

CHAPTER NO. 856

HOUSE BILL NO. 2392

By Representative Curtiss and Mr. Speaker Naifeh and Representatives Pruitt, Sherry Jones, Eldridge, Mike Turner, Davidson, Langster, Walker, Overbey, Shepard, McCord, Brenda Turner, Maddox, Fitzhugh, Garrett, Winningham, Ferguson, Head, McMillan, Hood, McDonald, Coleman, Sontany, Hargrove, West, Briley, Black, Stanley, Lynn, Ulysses Jones, Marrero, Henri Brooks, John DeBerry, Larry Miller, Hagood, Vaughn, Buttry, DuBois, Hackworth, Harmon, Cobb, Fraley, Davidson, Armstrong, Pleasant, Harry Brooks, Litz, Gresham, Yokley, Montgomery, Brown, Hensley, Godsey, Hargett, Phillip Johnson, Sargent, Windle

Substituted for: Senate Bill No. 2457

By Senators Cooper, Burchett, Ketron, Clabough, Harper, McNally, Kilby, Herron, Fowler

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2, relative to fire safety in nursing homes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) The term "nursing home" or "facility" shall mean any nursing home as defined in §68-11-201(29).

(b) The department of health must review and approve or disapprove any sprinkler plan for a nursing home within thirty (30) days of the plan being submitted by or on behalf of the nursing home. Any sprinkler plan for a nursing home submitted prior to the effective date of this act must be reviewed and approved or disapproved by the department no later than August 1, 2004.

(c) If the department disapproves a sprinkler plan submitted by or on behalf of a nursing home, that nursing home or the nursing home's contractor shall promptly resubmit the plan with any needed corrections or clarifying information. Once resubmitted, the department of health must review and approve or disapprove of the plan no later than thirty (30) days after the plan is resubmitted.

(d) A licensed nursing home that is not fully sprinklered as of the effective date of this act shall become fully sprinklered in accordance with the following compliance dates:

(1) If the facility provides patient care above or below the ground floor, the facility must complete installation of sprinklers within twelve (12) months from July 1, 2004 or twelve (12) months from the date of approval of its sprinkler plan, whichever is later.

(2) If the facility provides patient care only on the ground floor, the facility must complete installation of sprinklers within eighteen (18) months from July 1,

2004 or eighteen (18) months from the date of approval of its sprinkler plan, whichever is later.

(3) A facility may request that the department extend its timeframe for installation of sprinklers if the water service supplied by the local water utility or municipality is insufficient to operate the sprinkler system.

(e) A facility not fully sprinklered as of the effective date of this act may choose to completely replace the facility as an alternative to complying with subsection (d). If the facility elects to do so, the new facility must be approved by the health services and development agency, must be constructed according to building plans that have been approved by the department of health, and must be in construction beyond the footing stage no later than three (3) years after the effective date of this act.

(f) On and after the effective date of this act, the department of health shall not issue a license to any new facility unless that facility is fully sprinklered and provides a smoke alarm and/or smoke detector in each patient room prior to licensure. The smoke alarms or detectors may be single-station alarms that are powered by battery or electrical current, or a series of smoke detectors that are connected together and have a central fire alarm panel, or any combination thereof.

(g) Failure to comply with this section shall be grounds for discipline and/or licensure action by the board pursuant to § 68-11-207(a), (c) and (d). Any facility that fails to comply with the requirements and timeframes of this act may be required to appear before the board to explain its non-compliance.

(h) At least once per year, each licensed nursing home shall coordinate a fire drill with its local fire department. The local fire department shall observe the fire drill and provide input to the facility relative to the fire safety of the facility.

(i) For medicaid-certified facilities which install the required sprinkler and smoke detector systems after the effective date of this act, the cost of such installation shall be reimbursed over a five (5) year period beginning after the installation is complete and based on the facility's medicaid cost ratio as computed by the comptroller of the treasury. The costs of such installation shall not be included in the facility's medicaid rate calculations, but shall be reimbursed in addition to each facility's medicaid per diem rate and not subject to the medicaid maximum rate.

(j) For medicaid-certified facilities which installed sprinkler systems between August 1994 and the effective date of this act, the cost of such installation shall be reimbursed over a five (5) year period beginning July 1, 2004 based on the facility's medicaid cost ratio as computed by the comptroller of the treasury. The cost reimbursed over the five (5) year period will be calculated as total installation cost minus any depreciation cost for the sprinkler system the facility has claimed on medicaid cost reports prior to July 1, 2004. The costs of such installation shall not be included in the facility's medicaid rate calculations but shall be reimbursed in addition to each facility's medicaid per diem rate and not subject to the medicaid maximum rate.

(k) The provisions of this act shall control to the extent that any provisions of existing law are in conflict with this act.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of June 2004


PHIL BREDESEN, GOVERNOR