

Department of Safety and Permits Regulations Governing Nursing Home Emergency Preparedness

- I. **Authority.** Pursuant to Section 4-107(3) of the Home Rule Charter of the City of New Orleans, Section 2-1000 of the City Code, Section 30-1082 of the City Code, the Department of Safety and Permits of the City of New Orleans proposes the following regulations relative to nursing home emergency preparedness, including but not limited to regulations on licensure and inspections of nursing homes.
- II. **Applicability.** These regulations shall apply to all nursing homes regulated by Article XIII of Chapter 30 of the City Code.
- III. **Definitions.** For the purpose of this regulation, the following term shall have the following meanings:

Patient Area shall mean any area where patients would spend more than two (2) hour of their time including bedrooms and living spaces. This does not apply to employee office space, chapels and areas restricted to residents.

IV. License. Pursuant to Section 30-1082 of the City Code, nursing homes must obtain a license from the Department of Safety and Permits annually.

- a. Nursing homes must apply for a license prior to September 1, 2019 which will be valid until May 31, 2020. Thereafter all licenses shall expire on May 31. Renewal applications must be submitted to the Department of Safety and Permits by May 1 in order for review, inspection, and issuance to be completed by June 1.
- b. Delinquent applications shall continuously accrue late fees unless the nursing home informs the Director of Safety and Permits in writing that they have ceased operations fully.
- c. Upon transition between nursing home operators or owners, a new application shall be submitted and paid for within 10 business days of the change.
- d. Application Review: Pursuant to Sections 30-1084, 30-1085, 30-1087 and 30-1088, the Department of Safety and Permits shall consider at a minimum the following during the review of a license application.

- i. Compliance of all equipment installation with the requirements of Sections 26-14 through 26-20 of the Code of the City of New Orleans.
- ii. Licensure by the Louisiana Department of Health.
- iii. Compliance with the Fire Code of the City of New Orleans as confirmed by the New Orleans Fire Department.
- iv. Compliance with all requirements of the Mayor's Office of Homeland Security and Emergency Preparedness as confirmed by the Mayor's Office of Homeland Security and Emergency Preparedness.
- v. Approval of the City Department of Health.

V. Inspections.

- a. Pursuant to Section 30-1085, The Department of Safety and Permits may inspect any nursing home subject to these regulations. Such inspections may cover:
 - i. Demonstration of testing of all equipment required in Article XIII of Chapter 30 of the City Code.

- ii. Any violations of Sections 26-14 through 26-20 of the Code of the City of New Orleans.
 - iii. Any violations of the Comprehensive Zoning Ordinance of the City of New Orleans.
- b. Should a facility fail an inspection a wasted trip fee of \$50.00 shall be due for re-inspection prior to issuance pursuant to Section 26-15 of the Code of the City of New Orleans Subsection 109.6 (5) Schedule of Permit Fees.

VI. Generator.

- a. Pursuant to Section 30-1087(2b) all nursing homes must have generator capacity and fuel reserve to sustain Critical Facility Systems for not less than ninety-six (96) hours.
 - i. For nursing homes without generator or fuel capacity to meet this requirement as of September 1, 2019 a license can be obtained by submitting sufficient documentation that the nursing home is in the process of installing the proper equipment or that the nursing home is relocating to a new site

and will meet all requirements through the use of temporary generators at the existing facility at the discretion of the Director of Safety and Permits.

ii. After May 31, 2020, no license will be given without the necessary generator and fuel source on site unless the facility has been approved to have temporary generators and fuel sources on site due to construction of new building.

b. Generator capacity shall be adequate to maintain ambient indoor air temperature of eighty-one (81) degrees Fahrenheit or less in the warmest weather and seventy-one (71) in the coldest weather in all patient areas for the duration of the ninety-six (96) hours backup period.

c. Pursuant to Section 30-1087(2c), all nursing homes must submit a quarterly testing report verifying functional condition and capacity of the required generator(s) in the format required by the Department of Safety and Permits.

VII. Enforcement. Enforcement, as set forth in Sec. 30-1090, shall occur in accordance with the provisions of Chapter 6 of the New Orleans Municipal Code (Sec. 6-1, *et seq.*).

VIII. Effective Date. These regulations shall be effective on the 22nd day following adoption by the New Orleans City Council, as required by Section 2-1000(g) of the City Code.