

SENATE BILL NO. 194

BY SENATOR BOUDREAUX

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2116. Facility need review

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D.

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(2) The Louisiana Department of Health shall implement a moratorium on additional beds for nursing facilities. The Louisiana Department of Health shall not approve any additional nursing facilities or additional beds in nursing facilities through facility need review. This prohibition shall apply only to applications for new beds not approved prior to July 1, 1996. The prohibition shall become enforceable on July 1, 1996, and shall remain in effect until July 1, ~~2022~~ **2027**. This prohibition shall not apply to the replacement of existing facilities, provided that there is no increase in existing nursing home beds at the replacement facility.

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K. The department shall adopt a rule to allow a nursing home located in a service area which has less than ninety-three percent occupancy to temporarily

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____