AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

(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.

(4) 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.

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

(b) Each nursing home's primary sheltering host site and any other 
alternative sheltering host sites as provided in the nursing home's emergency 
preparedness plan shall be inspected and approved by the office of state fire 
marshal in accordance with the rules and regulations established pursuant to 
Paragraph (2) of this Subsection.

(c) If the state fire marshal fails to inspect a sheltering host site within 
fifteen business days after the Louisiana Department of Health 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 by the department as required by the Centers for Medicare and Medicaid Services.

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

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

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

(1) Review the emergency preparedness plans.

(2) Prepare findings from the collected information.

(3) Share such the findings with the Nursing Home Emergency Preparedness Review Committee.

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

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I. (1) The provisions of this Section shall be in addition to all other licensing 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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________