

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

1 AN ACT

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

9 Be it enacted by the Legislature of Louisiana:

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

13 §2009.25. Emergency preparedness plans for nursing homes; ~~applicable parishes;~~  
14 ~~requirements; approval by Louisiana Department of Health required;~~ Nursing  
15 Home Emergency Preparedness Review Committee; rules and regulations;  
16 ~~application~~

17 A. ~~Due to the threat hurricanes pose to the parishes of Acadia, Ascension,~~  
18 ~~Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,~~  
19 ~~Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the~~  
20 ~~Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,~~

1           ~~nursing homes located in these parishes shall develop an emergency preparedness~~  
 2           ~~plan which shall be submitted to the Louisiana Department of Health, bureau of~~  
 3           ~~health services financing, emergency preparedness manager, by August 1, 2006.~~  
 4           Each nursing home shall maintain in effect at all times an emergency preparedness  
 5           plan which meets the applicable requirements of this Section and has been approved  
 6           by the Louisiana Department of Health.

7                     ~~B. Each emergency preparedness plan shall be reviewed and updated by the~~  
 8                     ~~nursing home annually. A summary of the updated plan shall be submitted to the~~  
 9                     ~~Louisiana Department of Health, bureau of health services financing, emergency~~  
 10                    ~~preparedness manager, by March first of each year. If the emergency preparedness~~  
 11                    ~~plan is changed, modified, or amended by the nursing home during the year, a~~  
 12                    ~~summary of the amended plan shall be submitted to the Louisiana Department of~~  
 13                    ~~Health, bureau of health services financing, emergency preparedness manager,~~  
 14                    ~~within thirty days of the amendment or modification.~~     Each nursing home shall  
 15                    review and update its emergency preparedness plan and shall submit the full plan to  
 16                    the emergency preparedness manager of the Louisiana Department of Health, bureau  
 17                    of health services financing, for approval no later than March first of each year.  
 18                    Whenever a nursing home amends or otherwise makes any substantive change to its  
 19                    emergency preparedness plan, it shall submit the revised plan to the emergency  
 20                    preparedness manager of the Louisiana Department of Health, bureau of health  
 21                    services financing, for approval.

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

24                                     \*       \*       \*

25                    D. The secretary of the Louisiana Department of Health shall prescribe and  
 26                    ~~publish~~ promulgate, in accordance with the Administrative Procedure Act, criteria  
 27                    for evaluation of all nursing home emergency preparedness plans.

28                    E. The Louisiana Department of Health shall do all of the following with  
 29                    respect to nursing home emergency preparedness plans:

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

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

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

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

18 \* \* \*

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

22 \* \* \*

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

25 \* \* \*

26 H. Any rule recommended or proposed by the committee shall be subject to  
27 ~~the review and approval of~~ by the secretary of the Louisiana Department of Health;

1           and, if approved, shall be promulgated by the ~~Louisiana Department of Health~~  
2           department in accordance with the Administrative Procedure Act.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_