

2022 Regular Session

SENATE BILL NO. 167

BY SENATOR TALBOT

NURSING HOMES. Provides relative to emergency preparedness plans for nursing homes.  
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AN ACT

To amend and reenact R.S. 40:2009.25(A) through (E) and (I), relative to emergency preparedness plans for nursing homes; to provide for submissions to the local office of emergency preparedness; to provide for the duties of the local office of emergency preparedness; 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) through (E) and (I) are 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

1 plan which shall be submitted to their local parish office of emergency  
2 preparedness and the Louisiana Department of Health, bureau of health services  
3 financing, emergency preparedness manager, ~~by August 1, 2006.~~ Nursing homes  
4 shall submit their full emergency preparedness plan to their local parish office  
5 of emergency preparedness no later than October 1, 2022.

6 B. Each emergency preparedness plan shall be reviewed and updated by the  
7 nursing home annually. A summary of the updated plan shall be submitted to the  
8 local parish office of emergency preparedness and the Louisiana Department of  
9 Health, bureau of health services financing, emergency preparedness manager, by  
10 March first of each year. If the emergency preparedness plan is changed, modified,  
11 or amended by the nursing home during the year, a summary of the amended plan  
12 shall be submitted to the local parish office of emergency preparedness and the  
13 Louisiana Department of Health, bureau of health services financing, emergency  
14 preparedness manager, within thirty days of the amendment or modification.

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

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

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

22 (3) Staffing patterns for evacuation, including contact information for ~~such~~  
23 staff.

24 (4) A detailed plan to address emergency power in the event of the loss  
25 of primary electrical power in that nursing home if evacuation from the nursing  
26 home is not required.

27 D.(1) The local parish office of emergency preparedness shall review a  
28 nursing home emergency preparedness plan or updated plan summary  
29 submitted pursuant to this Section. Once review of the plan or summary is

1 **complete, the office shall do one of the following:**

2 **(a) Report deficiencies in the plan to the nursing home for resolution**  
3 **and require the nursing home to resubmit the plan within ten business days.**

4 **(b) Report approval or denial of the plan to the nursing home and the**  
5 **Louisiana Department of Health, bureau of health services financing,**  
6 **emergency preparedness manager.**

7 **(2)** The secretary of the Louisiana Department of Health shall prescribe and  
8 publish, in accordance with the Administrative Procedure Act, criteria **for to assist**  
9 **the local parish offices of emergency preparedness in the** evaluation of all  
10 emergency preparedness plans.

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

12 (1) Review the emergency preparedness plans.

13 (2) Prepare findings from the collected information.

14 (3) Share ~~such~~ **the** findings with the Nursing Home Emergency Preparedness  
15 Review Committee.

16 **(4) Confirm that the appropriate local parish office of emergency**  
17 **preparedness has approved a nursing home's emergency preparedness plan**  
18 **prior to issuing a license or renewing a license for the nursing home.**

19 \* \* \*

20 I.**(1)** The provisions of this Section shall be in addition to all other licensing  
21 and certification laws, standards, rules, and regulations for nursing homes.

22 **(2) No nursing home shall receive a license or have a license renewed**  
23 **unless the nursing home is in compliance with this Section.**

24 Section 2. This Act shall become effective upon signature by the governor or, if not  
25 signed by the governor, upon expiration of the time for bills to become law without signature  
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
28 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

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## DIGEST

SB 167 Original

2022 Regular Session

Talbot

Present law provides that nursing homes located in the following parishes shall develop an emergency preparedness plan to be submitted to the La. Dept. of Health's emergency preparedness manager: 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.

Proposed law retains present law and adds a requirement for the emergency preparedness plan to also be submitted to the local parish office of emergency preparedness.

Present law provides for the minimum details required in the emergency preparedness plan regarding evacuation of the nursing home.

Proposed law retains present law and adds a requirement for the emergency preparedness plan to also contain 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.

Proposed law provides for the local parish office of emergency preparedness to review a nursing home emergency preparedness plan submitted pursuant to proposed law and do one of the following:

- (1) Report deficiencies in the plan to the nursing home for resolution and require the nursing home to resubmit the plan within 10 business days.
- (2) Report approval or denial of the plan to the nursing home and the La. Dept. of Health's emergency preparedness manager.

Present law provides for the duties of the La. Dept. of Health regarding submitted emergency management plans.

Proposed law retains present law and adds a requirement for the department to confirm that the appropriate local parish office of emergency preparedness has approved a nursing home's emergency preparedness plan prior to issuing a license or renewing a license for that nursing home.

Proposed law provides that no nursing home shall receive a license or have a license renewed unless the nursing home is in compliance with proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2009.25(A)-(E) and (I))