

ACT No. 479

2022 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVES EDMONDS, AMEDEE, BACALA, ECHOLS, EMERSON, GAROFALO, HARRIS, HODGES, HORTON, IVEY, NEWELL, ORGERON, CHARLES OWEN, RISER, SCHAMERHORN, SELDERS, STAGNI, VILLIO, AND WHEAT

1 AN ACT

2 To amend and reenact R.S. 40:2009.25(A), (B), (C)(introductory paragraph), (D), (E),
3 (F)(introductory paragraph), (9), and (12), and (H), relative to regulation of nursing
4 homes; to revise laws pertaining to emergency preparedness among nursing homes;
5 to require that all nursing homes maintain in effect emergency preparedness plans
6 approved by the Louisiana Department of Health; to repeal a geographic limitation
7 pertaining to nursing home emergency preparedness plan requirements; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:2009.25(A), (B), (C)(introductory paragraph), (D), (E),
11 (F)(introductory paragraph), (9), and (12), and (H) are hereby amended and reenacted to read
12 as follows:

13 §2009.25. Emergency preparedness plans for nursing homes; ~~applicable parishes;~~
14 ~~requirements; approval by Louisiana Department of Health required;~~ Nursing
15 Home Emergency Preparedness Review Committee; rules and regulations;
16 ~~application~~

17 A. ~~Due to the threat hurricanes pose to the parishes of Acadia, Ascension,~~
18 ~~Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,~~
19 ~~Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the~~
20 ~~Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,~~

1 nursing homes located in these parishes shall develop an emergency preparedness
 2 plan which shall be submitted to the Louisiana Department of Health, bureau of
 3 health services financing, emergency preparedness manager, by August 1, 2006.
 4 Each nursing home shall maintain in effect at all times an emergency preparedness
 5 plan which meets the applicable requirements of this Section and has been approved
 6 by the Louisiana Department of Health.

7 B. ~~Each emergency preparedness plan shall be reviewed and updated by the~~
 8 ~~nursing home annually. A summary of the updated plan shall be submitted to the~~
 9 ~~Louisiana Department of Health, bureau of health services financing, emergency~~
 10 ~~preparedness manager, by March first of each year. If the emergency preparedness~~
 11 ~~plan is changed, modified, or amended by the nursing home during the year, a~~
 12 ~~summary of the amended plan shall be submitted to the Louisiana Department of~~
 13 ~~Health, bureau of health services financing, emergency preparedness manager,~~
 14 ~~within thirty days of the amendment or modification.~~ Each nursing home shall
 15 review and update its emergency preparedness plan and shall submit the full plan to
 16 the emergency preparedness manager of the Louisiana Department of Health, bureau
 17 of health services financing, for approval no later than March first of each year.
 18 Whenever a nursing home amends or otherwise makes any substantive change to its
 19 emergency preparedness plan, it shall submit the revised plan to the emergency
 20 preparedness manager of the Louisiana Department of Health, bureau of health
 21 services financing, for approval.

22 C. Each ~~summary of the~~ nursing home emergency preparedness plan shall
 23 include and identify, at a minimum, all of the following:

24 * * *

25 D. The secretary of the Louisiana Department of Health shall prescribe and
 26 ~~publish~~ promulgate, in accordance with the Administrative Procedure Act, criteria
 27 for evaluation of all nursing home emergency preparedness plans.

28 E. The Louisiana Department of Health shall do all of the following with
 29 respect to nursing home emergency preparedness plans:

1 (1) Review ~~the~~ all nursing home emergency preparedness plans submitted
2 to the department.

3 (2) Prepare findings ~~from the collected information~~ regarding each submitted
4 plan.

5 (3) Share ~~such~~ the findings provided for in Paragraph (2) of this Subsection
6 with the Nursing Home Emergency Preparedness Review Committee created by the
7 provisions of Subsection F of this Section.

8 F. There is hereby created in the Louisiana Department of Health the
9 Nursing Home Emergency Preparedness Review Committee, hereinafter referred to
10 in this Section as the "committee." The committee, which shall convene at least
11 annually, shall be charged with reviewing the findings of the ~~emergency~~
12 ~~preparedness plan submitted to the~~ department under provided in accordance with
13 Paragraph (E)(3) of this Section, identifying risks and threats, identifying manpower
14 issues for loading, transporting, and unloading residents, and developing
15 recommendations for emergency preparedness plans to promote the health, safety,
16 and welfare of nursing home residents. The committee shall be comprised of the
17 following members:

18 * * *

19 (9) Two persons appointed by the secretary of the Louisiana Department of
20 Health who are either owners or administrators of nursing homes ~~from the parishes~~
21 ~~listed in Subsection A of this Section.~~

22 * * *

23 (12) The executive director of ~~the Advocacy Center~~ Disability Rights
24 Louisiana or his designee.

25 * * *

26 H. Any rule recommended or proposed by the committee shall be subject to
27 ~~the review and approval of~~ by the secretary of the Louisiana Department of Health;

1 and, if approved, shall be promulgated by the Louisiana ~~Department of Health~~
2 department in accordance with the Administrative Procedure Act.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____