



RICK SCOTT
GOVERNOR

JUSTIN M. SENIOR
SECRETARY

**Nursing Home Rule 59AER17-1 – Assisted Living Facility Rule 58AER17-1
Questions and Answers - September 21, 2017**

Question 1: Is any action required if a facility already meets the requirements of the rule?

Answer: Many facilities have already taken steps to protect their residents and are in compliance with this rule. Such facilities must submit their plan in accordance with the rule to confirm compliance and will be acknowledged for their proactive implementation.

Question 2: Does the requirement to maintain temperatures in subsection (1) apply to the entire licensed facility including all resident rooms and common areas?

Answer: The required temperatures must be maintained in an area of sufficient size to maintain all residents comfortably at all times and that is appropriate for the health, safety and welfare of all residents. This may include areas that are less than the entire licensed facility if the facility's emergency management plan includes relocating residents to portions of the building where temperatures will be maintained as required by the rule. This information must be included in the plan required by subsection (1).

Question 3: Will a contract or agreement to bring in a generator and/or fuel when needed comply with the requirement of subsection (1)?

Answer: No. The rule requires the generator be installed and maintained at the facility, and sufficient fuel must be safely maintained at the facility to ensure temperatures for 96 hours. A contract to bring in a generator when needed does not comply with the rule. A contract to bring in fuel to support temperatures beyond the initial 96 hours would be appropriate as part of the CEMP, however the initial 96 hours must be supported by a fuel source available at the facility at all times. The rule is intended to enable nursing homes and assisted living facilities to be self-sufficient in maintaining resident safety. During times of emergency, delivery of a generator or fuel can be unreliable and will not provide necessary protections for vulnerable residents.

Question 4: Will a mobile generator meet the requirements of the rule?

Answer: The rule does not restrict the type of generator required, but it must be installed and maintained at the facility. The emergency generator, fuel supply, and distribution equipment must be protected from debris impact as required by the Florida Building Code.

Question 5: Can natural gas be used as a fuel source?

Answer: The rule does not dictate the type of fuel permitted. Only sources of fuel that are stored onsite will be considered reliable, however a piped fuel source may serve as an additional resource. The plan that must be submitted for review should include fuel information.

Question 6: Does the rule waive other permitting or approval requirements elsewhere in law?

Answer: The rule does not waive any other permitting or requirements. Nursing homes must continue to seek approval from all other state and local authorities including the Agency's Office of Plans and Construction. Assisted living facilities must continue to seek approval from all other state and local authorities.

Question 7: Does the rule provide for an extension of time if requested?

Answer: No. The rule does not provide for an extension of time.

Question 8: If a facility's CEMP is to evacuate if a power outage or other emergency does not enable the maintenance of required temperatures, is this plan a permissible alternative to meeting the generator and temperature requirements of this rule?

Answer: No. Emergency evacuation plans are vital in many instances. However, the rule does not provide evacuation as an alternative means for compliance with this rule.

