

First Extraordinary Session, 2005

HOUSE BILL NO. 5

BY REPRESENTATIVES WALKER, KATZ, AND PINAC

HEALTH CARE/FACILITIES: Provides for the Department of Health and Hospitals to promulgate rules for the establishment, reestablishment, or continued operation of nursing facilities, hospitals, and intermediate care facilities for the mentally retarded located in areas subject to hurricanes, tidal surges, or flooding (Item #43)

1 AN ACT

2 To enact R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10), relative to minimum
3 standards for licensure for hospitals, nursing facilities, and intermediate care
4 facilities for the mentally retarded; to provide the Department of Health and
5 Hospitals the authority to promulgate rules for facilities located in areas subject to
6 hurricanes, tidal surges, or flooding; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10) are hereby enacted
9 to read as follows:

10 §2009.4. Standards prescribed

11 A. The Department shall prescribe and publish minimum standards in
12 relation to:

13 * * *

14 (6) The establishment, reestablishment, or continued operation of facilities
15 located in areas subject to hurricanes, tidal surges, or flooding. The regulations
16 adopted by the department shall include but not be limited to:

17 (a) Requirements of stricter building and construction codes and guidelines.

18 (b) Restrictions of location of facilities.

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 2 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Walker

HB No. 5

Abstract: Grants DHH rulemaking authority for the establishment, reestablishment, or continued operation of nursing facilities, hospitals, and ICF/MRs in areas subject to hurricanes, tidal surges, or flooding.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of nursing facilities located in areas subject to hurricanes, tidal surges, or flooding. Such rules must include requirements of stricter building and construction codes and guidelines, restrictions of location of facilities, and requirements of maintaining advanced communication devices which are not dependent on towers, wires, or fibers.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of hospitals located in areas subject to hurricanes, tidal surges, or flooding. Such rules may include the requirements of stricter building and construction codes and guidelines and restrictions of location of facilities.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of intermediate care facilities for the mentally retarded located in areas subject to hurricanes, tidal surges, or flooding. Such rules must include the requirements of stricter building and construction codes and guidelines and restrictions of location of facilities.

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

(Adds R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Adds that the rules promulgated for nursing facilities must include the requirement that such facilities maintain advanced communication devices that do not depend upon towers, wires, or fibers.