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By: **Delegates Costa and Frank**  
Introduced and read first time: January 20, 2006  
Assigned to: Health and Government Operations

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A BILL ENTITLED

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 (2005 Replacement Volume and 2005 Supplement)

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

24 **Article - Health - General**

25 19-1808.

26 (A) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, THE  
27 DEPARTMENT SHALL REQUIRE THAT EACH ASSISTED LIVING PROGRAM FACILITY  
28 THAT PROVIDES SERVICES TO 50 OR MORE INDIVIDUALS HAVE AN EMERGENCY  
29 ELECTRICAL POWER GENERATOR ON THE PREMISES.

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

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

6 (2) AN EMERGENCY POWER SYSTEM SHALL MEET THE FOLLOWING  
7 REQUIREMENTS:

8 (I) IN THE EVENT OF FAILURE OF THE NORMAL ELECTRIC  
9 SERVICE, THE EMERGENCY ELECTRICAL POWER SHALL BE ACTIVATED  
10 IMMEDIATELY;

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

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

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

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

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

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

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

27 (2) NURSES' STATION;

28 (3) DRUG DISTRIBUTION STATION OR UNIT DOSE STATION;

29 (4) AN AREA FOR EMERGENCY TELEPHONE USE;

30 (5) BOILER OR MECHANICAL ROOM;

31 (6) KITCHEN;

32 (7) EMERGENCY GENERATOR LOCATION AND SWITCH GEAR LOCATION;

33 (8) ELEVATOR, IF OPERABLE ON EMERGENCY POWER;

- 1 (9) AREAS WHERE LIFE SUPPORT EQUIPMENT IS USED;  
2 (10) IF APPLICABLE, COMMON AREAS OR AREAS OF REFUGE; AND  
3 (11) IF APPLICABLE, TOILET ROOMS OF COMMON AREAS OR AREAS OF  
4 REFUGE.

5 (E) EMERGENCY ELECTRICAL POWER SHALL BE PROVIDED FOR THE  
6 FOLLOWING:

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

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

21 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE  
22 REQUIREMENTS FOR DESIGNATING PARTS OF THE FACILITY AS COMMON AREAS OR  
23 AREAS OF REFUGE.

24 (G) AN ASSISTED LIVING PROGRAM FACILITY SHALL BE EXEMPT FROM THE  
25 REQUIREMENTS OF THIS SECTION IF THE FACILITY CAN SAFELY TRANSFER  
26 RESIDENTS THROUGH AN ENCLOSED CORRIDOR TO A BUILDING THAT IS EQUIPPED  
27 WITH AN ELECTRICAL POWER GENERATOR THAT SATISFIES THE REQUIREMENTS OF  
28 THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2009.