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## DIGEST

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HB 933 Original

2022 Regular Session

Stagni

**Abstract:** Effects a comprehensive revision of laws relating to emergency preparedness by and among state-licensed nursing homes.

Proposed law repeals and replaces present law addressing emergency preparedness by and among nursing homes licensed by the La. Department of Health (LDH).

Proposed law requires nursing homes to continue to utilize the emergency preparedness plans that were in effect on March 1, 2022, until the process for creation of new emergency preparedness plans provided for in proposed law has been completed. Provides, however, that if a nursing home updates or amends its emergency preparedness plan pursuant to present administrative rule, then the nursing home shall utilize the updated emergency preparedness plan until the process for creation of its new emergency preparedness plan provided for in proposed law has been completed.

Proposed law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes 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:

- (1) Prior to August 1, 2022: Each nursing home located in one of the 22 parishes listed above shall develop a new emergency preparedness plan.
- (2) Prior to August 2, 2022: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to all of the following entities:
  - (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 an evacuation site, including any unlicensed sheltering site, as identified in the nursing home's emergency preparedness plan, is located.
- (3) Prior to October 15, 2022: Each local office of emergency preparedness that received an emergency preparedness plan from a nursing home shall send the nursing home a report of any significant concerns or recommendations regarding the plan.

- (4) Prior to November 15, 2022: Each nursing home located in a listed parish shall update and revise its emergency preparedness plan to address and incorporate all recommendations that it receives from a local office of emergency preparedness.
- (5) Prior to November 16, 2022: Each nursing home located in a listed parish shall submit its full, updated emergency preparedness plan to LDH.
- (6) Prior to May 15, 2023: LDH shall transmit to each nursing home from which it received an emergency preparedness plan a notification letter discussing all issues and items in the plan that it requires the nursing home to address, change, or update; or indicating that no issues or items in the plan need to be addressed, changed, or updated.
- (7) Within 15 days of receipt of LDH notification letter: Each nursing home that received a notification letter from LDH indicating that any issues or items in its emergency preparedness plan need to be addressed, changed, or updated shall take the required actions indicated in the letter.

Proposed law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes 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:

- (1) Prior to August 1, 2023: Each nursing home located in one of the 42 parishes listed above shall develop a new emergency preparedness plan.
- (2) Prior to August 2, 2023: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to all of the following entities:
  - (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 an evacuation site, including any unlicensed sheltering site, as identified in the nursing home's emergency preparedness plan, is located.
- (3) Prior to October 15, 2023: Each local office of emergency preparedness that received an emergency preparedness plan from a nursing home shall send the nursing home a report of any significant concerns or recommendations regarding the plan.
- (4) Prior to November 15, 2023: Each nursing home located in a listed parish shall update and revise its emergency preparedness plan to address and incorporate all recommendations that it receives from a local office of emergency preparedness.

- (5) Prior to November 16, 2023: Each nursing home located in a listed parish shall submit its full, updated emergency preparedness plan to LDH.
- (6) Prior to May 15, 2024: LDH shall transmit to each nursing home from which it received an emergency preparedness plan a notification letter discussing all issues and items in the plan that it requires the nursing home to address, change, or update; or indicating that no issues or items in the plan need to be addressed, changed, or updated.
- (7) Within 15 days of receipt of LDH notification letter: Each nursing home that received a notification letter from LDH indicating that any issues or items in its emergency preparedness plan need to be addressed, changed, or updated shall take the required actions indicated in the letter.

Proposed law establishes a schedule, procedures, and requirements relative to production of future versions of a nursing home's emergency preparedness plan after its first plan required by proposed law is fully developed.

Proposed law requires LDH to promulgate administrative rules relative to emergency preparedness by nursing homes. Provides that such rules shall include but not be limited to all of the following:

- (1) Requirements for nursing homes relating to emergency preparedness.
- (2) Requirements for the content of nursing home emergency preparedness plans.
- (3) Requirements for the process by which the department reviews nursing home emergency preparedness plans.
- (4) Procedures for addressing situations wherein a nursing home makes changes to its emergency preparedness plan on a schedule which deviates from that provided in proposed law.
- (5) Minimum requirements for nursing homes which serve as evacuation sites for other nursing homes.
- (6) Minimum requirements for nonlicensed sheltering sites identified in nursing home emergency preparedness plans.
- (7) Requirements, timelines, and procedures for after-action reports as defined in and provided for more specifically in proposed law.
- (8) Any rule recommended or proposed by the Nursing Home Emergency Preparedness Review Committee and approved by the secretary of the department.

Proposed law authorizes LDH to initially promulgate any rules required by proposed law as emergency rules in accordance with present law relative to emergency rulemaking (R.S. 49:953.1).

Proposed law revises the membership of the 17-member Nursing Home Emergency Preparedness Review Committee provided for in present law by adding to the committee the following seven members:

- (1) Four members appointed by the secretary of LDH who are owners or administrators of nursing homes.
- (2) The director of the Governor's Office of Homeland Security and Emergency Preparedness or his designee.
- (3) The director of the La. Medicaid program or his designee.
- (4) The assistant secretary of the LDH office of aging and adult services or his designee.

Proposed law provides requirements and standards relative to nonlicensed sheltering sites that nursing homes identify in emergency preparedness plans. Authorizes and provides for inspections of such sites by LDH, the office of state fire marshal, and local offices of emergency preparedness.

Proposed law stipulates that any refusal by a nonlicensed sheltering site to allow an inspection or survey of the site by LDH may result in disqualification of the site. Provides that if such a refusal to allow an inspection or survey occurs when nursing home residents are being sheltered at the site, then LDH may revoke the license of the nursing home that evacuated residents to the site.

Proposed law requires any nursing home that decides to evacuate residents to a nonlicensed sheltering site to notify LDH of this decision within one hour of the decision being made. Provides that upon receipt of such notification, the LDH licensing section and office of public health shall conduct a site visit at the site unless time, weather conditions, or other factors do not allow for such visit. Authorizes LDH to conduct onsite inspections of the site at any time deemed necessary or appropriate by the secretary of the department.

Proposed law defines "after-action report", for purposes of proposed law, as a written report by a nursing home attesting to its degree of adherence to its emergency preparedness plan and discussing the execution and implementation of that plan during a disaster event or other emergency.

Proposed law requires each nursing home that evacuates residents from its licensed premises to submit an after-action report to LDH. Also requires each nursing home that encounters any of the following situations at its licensed premises or at an evacuation site to submit an after-action report to LDH:

- (1) The location experienced a power outage of longer than one hour.
- (2) The location experienced water intrusion into any building.
- (3) The location lost generator capability or power for more than one hour, including loss of re-fueling ability.

- (4) The location sustained physical damage due to a hurricane, rain, wind, other weather conditions, flooding, fire, or any other disaster or emergency.

Proposed law stipulates that after-action reports shall be confidential and exempt from disclosure pursuant to present law relative to public records (R.S. 44:1 et seq.).

Proposed law provides a limitation of liability for the state, LDH, employees of the state and LDH, and members of the Nursing Home Emergency Preparedness Review Committee associated with engaging in the activities and responsibilities provided for in proposed law.

Proposed law repeals present law creating and providing for an 11-member nursing home advisory committee within LDH.

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

(Amends R.S. 40:2009.25 and R.S. 44:4.1(B)(26); Repeals R.S. 36:259(B)(28) and R.S. 40:2009.1)