

2021 Regular Session

SENATE BILL NO. 194

BY SENATOR BOUDREAUX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NURSING HOMES. Provides for an extension to the moratorium on additional beds for nursing facilities. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 40:2116(D)(2) and (K), relative to facility need review; to
3 provide for an extension of the moratorium on the approval of additional beds for
4 nursing facilities; to provide for an exemption if there is no increase in existing
5 nursing home beds; to provide for nursing home beds in alternate use; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2116(D)(2) and (K) are hereby amended and reenacted to read
9 as follows:

10 §2116. Facility need review

11 * * *

12 D. * * *

13 (2) The Louisiana Department of Health shall implement a moratorium on
14 additional beds for nursing facilities. The Louisiana Department of Health shall not
15 approve any additional nursing facilities or additional beds in nursing facilities
16 through facility need review. This prohibition shall apply only to applications for
17 new beds not approved prior to July 1, 1996. The prohibition shall become

1 enforceable on July 1, 1996, and shall remain in effect until July 1, ~~2022~~ **2027**. This
 2 prohibition shall not apply to the replacement of existing facilities, provided that
 3 there is no increase in existing nursing home beds ~~at the replacement facility~~ **within**
 4 **the same service area.**

5 * * *

6 K. The department shall adopt a rule to allow a nursing home located in a
 7 service area which has less than ninety-three percent occupancy to temporarily
 8 convert a number of licensed beds to an alternate use. The beds may be converted for
 9 alternate health care use until such time as the average annual occupancy in the
 10 service area exceeds ninety-three percent and an adjoining service area exceeds
 11 ninety-three percent based on the department's LTC-2 Report and the facility is
 12 notified of the same. The facility shall then either re-license the beds as nursing
 13 home beds within one year of receipt of the notice from the department, or the beds
 14 will be deemed expired. Nothing herein shall be construed to preclude nursing homes
 15 from taking beds out of alternate use at any time and using them as licensed beds
 16 unless deemed expired. The prohibition contained in Paragraph (D)(2) of this Section
 17 shall not apply to ~~certain~~ nursing **home** beds in alternate use. ~~Any nursing home bed~~
 18 ~~in alternate health care use as of August 15, 2006, may be voluntarily taken out of~~
 19 ~~alternate use and re-licensed as a nursing home bed, unless those beds are otherwise~~
 20 ~~deemed expired, revoked, or surrendered.~~

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 194 Original

2021 Regular Session

Boudreaux

Present law provides for a moratorium on additional beds for nursing facilities which expires on July 1, 2022. Proposed law extends the moratorium until July 1, 2027.

Present law provides an exemption to the moratorium for the replacement of existing facilities if there is no increase in existing nursing home beds at the replacement facility. Proposed law expands the exemption to no increase within the same service area.

Present law provides that any nursing home bed in alternate health care use as of August 15, 2006, may be voluntarily taken out of alternate use and re-licensed as a nursing home bed, unless those beds are otherwise deemed expired, revoked, or surrendered. Proposed law repeals present law.

Effective August 1, 2021.

(Amends R.S. 40:2116(D)(2) and (K))