

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 20 (Delegate Costa, *et al.*)

Health and Government Operations

Finance

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Assisted Living Program Facilities - Emergency Electrical Power Generator

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This bill requires an assisted living facility that serves 50 or more individuals to have an emergency electrical power generator on the premises.

The bill takes effect October 1, 2008.

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Fiscal Summary

**State Effect:** This bill would not directly affect governmental operations or finances.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. The emergency generator's cost depends on the facility's size and other requirements.

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Analysis

**Bill Summary:** A generator must be able to operate for 48 hours from fuel stored on-site. Emergency power must be provided for the: (1) nurses' call system; (2) at least one telephone; (3) a fire pump; (4) a sewerage and sump pump; (5) an elevator, if one is required for evacuation; (6) heating equipment to maintain a minimum 70 degree Fahrenheit temperature in common areas or areas of refuge, if necessary; (7) life support equipment; and (8) nonflammable medical gas systems. The emergency power system also must provide lighting in specified areas of the facility and must be tested monthly for at least 30 minutes. The Department of Health and Mental Hygiene (DHMH) must adopt regulations regarding the requirements for designating areas of the facility as common

areas or areas of refuge. An assisted living program facility is exempt from the bill's requirements if the facility can safely transfer residents through an enclosed corridor to a building that is equipped with an electrical power generator that satisfies the bill's requirements.

**Current Law:** An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services or a combination of those services that meets the needs of a person who cannot perform or who need help performing daily living activities or activities that are instrumental to daily living that promotes the individual's dignity and independence.

DHMH existing emergency electrical power regulations for comprehensive care facilities and extended care facilities are similar to those for assisted living facilities under this bill.

**Background:** DHMH reports that this bill would apply to 98 licensed assisted living facilities that serve 50 or more individuals out of a total of 1,575 licensed facilities. Of the 98 facilities that would be affected by this bill, 21 do not have an emergency generator. Of the 77 facilities that do, DHMH cannot say at this time how many of those facilities have generators that would meet the bill's requirements. The emergency generator's cost depends on wattage requirements and the systems supported by the generator.

The Department of Human Resources (DHR) reports that none of the 268 Certified Adult Residential Environment Program (Project Home) assisted living homes would be affected by this bill. Most Project Home providers care for one to three residents in the assisted living home, with no more than eight people being cared for in a home.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 247 of 2004, had a hearing in the House Health and Government Operations Committee but no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Aging, Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2005  
mp/jr Revised - House Third Reader - March 28, 2005

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