ENROLLED

2022 Regular Session

HOUSE BILL NO. 933

BY REPRESENTATIVE STAGNI

AN ACT

To amend and reenact R.S. 40:2009.25 and to repeal R.S. 36:259(B)(28) and R.S. 40:2009.1, relative to nursing homes licensed by the Louisiana Department of Health; to provide relative to emergency preparedness among nursing homes; to provide requirements and standards for nursing home emergency preparedness plans; to provide procedures for and schedules by which nursing homes shall develop and submit such plans; to provide for duties of the Louisiana Department of Health and local offices of emergency preparedness with respect to nursing home emergency preparedness; to provide relative to sites to which nursing home residents may be evacuated; to revise laws creating and providing for the Nursing Home Emergency Preparedness Review Committee within the Louisiana Department of Health; to repeal laws creating and providing for a nursing home advisory committee within the Louisiana Department of Health; to provide for limitation of liability; to require promulgation of administrative rules; 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 is hereby amended and reenacted to read as follows:

§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.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
plan which shall be submitted to the Louisiana Department of Health, bureau of
health services financing, emergency preparedness manager, by August 1, 2006.

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.

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.

D. 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.

E. The Louisiana Department of Health shall:

(1) Review the emergency preparedness plans;

(2) Prepare findings from the collected information;

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

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 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:

1. The secretary of the Louisiana Department of Health or his designee.
2. The undersecretary of the Louisiana Department of Health or his designee.
3. The state health officer of the Louisiana Department of Health or his designee.
4. The Louisiana Department of Health, bureau of health services financing, emergency preparedness manager who shall serve as the chairperson of the committee.
5. Five persons appointed by the secretary of the Louisiana Department of Health who are directors or managers of the parish or local emergency preparedness offices.
6. The secretary of the Department of Transportation and Development or his designee.
8. The executive director of the Gulf States Association of Homes and Services for the Aging.
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.
10. The nursing home ombudsman from the governor's office of elderly affairs or his designee.
11. The chair of the emergency preparedness committee of the Louisiana Nursing Home Association.
12. The executive director of the Advocacy Center or his designee.
G. All members of the committee shall serve without compensation.

H. Any rule recommended or proposed by the committee shall be subject to the review and approval of the secretary, and if approved, shall be promulgated by the Louisiana Department of Health in accordance with the Administrative Procedure Act.

A. As used in this Section, the following terms have the meaning ascribed to them in this Subsection:

(1) "Department" means the Louisiana Department of Health.

(2) "Local office of emergency preparedness" means a parish office of homeland security and emergency preparedness established pursuant to R.S. 29:727.

(3) "Nursing home" means a nursing home or nursing facility as defined in R.S. 40:2009.2 which is licensed by the Louisiana Department of Health in accordance with the requirements of R.S. 40:2009.3.

B. Each nursing home shall continue to utilize its emergency preparedness plan that was in effect on March 1, 2022, until the process provided for in Subsection C or D of this Section, whichever is applicable, has been completed. However, during this period, if a nursing home updates or amends its emergency preparedness plan pursuant to nursing home licensing rules in effect at the time, then the nursing home shall utilize the updated emergency preparedness plan until the process provided for in Subsection C or D of this Section, whichever is applicable, has been completed.


(2) Each nursing home located in a parish listed in Paragraph (1) of this Subsection shall develop an emergency preparedness plan that comports with the requirements of this Subsection. Each such plan shall include and identify, at a minimum, all of 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.

(b) Proof of transportation or a contract with a transportation company,
verified by a written transportation agreement or contract.

(c) Staffing patterns for evacuation, including contact information for facility
staff.

(d) Detailed provisions which address supply of emergency electrical power
in instances when primary electrical power in the nursing home is lost but evacuation
from the nursing home is not required.

(e) Any data, other information, documentation, or other content required by
administrative rules of the department.

(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 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 either approve the emergency preparedness plan or require changes, amendments, or other revisions to the emergency preparedness plan. The department shall notify the nursing home that submitted the plan in electronic format of the department's decision.

(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 approve the emergency preparedness plan
and issue an approval letter to the nursing home. If the required changes,
amendments, or revisions have not been incorporated, the department shall reject the
emergency preparedness plan and issue a letter of rejection to the nursing home.
The department shall not issue a license to or renew a license of a nursing home that
has received a letter of rejection of its emergency preparedness plan.

(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.

D.(1) The provisions of this Subsection shall apply to each nursing home
located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo,
Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll,
East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln,
Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides,
Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon,
Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn.
(2) Each nursing home located in a parish listed in Paragraph (1) of this Subsection shall develop an emergency preparedness plan that comports with the requirements of this Subsection. Each such plan shall include and identify, at a minimum, all of 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.

(b) Proof of transportation or a contract with a transportation company, verified by a written transportation agreement or contract.

(c) Staffing patterns for evacuation, including contact information for facility staff.

(d) Detailed provisions which address supply of emergency electrical power in instances when primary electrical power in the nursing home is lost but evacuation from the nursing home is not required.

(e) Any data, other information, documentation, or other content required by administrative rules of the department.

(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 either approve the emergency preparedness plan or
require changes, amendments, or other revisions to the emergency preparedness plan.
The department shall notify the nursing home that submitted the plan in electronic
format of the department's decision.
(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 approve the emergency preparedness plan and issue an approval letter to the nursing home. If the required changes, amendments, or revisions have not been incorporated, the department shall reject the emergency preparedness plan and issue a letter of rejection to the nursing home. The department shall not issue a license to or renew a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

(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.

E.(1)(a) On or before October 31, 2023, and annually thereafter, each nursing home located in a parish listed in Paragraph (C)(1) of this Section shall review its emergency preparedness plan. In conducting the review required by this
Subparagraph, a nursing home shall consider any changes in state licensing rules and regulations and any changes in federal rules and regulations for nursing homes adopted since the date of its last review of its emergency preparedness plan.

(b) On or before October 31, 2024, and annually thereafter, each nursing home located in a parish listed in Paragraph (D)(1) of this Section shall review its emergency preparedness plan. In conducting the review required by this Subparagraph, a nursing home shall consider any changes in state licensing rules and regulations and any changes in federal rules and regulations for nursing homes adopted since the date of its last review of its emergency preparedness plan.

(2) If a nursing home conducts a review in accordance with Paragraph (1) of this Subsection and determines that no changes, modifications, or amendments to its emergency preparedness plan are necessary, then the nursing home shall notify all of the following entities of this determination on or before November first:

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

(b) The local office of emergency preparedness of any parish in which a sheltering site, alternative sheltering site, or evacuation site, as identified in the nursing home's emergency preparedness plan, is located.

(c) The office of state fire marshal.

(d) The department.

(3)(a) Each notification required by Paragraph (2) of this Subsection shall be in the form of a written attestation signed by the owner or owners, or any designee of such parties, and the administrator of the nursing home submitting the notification. A nursing home may submit an attestation provided for in this Paragraph for no more than four consecutive years.

(b) If a nursing home has submitted an attestation provided for in Subparagraph (a) of this Paragraph for four consecutive years, then, in the year following its last submission, the nursing home shall furnish a full emergency preparedness plan in accordance with the procedures provided in Paragraphs (4) through (12) of this Subsection.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(4)(a) If a nursing home conducts a review in accordance with Paragraph (1)
of this Subsection and determines that any changes, modifications, or amendments
to its emergency preparedness plan are necessary, or if a nursing home is required
by Subparagraph (3)(b) of this Subsection to furnish a full emergency preparedness
plan, then the nursing home shall submit its full emergency preparedness plan,
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.

(b) Each emergency preparedness plan shall include and identify, at a
minimum, the following:

(i) 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.

(ii) Proof of transportation or a contract with a transportation company,
verified by written transportation agreement or contract.

(iii) Staffing patterns for evacuation, including contact information for
facility staff.

(iv) Detailed provisions which address supply of emergency electrical power
in instances when primary electrical power in the nursing home is lost but evacuation
from the nursing home is not required.

(v) Any data, other information, documentation, or other content required by
administrative rules of the department.

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

(a) 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.

(b) 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 either approve the emergency preparedness plan or require changes, amendments, or other revisions to the emergency preparedness plan.
On or before March first, the department shall notify the nursing home that submitted the plan in electronic format of the department's decision.

(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 approve the emergency preparedness plan and issue an approval letter to the nursing home. If the required changes, amendments, or revisions have not been incorporated, the department shall reject the emergency preparedness plan and issue a letter of rejection to the nursing home. The department shall issue the approval letter or rejection letter required by this Paragraph on or before May fifteenth. The department shall not issue a license to or renew a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

(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 Paragraph on or before May fifteenth.
Subsection shall be performed pursuant to the department's and those entities' respective areas of knowledge, expertise, or jurisdiction.

F. With respect to emergency preparedness among nursing homes, the department shall do all of the following:

(1) After considering any recommendations provided by the Nursing Home Emergency Preparedness Review Committee, prescribe and publish, in accordance with the Administrative Procedure Act, rules pertaining to emergency preparedness by nursing homes. The rules shall include but not be limited to all of the following:

(a) Requirements for nursing homes relating to emergency preparedness.

(b) Requirements for the content of nursing home emergency preparedness plans.

(c) Requirements for the process by which the department reviews nursing home emergency preparedness plans.

(d) Procedures for addressing situations wherein a nursing home makes changes to its emergency preparedness plan on a schedule which deviates from that provided in Subsection E of this Section.

(e) Minimum requirements for nursing homes which serve as evacuation sites for other nursing homes.

(f) Minimum requirements for nonlicensed sheltering sites identified in nursing home emergency preparedness plans.

(g) Any rule recommended or proposed by the Nursing Home Emergency Preparedness Review Committee and approved by the secretary of the department.

(2) Review and approve nursing home emergency preparedness plans in accordance with its duly adopted rules and the applicable requirements of this Section.

(3) Prepare findings based upon its review of nursing home emergency preparedness plans, including any summaries of after-action reports as the secretary of the department deems appropriate, to present to the Nursing Home Emergency Preparedness Review Committee.
G.(1) The legislature hereby creates within the department the Nursing Home Emergency Preparedness Review Committee, referred to hereafter in this Subsection as the "committee." The committee shall be composed as provided in Paragraph (2) of this Subsection and shall convene at least annually. The purposes and duties of the committee shall include reviewing the findings of the department with respect to nursing home emergency preparedness plans submitted to the department in accordance with the requirements of this Section. From its review of such findings and summaries of after-action reports, the committee shall develop and provide to the department recommendations for licensing regulations which address risks and threats; manpower issues for loading, transporting, and unloading residents; evacuation site locations; and evacuation site staffing in order to promote the health, safety, and welfare of nursing home residents.

(2) The committee shall be composed of the following members, all of whom shall serve on the committee without compensation:

(a) The secretary of the department or his designee.

(b) The undersecretary of the department or his designee.

(c) The state health officer or his designee.

(d) The emergency preparedness manager of the health standards section of the department, who shall serve as the chairperson of the committee.

(e) Five members appointed by the secretary of the department who are directors or managers of parish or municipal offices of emergency preparedness.

(f) The secretary of the Department of Transportation and Development or his designee.

(g) The executive director of the Louisiana Nursing Home Association.

(h) The chairperson of the emergency preparedness committee of the Louisiana Nursing Home Association.

(i) The executive director of LeadingAge Gulf States.

(j) Six members appointed by the secretary of the department who are owners or administrators of nursing homes. The secretary shall select such members
(k) The long-term care ombudsman of the governor's office of elderly affairs or his designee.

(l) The executive director of Disability Rights Louisiana or his designee.

(m) The director of the Governor's Office of Homeland Security and Emergency Preparedness or his designee.

(n) The director of the Louisiana Medicaid program of the department or his designee.

(o) The assistant secretary of the office of aging and adult services of the department or his designee.

(3) Any rule recommended or proposed by the committee shall be subject to review by and approval of the secretary of the department. If approved by the secretary, the department shall promulgate the rule in accordance with the Administrative Procedure Act.

H.(1) Each nursing home's emergency preparedness plan shall identify at a minimum a primary evacuation site location and a secondary evacuation site location for emergencies or disasters. Such evacuation site locations may include the premises of other licensed nursing homes, nonlicensed sheltering sites, or both.

(2)(a) The local office of emergency preparedness of the parish in which a nonlicensed sheltering site is located shall inspect the site prior to October 15, 2022, and annually thereafter. The office shall inspect any new nonlicensed sheltering site identified after May 31, 2023, in a nursing home emergency preparedness plan within thirty days of receiving the plan and annually thereafter. The office may inspect the nonlicensed sheltering site at such other times as the director of the office deems necessary or appropriate.

(b) On an annual basis, and whenever requested by the secretary of the department, the office of state fire marshal shall inspect each nonlicensed sheltering site identified in a nursing home emergency preparedness plan to determine the
suitability and capacity of the site. The office of state fire marshal may inspect the
nonlicensed sheltering site at other times as it deems necessary or appropriate.

(c) On an annual basis, the department shall inspect and survey nonlicensed
sheltering sites identified in nursing home emergency preparedness plans. The
purpose of such inspections and surveys shall be to determine the appropriateness
and suitability of the site and whether it can comply with requirements for nursing
home evacuations before, during, and after an evacuation. Any refusal by a
nonlicensed sheltering site to allow an inspection or survey of the site by the
department may result in disqualification of the nonlicensed sheltering site. If such
a refusal to allow an inspection or survey occurs when nursing home residents are
being sheltered at the site, the department may revoke the license of the nursing
home that evacuated residents to the site.

(d) Any nursing home that decides to evacuate residents to a nonlicensed
sheltering site shall notify the department of this decision within one hour of the
decision being made. Upon receipt of such notification, the department’s licensing
section and the office of public health shall conduct a site visit at the nonlicensed
sheltering site unless time, weather conditions, or other factors do not allow for such
visit. The department may conduct onsite inspections of the nonlicensed shelter site
at any time deemed necessary or appropriate by the secretary of the department. Such
authority of the department shall be in addition to its authority to conduct onsite
surveys of the licensed nursing home, regardless of location.

(e) If any non-licensed sheltering site is located outside of Louisiana, the
office of state fire marshal and the department shall coordinate with their state
agency counterparts in the state in which the site is located for inspection, review,
approval, and surveys of the site.

I.(1) Neither the state, the department, the Department of Transportation and
Development, the office of state fire marshal, nor the Governor’s Office of Homeland
Security and Emergency Preparedness nor, except in the case of willful misconduct,
any employee or representative of such entities and offices, 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 state and all departments, employees, and representatives
thereof shall be immune from any claim based upon 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.

(2) Except in the case of willful misconduct, no member of the Nursing
Home Emergency Preparedness Review Committee 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 members of the Nursing Home Emergency Preparedness Review
Committee shall be immune from any claim based upon 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.

(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.

(4)(a) For purposes of this Paragraph, "LERN" means the Louisiana
Emergency Response Network established and provided for in Chapter 34 of this
Title.

(b) Neither LERN nor the LERN board, nor, except in the case of willful
misconduct, any board member, employee or representative of LERN or the LERN
board, 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. LERN, the LERN board, and the employees and representatives of LERN and the LERN board 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.

I.(1) Nothing in this Section shall be construed to prohibit the department from taking action against a nursing home for a deficiency cited during an emergency or disaster.

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

K. The provisions of this Section shall be in addition to all other licensing and certification laws, standards, rules, and regulations for nursing homes.

Section 2. R.S. 36:259(B)(28) and R.S. 40:2009.1 are hereby repealed in their entirety.

Section 3.(A) Each licensed nursing home located in the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Martin, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion shall develop the emergency preparedness plan required by the provisions of R.S. 40:2009.25(C)(2), as enacted by Section 1 of this Act, on or before August 30, 2022.

(B) Each licensed nursing home located in a parish listed in Subsection (A) of this Section shall submit copies of its emergency preparedness plan in accordance with the requirements of R.S. 40:2009.25(C)(3), as enacted by Section 1 of this Act, on or before September 1, 2022.

(C) The Louisiana Department of Health shall either approve the emergency preparedness plan or require changes, amendments, or other revisions to the emergency preparedness plan. The department 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 either approve or reject the emergency preparedness plan and 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.

Section 4.(A) Each licensed nursing home located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn shall develop the emergency preparedness plan required by the provisions of R.S. 40:2009.25(D)(2), as enacted by Section 1 of this Act, on or before August 30, 2023.

(B) Each licensed nursing home located in a parish listed in Subsection (A) of this Section shall submit copies of its emergency preparedness plan in accordance with the requirements of R.S. 40:2009.25(D)(3), as enacted by Section 1 of this Act, on or before September 1, 2023.

(C) The Louisiana Department of Health shall either approve the emergency preparedness plan or require changes, amendments, or other revisions to the emergency preparedness plan. The department 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 either approve or reject the emergency preparedness plan and 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, 2023.
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.

Section 5. The Louisiana Department of Health may initially promulgate any rules required by the provisions of Section 1 of this Act as emergency rules in accordance with R.S. 49:953.1.

Section 6. Any employees required by the Louisiana Department of Health for the implementation and execution of the provisions of this Act shall be filled utilizing existing department vacancies and associated funding.

Section 7. 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored are additions.