

SENATE BILL NO. 238

BY SENATOR THOMPSON

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's 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.**

18 **B. If an immediate jeopardy violation is noted, the department shall**
19 **present the administrator or his designee with a warning that immediate action**
20 **is required to remedy the violation and preserve appeal rights as significant**
21 **finances may be imposed by the Centers for Medicare and Medicaid Services. The**
22 **warning notice shall be clear and in writing in a standard form developed by the**
23 **department that includes an explanation of the basis for the citation.**

1 C. If the department identifies an immediate jeopardy violation after the
2 department surveyors have exited the licensed nursing home, the department
3 shall notify the administrator or his designee of such violation by telephone,
4 shall forward the notice described in Subsection B of this Section to the
5 administrator or his designee via electronic or facsimile transmission, and shall
6 provide an opportunity to speak via telephone with a department supervisor
7 during the next business morning after such notification. Such notification shall
8 be provided to the nursing home on an expedited basis.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____