



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 410: Require Generators/Nursing & Adult Care Homes.

2019-2020 General Assembly

<b>Committee:</b>	House Aging. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 1, 2019
<b>Introduced by:</b>	Reps. Howard, Setzer, Carney, Lucas	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	PCS to First Edition H410-CSSH-5		Committee Staff

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 410 would require adult care homes, nursing homes, and combination homes to have emergency electrical service during power outages. The PCS amends a reference to the statute that defines adult care homes, adds a requirement that air conditioning be covered by essential electrical services, and makes a technical change to the effective date.*

**BILL ANALYSIS:**

**Section 1** of the PCS for HB 410 adds a new statutory section to Article 1 of Chapter 131D, pertaining to the licensing of adult care homes, to require adult care homes as defined in G.S. 131D-2.1, to provide emergency electrical service when a failure of the normal electrical service occurs. **Section 2** adds a new statutory section to Part 1 of Article 6 of Chapter 131E, pertaining to the licensing of nursing homes, to require nursing homes, combination homes, and adult care homes, as defined in G.S. 131E-101, to provide emergency electrical service when a failure of the normal electrical service occurs. Both sections require the emergency electrical service to provide heat, air conditioning, lighting, and other essential services required by the Medical Care Commission. *The PCS corrects the reference to the definition of "adult care home," adds "air conditioning" to the list of essential electrical services, and makes a technical change to the effective date.*

**Section 3** amends the powers and duties of the NC Medical Care Commission to require the adoption of rules providing the essential electrical services required in Sections 1 and 2.

**EFFECTIVE DATE:** Sections 3 and 4 become effective when the bill becomes law. The remainder of the bill becomes effective on the date the rules adopted by the Medical Care Commission become effective.

**CURRENT LAW:**

**G.S. 131D-2.1** contains the following definitions:

- (3) **Adult care home.** – An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or for scheduled needs, through formal written agreement with licensed home care or hospice agencies. ... Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.
- (9) **Family care home.** – An adult care home having two to six residents. The structure of a family care home may be no more than two stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

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**G.S. 131E-101** contains the following definitions:

- (1) "**Adult care home**", as distinguished from a nursing home, means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. ...Adult care homes are to be distinguished from nursing homes subject to licensure under this Part.
- (1a) "**Combination home**" means a nursing home offering one or more levels of care, including any combination of skilled nursing, intermediate care, and adult care home.
- (6) "**Nursing home**" means a facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

**BACKGROUND:** Currently the Medical Care Commission has a rule pertaining to emergency electrical service for nursing homes.

Nursing Homes Rule for Emergency Electrical Service - The Medical Care Commission adopted 10A NCAC 13D .3402 requiring emergency electrical service in which the following equipment, devices, and systems were deemed essential: nurses' calling system; fire pump, if installed; one elevator, where elevators are used for the transportation of patients; equipment such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization, if installed; equipment necessary for maintaining telephone service; task illumination of boiler rooms, if applicable; and a dedicated critical branch circuit per bed for ventilator-dependent patients is required. In addition, "heating equipment provided for ventilator dependent patient bedrooms shall be connected to the critical branch of the essential electrical system and arranged for delayed automatic or manual connection to the emergency power source if the heating equipment depends upon electricity for proper operation. Where electricity is the only source of power normally used for the heating of space, an essential electrical system shall provide for heating of patient rooms. Emergency heating of patient rooms shall not be required in areas where the facility is supplied by at least two separate generating sources or a network distribution system with the facility feeders so routed, connected, and protected that a fault any place between the generating sources and the facility will not cause an interruption of more than one of the facility service feeders." Sufficient fuel shall be stored for the operation of the emergency power generator for a period not less than 72 hours, on a 24-hour per day operational basis with on-site fuel storage.