITY SHALL BE EXEMPT FROM THE  
31 REQUIREMENTS OF THIS SECTION IF THE FACILITY CAN SAFELY TRANSFER

1 RESIDENTS THROUGH AN ENCLOSED CORRIDOR TO A BUILDING THAT IS EQUIPPED  
2 WITH AN ELECTRICAL POWER GENERATOR THAT SATISFIES THE REQUIREMENTS OF  
3 THIS SECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, ~~2005~~ 2008.