

Regular Session, 2012

SENATE BILL NO. 347

BY SENATOR MORRELL

NURSING HOMES. Removes the moratorium in qualifying parishes affected by Hurricane Katrina on any additional nursing facilities or additional beds in nursing facilities through facility need review. (8/1/12)

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AN ACT

To amend and reenact R.S. 40:2116(D)(2), relative to nursing facilities; to provide with respect to the moratorium on additional nursing facilities or additional beds in nursing facilities through facility need review; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2116(D)(2) is hereby amended and reenacted to read as follows:

PART II-A. FACILITY NEED REVIEW

§2116. Facility need review

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D.(1) In order to accomplish cost effectiveness of beds issued pursuant to a department waiver, the department may promulgate rules that include but are not limited to the following:

\* \* \*

(2)(a) The Department of Health and Hospitals shall implement a moratorium on additional beds for nursing facilities. The Department of Health and Hospitals shall not approve any additional nursing facilities or additional beds in nursing facilities through facility need review. This prohibition shall apply only to

1 applications for new beds not approved prior to July 1, 1996. Such prohibition shall  
 2 become enforceable on July 1, 1996, and shall remain in effect until July 1, 2016.  
 3 This prohibition shall not apply to the replacement of existing facilities, provided  
 4 that there is no increase in existing nursing home beds at the replacement facility.

5 **(b) Notwithstanding any other provision of the law to the contrary, the**  
 6 **moratorium on any additional nursing facilities or additional beds in nursing**  
 7 **facilities through facility review shall not apply to any parish with a population**  
 8 **either between twenty-two thousand nine hundred and twenty-four thousand**  
 9 **or between thirty-four thousand five hundred and thirty-six thousand five**  
 10 **hundred according to the latest federal decennial census, and which parish was**  
 11 **affected by Hurricane Katrina.**

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Christopher D. Adams.

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#### DIGEST

Present law provides the Department of Health and Hospitals (DHH) shall implement a moratorium on additional beds for nursing facilities.

Present law provides DHH shall not approve any additional nursing facilities or additional beds in nursing facilities through facility need review.

Present law provides the prohibition shall apply only to applications for new beds not approved prior to July 1, 1996, and the prohibition shall become enforceable on July 1, 1996, and shall remain in effect until July 1, 2016.

Present law provides the prohibition shall not apply to the replacement of existing facilities, provided that there is no increase in existing nursing home beds at the replacement facility.

Proposed law provides the moratorium on any additional nursing facilities or additional beds in nursing facilities through facility review shall not apply to any parish with a population either between 22,900 and 24,000 or between 34,500 and 36,500 according to the latest federal decennial census, and which parish was affected by Hurricane Katrina.

Effective August 1, 2012.

(Amends R.S. 40:2116(D)(2))