

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 204 (Delegate Costa, *et al.*)

Health and Government Operations

Finance

---

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

---

This bill requires an assisted living program facility that serves 50 or more individuals to have an emergency electrical power generator on the premises except for those granted a waiver by the Department of Health and Mental Hygiene.

The bill takes effect October 1, 2009.

---

**Fiscal Summary**

**State Effect:** None. Verification of an assisted living facility having the required emergency generator could be done within the existing inspection process.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful for assisted living program facilities not granted a waiver from the bill's requirements. The emergency generator's cost depends on the facility's size and other requirements.

---

**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 must be tested monthly for at least 30 minutes and must provide lighting for areas of egress and protection as required by specified fire prevention and life safety codes; the nurses station; the drug distribution station or unit dose station; an area for emergency telephone use; boiler or mechanical room; kitchen; emergency generator location and switch gear location; elevator, if operable on emergency power; areas where life support equipment is used; common areas or areas of refuge, if applicable; and toilet rooms of common areas or areas of refuge, if applicable. The emergency electrical power must be activated immediately in the event of the failure of normal electrical service. It also must come up to full speed and load acceptance within 10 seconds.

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.

DHMH may grant a waiver of the bill's requirements if a facility: • provides evidence to DHMH that the requirements will create an undue financial burden on the facility which will require the facility to cease operation; and • discloses to facility residents that the facility does not have a generator that meets the bill's requirements. A waiver may not exceed three years but may be extended for an additional two years.

**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 an individual 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:** Pepco Energy Services reports that this bill would apply to 93 licensed assisted living facilities that serve 50 or more individuals out of a total of 1,580 licensed facilities. The emergency generator's cost depends on wattage requirements and the systems supported by the generator. In Maryland, nursing homes with 50 or more beds are required to have an emergency power generator as well as a disaster plan. Those nursing homes with 49 or fewer beds have the option to install an emergency generator or to provide a written evacuation/relocation plan approved by the department.

The Department of Human Resources reports that none of its 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.

**Small Business Effect:** Pepco Energy Services stated in a February 9, 2006 letter to the House Health and Government Operations Committee that it is willing to finance the complete purchase and installation of emergency generation systems for assisted living facilities in Maryland, subject to the facilities meeting credit worthiness criteria and Pepco providing the full procurement and installation of such systems.

---

### **Additional Information**

**Prior Introductions:** A similar bill, HB 20 of 2005, passed in the House but received an unfavorable report by the Senate Finance Committee. Another 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 Human Resources, Department of Health and Mental Hygiene, Pepco Energy Services, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2006  
nas/jr Revised - House Third Reader - March 23, 2006

---

Analysis by: Lisa A. Daigle

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510