

**RESOLUTION NO. 658 -2012, ADOPTING LOCAL LAW NO. 46 -2012, A LOCAL LAW TO ENSURE ADVANCED PLANNING FOR EMERGENCIES BY NURSING HOMES, LONG-TERM CARE FACILITIES AND GROUP HOMES FOR THE DISABLED ("PREPARED TO PROTECT OUR MOST VULNERABLE CITIZENS ACT")**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 5, 2012, a proposed local law entitled, "**A LOCAL LAW TO ENSURE ADVANCED PLANNING FOR EMERGENCIES BY NURSING HOMES, LONG-TERM CARE FACILITIES AND GROUP HOMES FOR THE DISABLED ("PREPARED TO PROTECT OUR MOST VULNERABLE CITIZENS ACT")**";" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 46 -2012, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ENSURE ADVANCED PLANNING FOR EMERGENCIES BY NURSING HOMES, LONG-TERM CARE FACILITIES AND GROUP HOMES FOR THE DISABLED ("PREPARED TO PROTECT OUR MOST VULNERABLE CITIZENS ACT")**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk is committed to protecting the health and safety of all County residents.

This Legislature also finds and determines that natural disasters can occur at any time and dramatically impact communities for months and years following the event.

This Legislature further finds and determines that nursing homes, long-term care facilities and group homes for the disabled provide necessary services to populations in need of assistance.

This Legislature finds that such facilities should maintain written policies and procedures to ensure that residents receive necessary care while remaining safe and to plan for the variety of issues that may arise for facility residents during an emergency.

This Legislature determines that emergency response professionals should have access to the emergency preparedness plans for these facilities so that emergency responders can tailor their response based upon each facility's unique plan and circumstances.

This Legislature also finds that nursing homes, long-term care facilities and group homes for the disabled should be required to file an emergency preparedness plan with the

Suffolk County Department of Fire, Rescue and Emergency Services to facilitate communication and coordination to ensure an adequate response at their facilities during emergency situations.

Therefore, the purpose of this law is to require all nursing homes, long-term care facilities and group homes for the disabled to annually establish and file with the Suffolk County Department of Fire, Rescue and Emergency Services an emergency preparedness plan.

### **Section 2. Requirements.**

- A. All nursing homes, long-term care facilities and group homes for the disabled located in the County of Suffolk shall file with the Department of Fire, Rescue and Emergency Services a written emergency preparedness plan. Such plan must establish the facility's policies and procedures in the event that a natural disaster or similar emergency occurs.
- B. Commencing in 2013 and continuing each year thereafter, each facility shall file their written emergency preparedness plan with the Suffolk County Department of Fire, Rescue and Emergency Services on or before January 30<sup>th</sup>.

### **Section 3. Penalties.**

Failure to file a written emergency preparedness plan with the Department of Fire, Rescue and Emergency Service shall constitute a violation and shall be punishable by a civil fine of five hundred dollars (\$500.00). A civil penalty shall only be assessed by the Commissioner of the Department of Fire, Rescue and Emergency Services following a hearing and opportunity of an alleged violator to be heard.

### **Section 4. Rules and Regulations.**

The Commissioner of the Department of Fire, Rescue and Emergency Services is hereby authorized and empowered to establish rules and regulations necessary for the implementation of this law.

### **Section 5. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

### **Section 6. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 7. SEQRA Determination.**

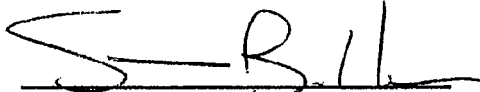
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 8. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: August 7, 2012

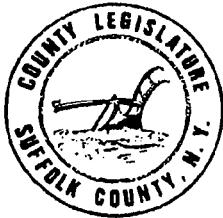
APPROVED BY:

  
County Executive of Suffolk County

Date: 8.24.2012

After a public hearing duly held on August 16, 2012  
Filed with the Secretary of State on September 11, 2012

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 7, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res.

1528

Res. No.

1058

August 7, 2012

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING				/	
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.				/	
	Totals	16	—	—	2	—

**MOTION**

Approve

\_\_\_ Table: \_\_\_\_\_

\_\_\_ Send To Committee

\_\_\_ Table Subject To Call

\_\_\_ Lay On The Table

\_\_\_ Discharge

\_\_\_ Take Out of Order

\_\_\_ Reconsider

\_\_\_ Waive Rule \_\_\_\_\_

\_\_\_ Override Veto

\_\_\_ Close

\_\_\_ Recess

APPROVED  FAILED \_\_\_\_\_

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED

\_\_\_ NOT ADOPTED

Roll Call \_\_\_\_\_ Voice Vote

*Tim Laube*

Tim Laube, Clerk of the Legislature