
By: **Senator Middleton**

Introduced and read first time: January 31, 2006

Assigned to: Finance

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; authorizing the
15 Department to grant a certain waiver to certain facilities under certain
16 circumstances; requiring the Department to review certain waivers each year;
17 providing for a delayed effective date; and generally relating to assisted living
18 program facilities and emergency electrical power generators.

19 BY adding to
20 Article - Health - General
21 Section 19-1808
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2005 Supplement)

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

26 **Article - Health - General**

27 19-1808.

28 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS SECTION, THE
29 DEPARTMENT SHALL REQUIRE THAT EACH ASSISTED LIVING PROGRAM FACILITY

1 THAT PROVIDES SERVICES TO 50 OR MORE INDIVIDUALS HAVE AN EMERGENCY
2 ELECTRICAL POWER GENERATOR ON THE PREMISES.

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

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

8 (2) AN EMERGENCY POWER SYSTEM SHALL MEET THE FOLLOWING
9 REQUIREMENTS:

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

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

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

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

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

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

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

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

29 (2) NURSES' STATION;

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

31 (4) AN AREA FOR EMERGENCY TELEPHONE USE;

32 (5) BOILER OR MECHANICAL ROOM;

33 (6) KITCHEN;

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

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

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

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

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

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

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

30 (H) (1) THE DEPARTMENT MAY GRANT A FACILITY A WAIVER FROM THE
31 REQUIREMENTS OF THIS SECTION IF THE FACILITY:

32 (I) PROVIDES EVIDENCE TO THE DEPARTMENT THAT THE
33 REQUIREMENTS OF THIS SECTION WILL CREATE AN UNDUE FINANCIAL BURDEN ON
34 THE FACILITY AND WILL REQUIRE THE FACILITY TO CEASE OPERATION; AND

1 (II) DISCLOSES TO THE RESIDENTS OF THE FACILITY THAT THE
2 FACILITY DOES NOT HAVE AN EMERGENCY ELECTRICAL POWER GENERATOR THAT
3 MEETS THE REQUIREMENTS OF THIS SECTION.

4 (2) THE DEPARTMENT SHALL EVALUATE A WAIVER GRANTED UNDER
5 THIS SUBSECTION EACH YEAR.

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