

2022 Regular Session

SENATE BILL NO. 33

BY SENATOR FRED MILLS

NURSING HOMES. Provides relative to alternate electrical power sources in nursing facilities. (gov sig)

1 AN ACT

2 To enact R.S. 40:2009.24, relative to nursing facilities; to require an emergency alternative

3 electrical power source; to provide for minimum requirements; to provide for fuel;

4 to provide for waivers; to provide for a compliance deadline; to provide for an

5 extension; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2009.24 is hereby enacted to read as follows:

8 **§2009.24. Alternative electrical power source required**

9 **A. Nursing facilities shall have a generator or other Louisiana**

10 **Department of Health approved alternate electrical power source in the event**

11 **of the loss of primary electrical power in accordance with this Section.**

12 **B. The generator or alternate electrical power source shall have a**

13 **simultaneous capability of providing sufficient electrical power for all of the**

14 **following:**

15 **(1) Life safety systems.**

16 **(2) Lighting in patient care areas.**

17 **(3) Medical equipment in patient care areas.**

1 **(4) Electrical components of the approved potable water system.**

2 **(5) Electrical components of the approved sewer systems.**

3 **(6) Operation of the nursing facility's medication dispensing and**
4 **medication refrigeration systems.**

5 **(7) Operation of the nursing facility's dietary services and related**
6 **refrigeration.**

7 **(8) Operation of the nursing facility's laundry services.**

8 **(9)(a) For nursing facilities built or whose construction plans have been**
9 **approved by the department prior to August 1, 2022, HVAC systems or**
10 **portions of systems required to maintain a safe indoor temperature to be**
11 **powered at a minimum fifty percent of the air conditioning systems and fifty**
12 **percent of the heating systems in the facility.**

13 **(b) For nursing facilities approved for construction and built on or after**
14 **August 1, 2022, HVAC systems or portions of systems required to maintain a**
15 **safe indoor temperature to be powered at a minimum ninety percent of the air**
16 **conditioning systems and ninety percent of the heating systems in the facility.**

17 **C.(1) The generator or alternate electrical power source shall be**
18 **permanently installed onsite at the nursing facility and shall have fuel stored**
19 **onsite at the nursing facility or delivered prior to the emergency event, in the**
20 **following quantities:**

21 **(a) For nursing facilities built or whose construction plans have been**
22 **approved by the department prior to August 1, 2022, an amount sufficient to**
23 **operate the generator or alternative electrical power source under full load for**
24 **forty-eight hours.**

25 **(b) For nursing facilities approved for construction and built on or after**
26 **August 1, 2022, an amount sufficient to operate the generator or alternative**
27 **electrical power source under full load for seventy-two hours.**

28 **(2) Natural gas is an allowable fuel source and meets the onsite fuel**
29 **requirement if there is an onsite propane tank sufficient in size to meet the fuel**

1 requirements provided for in this Section.

2 D. Each nursing facility shall have fuel delivery agreements in place that
3 will extend the uninterrupted operation of the generator or alternative electrical
4 power source under full load to a total period of one hundred sixty-eight hours
5 for a single emergency event. Nursing facilities may interrupt operation of the
6 generator or alternative electrical power source to conduct routine maintenance
7 as recommended by manufacturer's specifications.

8 E.(1) For nursing facilities built or whose construction plans have been
9 approved by the department prior to August 1, 2022, the Louisiana Department
10 of Health may provide a waiver for the permanently installed generator or
11 alternative electrical power source required by this Section if it is determined
12 that there is not sufficient physical space available or a governmental ordinance
13 exists that makes it impossible to place a generator or alternative electrical
14 power source and the fuel required by this Section on the premises of the
15 nursing facility.

16 (2) Each nursing facility which receives a waiver pursuant to this
17 Subsection shall annually submit to the department for review and approval a
18 plan to provide for the health and safety of the facility's residents in the event
19 of power loss. The annual plan may incorporate but is not limited to mobile
20 generators, chillers, or evacuation.

21 F. Nursing facilities shall meet the requirements of this Section no later
22 than June 30, 2023. The department may grant a one-time extension, not to
23 exceed six months, upon written application by a nursing facility that
24 compliance with this Section has been delayed due to extraordinary and
25 unforeseen circumstances. No extension shall be granted if the nursing facility
26 fails to provide sufficient evidence of substantial compliance or good faith
27 efforts to comply with the requirement deadline provided for in this Subsection.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 33 Original

2022 Regular Session

Fred Mills

Proposed law provides that nursing facilities must have a generator or other La. Dept. of Health (LDH) approved alternate electrical power source capable of providing sufficient electrical power for the simultaneous operation of certain systems in the event of the loss of primary electrical power.

Proposed law provides that the generator or alternate electrical power source must be permanently installed onsite at the nursing facility and a certain quantity of fuel must be stored onsite at the nursing facility or delivered prior to the emergency event. Provides that natural gas is an allowable fuel source and meets the onsite fuel requirement if there is an onsite propane tank sufficient in size to meet the fuel requirements.

Proposed law provides for each nursing facility to have fuel delivery agreements in place that will extend the uninterrupted operation of the generator or alternative electrical power source under full load to a total period of 168 hours for a single emergency event. Allows nursing facilities to interrupt operation of the generator or alternative electrical power source to conduct routine maintenance as recommended by manufacturer's specifications.

Proposed law provides the option of a waiver, if a nursing facility was built or had construction plans approved by LDH prior to Aug. 1, 2022, for the permanently installed generator or alternative electrical power source if there is not sufficient physical space available or a governmental ordinance exists that makes it impossible to place a generator or alternative electrical power source and the required fuel on the premises of the nursing facility. Further requires each nursing facility which receives a waiver to annually submit to the department a plan to provide for the health and safety of the facility's residents in the event of power loss.

Proposed law provides that nursing facilities shall meet the requirements of proposed law no later than June 30, 2023. Allows LDH to grant a one-time extension, not to exceed six months, upon written application by a nursing facility that compliance has been delayed due to extraordinary and unforeseen circumstances if the nursing facility provides sufficient evidence of substantial compliance or good faith efforts to comply with the requirement deadline.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:2009.24)