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AHCA Begins Process to Impose Fines to Facilities in Non-compliance with Emergency Generator Rule

TALLAHASSEE, Fla. – Today, the Agency for Health Care Administration (AHCA) announced that the Agency will begin fining assisted living facilities and nursing homes that have failed to comply with the Governor's Emergency Generator Rule. The Agency will issue orders of non-compliance and fines of \$1,000 a day for each facility not in compliance with the life-saving rule. The penalty for non-compliance with the rule includes possible license revocation. AHCA has been clear in communicating the cost of non-compliance, and facilities choosing to not enact these life-saving measures must do so immediately.

Secretary Justin Senior said, "The deadline for compliance with the Emergency Power Rule has passed. From day one we have stressed the importance of compliance and we will hold those facilities who failed to come into compliance fully accountable. This rule was written with one goal in mind, and that is to ensure the safety of patients and residents in nursing homes and assisted living facilities. It is a shame that some facilities have ignored these life-saving measures, and we will work with the local emergency management agencies and State Fire Marshal to ensure that nursing homes and assisted living facilities are in compliance."

If a facility has submitted a statement of compliance to AHCA and the local emergency management agency, AHCA will confirm approval of the emergency power plan by the local emergency management officials and a confirmation of compliance by the State Fire Marshal whose review will be completed within 15 days after implementation.

If a facility has not responded to the Governor's Emergency Rule in any form, AHCA will issue a notice of non-compliance informing the facility of the fines and possible license revocation. The notice of non-compliance will demand a certified response in 10 days. During this time, each facility not in compliance is being fined \$1,000 per day.

The variance process is outlined in Florida law. If a facility has been granted a variance, or is awaiting approval of a variance, it is expected that these facilities will be in compliance by the date granted in the variance. **All variances will be granted solely for construction and permitting timelines, and no facility will receive a variance due to cost.** If at the end of the variance period a facility has not come into compliance, they will be subjected to fines and possible license revocation. If facilities meet the stringent threshold to obtain a variance, the state is required to grant the variance under Florida law, F.S. 120.542.

AHCA is the regulatory agency that will enforce the fines for both nursing homes and assisted living facilities.

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The Agency for Health Care Administration is committed to better health care for all Floridians. The Agency administers Florida's Medicaid program, licenses and regulates more than 49,500 health care facilities and 43 health plans, and publishes health care data and statistics at www.FloridaHealthFinder.gov. Additional information about Agency initiatives is available via [Facebook \(AHCAFlorida\)](#), [Twitter \(@AHCA_FL\)](#) and [YouTube \(/AHCAFlorida\)](#).