

PETITION FOR EMERGENCY VARIANCE
DEPARTMENT OF ELDER AFFAIRS

In Re: Summerville 15, LLC d/b/a Brookdale West Boynton Beach

1. Brookdale West Boynton Beach
8220 Jog Road
Boynton Beach, Florida 33437
License #AL9384
Palm Beach County County
(p) (561) 733-3200
(f)

2. Pursuant to Florida Statutes Section 120.542, Brookdale West Boynton Beach requests a variance from Rule 58A-5.036, Emergency Environmental Control for Assisted Living Facilities, enacted on March 26, 2018, which requires licensees of assisted living facilities to develop and implement a detailed written plan for the acquisition of generators and sufficient fuel that will maintain ambient temperatures at or below 81 degrees for a minimum of 96 hours in the event of a power loss. Specifically, Brookdale West Boynton Beach is requesting a variance to Section (4)(a) of the rule, which states: "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." Brookdale West Boynton Beach requested, and received approval, of an extension until January 1, 2019 for implementation of Rule 58A-5.036. Brookdale West Boynton Beach is now requesting an additional extension under Florida Statutes Section 120.542 as laid out in Section (4)(b) of the rule.

3. Brookdale West Boynton Beach requests a temporary variance until the date listed in #4 below to allow sufficient time to comply with Rule 58A-5.036. Brookdale West Boynton Beach requests an emergency variance due to the urgency of the need for approval as the time frames requested are significantly less than ninety days. If the variance is not issued with expedience, the community could be subject to survey citations and/or licensure actions if it does not have an approved variance to complete its generator installation.

4. Brookdale West Boynton Beach has been working in preparation for implementation of the requirements of the rule. Brookdale West Boynton Beach was previously given an extension until February 28, 2019 and requested an additional extension until May 31, 2019. The generator is complete and ready for delivery; however, installation has been delayed due to local concerns. Due to issues obtaining appropriate local approvals required to begin installation and engineering work delays, Brookdale West Boynton Beach hereby requests an additional extension until July 15, 2019.

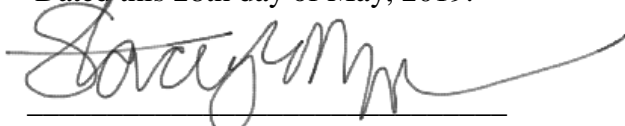
5. Brookdale West Boynton Beach remains committed to compliance with the rules enacted on March 26, 2018. The community has taken all appropriate steps to date and will continue to complete all remaining steps. The variance is being requested to allow Brookdale West Boynton Beach additional time to complete the required installation as the original timeline cannot be met due to the factors detailed in #4 and attached which are outside the control of the community.

These delays will prevent Brookdale West Boynton Beach from meeting its planned commission no later than May 31, 2019. Brookdale West Boynton Beach therefore requests a variance to the requirement under 58A-5.036 for a time limited variance to meet the implementation requirement. If additional factors arise preventing implementation by such date, we reserve the right to request an additional variance. Additionally, we request that DOEA withhold applying any disciplinary action during the time it takes DOEA to decide on the variance request and the additional time to comply as requested in the variance.

6. As a continuation of its efforts to comply with the emergency rule until complete implementation can be achieved and to maintain the safety and well-being of our residents, Brookdale West Boynton Beach will continue to follow its existing emergency plans in the event of disaster or loss of power. **F.S. 119.071(3)(a)2.b.**

Brookdale West Boynton Beach will continue to update emergency plans on file with the appropriate authority as necessary and submit required reports to DOEA until in full compliance.

Dated this 28th day of May, 2019.



Stacey E. Meyer
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