

Information Update November 15, 2017

Thank you for your commitment to emergency preparedness excellence. The Emergency Rule for Nursing Homes and Assisted Living Facilities is no longer valid. **As such, Collier County does not presently have the authority to approve or deny generator plans since the Rule is no longer in effect.**

The Florida First District Court of Appeal determined that an “automatic stay” of the Division of Administrative Hearings’ Final Order invalidating Emergency Rule 58AER17-1 does not exist during the appeal. This means that the Emergency Rule is invalid and is not in effect as of October 27, 2017, the date the Final Order was issued.

The Agency for Health Care Administration and the Department of Elder Affairs cannot legally enforce compliance with the Emergency Rule.

Should the Rule be deemed valid or any new rules or industry regulations for emergency preparedness arise, Collier County will proceed with compliance. We continue to be grateful for your first-rate advanced planning to protecting our neighbors and families throughout Collier County.

All yearly comprehensive emergency management plans (CEMP) can be emailed to LaurenBonica@CollierGov.net.

For feedback, questions or concerns, please contact:

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Information Update November 2, 2017

Thank you for your commitment to emergency preparedness excellence.

All yearly comprehensive emergency management plans (CEMP) can be emailed to LaurenBonica@CollierGov.net.

We are grateful for your first-rate advanced planning and response to Nursing Home Rule 59AER17-1 and Assisted Living Facility Rule 58AER17-1, both adopted as emergency rules to Hurricane Irma and its aftermath, hereby known as (“the Rule”).

On October 27, 2017, the Rule was invalidated by State of Florida Administrative Law Judge of the Division of Administrative Hearings. As such, Collier County does not presently have the authority to approve or deny generator plans since the Rule is no longer in effect. However, Collier County was informed that the Judge’s ruling is presently being challenged which may result in the Rule being deemed valid.

Should the Rule be deemed valid or any new rules or industry regulations for emergency preparedness arise, Collier County will proceed with compliance. Information provided to us will be saved in your Comprehensive Emergency Management Plan folder. We will not be sending letters of approval or denial, as we have no authority to do so.

Efforts made to have facilities operational during emergencies, including cooling for critical areas are commendable and impressive. We are so grateful for the commitments that you make to your patients and the whole community.

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