

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 385

(Senator Middleton)

Finance

Health and Government Operations

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.

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. 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 to a facility if the facility: (1) provides evidence that the bill would create an undue financial burden and require the facility to cease operation; and (2) discloses to the facility residents that the facility does not have an emergency electrical power generator that meets the bill's requirements. The waiver may not exceed three years, although DHMH may extend the waiver 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: DHMH reports that this bill would apply to 98 licensed assisted living facilities that serve 50 or more individuals out of a total of 1,580 licensed facilities. An informal survey conducted by DHMH in 2005 revealed that of the 98 facilities that would be affected by this bill, 21 do not have an emergency generator. 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.

Additional Information

Prior Introductions: This bill is nearly identical to the third reader version of HB 20 of 2005. It passed in the house but received an unfavorable report by the Finance Committee. Another similar bill, HB 247 of 2004, had hearing in the Health and Government Operations Committee but no further action was taken.

Cross File: None, although HB 204 is similar.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2006
ncs/jr Revised - Senate Third Reader - March 21, 2006

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