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

NURSING HOMES: Requires all nursing homes to maintain in effect emergency preparedness plans approved by the La. Department of Health

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

A. Due to the threat hurricanes pose to the parishes of 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.

nursing homes located in these parishes shall develop an emergency preparedness plan which shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, by August 1, 2006.

Each nursing home shall maintain in effect at all times an emergency preparedness plan which meets the applicable requirements of this Section and has been approved by the Louisiana Department of Health.

B. Each emergency preparedness plan shall be reviewed and updated by the nursing home annually. A summary of the updated plan shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, by March first of each year. If the emergency preparedness plan is changed, modified, or amended by the nursing home during the year, a summary of the amended plan shall be submitted to the Louisiana Department of Health, bureau of health services financing, emergency preparedness manager, within thirty days of the amendment or modification. Each nursing home shall review and update its emergency preparedness plan and shall submit the full plan to the emergency preparedness manager of the Louisiana Department of Health, bureau of health services financing, for approval no later than March first of each year.

Whenever a nursing home amends or otherwise makes any substantive change to its emergency preparedness plan, it shall submit the revised plan to the emergency preparedness manager of the Louisiana Department of Health, bureau of health services financing, for approval.

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

* * *

D. The secretary of the Louisiana Department of Health shall prescribe and publish promulgate, in accordance with the Administrative Procedure Act, criteria for evaluation of all nursing home emergency preparedness plans.
E. The Louisiana Department of Health shall do all of the following with respect to nursing home emergency preparedness plans:

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

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

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

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

*          *          *

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

*          *          *

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

*          *          *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
H. Any rule recommended or proposed by the committee shall be subject to
the review and approval of by the secretary of the Louisiana Department of Health:
and, if approved, shall be promulgated by the Louisiana Department of Health
department in accordance with the Administrative Procedure Act.

*          *          *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part
of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute
part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 291 Reengrossed 2022 Regular Session Edmonds

Abstract: Requires all nursing homes to maintain in effect emergency preparedness plans
and that all such plans shall be approved by the La. Dept. of Health.

Present law requires that nursing homes in the following parishes develop emergency
preparedness plans: 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.

Present law requires nursing homes in the parishes designated by present law to update their
emergency preparedness plans annually and send plan summaries to the La. Dept. of Health
(LDH). Present law does not require LDH to approve any such plan or plan summary.

Proposed law revises present law to require instead that each nursing home throughout the
state maintain in effect at all times an emergency preparedness plan, and that this plan be
approved by LDH.

Present law requires that each nursing home emergency preparedness plan summary
submitted to LDH include and identify, at minimum, the following:

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

2. Proof of transportation or a contract with a transportation company, verified by a
   written transportation agreement or contract.

3. Staffing patterns for evacuation, including contact information for such staff.

Proposed law provides that the minimum content requirements above shall apply to the full
emergency preparedness plans of nursing homes.

Proposed law requires nursing homes to review and update their emergency preparedness
plans and submit the full versions of such plans to the LDH emergency preparedness
manager for approval no later than March 1 annually.

Proposed law retains present law requiring LDH to prescribe criteria for evaluation of all
nursing home emergency preparedness plans. Also retains present law creating and
providing for the duties and functions of the Nursing Home Emergency Preparedness

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
Review Committee within LDH and updates the name of an organization represented on the committee.

(Amends R.S. 40:2009.25(A), (B), (C)(intro. para.), (D), (E), (F)(intro. para.), (9), and (12), and (H))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require nursing homes to review and update their emergency preparedness plans and submit the full versions of the plans to the LDH emergency preparedness manager for approval no later than March 1 annually.