AMENDMENT NO. 1

On page 2, line 10, delete "No" and insert "The department may institute facility need review on licensing or certification to participate in the Title XIX program. Except as provided in R.S. 40:2116.1, no"

AMENDMENT NO. 2

On page 2, delete line 20

AMENDMENT NO. 3

On page 2, line 21, change "(3)" to "(2)"

AMENDMENT NO. 4

On page 2, line 22, change "(4)" to "(3)"

AMENDMENT NO. 5

On page 2, line 23, change "(5)" to "(4)"

AMENDMENT NO. 6

On page 2, line 25, change "(6)" to "(5)"

AMENDMENT NO. 7

On page 2, line 27, change "(7)" to "(6)"

AMENDMENT NO. 8

On page 2, delete line 29

AMENDMENT NO. 9

On page 4, line 5, change "(b)" to "(b)(i)"

AMENDMENT NO. 10

On page 4, line 7, after "the application" insert a period and delete the remainder of the line, delete lines 8 and 9, and insert the following:

"(ii) Upon receipt of additional documentation and evidence from the applicant, the FNR committee shall conduct a supplemental application review and shall provide the applicant an opportunity to meet with the FNR committee or its designees as part of the review. The meeting may be conducted in-person or, at the discretion of the Louisiana Department of Health, through virtual means, including by telephone or virtual technology that facilitates synchronous interaction.

(iii) After a meeting conducted pursuant to Item (ii) of this Subparagraph, the applicant may submit additional documentation and evidence for consideration during the supplemental application review."
(iv) The decision on the supplemental application review shall be made by the FNR Committee."

AMENDMENT NO. 11

On page 4, line 17, after "licensure" insert "or certification to participate in the Title XIX program as applicable"

AMENDMENT NO. 12

On page 5, between lines 22 and 23, insert the following:

"(11) Provisions and procedures for the revocation, suspension, and expiration of FNR approvals."

AMENDMENT NO. 13

On page 12, delete line 20 and insert the following:

"§2116.1. Nursing facilities; facility need review; moratorium; exceptions

A.(1) The Louisiana Department of Health, in accordance with the Administrative Procedure Act, shall establish a facility need review process for nursing facilities consistent with the regulations for licensure and for Title XIX of the Social Security Act.

(2) The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for facility need review. The rules and regulations shall include but not be limited to the following:

(a) Criteria for review of nursing facility beds to determine if there is a need for additional beds.

(b) Specific duties of the department to review proposals for new facilities and determine the need therefor.

(c) Appropriate methodology for the collection of data necessary for the administration of the program.

(d) Procedures to grant and revoke approvals.

(e) Establishment of application fees.

(f) Procedures for review of applications by the department.

(g) Procedures to request a fair hearing from a determination made by the department.

(h) Provisions for judicial review from the decision rendered after a fair hearing.

(3) No new facility, service, or beds shall be licensed and certified to participate in the Title XIX program without the approval of the department based upon a determination of a need therefor in accordance with the provisions of this Section. Any person establishing, managing, or operating a new facility, service, or bed without the approval required by this Section shall be prohibited from participating in the Title XIX program."
AMENDMENT NO. 14
On page 12, line 21, change "A." to "B.(1)"

AMENDMENT NO. 15
On page 12, line 22, after "facilities" insert "which shall be in effect until July 1, 2027"

AMENDMENT NO. 16
On page 12, line 23, change "B." to "(2)" and change "Subsection A of this Section" to "Paragraph (1) of this Subsection"

AMENDMENT NO. 17
On page 12, line 25, change "(1)" to "(a)"

AMENDMENT NO. 18
On page 13, line 2, change "(2)" to "(b)"

AMENDMENT NO. 19
On page 13, delete lines 6 through 29 and on page 14, delete line 1

AMENDMENT NO. 20
On page 14, line 2, change "(5)" to "(c)"

AMENDMENT NO. 21
On page 14, line 7, after "LTC-2 Report" insert "or its successor"

AMENDMENT NO. 22
On page 14, line 13, change "(6)" to "(d)"

AMENDMENT NO. 23
On page 14, delete lines 14 and 15 and insert the following:

C.(1) Except as provided in Paragraphs (2), (3), and (4) of this Subsection, the Louisiana Department of Health shall suspend approval, certification, and enrollment of nursing facility beds which were previously approved to participate in the Title XIX program under a facility needs review process, Section 1122 process, or any predecessor needs review process, unless the beds are certified and enrolled in the Title XIX program by December 31, 1997. The suspension shall be for the length of the moratorium imposed pursuant to Subsection B of this Section.

(2) The suspension shall not apply to existing approvals for replacement of existing nursing facilities, or approvals which are under judicial review, on August 15, 1997. The suspension shall not apply to approvals for alternate use of previously approved beds.

(3) In the case of previously approved but unbuilt nursing facilities or beds, the department shall not suspend approval, certification, and enrollment if construction has actually begun by June 30, 1998, and construction is completed and the facilities or beds are actually certified and enrolled in the Title XIX program by December.
31, 1999. In such cases, the department shall suspend approval, certification, and enrollment of previously approved beds not certified and enrolled by December 31, 1999.

(4) In the case of previously approved but unbuilt nursing facilities or beds, if construction has actually begun by June 30, 1998, and construction is not completed and the facilities or beds are not actually certified and enrolled in the Title XIX program by December 31, 1999, the secretary of the Louisiana Department of Health may authorize the certification and enrollment of the beds by December 31, 2001. However, the extension shall not be granted unless the secretary determines that construction has not been completed due to circumstances beyond the control of the applicant, a written request for an extension was made prior to December 31, 1999, and financing has been approved for the beds. These provisions shall only be applicable in the case of a facility, the primary purpose of which is to replace an existing facility, but also in so doing, enrolling additional beds."

AMENDMENT NO. 24

On page 14, line 18, after "beds" delete the remainder of the line