



State of California—Health and Human
Services Agency
**California Department of
Public Health**



January 18, 2023

AFL 23-06

TO: Skilled Nursing Facilities (SNFs)

SUBJECT: Assembly Bill (AB) 2511 – Skilled Nursing Facilities: Backup Power Source

AUTHORITY: Health and Safety Code (HSC) section 1418.22

All Facilities Letter (AFL) Summary

This AFL notifies SNFs of the chaptering of AB 2511 (Chapter 788, Statutes of 2022) requiring SNFs to have an alternative source of power for no fewer than 96 hours during any type of power outage by January 1, 2024.

AB 2511 requires SNFs to have an alternative source of power for no fewer than 96 hours during any type of power outage by January 1, 2024. Alternative sources of power may include, but are not limited to, fuel-powered emergency generators, large capacity batteries, and renewable electrical generation facilities. Alternative sources of power must comply with state requirements for long-term care facilities, including, but not limited to, maintaining a safe temperature for residents and staff, maintaining availability of life-saving equipment, and oxygen-generating devices.

Facilities that use a generator as their alternative source of power must maintain sufficient fuel onsite to maintain generator operation for no less than 96 hours or arrange for prompt fuel delivery in case of emergency. Facilities that use batteries or a combination of batteries and a renewable electrical generation facility must have sufficient storage or generation capacity to maintain operation for no fewer than 96 hours. In addition, SNFs using renewable electrical generation facilities must arrange for delivery of a generator and fuel in the event power is not restored within 96 hours and the generation capacity of the renewable electrical generation facility cannot provide sufficient power to comply with state requirements.

Please note that large capacity batteries and renewable electrical generation facilities do not meet current federal requirements for alternative power sources. SNFs that choose to use a renewable electrical generation facility with 96 hours of operating capacity to meet state backup power requirements also need to have a separate diesel or natural gas-powered generator to meet federal requirements.

CDPH's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations. Facilities should refer to the full text of all applicable sections of the Health and Safety Code and the California Code of Regulations to ensure compliance.

If you have any questions or concerns about the requirements of AB 2511, please contact the CDPH Licensing and Certification Life Safety Code unit at LSC@cdph.ca.gov.

For questions or concerns regarding the permitting and approval of new or modified backup power sources, please review the Department of Health Care Access and Information (HCAI) Policy Intent Notice 74 – Skilled Nursing Facility Alternate Source of Power or contact the Facilities Development Division of HCAI at RegsUnit@hcai.ca.gov

Sincerely,

Original signed by Cassie Dunham

Cassie Dunham

Deputy Director

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