HOUSE COMMITTEE AMENDMENTS
2022 Regular Session
Amendments proposed by House Committee on Health and Welfare to Original House Bill No. 933 by Representative Stagni

1 AMENDMENT NO. 1
2 On page 1, line 2, delete "and R.S. 44:4.1(B)(26)"

3 AMENDMENT NO. 2
4 On page 1, line 16, after "rules;" delete the remainder of the line

5 AMENDMENT NO. 3
6 On page 1, at the beginning of line 17, delete "Public Records Law;"

7 AMENDMENT NO. 4
8 On page 4, delete lines 21 through 24 in their entirety

9 AMENDMENT NO. 5
10 On page 4, at the beginning of line 25, change "(2)" to "(1)"

11 AMENDMENT NO. 6
12 On page 4, at the beginning of line 26, change "(3)" to "(2)"

13 AMENDMENT NO. 7
14 On page 5, at the beginning of line 1, change "(4)" to "(3)"

15 AMENDMENT NO. 8
16 On page 5, delete lines 21 and 22 in their entirety and insert in lieu thereof the following:

"(a) A primary evacuation site and a secondary evacuation site, verified by one or more contracts or other written agreements, as well as any other alternative evacuation sites that the nursing home may have."

20 AMENDMENT NO. 9
21 Delete pages 6 and 7 in their entirety and on page 8, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

"(3) Each nursing home located in a parish listed in Paragraph (1) of this Subsection shall submit a copy of its full, updated emergency preparedness plan to the department in electronic format. The emergency preparedness plan shall be signed by the nursing home's owner or owners, or any designee of such parties, and its administrator.

(4)(a) The department shall conduct a review of each nursing home emergency preparedness plan submitted to it in accordance with Paragraph (3) of this Subsection."
(b) The departmental review required by this Paragraph shall include transmittal of each nursing home emergency preparedness plan to all of the following entities for review by those entities:

(i) The office of state fire marshal.


(iii) The Department of Transportation and Development.

(iv) The Louisiana Emergency Response Network.

(v) The local office of emergency preparedness of the parish in which the nursing home is located.

(vi) The local office of emergency preparedness of any parish in which an evacuation site, including any unlicensed sheltering site, as identified in the nursing home's emergency preparedness plan is located.

(c) The departmental review required by this Paragraph may include transmittal to any other local, parish, regional, or other state agencies or entities for consultation as the department deems appropriate. Each such agency or entity shall cooperate and contribute to the department's review and approval process.

(5) Each entity listed in Subparagraph (4)(b) of this Subsection shall review each nursing home emergency preparedness plan submitted to it and shall submit one of the following documents to the department within ninety days of receipt of the emergency preparedness plan from the department:

(a) A letter of preliminary approval of the nursing home's emergency preparedness plan.

(b) A letter detailing what changes, amendments, or revisions to the emergency preparedness plan are necessary.

(6) Any entity listed in Subparagraph (4)(b) of this Subsection that does not respond to the department concerning a nursing home emergency preparedness plan within ninety days of receipt of the plan shall be deemed to have granted preliminary approval to the plan.

(7) After review of a nursing home emergency preparedness plan and results of the review of the plan by the entities listed in Subparagraph (4)(b) of this Subsection, the department shall transmit in electronic format either of the following documents to the nursing home that submitted the plan:

(a) A notification letter communicating to the nursing home final approval of the emergency preparedness plan.

(b) A notification letter communicating to the nursing home all required changes, amendments, or other revisions to the emergency preparedness plan.

(8) Within fifteen days of receipt by the nursing home of an electronic notification from the department that requires changes, amendments, or revisions to the nursing home's emergency preparedness plan, the nursing home shall update and revise its emergency preparedness plan to incorporate the required changes, amendments, or revisions, and shall return a copy of the updated and revised emergency preparedness plan to the department.

(9) Upon receipt of a nursing home's updated and revised emergency preparedness plan, the department shall confirm that all required changes, amendments, or revisions have been incorporated into the updated and revised emergency preparedness plan, and shall issue an approval letter to the nursing home for the emergency preparedness plan. If the required changes, amendments, or revisions have not been incorporated, the department shall issue a letter of rejection of the emergency preparedness plan to the nursing home.

(10) Each nursing home shall transmit a copy of its final, approved emergency preparedness plan and a copy of the approval letter from the department to the office of state fire marshal and the applicable local office or office of...
emergency preparedness. The nursing home shall submit the final, approved
electric format, if available, to the recipients
listed in this Paragraph. If the nursing home received a letter of rejection from the
department, the nursing home shall transmit a copy of that letter to the office of state
fire marshal and the applicable local office or office of emergency preparedness.

(11) The review and approval of nursing home emergency preparedness
plans by the department and each entity listed in Subparagraph (4)(b) of this
Subsection shall be performed pursuant to the department's and those entities' respective areas of knowledge, expertise, or jurisdiction."

AMENDMENT NO. 10

On page 8, delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

"(a) A primary evacuation site and a secondary evacuation site, verified by
one or more contracts or other written agreements, as well as any other alternative
evacuation sites that the nursing home may have."

AMENDMENT NO. 11

On page 8, after line 25, delete the remainder of the page and delete pages 9 and 10 in their
entirety and on page 11 delete lines 1 through 4 in their entirety and insert in lieu thereof the
following:

"(3) Each nursing home located in a parish listed in Paragraph (1) of this
Subsection shall submit a copy of its full, updated emergency preparedness plan to
the department in electronic format. The emergency preparedness plan shall be
signed by the nursing home's owner or owners, or any designee of such parties, and its administrator.

(4)(a) The department shall conduct a review of each nursing home
emergency preparedness plan submitted to it in accordance with Paragraph (3) of this
Subsection.
(b) The departmental review required by this Paragraph shall include
transmittal of each nursing home emergency preparedness plan to all of the following
entities for review by those entities:
(i) The office of state fire marshal.
(ii) The Governor's Office of Homeland Security and Emergency
Preparedness.
(iii) The Department of Transportation and Development.
(iv) The Louisiana Emergency Response Network.
(v) The local office of emergency preparedness of the parish in which the
nursing home is located.
(vi) The local office of emergency preparedness of any parish in which an
evacuation site, including any unlicensed sheltering site, as identified in the nursing
home's emergency preparedness plan is located.
(c) The departmental review required by this Paragraph may include
transmittal to any other local, parish, regional, or other state agencies or entities for
consultation as the department deems appropriate. Each such agency or entity shall
cooperate and contribute to the department's review and approval process.

(5) Each entity listed in Subparagraph (4)(b) of this Subsection shall review
each nursing home emergency preparedness plan submitted to it and shall submit one
of the following documents to the department within ninety days of receipt of the
emergency preparedness plan from the department:
(a) A letter of preliminary approval of the nursing home's emergency
preparation plan."
(b) A letter detailing what changes, amendments, or revisions to the emergency preparedness plan are necessary.

(6) Any entity listed in Subparagraph (4)(b) of this Subsection that does not respond to the department concerning a nursing home emergency preparedness plan within ninety days of receipt of the plan shall be deemed to have granted preliminary approval to the plan.

(7) After review of a nursing home emergency preparedness plan and results of the review of the plan by the entities listed in Subparagraph (4)(b) of this Subsection, the department shall transmit in electronic format either of the following documents to the nursing home that submitted the plan:

(a) A notification letter communicating to the nursing home final approval of the emergency preparedness plan.

(b) A notification letter communicating to the nursing home all required changes, amendments, or other revisions to the emergency preparedness plan.

(8) Within fifteen days of receipt by the nursing home of an electronic notification from the department that requires changes, amendments, or revisions to the nursing home's emergency preparedness plan, the nursing home shall update and revise its emergency preparedness plan to incorporate the required changes, amendments, or revisions, and shall return a copy of the updated and revised emergency preparedness plan to the department.

(9) Upon receipt of a nursing home's updated and revised emergency preparedness plan, the department shall confirm that all required changes, amendments, or revisions have been incorporated into the updated and revised emergency preparedness plan, and shall issue an approval letter to the nursing home for the emergency preparedness plan. If the required changes, amendments, or revisions have not been incorporated, the department shall issue a letter of rejection of the emergency preparedness plan to the nursing home.

(10) Each nursing home shall transmit a copy of its final, approved emergency preparedness plan and a copy of the approval letter from the department to the office of state fire marshal and the applicable local office or office of emergency preparedness. The nursing home shall submit the final, approved emergency preparedness plan in electronic format, if available, to the recipients listed in this Paragraph. If the nursing home received a letter of rejection from the department, the nursing home shall transmit a copy of that letter to the office of state fire marshal and the applicable local office or office of emergency preparedness.

(11) The review and approval of nursing home emergency preparedness plans by the department and each entity listed in Subparagraph (4)(b) of this Subsection shall be performed pursuant to the department's and those entities' respective areas of knowledge, expertise, or jurisdiction.

AMENDMENT NO. 12

On page 11, line 29, after "owner or owners" and before "and" insert a comma "," and "or any designee of such parties,"

AMENDMENT NO. 13

On page 12, line 8, change "(10)" to "(12)"

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
AMENDMENT NO. 14

On page 12, after line 13, delete the remainder of the page and delete page 13 in its entirety and on page 14 delete lines 1 through 21 in their entirety and insert in lieu thereof the following:

"inclusive of any updates and revisions, to the department on or before November first. The full emergency preparedness plan shall be signed by the nursing home's owner or owners, or any designee of such parties, and its administrator.

(5) The department shall conduct a review of each nursing home emergency preparedness plan submitted to it in accordance with Paragraph (4) of this Subsection.

(b) The departmental review required by this Paragraph shall include transmittal of each nursing home emergency preparedness plan to all of the following entities for review by those entities:

(i) The office of state fire marshal.


(iii) The Department of Transportation and Development.

(iv) The Louisiana Emergency Response Network.

(v) The local office of emergency preparedness of the parish in which the nursing home is located.

(vi) The local office of emergency preparedness of any parish in which an evacuation site, including any unlicensed sheltering site, as identified in the nursing home's emergency preparedness plan is located.

(c) The departmental review required by this Paragraph may include transmittal to any other local, parish, regional, or other state agencies or entities for consultation as the department deems appropriate. Each such agency or entity shall cooperate and contribute to the department's review and approval process.

(6) Each entity listed in Subparagraph (5)(b) of this Subsection shall review each nursing home emergency preparedness plan submitted to it and shall submit one of the following documents to the department within ninety days of receipt of the emergency preparedness plan from the department:

(a) A letter of preliminary approval of the nursing home's emergency preparedness plan.

(b) A letter detailing what changes, amendments, or revisions to the emergency preparedness plan are necessary.

(7) Any entity listed in Subparagraph (5)(b) of this Subsection that does not respond to the department concerning a nursing home emergency preparedness plan within ninety days of receipt of the plan shall be deemed to have granted preliminary approval to the plan.

(8) After review of a nursing home emergency preparedness plan and results of the review of the plan by the entities listed in Subparagraph (5)(b) of this Subsection, the department shall transmit in electronic format, on or before March first, either of the following documents to the nursing home that submitted the plan:

(a) A notification letter communicating to the nursing home final approval of the emergency preparedness plan.

(b) A notification letter communicating to the nursing home all required changes, amendments, or other revisions to the emergency preparedness plan.

(9) Within fifteen days of receipt by the nursing home of an electronic notification from the department that requires changes, amendments, or revisions to the nursing home's emergency preparedness plan, the nursing home shall update and revise its emergency preparedness plan to incorporate the required changes.
amendments, or revisions, and shall return a copy of the updated and revised
emergency preparedness plan to the department.

(10) Upon receipt of a nursing home's updated and revised emergency
preparedness plan, the department shall confirm that all required changes,
amendments, or revisions have been incorporated into the updated and revised
emergency preparedness plan, and shall issue an approval letter to the nursing home
for the emergency preparedness plan. If the required changes, amendments, or
revisions have not been incorporated, the department shall issue a letter of rejection
of the emergency preparedness plan to the nursing home. The department shall issue
the approval letter or rejection letter required by this Paragraph on or before May
fifteenth.

(11) On or before May thirty-first, each nursing home shall transmit a copy
of its final, approved emergency preparedness plan and a copy of the approval letter
from the department to the office of state fire marshal and the applicable local office
or office of emergency preparedness. The nursing home shall submit the final,
approved emergency preparedness plan in electronic format, if available, to the
recipients listed in this Paragraph. If the nursing home received a letter of rejection
from the department, the nursing home shall transmit a copy of that letter to the
office of state fire marshal and the applicable local office or office of emergency
preparedness on or before May thirty-first.

(12) The review and approval of nursing home emergency preparedness
plans by the department and each entity listed in Subparagraph (5)(b) of this
Subsection shall be performed pursuant to the department's and those entities'
respective areas of knowledge, expertise, or jurisdiction.”

AMENDMENT NO. 15
On page 15, line 16, after "Review" and before "nursing home" insert "and approve"

AMENDMENT NO. 16
On page 15, between lines 21 and 22, insert the following:

"(4) The department shall implement a program for electronic submission
of nursing home emergency preparedness plans no later than September 1, 2023."

AMENDMENT NO. 17
On page 17, line 22, after "plan" and before the period ".” insert "to determine the suitability
and capacity of the site"

AMENDMENT NO. 18
On page 17, delete line 25 in its entirety and insert in lieu thereof the following:

"(c) On an annual basis, the department shall inspect and survey nonlicensed
sheltering sites”

AMENDMENT NO. 19
On page 17, line 28, change "its capacity to" to "whether it can"

AMENDMENT NO. 20
On page 18, after line 14, delete the remainder of the page and on page 19, delete lines 1
through 7 in their entirety
AMENDMENT NO. 21
On page 19, at the beginning of line 8, change "J.(1)" to "I.(1)"

AMENDMENT NO. 22
On page 19, line 9, change "the employees or representatives" to "any employee or representative"

AMENDMENT NO. 23
On page 19, line 18, change "The members" to "Except in the case of willful misconduct, no member"

AMENDMENT NO. 24
On page 19, line 21, after "shall" and "be liable" delete "not"

AMENDMENT NO. 25
On page 19, between lines 26 and 27, insert the following:

"(3) Neither the local office of emergency preparedness, nor, except in the case of willful misconduct, any employee or representative of the local office of emergency preparedness, engaged in the emergency preparedness activities and responsibilities as established in this Section, or in the rules and regulations promulgated pursuant to the provisions of this Section, shall be liable for the death of or any injury to persons or damage to property as a result of such activity. The local office of emergency preparedness and its employees and representatives shall be immune from any claim based on the exercise or performance of, or the failure to exercise or perform, the duties as established in this Section or in the rules and regulations promulgated pursuant to the provisions of this Section."

AMENDMENT NO. 26
On page 19, at the beginning of line 27, change "K." to "J.(1)"

AMENDMENT NO. 27
On page 19, after line 29, add the following:

"(2) Implementation and execution of an emergency preparedness plan shall be the duty and responsibility of the nursing home."

AMENDMENT NO. 28
On page 20, at the beginning of line 1, change "L." to "K."

AMENDMENT NO. 29
On page 20, delete lines 3 through 16 in their entirety

AMENDMENT NO. 30
On page 20, at the beginning of line 17, change "Section 3." to "Section 2."

AMENDMENT NO. 31
On page 20, at the beginning of line 19, change "Section 4.(A)" to "Section 3.(A)"

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
AMENDMENT NO. 32
On page 20, line 24, after "this Act," delete the remainder of the line and insert in lieu thereof "on or before August 30, 2022."

AMENDMENT NO. 33
On page 20, line 27, after "this Act," delete the remainder of the line and delete line 28 in its entirety and insert in lieu thereof "on or before September 1, 2022."

AMENDMENT NO. 34
On page 21, delete lines 1 through 16 in their entirety and insert in lieu thereof the following:

"(C) The Louisiana Department of Health shall transmit to licensed nursing homes all notification letters required by the provisions of R.S. 40:2009.25(C)(7), as enacted by Section 1 of this Act, on or before March 1, 2023.
(D) The Louisiana Department of Health shall transmit to licensed nursing homes all approval and rejection letters required by the provisions of R.S. 40:2009.25(C)(9), as enacted by Section 1 of this Act, on or before May 15, 2023.
(E) Each licensed nursing home located in a parish listed in Subsection (A) of this Section shall perform the duties relative to its emergency preparedness plan required by the provisions of R.S. 40:2009.25(C)(10), as enacted by Section 1 of this Act, on or before May 31, 2023."

AMENDMENT NO. 35
On page 21, at the beginning of line 17, change "Section 5.(A)" to "Section 4.(A)"

AMENDMENT NO. 36
On page 21, line 24, after "this Act," delete the remainder of the line and insert in lieu thereof "on or before August 30,"

AMENDMENT NO. 37
On page 21, line 28, after "this Act," delete the remainder of the line and delete line 29 in its entirety and insert in lieu thereof "on or before September 1, 2023."

AMENDMENT NO. 38
On page 22, delete lines 1 through 16 in their entirety and insert in lieu thereof the following:

"(C) The Louisiana Department of Health shall transmit to licensed nursing homes all notification letters required by the provisions of R.S. 40:2009.25(D)(7), as enacted by Section 1 of this Act, on or before March 1, 2024.
(D) The Louisiana Department of Health shall transmit to licensed nursing homes all approval and rejection letters required by the provisions of R.S. 40:2009.25(D)(9), as enacted by Section 1 of this Act, on or before May 15, 2024.
(E) Each licensed nursing home located in a parish listed in Subsection (A) of this Section shall perform the duties relative to its emergency preparedness plan required by the provisions of R.S. 40:2009.25(D)(10), as enacted by Section 1 of this Act, on or before May 31, 2024."

AMENDMENT NO. 39
On page 22, at the beginning of line 17, change "Section 6." to "Section 5."
1 AMENDMENT NO. 40

2 On page 22, at the beginning of line 20, change "Section 7." to "Section 6."