

2022 Regular Session

SENATE BILL NO. 167

BY SENATORS TALBOT, BARROW, CARTER, HENSGENS, LUNEAU, MCMATH,
FRED MILLS, MIZELL AND POPE

NURSING HOMES. Provides relative to emergency preparedness plans for nursing homes.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:2009.25(A), (C) through (E), and (I) and to enact R.S.
3 40:1563(N), relative to emergency preparedness plans for nursing homes; to provide
4 for the duties of the state fire marshal; to provide for the duties of the Louisiana
5 Department of Health; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2009.25(A), (C) through (E), and (I) are hereby amended and
9 reenacted and R.S. 40:1563(N) is hereby enacted to read as follows:

10 §1563. Powers and duties generally; use of deputies; responsibilities of local
11 governing authorities with fire prevention bureaus; open structures
12 and process structures; fees

13 * * *

14 **N. The fire marshal shall take all steps necessary and proper to perform**
15 **inspections as required by R.S. 40:2009.25.**

16 * * *

17 §2009.25. Emergency preparedness plans for nursing homes; applicable parishes;

1 requirements; Nursing Home Emergency Preparedness Review
2 Committee; rules and regulations; application

3 A. Due to the threat hurricanes pose to the parishes of Acadia, Ascension,
4 Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,
5 Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the
6 Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,
7 nursing homes located in these parishes shall develop an emergency preparedness
8 plan which shall be submitted to the Louisiana Department of Health, bureau of
9 health services financing, emergency preparedness manager, ~~by August 1, 2006.~~

10 * * *

11 C. Each summary of the emergency preparedness plan shall include and
12 identify at a minimum:

13 (1) A primary sheltering host site outside the area of risk, verified by written
14 agreements or contracts and any other alternative sheltering host sites that the
15 nursing home may have.

16 (2) Proof of transportation or a contract with a transportation company,
17 verified by a written transportation agreement or contract.

18 (3) Staffing patterns for evacuation, including contact information for ~~such~~
19 staff.

20 **(4) A detailed plan to address emergency power in the event of the loss**
21 **of primary electrical power in that nursing home if evacuation from the nursing**
22 **home is not required.**

23 **D.(1)(a) Upon receipt of an emergency preparedness plan or summary**
24 **of an updated plan submitted by a nursing home pursuant to this Section, the**
25 **Louisiana Department of Health shall confirm that the plan contains the**
26 **minimum requirements as provided in Subsection C of this Section.**

27 **(b) Each nursing home's primary sheltering host site and any other**
28 **alternative sheltering host sites as provided in the nursing home's emergency**
29 **preparedness plan shall be inspected and approved by the office of state fire**

1 marshal in accordance with the rules and regulations established pursuant to
2 Paragraph (2) of this Subsection.

3 (c) If the state fire marshal fails to inspect a sheltering host site within
4 fifteen business days after the Louisiana Department of Health receives a
5 nursing home's emergency preparedness plan or summary of an updated plan,
6 the sheltering host site shall be considered conditionally approved until the
7 completion of the federal survey of the nursing home by the department as
8 required by the Centers for Medicare and Medicaid Services.

9 (2)(a) The secretary of the Louisiana Department of Health shall prescribe
10 and publish, in accordance with the Administrative Procedure Act, criteria for
11 evaluation of all emergency preparedness plans.

12 (b) The secretary of the Louisiana Department of Health and the state
13 fire marshal shall, in collaboration, promulgate rules and regulations, in
14 accordance with the Administrative Procedure Act, for the inspection and
15 approval of a nursing home's primary sheltering host site and any other
16 alternative sheltering host sites as provided in the nursing home's emergency
17 preparedness plan.

18 E. The Louisiana Department of Health shall do all of the following:

19 (1) Review the emergency preparedness plans.

20 (2) Prepare findings from the collected information.

21 (3) Share ~~such~~ **the** findings with the Nursing Home Emergency Preparedness
22 Review Committee.

23 (4) Confirm that the state fire marshal has approved a nursing home's
24 primary sheltering host site and any other alternative sheltering host sites as
25 provided in the nursing home's emergency preparedness plan prior to issuing
26 a license or renewing a license for the nursing home.

27 * * *

28 I.(1) The provisions of this Section shall be in addition to all other licensing
29 and certification laws, standards, rules, and regulations for nursing homes.

(2) No nursing home shall receive a license or have a license renewed**unless the nursing home is in compliance with this Section.**

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 167 Engrossed

2022 Regular Session

Talbot

Present law provides that nursing homes located in the following parishes shall develop an emergency preparedness plan to be submitted to the La. Dept. of Health's emergency preparedness manager: Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Proposed law retains present law.

Present law provides for the minimum details required in the emergency preparedness plan regarding evacuation of the nursing home.

Proposed law retains present law and adds a requirement for the emergency preparedness plan to also contain a detailed plan to address emergency power in the event of the loss of primary electrical power in that nursing home if evacuation from the nursing home is not required. Further provides for the La. Dept. of Health (LDH) to confirm that the plan contains the minimum requirements as provided in proposed law.

Present law provides for the duties of the La. Dept. of Health regarding submitted emergency management plans.

Proposed law retains present law and requires each nursing home's primary sheltering host site and any other alternative sheltering host sites to be inspected and approved by the office of state fire marshal (OSFM). Further provides for LDH to confirm that the OSFM has approved a nursing home's emergency preparedness plan prior to issuing a license or renewing a license for that nursing home.

Proposed law provides that, if the OSFM does not inspect a sheltering host site within 15 business days after LDH receives a nursing home's emergency preparedness plan or summary of an updated plan, the sheltering host site shall be considered conditionally approved until the completion of the federal survey of the nursing home as required by CMS.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2009.25(A), (C)-(E), and (I); adds R.S. 40:1563(N))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Deletes provisions relative to the local offices of emergency preparedness.
2. Provides for inspections of evacuation sites by the state fire marshal.
3. Requires LDH to confirm the content of an emergency preparedness plan.
4. Provides for conditional approval of evacuation sites.
5. Provides for rulemaking by LDH and the state fire marshal.
6. Makes technical changes.