

2022 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVE EDMONDS

NURSING HOMES: Requires all nursing homes to maintain in effect emergency preparedness plans approved by the La. Department of Health

1 AN ACT

2 To amend and reenact R.S. 40:2009.25(A), (B), (C)(introductory paragraph), (D), (E),
3 (F)(introductory paragraph), (9), and (12), and (H), relative to regulation of nursing
4 homes; to revise laws pertaining to emergency preparedness among nursing homes;
5 to require that all nursing homes maintain in effect emergency preparedness plans
6 approved by the Louisiana Department of Health; to repeal a geographic limitation
7 pertaining to nursing home emergency preparedness plan requirements; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:2009.25(A), (B), (C)(introductory paragraph), (D), (E),
11 (F)(introductory paragraph), (9), and (12), and (H) are hereby amended and reenacted to read
12 as follows:

13 §2009.25. Emergency preparedness plans for nursing homes; ~~applicable parishes;~~
14 requirements; approval by Louisiana Department of Health required; Nursing
15 Home Emergency Preparedness Review Committee; rules and regulations;
16 application

17 A. ~~Due to the threat hurricanes pose to the parishes of Acadia, Ascension,~~
18 ~~Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,~~
19 ~~Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the~~
20 ~~Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,~~

1 ~~nursing homes located in these parishes shall develop an emergency preparedness~~
 2 ~~plan which shall be submitted to the Louisiana Department of Health, bureau of~~
 3 ~~health services financing, emergency preparedness manager, by August 1, 2006.~~
 4 Each nursing home shall maintain in effect at all times an emergency preparedness
 5 plan which meets the applicable requirements of this Section and has been approved
 6 by the Louisiana Department of Health.

7 B. ~~Each emergency preparedness plan shall be reviewed and updated by the~~
 8 ~~nursing home annually. A summary of the updated plan shall be submitted to the~~
 9 ~~Louisiana Department of Health, bureau of health services financing, emergency~~
 10 ~~preparedness manager, by March first of each year. If the emergency preparedness~~
 11 ~~plan is changed, modified, or amended by the nursing home during the year, a~~
 12 ~~summary of the amended plan shall be submitted to the Louisiana Department of~~
 13 ~~Health, bureau of health services financing, emergency preparedness manager,~~
 14 ~~within thirty days of the amendment or modification.~~ Each nursing home shall
 15 review and update its emergency preparedness plan at least annually and shall submit
 16 the full plan to the emergency preparedness manager of the Louisiana Department
 17 of Health, bureau of health services financing, for approval. Whenever a nursing
 18 home amends or otherwise makes any substantive change to its emergency
 19 preparedness plan, it shall submit the revised plan to the emergency preparedness
 20 manager of the Louisiana Department of Health, bureau of health services financing,
 21 for approval.

22 C. Each ~~summary of the~~ nursing home emergency preparedness plan shall
 23 include and identify, at a minimum, all of the following:

24 * * *

25 D. The secretary of the Louisiana Department of Health shall prescribe and
 26 ~~publish~~ promulgate, in accordance with the Administrative Procedure Act, criteria
 27 for evaluation of all nursing home emergency preparedness plans.

28 E. The Louisiana Department of Health shall do all of the following with
 29 respect to nursing home emergency preparedness plans:

1 (1) Review ~~the~~ all nursing home emergency preparedness plans submitted
2 to the department.

3 (2) Prepare findings ~~from the collected information~~ regarding each submitted
4 plan.

5 (3) Share ~~such~~ the findings provided for in Paragraph (2) of this Subsection
6 with the Nursing Home Emergency Preparedness Review Committee created by the
7 provisions of Subsection F of this Section.

8 F. There is hereby created in the Louisiana Department of Health the
9 Nursing Home Emergency Preparedness Review Committee, hereinafter referred to
10 in this Section as the "committee." The committee, which shall convene at least
11 annually, shall be charged with reviewing the findings of the ~~emergency~~
12 ~~preparedness plan submitted to the department under~~ provided in accordance with
13 Paragraph (E)(3) of this Section, identifying risks and threats, identifying manpower
14 issues for loading, transporting, and unloading residents, and developing
15 recommendations for emergency preparedness plans to promote the health, safety,
16 and welfare of nursing home residents. The committee shall be comprised of the
17 following members:

18 * * *

19 (9) Two persons appointed by the secretary of the Louisiana Department of
20 Health who are either owners or administrators of nursing homes ~~from the parishes~~
21 ~~listed in Subsection A of this Section.~~

22 * * *

23 (12) The executive director of ~~the Advocacy Center~~ Disability Rights
24 Louisiana or his designee.

25 * * *

26 H. Any rule recommended or proposed by the committee shall be subject to
27 ~~the review and approval of~~ by the secretary of the Louisiana Department of Health;

1 and, if approved, shall be promulgated by the ~~Louisiana Department of Health~~
2 department in accordance with the Administrative Procedure Act.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 291 Engrossed

2022 Regular Session

Edmonds

Abstract: Requires all nursing homes to maintain in effect emergency preparedness plans and that all such plans shall be approved by the La. Dept. of Health.

Present law requires that nursing homes in the following parishes develop emergency preparedness plans: Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

Present law requires nursing homes in the parishes designated by present law to update their emergency preparedness plans annually and send plan summaries to the La. Dept. of Health (LDH). Present law does not require LDH to approve any such plan or plan summary.

Proposed law revises present law to require instead that each nursing home throughout the state maintain in effect at all times an emergency preparedness plan, and that this plan be approved by LDH.

Present law requires that each nursing home emergency preparedness plan summary submitted to LDH include and identify, at minimum, the following:

- (1) A primary sheltering host site outside the area of risk, verified by written agreements or contracts and any other alternative sheltering host sites that the nursing home may have.
- (2) Proof of transportation or a contract with a transportation company, verified by a written transportation agreement or contract.
- (3) Staffing patterns for evacuation, including contact information for such staff.

Proposed law provides that the minimum content requirements above shall apply to the full emergency preparedness plans of nursing homes.

Proposed law retains present law requiring LDH to prescribe criteria for evaluation of all nursing home emergency preparedness plans. Also retains present law creating and providing for the duties and functions of the Nursing Home Emergency Preparedness Review Committee within LDH and updates the name of an organization represented on the committee.

(Amends R.S. 40:2009.25(A), (B), (C)(intro. para.), (D), (E), (F)(intro. para.), (9), and (12), and (H))