

2016 Regular Session

SENATE BILL NO. 238

BY SENATOR THOMPSON

NURSING HOMES. Establishes procedure for certain nursing home surveys. (8/1/16)

1 AN ACT

2 To enact R.S. 40:2009.10.1, relative to investigations by the Department of Health and
3 Hospitals; to provide for provider communication opportunities; to provide for
4 notice; to provide for time limitations on violation issuance; to provide for an
5 effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2009.10.1 is hereby enacted to read as follows:

8 **§2009.10.1. Immediate jeopardy violations in a licensed nursing home**

9 **A. Except as otherwise provided in Subsection C of this Section, if the**
10 **Department of Health and Hospitals identifies an immediate jeopardy violation**
11 **during the course and scope of a survey of a licensed nursing home, the**
12 **department shall notify the administrator or his designee of such violation and**
13 **make available an opportunity to speak via telephone with a department**
14 **supervisor prior to the surveyor exiting the facility if the survey is conducted**
15 **during regular working hours. If the survey is conducted during a time not**
16 **considered regular working hours, the administrator shall have the opportunity**
17 **to speak with a department supervisor during the next business morning.**

1 **B. If an immediate jeopardy violation is noted, the department shall**
2 **present the administrator or his designee with a warning that immediate action**
3 **is required to remedy the violation and preserve appeal rights as significant**
4 **fines may be imposed by the Centers for Medicare and Medicaid Services. The**
5 **warning notice shall be clear and in writing in a standard form developed by the**
6 **department that includes an explanation of the basis for the citation.**

7 **C. The department shall not issue an immediate jeopardy violation for**
8 **any instance noted during a survey if the surveyor has already exited the**
9 **licensed nursing facility. All immediate jeopardy violations must be brought to**
10 **the attention of the administrator or his designee during the survey and prior**
11 **to the surveyor exiting the licensed nursing home.**

12 Section 2. This Act shall become effective on August 1, 2016; if vetoed by the
13 governor and subsequently approved by the legislature, this Act shall become effective on
14 August 1, 2016, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

SB 238 Original

DIGEST
2016 Regular Session

Thompson

Proposed law establishes a process that must be followed by the Department of Health and Hospitals if an immediate jeopardy violation is identified by a surveyor at a licensed nursing home. Provides for an opportunity for the administrator to speak with a department supervisor prior to the surveyor exiting the facility, the issuance of a warning notice that immediate action is required due to possibility of significant CMS fines, and that any immediate jeopardy violations must be noted and brought to the attention of the administrator prior to the surveyor exiting the facility.

Effective August 1, 2016.

(Adds R.S. 40:2009.10.1)