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**SENATE COMMITTEE AMENDMENTS**

2022 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 30 by Senator Fred Mills

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1 AMENDMENT NO. 1

2 On page 2, line 10, delete "**No**" and insert "**The department may institute facility need**  
3 **review on licensing or certification to participate in the Title XIX program. Except as**  
4 **provided in R.S. 40:2116.1, no**"

5 AMENDMENT NO. 2

6 On page 2, delete line 20

7 AMENDMENT NO. 3

8 On page 2, line 21, change "**(3)**" to "**(2)**"

9 AMENDMENT NO. 4

10 On page 2, line 22, change "**(4)**" to "**(3)**"

11 AMENDMENT NO. 5

12 On page 2, line 23, change "**(5)**" to "**(4)**"

13 AMENDMENT NO. 6

14 On page 2, line 25, change "**(6)**" to "**(5)**"

15 AMENDMENT NO. 7

16 On page 2, line 27, change "**(7)**" to "**(6)**"

17 AMENDMENT NO. 8

18 On page 2, delete line 29

19 AMENDMENT NO. 9

20 On page 4, line 5, change "**(b)**" to "**(b)(i)**"

21 AMENDMENT NO. 10

22 On page 4, line 7, after "**the application**" insert a period and delete the remainder of the line,  
23 delete lines 8 and 9, and insert the following:

24 **"(ii) Upon receipt of additional documentation and evidence**  
25 **from the applicant, the FNR committee shall conduct a supplemental**  
26 **application review and shall provide the applicant an opportunity to**  
27 **meet with the FNR committee or its designees as part of the review. The**  
28 **meeting may be conducted in-person or, at the discretion of the**  
29 **Louisiana Department of Health, through virtual means, including by**  
30 **telephone or virtual technology that facilitates synchronous interaction.**

31 **(iii) After a meeting conducted pursuant to Item (ii) of this**  
32 **Subparagraph, the applicant may submit additional documentation and**  
33 **evidence for consideration during the supplemental application review.**

1 (iv) The decision on the supplemental application review shall be  
2 made by the FNR Committee."

3 AMENDMENT NO. 11

4 On page 4, line 17, after "licensure" insert "or certification to participate in the Title XIX  
5 program as applicable"

6 AMENDMENT NO. 12

7 On page 5, between lines 22 and 23, insert the following:

8 "(11) Provisions and procedures for the revocation, suspension, and  
9 expiration of FNR approvals."

10 AMENDMENT NO. 13

11 On page 12, delete line 20 and insert the following:

12 "§2116.1. Nursing facilities; facility need review; moratorium; exceptions

13 A.(1) The Louisiana Department of Health, in accordance with  
14 the Administrative Procedure Act, shall establish a facility need review  
15 process for nursing facilities consistent with the regulations for licensure  
16 and for Title XIX of the Social Security Act.

17 (2) The department shall promulgate rules and regulations in  
18 accordance with the Administrative Procedure Act to provide for facility  
19 need review. The rules and regulations shall include but not be limited  
20 to the following:

21 (a) Criteria for review of nursing facility beds to determine if  
22 there is a need for additional beds.

23 (b) Specific duties of the department to review proposals for new  
24 facilities and determine the need therefor.

25 (c) Appropriate methodology for the collection of data necessary  
26 for the administration of the program.

27 (d) Procedures to grant and revoke approvals.

28 (e) Establishment of application fees.

29 (f) Procedures for review of applications by the department.

30 (g) Procedures to request a fair hearing from a determination  
31 made by the department.

32 (h) Provisions for judicial review from the decision rendered  
33 after a fair hearing.

34 (3) No new facility, service, or beds shall be licensed and certified  
35 to participate in the Title XIX program without the approval of the  
36 department based upon a determination of a need therefor in  
37 accordance with the provisions of this Section. Any person establishing,  
38 managing, or operating a new facility, service, or bed without the  
39 approval required by this Section shall be prohibited from participating  
40 in the Title XIX program."

1 AMENDMENT NO. 14

2 On page 12, line 21, change "A." to "B.(1)"

3 AMENDMENT NO. 15

4 On page 12, line 22, after "facilities" insert "which shall be in effect until July 1, 2027"

5 AMENDMENT NO. 16

6 On page 12, line 23, change "B." to "(2)" and change "Subsection A of this Section" to  
7 "Paragraph (1) of this Subsection"

8 AMENDMENT NO. 17

9 On page 12, line 25, change "(1)" to "(a)"

10 AMENDMENT NO. 18

11 On page 13, line 2, change "(2)" to "(b)"

12 AMENDMENT NO. 19

13 On page 13, delete lines 6 through 29 and on page 14, delete line 1

14 AMENDMENT NO. 20

15 On page 14, line 2, change "(5)" to "(c)"

16 AMENDMENT NO. 21

17 On page 14, line 7, after "LTC-2 Report" insert "or its successor"

18 AMENDMENT NO. 22

19 On page 14, line 13, change "(6)" to "(d)"

20 AMENDMENT NO. 23

21 On page 14, delete lines 14 and 15 and insert the following:

22 "C.(1) Except as provided in Paragraphs (2), (3), and (4) of this  
23 Subsection, the Louisiana Department of Health shall suspend approval,  
24 certification, and enrollment of nursing facility beds which were  
25 previously approved to participate in the Title XIX program under a  
26 facility need review process, Section 1122 process, or any predecessor  
27 needs review process, unless the beds are certified and enrolled in the  
28 Title XIX program by December 31, 1997. The suspension shall be for  
29 the length of the moratorium imposed pursuant to Subsection B of this  
30 Section.

31 (2) The suspension shall not apply to existing approvals for  
32 replacement of existing nursing facilities, or approvals which are under  
33 judicial review, on August 15, 1997. The suspension shall not apply to  
34 approvals for alternate use of previously approved beds.

35 (3) In the case of previously approved but unbuilt nursing  
36 facilities or beds, the department shall not suspend approval,  
37 certification, and enrollment if construction has actually begun by June  
38 30, 1998, and construction is completed and the facilities or beds are  
39 actually certified and enrolled in the Title XIX program by December

1 31, 1999. In such cases, the department shall suspend approval,  
2 certification, and enrollment of previously approved beds not certified  
3 and enrolled by December 31, 1999.

4 (4) In the case of previously approved but unbuilt nursing  
5 facilities or beds, if construction has actually begun by June 30, 1998,  
6 and construction is not completed and the facilities or beds are not  
7 actually certified and enrolled in the Title XIX program by December  
8 31, 1999, the secretary of the Louisiana Department of Health may  
9 authorize the certification and enrollment of the beds by December 31,  
10 2001. However, the extension shall not be granted unless the secretary  
11 determines that construction has not been completed due to  
12 circumstances beyond the control of the applicant, a written request for  
13 an extension was made prior to December 31, 1999, and financing has  
14 been approved for the beds. These provisions shall only be applicable in  
15 the case of a facility, the primary purpose of which is to replace an  
16 existing facility, but also in so doing, enrolling additional beds."

17 AMENDMENT NO. 24

18 On page 14, line 18, after "beds" delete the remainder of the line