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Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 15, 2006

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## 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

1 (2005 Replacement Volume and 2005 Supplement)

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

4 **Article - Health - General**

5 19-1808.

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

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

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

15 (2) AN EMERGENCY POWER SYSTEM SHALL MEET THE FOLLOWING  
16 REQUIREMENTS:

17 (I) IN THE EVENT OF FAILURE OF THE NORMAL ELECTRIC  
18 SERVICE, THE EMERGENCY ELECTRICAL POWER SHALL BE ACTIVATED  
19 IMMEDIATELY;

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

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

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

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

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

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

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

- 1 (2) NURSES' STATION;
- 2 (3) DRUG DISTRIBUTION STATION OR UNIT DOSE STATION;
- 3 (4) AN AREA FOR EMERGENCY TELEPHONE USE;
- 4 (5) BOILER OR MECHANICAL ROOM;
- 5 (6) KITCHEN;
- 6 (7) EMERGENCY GENERATOR LOCATION AND SWITCH GEAR LOCATION;
- 7 (8) ELEVATOR, IF OPERABLE ON EMERGENCY POWER;
- 8 (9) AREAS WHERE LIFE SUPPORT EQUIPMENT IS USED;
- 9 (10) IF APPLICABLE, COMMON AREAS OR AREAS OF REFUGE; AND
- 10 (11) IF APPLICABLE, TOILET ROOMS OF COMMON AREAS OR AREAS OF
- 11 REFUGE.

12 (E) EMERGENCY ELECTRICAL POWER SHALL BE PROVIDED FOR THE  
13 FOLLOWING:

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

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

28 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS REGARDING THE  
29 REQUIREMENTS FOR DESIGNATING PARTS OF THE FACILITY AS COMMON AREAS OR  
30 AREAS OF REFUGE.

1 (G) AN ASSISTED LIVING PROGRAM FACILITY SHALL BE EXEMPT FROM THE  
2 REQUIREMENTS OF THIS SECTION IF THE FACILITY CAN SAFELY TRANSFER  
3 RESIDENTS THROUGH AN ENCLOSED CORRIDOR TO A BUILDING THAT IS EQUIPPED  
4 WITH AN ELECTRICAL POWER GENERATOR THAT SATISFIES THE REQUIREMENTS OF  
5 THIS SECTION.

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

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

11 (II) DISCLOSES TO THE RESIDENTS OF THE FACILITY THAT THE  
12 FACILITY DOES NOT HAVE AN EMERGENCY ELECTRICAL POWER GENERATOR THAT  
13 MEETS THE REQUIREMENTS OF THIS SECTION.

14 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A WAIVER  
15 GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED A PERIOD  
16 OF 3 YEARS.

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

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