

CHAPTER NO. 451

HOUSE BILL NO. 2198

By Representatives Sontany, Mike Turner, Eldridge, Briley, Overbey, DuBois, Borchert, Langster, Maddox, McMillan, Coleman, Rinks, Curtiss, Fowlkes, West, McDonald, Davidson, Hargrove, Fraley, Sargent, Harmon, Hackworth, Ferguson, Vaughn, Yokley, Litz, Pinion, Shepard, Lois DeBerry, Kernell, Bowers, Fitzhugh and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 2079

By Senators Harper, Herron, Kurita, Kilby, McLeary, Ford, Cohen, Haynes, Burks

AN ACT to amend Tennessee Code Annotated, Title 68, relative to fire safety in certain health care facilities.

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

SECTION 1. Tennessee Code Annotated, Section 68-11-910, is amended by adding the following as a new subsection:

(c) In addition to any other disclosure required by this part, prior to the admission of a resident to a nursing home or prior to the execution of a contract for the care of a resident in a nursing home, whichever occurs first, the nursing home shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, that the facility does not have:

(1) A fire suppression sprinkler system throughout the facility;

(2) A smoke detector or alarm in each patient room; or

(3) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each patient room.

Such disclosure shall be made on a form separate from the contract for the care of the resident and shall be printed in bold type and in no less than size twelve (12) font. The form must be signed by the resident or the resident's guardian, conservator or representative, if any, and the signature must be witnessed. If the resident cannot read, the form must be read aloud to the resident. If the facility maintains an internet website, the disclosure must also be made on that internet website.

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

§ 68-11-257. (a) In addition to any other disclosure required by this part, prior to the admission of a resident to an assisted-care living facility or residential home for the aged regulated pursuant to this chapter or prior to the execution of a contract for the care of a resident in such a facility, whichever occurs first, the facility shall disclose in writing to the resident or to the resident's guardian, conservator or representative, if any, that the facility does not have:

- (1) A fire suppression sprinkler system throughout the facility;
- (2) A smoke detector or alarm in each patient room; or
- (3) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each patient room.

Such disclosure shall be made on a form separate from the contract for the care of the resident and shall be printed in bold type and in no less than size twelve (12) font. The form must be signed by the resident or the resident's guardian, conservator or representative, if any, and the signature must be witnessed. If the resident cannot read, the form must be read aloud to the resident. If the facility maintains an internet website, the disclosure must also be made on that internet website.

(b) All assisted-care living facilities and residential homes for the aged regulated pursuant to this chapter shall post a statement, if applicable, that the facility does not have:

- (A) A fire suppression sprinkler system throughout the facility;
- (B) A smoke detector or alarm in each resident or patient room; or
- (C) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each resident or patient room.

Such signs shall be printed in not less than twenty-four (24) point type and in addition to being displayed at the main public entrance shall be prominently displayed at all entrances to the facility.

SECTION 3. Tennessee Code Annotated, Section 68-11-254(a), is amended by deleting the word "and" at the end of subdivision (1); by deleting the period at the end of subdivision (2) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

- (3) A statement that the facility does not have:
 - (A) A fire suppression sprinkler system throughout the facility;
 - (B) A smoke detector or alarm in each patient room; or
 - (C) Neither a fire suppression sprinkler system throughout the facility nor a smoke detector or alarm in each patient room.

Such signs shall be printed in not less than twenty-four (24) point type and in addition to being displayed at the main public entrance shall be prominently displayed at all entrances to the facility.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new section to be designated as follows:

68-11-257. The board for licensing health care facilities shall post on the official state of Tennessee website on the internet (<http://www.state.tn.us>) the names of every nursing home, residential home for the aged and assisted-care living facility regulated pursuant to this chapter and indicate whether such facility has a fire suppression sprinkler system throughout the facility or a smoke detector or alarm in each patient room.

SECTION 5. This act and the requirements therein shall not apply to any nursing home, residential home for the aged or assisted care living facility that is fully sprinklered as of the effective date of this act.

SECTION 6. This act shall take effect thirty (30) days after becoming a law, the public welfare requiring it.

PASSED: March 3, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of March 2004


PHIL BREDESEN, GOVERNOR