

First Extraordinary Session, 2005

HOUSE BILL NO. 5

BY REPRESENTATIVES WALKER, KATZ, AND PINAC

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 building and construction codes and guidelines.

18 (b) Restrictions of locations of newly approved facilities that are subject to
19 the provisions of the facility need review process.

20 (c) Provisions for the fair allocation of the Medicaid share of facility specific
21 costs directly incurred by a facility as a result of compliance.

22 (d) Provisions for reasonable time periods for compliance, not to exceed
23 three years, except when extensions are granted by the department for good cause.

24 * * *

1 §2109. Rules, regulations, and minimum standards

2 * * *

3 B. The minimum standards adopted by the secretary governing operation and
4 maintenance of hospitals may contain regulations in relation to:

5 * * *

6 (1)

7 * * *

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

11 (i) Requirements of building and construction codes and guidelines.

12 (ii) Provisions for the fair allocation of the Medicaid share of facility specific
13 costs directly incurred by a facility as a result of compliance.

14 (iii) Provisions for reasonable time periods for compliance, not to exceed
15 three years, except when extensions are granted by the department for good cause.

16 * * *

17 §2180.2. Promulgation of rules

18 The department shall promulgate, in accordance with the Administrative
19 Procedure Act, licensing standards, rules, and regulations, regarding, but not limited
20 to the following:

21 * * *

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

25 (a) Requirements of building and construction codes and guidelines.

26 (b) Restrictions of locations of newly approved facilities that are subject to
27 the provisions of the facility need review process.

1 (c) Provisions for the fair allocation of the Medicaid share of facility specific
2 costs directly incurred by a facility as a result of compliance.

3 (d) Provisions for reasonable time periods for compliance, not to exceed
4 three years, except when extensions are granted by the department for good cause.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____