



**Nursing Home Rule 59AER17-1 – Assisted Living Facility Rule 58AER17-1
County Emergency Management Agency Questions and Answers – October 10, 2017**

*Responses prepared in collaboration with the Agency for Health Care Administration (AHCA),
Department of Elder Affairs (DOEA) and the Florida Emergency Preparedness Association (FEPA)*

Question 1. Is the “Emergency Power Plan” different than the required facility Comprehensive Emergency Management Plan (CEMP)?

Answer: The rules speak to the Emergency Power Plan (EPP) as separate from the CEMP. Counties may request updates to the CEMP based upon the EPP.

Question 2. Is the definition of local emergency management agency the “county emergency management agency”?

Answer: Yes.

Question 3. May local emergency management establish guidelines for the preparation and submission of the plans? For example, require that all plans must be typed in a pdf format and submitted by email or through an established information portal?

Answer: Yes, guidelines may be established for EPP, just as local emergency management agencies establish guidelines for submission of CEMPs.

Question 4. If a facility is unable to meet the deadlines in the rule will any exceptions be permitted?

Answer: The rule does not allow exceptions, however, if a facility is unable to meet the requirements in the rule, the facility may request a waiver or variance from the rule. Please see “FAQs ON PETITIONS FOR VARIANCE OR WAIVER OF AN AGENCY RULE” posted at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Long_Term_Care/docs/Nursing_Homes/FAQs_on_Petitions_for_Variance_or_Waiver_Final_10-2-17.pdf.

Question 5. There is no defined review timeline for local emergency management review of plans; however facilities are expected to have generators implemented within 60 days. If all plans received on 45th day – there is very little time for review/comment, particularly if permits are required if it is expected that reviews will be completed within the 60 day implementation period. Is it expected that the plan reviews and approvals be completed prior to implementation?

Answer: The rule describes plan reviews and approvals prior to implementation.

Question 6. Who determines the technical specifications for the emergency power requirements, such as load requirements? What agency/organization establishes these technical standards?

Answer: The rules establish the criteria for compliance. The plans must include any analysis and documentation necessary to demonstrate compliance with the criteria. The solution must be compliance with applicable building and life safety codes. Some facilities will utilize the services of a professional engineer who will determine technical requirements. If an engineer is not utilized, publically available tools may assist with determining needs. Generator sizing calculators are commonly available online to help determine an appropriate solution for smaller facilities.

Nursing homes - AHCA's Office of Plans and Construction (OPC) will review the technical components of the nursing home plans. Questions or requests for plan reviews may be directed to the AHCA Office of Plans and Construction 850-412-4477 or opc@ahca.myflorida.com. OPC will also provide the facility with results of plan reviews and onsite inspections.

Assisted living facilities - The local authority having jurisdiction for building code and/or life safety may review the technical components. Reviews will be part of permitting or other local review. If a county emergency management agency is unable to obtain guidance from the local authority having jurisdiction, AHCA may be able to assist with questions. Questions may be directed to Eddie Alday, AHCA Life Safety Lead for AHCA Field Office Bureau at Office at (850) 443-8567 or Eddie.Alday@ahca.myflorida.com.

Question 7. Are there expectations for fuel burn rates/projections to be in the plans?

Answer: The plans should address the fuel needs required to maintain the 96 hours of temperature control as required in the rule.

Question 8. Local code/zoning provisions may not allow for fuel storage on site –there may be other on-site safety considerations.

Answer: Plans should include details of fuel storage information. Review of plans should consider safety issues prior to approval.

Question 9. What criteria should the county emergency management agency use to evaluate the plan (EPP)?

Answer: The requirements in the rule should be used to evaluate the EPP based upon documentation of compliance from the facility. Since emergency power is also a required component of the CEMP, the county emergency management agency may review the EPP within the context of the CEMP. Compliance with the requirements in the rule is ultimately the responsibility of the facility.

Question 10. Under the rules, local emergency management agencies report denials to Florida DEM but approvals to AHCA/DOEA. Wouldn't AHCA/DOEA want information on denials? To whom will these notices be directed at the respective agencies?

Answer: Notification to AHCA and DOEA would be helpful. Please use the following email addresses for notifications:

Nursing Homes: NH_Emergencyrule@ahca.myflorida.com

Assisted Living Facilities: ALFEMP@elderaffairs.org

Question 11. Fire Marshal's Office inspects after installation – should local EM plan approval occur after this inspection?

Answer: The rule describes approval from the local emergency management agency prior to implementation, with the Fire Marshal's inspection after implementation.

Question 12. Are the "plans" that are required to be posted to local websites the "Emergency Power Plans" or facility CEMPs? Some county attorneys have interpreted that facility CEMPs are eligible for the public records exemption for evacuation planning information and detailed critical facility location information. Posting the emergency power plans to websites may not be consistent with these public records exemptions.

Answer: The rules address the emergency power plan (EPP). Issues related to public record requirements should be reviewed by legal counsel; redaction of confidential information may be required.

Question 13. Are the rules' provisions regarding policies and procedures to activate, maintain and fuel generators expected to be part of the plan reviewed/approved by local emergency management programs?

Answer: Although policies and procedures are not required to be submitted in the EPP, the local emergency management agencies may review these as part of the CEMP review.

Compliance with this section of the rule will also be reviewed by AHCA as a condition of licensure. If deficiencies are cited, violations will be posted online at FloridaHealthFinder.gov.