

59A-36.025 Emergency Environmental Control for Assisted Living Facilities.

(1) No change.

(2) SUBMISSION OF THE PLAN.

~~(a) Each assisted living facility licensed prior to the effective date of this rule shall submit its plan to the local emergency management agency for review within 30 days of the effective date of this rule. Assisted living facility plans previously submitted and approved pursuant to emergency rule 58AER17-1 will require resubmission only if changes are made to the plan.~~

~~(a)(b)~~ Each new assisted living facility shall submit the plan required under this rule prior to obtaining a license.

~~(b)(c)~~ Each existing assisted living facility that undergoes any additions, modifications, alterations, refurbishment, renovations or reconstruction that require modification of its systems or equipment affecting the facility's compliance with this rule shall amend its plan and submit it to the county local emergency management agency for review and approval.

(3) APPROVED PLANS.

(a) Each assisted living facility must maintain a copy of its approved plan in a manner that makes the plan readily available at the licensee's physical address for review by a legally authorized entity. If the plan is maintained in an electronic format, assisted living facility staff must be readily available to access and produce the plan. For purposes of this section, "readily available" means the ability to immediately produce the plan, either in electronic or paper format, upon request.

(b) Within ~~30 two~~ (2) business days of the approval of the plan from the county local emergency management agency, the assisted living facility shall submit in writing proof of the approval to the Agency for Health Care Administration to assistedliving@ahca.myflorida.com.

(c) The assisted living facility shall submit a consumer-friendly summary of the emergency power plan to the Agency. The Agency shall post the summary and notice of the approval and implementation of the assisted living facility emergency power plans on its website within ten (10) business days of the plan's approval by the county local emergency management agency and update within ten (10) business days of implementation.

(4) IMPLEMENTATION OF THE PLAN.

(a) Each assisted living facility licensed prior to the effective date of this rule shall, no later than June 1, 2018, have implemented the plan required under this rule.

~~(b) The Agency shall allow an extension up to January 1, 2019 to providers in compliance with paragraph (c) below and who can show delays caused by necessary construction, delivery of ordered equipment, zoning or other regulatory approval processes. Assisted living facilities shall notify the Agency that they will utilize the extension and keep the Agency apprised of progress on a quarterly basis to ensure there are no unnecessary delays. If an assisted living facility can show in its quarterly progress reports that unavoidable delays caused by necessary construction, delivery of ordered equipment, zoning or other regulatory approval processes will occur beyond the initial extension date, the assisted living facility may request a waiver pursuant to section 120.542, F.S.~~

~~(c) During the extension period, an assisted living facility must make arrangements pending full implementation of its plan that provides the residents with an area or areas to congregate that meets the safe indoor air temperature requirements of subsection (1) (a) for a minimum of ninety six (96) hours.~~

~~1. An assisted living facility not located in an evacuation zone must either have an alternative power source onsite or have a contract in place for delivery of an alternative power source and fuel when requested. Within twenty four (24) hours of the issuance of a state of emergency for an event that may impact primary power delivery for the area of the assisted living facility, it must have the alternative power source and no less than ninety six (96) hours of fuel stored onsite.~~

~~2. An assisted living facility located in an evacuation zone pursuant to chapter 252, F.S. must either:~~

~~a. Fully and safely evacuate its residents prior to the arrival of the event; or~~

~~b. Have an alternative power source and no less than ninety six (96) hours of fuel stored onsite, within twenty four (24) hours of the issuance of a state of emergency for the area of the assisted living facility.~~

~~(d) through (e) renumbered (b) through (c)~~

~~(f) The Agency for Health Care Administration may request cooperation from the State Fire Marshal to conduct inspections to ensure implementation of the plan in compliance with this rule.~~

(5) POLICIES AND PROCEDURES.

~~(a) through (c) No change.~~

~~(6) through (7) No change.~~

(8) NOTIFICATION.

(a) Within five (5) business days, each assisted living facility must notify in writing, unless permission for electronic communication has been granted, each resident and the resident's legal representative:

1. Upon the initial submission of the plan to the county local emergency management agency that the plan has been submitted for review and approval;

2. Upon final implementation of the plan by the assisted living facility.

3. Annual submissions and approvals of the plan do not require notification to residents or their legal representatives unless a significant modification as defined in section 59A-36.019(2)(a)1., F.A.C., has been made to the plan.

(b) No change.

Rulemaking Authority 429.41, FS. Law Implemented 429.19, 429.41, FS. History—New 3-26-18, Formerly 58A-5.036, 7-1-19, Amended _____.

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