

The Aftermath of the Hurricane: Emergency Preparedness Rules

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CMS' 2016 final Emergency Preparedness Rule requires Medicare and Medicaid participating providers and suppliers to plan for natural and man-made disasters in collaboration with federal, state, regional and local emergency preparedness organizations. Participating providers must conduct a risk assessment, develop an emergency plan, implement policies and procedures, communicate the plan, develop training and testing programs and update the plan annually. Providers should revisit the final rule and their existing emergency preparation plans to ensure compliance, as the rule takes effect November of this year. In light of Hurricane Irma and the related nursing home deaths, Florida Governor Rick Scott enacted a Florida emergency rule related to emergency operations of assisted living facilities six days after the storm. The Emergency Rule requires nursing homes and assisted living facilities to maintain generators to run air conditioners in the event of a loss of power. On September 27, 2017, the Emergency Rule was challenged by LeadingAgeFlorida, an organization that represents more than one hundred nursing homes and assisted living facilities. LeadingAgeFlorida argues that it is unrealistic to expect facilities throughout the state to install generators within sixty days, as the Emergency Rule required.

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