
By: **Senator Middleton**

Introduced and read first time: January 31, 2006

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2006

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

20 BY adding to

21 Article - Health - General

22 Section 19-1808

23 Annotated Code of Maryland

24 (2005 Replacement Volume and 2005 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 19-1808.

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

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

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

12 (2) AN EMERGENCY POWER SYSTEM SHALL MEET THE FOLLOWING
13 REQUIREMENTS:

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

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

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

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

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

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

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

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

33 (2) NURSES' STATION;

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

35 (4) AN AREA FOR EMERGENCY TELEPHONE USE;

3 UNOFFICIAL COPY OF SENATE BILL 385

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

9 (E) EMERGENCY ELECTRICAL POWER SHALL BE PROVIDED FOR THE
10 FOLLOWING:

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

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

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

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

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

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

6 (II) DISCLOSES TO THE RESIDENTS OF THE FACILITY THAT THE
7 FACILITY DOES NOT HAVE AN EMERGENCY ELECTRICAL POWER GENERATOR THAT
8 MEETS THE REQUIREMENTS OF THIS SECTION.

9 (2) ~~THE DEPARTMENT SHALL EVALUATE~~ SUBJECT TO PARAGRAPH (3) OF
10 THIS SUBSECTION, A WAIVER GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION
11 EACH YEAR MAY NOT EXCEED A PERIOD OF 3 YEARS.

12 (3) THE DEPARTMENT MAY EXTEND A WAIVER GRANTED UNDER
13 PARAGRAPH (1) OF THIS SUBSECTION FOR AN ADDITIONAL PERIOD OF 2 YEARS
14 BEYOND THE PERIOD SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION.

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