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# **Joint Commission on Administrative Rules**

## **ALF Generator Issues**

Department of Social Services  
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### ***Code Requirements***

Section 63.2-1732.D, of the *Code of Virginia*, states "Regulations shall require all licensed assisted living facilities with six or more residents to be able to connect by July 1, 2007, to a temporary emergency electrical power source for the provision of electricity during an interruption of the normal electric power supply. The installation shall be in compliance with the Uniform Statewide Building Code."



## **Major Changes in Regulation of Assisted Living Facilities**

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- Staffing Plan
- Medication Management Plan
- Generator required to heat/cool the facility**
- Registered dietician required quarterly for oversight
- Emergency Response Plans
- Infection Control Plans
- Increased training requirements for staff



## **Current Regulatory Requirements**

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An emergency requiring generator use is defined as an event where the normal electrical power source is interrupted for 4 or more hours. As soon as there is a loss of any utility, the facility is still responsible for immediately implementing its emergency preparedness plan. The connections to the power source may be activated at any time during an emergency, but must be activated using the following guidance:

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- ALFs with a written agreement must give adequate notification to allow the entity providing the generator to activate the alternative power source within 4 hours of interruption of the normal electrical supply.
  - ALFs with an on-site generator must activate the alternative power source within 4 hours of interruption of the normal electrical supply.
  - **(NOTE: An Allowable Variance (AV) may be requested for up to 13 hours.)**

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22 VAC 40-72-960 D 1 mandates that emergency electrical power be sufficient to provide, among other services, heating and cooling.

- Heating may be provided by the ALF's regular heating system, by space heaters or by a combination of the regular heating system and space heaters. Use of space heaters must be approved by the appropriate state or local building or fire authority. The temperatures must be maintained as required by the standards.

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- ❑ Cooling may be provided by air conditioning or other cooling devices, such as fans. The temperatures in air conditioned areas must be maintained as required by the standards.
  - ❑ Lighting must be adequate to prevent falls and accidents. Alternative lighting, provided by battery operated devices, may be used to supplement electrical lighting.

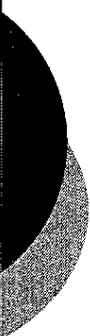
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- ❑ The regulation requires heating and cooling a minimum of 40 square feet per person.
  - ❑ The ALF is responsible for ensuring that the emergency electrical power is sufficient to provide the services outlined in its emergency preparedness plan to include refrigeration to preserve food and medications (if required) and operation of any necessary medical equipment.



## Allowable Variance Options

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- A licensee may request an allowable variance (AV) to a standard if it believes that the standard poses a substantial financial or programmatic hardship and that either an alternative method of compliance or suspension of all or part of a standard would not endanger the safety or well-being of residents.
- By 7/13/07 DSS will issue technical assistance on the ALF regulations to all providers that will include guidance on generators and include a streamlined process to apply for an Allowable Variance.
- **An AV can NOT be granted for the requirements of § 63.2-1732.D of the Code of Virginia.**



## Change in Requirements

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- Due to potential hardship on providers with the current regulation, the Department is in the process of drafting a revision to this portion of the regulation for "fast track" adoption. The areas targeted for revision are as follows:
  - Eliminate the 40 square feet requirements per person for heating, cooling and lighting
  - Expand the timeframe to have a generator on site from 4 hours to 12 hours and to 13 hours for hookup.
  - Eliminate the requirement to have a contract.



## Our Goal

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- Provide maximum flexibility
- Allow for emergency planning suited to the individual facility
- Ensure Health and Safety of residents