



October 26, 2018

The Honorable Rosalyn R. Dance  
Chair, Joint Commission on Health Care

The Honorable T. Scott Garrett  
Vice Chair, Joint Commission on Health Care  
PO Box 1322  
Richmond, VA 23218

**Re: Requiring the Installation of Onsite Temporary Emergency Electrical Power Sources for Assisted Living Facilities**

Dear Sen. Dance and Del. Garrett:

Thank you for the opportunity to provide comments on the proposed policy options related to the staff report on *Requiring the Installation of Onsite Temporary Emergency Electrical Power Sources for Assisted Living Facilities (ALFs)*. The Virginia Health Care Association-Virginia Center for Assisted Living (VHCA-VCAL), which represents 345 long term care providers counts more than 90 ALFs across the Commonwealth among its membership.

VHCA-VCAL was an active participant in the study of emergency electrical power sources for ALFs to provide information to the Commission on existing practices employed by ALFs to ensure the safety and security of all residents during an electrical disruption. VHCA-VCAL also supported the efforts of the Commission and the Department of Social Services (DSS) to survey ALFs about the availability of generators. Using our electronic newsletters, we encouraged our members to participate in the survey on four occasions (May 24, May 31, June 28, and July 25, 2018); we also distributed direct messages to our ALFs on May 25 and July 9 urging them to respond.

**Virginia's ALFs Are Subject to Rigorous Emergency Preparedness Standards**

VHCA-VCAL supports policy Option 1 and opposes policy Options 2-5. Option 1 recognizes that existing regulations grant ALFs the flexibility required to develop emergency response plans, including preparation for electrical outages that are tailored to the needs of their communities and resident populations. As was detailed in the report you received on October 15, 2018, Virginia's Standards for Assisted Living Facilities (22VAC40-73) promulgated by DSS, include rigorous and specific requirements for emergency preparedness planning; evacuation planning and drills; emergency equipment and supplies; and planning for resident emergencies and practice exercises. Under these regulations facilities are required to have a written emergency preparedness plan that includes analysis of the facility's potential hazards, including loss of utilities.

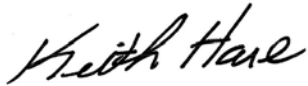
Virginia has already established a requirement for ALFs to address how they would handle the loss of electrical service and continue to provide services to residents. As evidenced by the survey, many ALFs have already made an investment in on-site backup generators with full and partial facility coverage. Current regulations allow for arrangements for mobile generators in lieu of permanent standby generators, which may be an adequate, cost-effective solution for certain ALFs. We do not believe the state should mandate the purchase and installation of on-site emergency generators as proposed in Options 2-5. A one-size-fits-all approach does not account for existing arrangements facilities may have made to comply with the emergency preparedness provisions of the regulations.

VHCA-VCAL members take seriously their responsibility to safeguard their residents and protect them from hazards that may arise in emergency situations when power is lost. In addition to the facility-specific planning, preparedness, and drilling conducted by each community, the association has taken numerous steps to assist members in ensuring the safety of ALF residents including:

- Outreach to Dominion Energy to establish a process for identifying and updating the list of ALFs for priority service restoration during power outages. VHCA-VCAL convened meetings in the fall of 2017 with Dominion following the devastating news from Florida when 14 residents of a nursing home died as a result of Hurricane Irma. Our communication with Dominion, which coordinated with other electric utilities, has continued through 2018.
- Educating our members about the Virginia Healthcare Alerting and Status System (VHASS), a free, web-based system, which is designed to distribute critical emergency management information needed by Virginia's healthcare providers. In the spring of 2018 in conjunction with the Virginia Hospital and Healthcare Association we held six regional training sessions for our members on how to sign-up and use VHASS and provided resources an information to our members via our routine communications and website. VHASS allows providers to share information about their emergency status and to request assistance, if needed.

We appreciate your consideration of our comments and would be pleased to answer any additional questions members of the Commission may have. We would also be happy to arrange an opportunity for you to visit one of our assisted living communities so you can see first-hand the efforts put into emergency preparedness planning.

Sincerely,



Keith Hare  
President and CEO

cc: Stephen Weiss, Senior Health Policy Analyst, JCHC  
Scott Johnson, Hancock, Daniel and Johnson, PC  
Tyler Cox, Hancock, Daniel and Johnson, PC