First Extraordinary Session, 2005

ACT No. 41

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____

PRESIDENT OF THE SENATE

_____

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.