

Hall of the House of Representatives
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of House Bill No. 1631

"AN ACT TO REQUIRE LONG-TERM CARE FACILITIES AND HUMAN DEVELOPMENT
CENTERS TO OWN AND MAINTAIN EMERGENCY GENERATORS."

Amendment No. 1 to House Bill No. 1631.

Amend House Bill No. 1631 as originally introduced:

Add Senator Horn as a cosponsor of the bill

AND

Page 1, lines 9 and 10, delete "AND HUMAN DEVELOPMENT CENTERS"

AND

Page 1, line 15, delete "AND HUMAN DEVELOPMENT CENTERS"

AND

Page 1, delete lines 22 through 36 in their entirety

AND

Page 2, delete lines 1 and 2 and substitute the following:

"SECTION 1. Arkansas Code Title 20, Chapter 10 is amended by adding the following additional subchapter:

20-10-1601. Short title.

This subchapter shall be known and may be cited as "The Long-Term Care Facilities Emergency Generator Act of 2001".

20-10-1602. Definitions.

As used in this subchapter:

(1) "Areas of refuge" means any hallways, corridors, dining facilities, lobbies, reception areas, or community rooms designated by the nursing facility and approved by the Office of Long-Term Care;"

AND

Page 2, delete line 5 and substitute the following:

"(B) Cooling systems;"

AND

Page 2, delete lines 7 through 9 and substitute the following:

"(D) Illumination, heating and cooling, and life-support or life-sustaining equipment in areas of refuge;"

AND

Page 2, delete lines 14 and 15 and substitute the following:

"(G) Life-sustaining and life-support equipment;"

AND

Page 2, delete line 19 and substitute the following:

"(J) Hot water circulation pumps and boiler rooms; and"

AND

Page 2, delete lines 21 and 22 and substitute the following:

"(3) "Existing facility" means a facility constructed, or for which plans for construction have been approved by the Office of Long-Term Care, prior to the effective date of this act;

(4) "Facility" means nursing facility or nursing home; and

(5) "New resident" means a person who has not been previously admitted to the nursing facility in the last fourteen (14) days."

AND

Page 2, delete lines 24 through 27 and substitute the following:

"20-10-1603. Requirements."

AND

Page 2, line 29, delete "and each human development center"

AND

Page 2, delete line 31 and substitute the following:

"licensed architect, engineer, electrician or individual deemed qualified by the manufacturer of"

AND

Page 2, line 32, delete "or"

AND

Page 2, delete lines 33 through 36 and substitute the following:

"provide;

(A)(i) For existing facilities, power to critical systems

for a period of no less than forty-eight (48) continuous hours in the event of interruption of normal power supplies;

(ii) However, nursing facilities are not required to provide heating or cooling to areas not designated and approved as areas of refuge; and

(B) For facilities constructed after the effective date of this act, power to all systems in the entire nursing facility that require electric power for operation for a period of no less than forty-eight (48) continuous hours in the event of interruption of normal power supplies;

(i) Facilities constructed after the effective date of this act are not required to provide power to air conditioning systems to residents' room; and

(ii) Facilities constructed after the effective date of this act are required to provide power to air conditioning systems for areas of refuge.

(2) By November 1, 2002, each facility shall either:"

AND

Page 3, line 6 delete the first "and" and substitute "an"

AND

Page 3, delete line 7 and substitute the following:

"within eight (8) hours of an emergency electrical outage, but facilities shall provide emergency power to life-sustaining and life-support equipment and to exit lighting immediately upon loss of normal or regular power supplies.

(3) If the office determines that a plan does not meet the requirements of this subchapter:

(A) The office shall notify the facility in writing that the plan is unacceptable and shall state the specific deficiencies in the plan; and

(B)(i) The facility shall submit a revised plan to the office within sixty (60) days of the date of the written notice; and

(ii) The revised plan shall correct the deficiencies listed in the written notice of the office.

(4)(A) If a facility does not agree with the determination by the office that a plan is unacceptable, the facility may appeal the determination pursuant to § 20-10-103.

(B) However, the filing of an appeal shall not stay the requirements under subdivision (a)(2) of this section."

AND

Page 3, delete lines 27 through 30 and substitute the following:

"specified in this subchapter, shall meet the requirements specified in the National Fire Protection Association publications."

AND

Page 3, delete lines 32 and 33 and substitute the following:

"20-10-1604. Penalties.

(a) If a nursing facility or nursing home"

AND

Page 3, line 34 delete "fail" and substitute "fails"

AND

Page 3, line 34 delete "shall" and substitute "may"

AND

Page 3, delete line 36 and substitute the following:

"(1) A fine not to exceed five thousand dollars (\$5,000) may be assessed by the"

AND

Page 4, line 2, delete the period and substitute a semi colon

AND

Page 4, delete lines 3 through 6 and substitute the following:

"(2)(A) A fine not to exceed twenty-five thousand dollars (\$25,000) may be assessed by the office for each calendar day during which a facility lacks electrical power, if the outage continues for more the eight (8) consecutive hours.

(B) However, the fine may be imposed if the facility fails to provide emergency power for life-sustaining or life-support equipment and to exit lighting immediately upon loss of normal or regular power supplies."

AND

Page 4, line 6, delete the period and substitute a semi colon

AND

Page 4, delete line 7 and substitute the following:

"(3) In addition to any fine or other penalty, the facility may be"

AND

Page 4, line 9, delete the period and substitute a semi colon

AND

Page 4, delete line 10 and substitute the following:

"(4) A fine not to exceed twenty-five thousand dollars (\$25,000) may be assessed"

AND

Page 4, line 12, delete the period and substitute a semi colon

AND

Page 4, delete lines 13 and 14 in their entirety

AND

Page 4, delete line 15 and substitute the following:

"(5) Appeals from the imposition of any monetary penalty under this"

AND

Page 4, line 16, delete the period and substitute "; and"

AND

Page 4, delete line 17 and substitute the following:

"(6) Appeals from the imposition of a denial of new admissions under this"

And

Page 4, line 19, add the following:

"(b) Penalties allowed under this subchapter may be waived by the Office of Long-Term Care for any existing facility that is scheduled to be replaced by a new facility which is under construction as of June 1, 2002.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly that the lack of emergency generator that will power critical nursing facility systems in the event of power outages, interruptions or loss of power, endanger the health, safety and welfare of nursing home residents, who are among the most vulnerable and physically at-risk citizens of the State of Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

The Amendment was read _____
By: Representative Haak
MF/RTK - 032320011333
RTK313 _____ Chief Clerk