

2022 Regular Session

HOUSE BILL NO. 933

BY REPRESENTATIVE STAGNI

NURSING HOMES: Provides relative to emergency preparedness among licensed nursing homes

1 AN ACT

2 To amend and reenact R.S. 40:2009.25 and to repeal R.S. 36:259(B)(28) and R.S. 40:2009.1,  
3 relative to nursing homes licensed by the Louisiana Department of Health; to provide  
4 relative to emergency preparedness among nursing homes; to provide requirements  
5 and standards for nursing home emergency preparedness plans; to provide  
6 procedures for and schedules by which nursing homes shall develop and submit such  
7 plans; to provide for duties of the Louisiana Department of Health and local offices  
8 of emergency preparedness with respect to nursing home emergency preparedness;  
9 to provide relative to sites to which nursing home residents may be evacuated; to  
10 require nursing homes to produce certain reports pursuant to disasters and other  
11 emergency events; to revise laws creating and providing for the Nursing Home  
12 Emergency Preparedness Review Committee within the Louisiana Department of  
13 Health; to repeal laws creating and providing for a nursing home advisory committee  
14 within the Louisiana Department of Health; to provide for limitation of liability; to  
15 require promulgation of administrative rules; to provide for an effective date; and to  
16 provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 40:2009.25 is hereby amended and reenacted to read as follows:

1           §2009.25. Emergency preparedness plans for nursing homes; ~~applicable parishes;~~  
2                           requirements; Nursing Home Emergency Preparedness Review Committee;  
3                           rules and regulations; ~~application~~

4           A. ~~Due to the threat hurricanes pose to the parishes of Acadia, Ascension,~~  
5           ~~Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,~~  
6           ~~Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the~~  
7           ~~Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,~~  
8           ~~nursing homes located in these parishes shall develop an emergency preparedness~~  
9           ~~plan which shall be submitted to the Louisiana Department of Health, bureau of~~  
10           ~~health services financing, emergency preparedness manager, by August 1, 2006.~~

11           B. ~~Each emergency preparedness plan shall be reviewed and updated by the~~  
12           ~~nursing home annually. A summary of the updated plan shall be submitted to the~~  
13           ~~Louisiana Department of Health, bureau of health services financing, emergency~~  
14           ~~preparedness manager, by March first of each year. If the emergency preparedness~~  
15           ~~plan is changed, modified, or amended by the nursing home during the year, a~~  
16           ~~summary of the amended plan shall be submitted to the Louisiana Department of~~  
17           ~~Health, bureau of health services financing, emergency preparedness manager,~~  
18           ~~within thirty days of the amendment or modification.~~

19           C. ~~Each summary of the emergency preparedness plan shall include and~~  
20           ~~identify at a minimum:~~

21                   (1) ~~A primary sheltering host site outside the area of risk, verified by written~~  
22                   ~~agreements or contracts and any other alternative sheltering host sites that the~~  
23                   ~~nursing home may have.~~

24                   (2) ~~Proof of transportation or a contract with a transportation company,~~  
25                   ~~verified by a written transportation agreement or contract.~~

26                   (3) ~~Staffing patterns for evacuation, including contact information for such~~  
27                   ~~staff.~~

1           ~~D. The secretary of the Louisiana Department of Health shall prescribe and~~  
2           ~~publish, in accordance with the Administrative Procedure Act, criteria for evaluation~~  
3           ~~of all emergency preparedness plans.~~

4           ~~E. The Louisiana Department of Health shall:~~

5           ~~(1) Review the emergency preparedness plans.~~

6           ~~(2) Prepare findings from the collected information.~~

7           ~~(3) Share such findings with the Nursing Home Emergency Preparedness~~  
8           ~~Review Committee.~~

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

18          ~~(1) The secretary of the Louisiana Department of Health or his designee.~~

19          ~~(2) The undersecretary of the Louisiana Department of Health or his~~  
20          ~~designee.~~

21          ~~(3) The state health officer of the Louisiana Department of Health or his~~  
22          ~~designee.~~

23          ~~(4) The Louisiana Department of Health, bureau of health services financing,~~  
24          ~~emergency preparedness manager who shall serve as the chairperson of the~~  
25          ~~committee.~~

26          ~~(5) Five persons appointed by the secretary of the Louisiana Department of~~  
27          ~~Health who are directors or managers of the parish or local emergency preparedness~~  
28          ~~offices.~~

1           ~~(6) The secretary of the Department of Transportation and Development or~~  
2           ~~his designee.~~

3           ~~(7) The executive director of the Louisiana Nursing Home Association.~~

4           ~~(8) The executive director of the Gulf States Association of Homes and~~  
5           ~~Services for the Aging.~~

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

9           ~~(10) The nursing home ombudsman from the governor's office of elderly~~  
10          ~~affairs or his designee.~~

11          ~~(11) The chair of the emergency preparedness committee of the Louisiana~~  
12          ~~Nursing Home Association.~~

13          ~~(12) The executive director of the Advocacy Center or his designee.~~

14          ~~G. All members of the committee shall serve without compensation.~~

15          ~~H. Any rule recommended or proposed by the committee shall be subject to~~  
16          ~~the review and approval of the secretary, and if approved, shall be promulgated by~~  
17          ~~the Louisiana Department of Health in accordance with the Administrative Procedure~~  
18          ~~Act.~~

19          A. As used in this Section, the following terms have the meaning ascribed  
20          to them in this Subsection:

21                 (1) "Department" means the Louisiana Department of Health.

22                 (2) "Local office of emergency preparedness" means a parish office of  
23                 homeland security and emergency preparedness established pursuant to R.S. 29:727.

24                 (3) "Nursing home" means a nursing home or nursing facility as defined in  
25                 R.S. 40:2009.2 which is licensed by the Louisiana Department of Health in  
26                 accordance with the requirements of R.S. 40:2009.3.

27                 B. Each nursing home shall continue to utilize its emergency preparedness  
28                 plan that was in effect on March 1, 2022, until the process provided for in Subsection  
29                 C or D of this Section, whichever is applicable, has been completed. However,

1 during this period, if a nursing home updates or amends its emergency preparedness  
2 plan pursuant to nursing home licensing rules in effect at the time, then the nursing  
3 home shall utilize the updated emergency preparedness plan until the process  
4 provided for in Subsection C or D of this Section, whichever is applicable, has been  
5 completed.

6 C.(1) The provisions of this Subsection shall apply to each nursing home  
7 located in the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron,  
8 Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, Saint  
9 Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Martin, Saint  
10 Mary, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion.

11 (2) Each nursing home located in a parish listed in Paragraph (1) of this  
12 Subsection shall develop an emergency preparedness plan that comports with the  
13 requirements of this Subsection. Each such plan shall include and identify, at a  
14 minimum, all of the following:

15 (a) A primary evacuation site and a secondary evacuation site, verified by  
16 one or more contracts or other written agreements, as well as any other alternative  
17 evacuation sites that the nursing home may have.

18 (b) Proof of transportation or a contract with a transportation company,  
19 verified by a written transportation agreement or contract.

20 (c) Staffing patterns for evacuation, including contact information for facility  
21 staff.

22 (d) Any data, other information, documentation, or other content required by  
23 administrative rules of the department.

24 (3) Each nursing home located in a parish listed in Paragraph (1) of this  
25 Subsection shall submit a copy of its full, updated emergency preparedness plan to  
26 the department in electronic format. The emergency preparedness plan shall be  
27 signed by the nursing home's owner or owners, or any designee of such parties, and  
28 its administrator.

1           (4)(a) The department shall conduct a review of each nursing home  
2           emergency preparedness plan submitted to it in accordance with Paragraph (3) of this  
3           Subsection.

4           (b) The departmental review required by this Paragraph shall include  
5           transmittal of each nursing home emergency preparedness plan to all of the following  
6           entities for review by those entities:

7           (i) The office of state fire marshal.

8           (ii) The Governor's Office of Homeland Security and Emergency  
9           Preparedness.

10          (iii) The Department of Transportation and Development.

11          (iv) The Louisiana Emergency Response Network.

12          (v) The local office of emergency preparedness of the parish in which the  
13          nursing home is located.

14          (vi) The local office of emergency preparedness of any parish in which an  
15          evacuation site, including any unlicensed sheltering site, as identified in the nursing  
16          home's emergency preparedness plan is located.

17          (c) The departmental review required by this Paragraph may include  
18          transmittal to any other local, parish, regional, or other state agencies or entities for  
19          consultation as the department deems appropriate. Each such agency or entity shall  
20          cooperate and contribute to the department's review and approval process.

21          (5) Each entity listed in Subparagraph (4)(b) of this Subsection shall review  
22          each nursing home emergency preparedness plan submitted to it and shall submit one  
23          of the following documents to the department within ninety days of receipt of the  
24          emergency preparedness plan from the department:

25          (a) A letter of preliminary approval of the nursing home's emergency  
26          preparedness plan.

27          (b) A letter detailing what changes, amendments, or revisions to the  
28          emergency preparedness plan are necessary.

1           (6) Any entity listed in Subparagraph (4)(b) of this Subsection that does not  
2           respond to the department concerning a nursing home emergency preparedness plan  
3           within ninety days of receipt of the plan shall be deemed to have granted preliminary  
4           approval to the plan.

5           (7) After review of a nursing home emergency preparedness plan and results  
6           of the review of the plan by the entities listed in Subparagraph (4)(b) of this  
7           Subsection, the department shall transmit in electronic format either of the following  
8           documents to the nursing home that submitted the plan:

9           (a) A notification letter communicating to the nursing home final approval  
10          of the emergency preparedness plan.

11          (b) A notification letter communicating to the nursing home all required  
12          changes, amendments, or other revisions to the emergency preparedness plan.

13          (8) Within fifteen days of receipt by the nursing home of an electronic  
14          notification from the department that requires changes, amendments, or revisions to  
15          the nursing home's emergency preparedness plan, the nursing home shall update and  
16          revise its emergency preparedness plan to incorporate the required changes,  
17          amendments, or revisions, and shall return a copy of the updated and revised  
18          emergency preparedness plan to the department.

19          (9) Upon receipt of a nursing home's updated and revised emergency  
20          preparedness plan, the department shall confirm that all required changes,  
21          amendments, or revisions have been incorporated into the updated and revised  
22          emergency preparedness plan, and shall issue an approval letter to the nursing home  
23          for the emergency preparedness plan. If the required changes, amendments, or  
24          revisions have not been incorporated, the department shall issue a letter of rejection  
25          of the emergency preparedness plan to the nursing home.

26          (10) Each nursing home shall transmit a copy of its final, approved  
27          emergency preparedness plan and a copy of the approval letter from the department  
28          to the office of state fire marshal and the applicable local office or office of  
29          emergency preparedness. The nursing home shall submit the final, approved

1 emergency preparedness plan in electronic format, if available, to the recipients  
2 listed in this Paragraph. If the nursing home received a letter of rejection from the  
3 department, the nursing home shall transmit a copy of that letter to the office of state  
4 fire marshal and the applicable local office or office of emergency preparedness.

5 (11) The review and approval of nursing home emergency preparedness  
6 plans by the department and each entity listed in Subparagraph (4)(b) of this  
7 Subsection shall be performed pursuant to the department's and those entities'  
8 respective areas of knowledge, expertise, or jurisdiction.

9 D.(1) The provisions of this Subsection shall apply to each nursing home  
10 located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo,  
11 Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll,  
12 East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln,  
13 Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides,  
14 Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon,  
15 Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn.

16 (2) Each nursing home located in a parish listed in Paragraph (1) of this  
17 Subsection shall develop an emergency preparedness plan that comports with the  
18 requirements of this Subsection. Each such plan shall include and identify, at a  
19 minimum, all of the following:

20 (a) A primary evacuation site and a secondary evacuation site, verified by  
21 one or more contracts or other written agreements, as well as any other alternative  
22 evacuation sites that the nursing home may have.

23 (b) Proof of transportation or a contract with a transportation company,  
24 verified by a written transportation agreement or contract.

25 (c) Staffing patterns for evacuation, including contact information for such  
26 staff.

27 (d) Any data, other information, documentation, or other content required by  
28 administrative rules of the department.



1           (3) Each nursing home located in a parish listed in Paragraph (1) of this  
2           Subsection shall submit a copy of its full, updated emergency preparedness plan to  
3           the department in electronic format. The emergency preparedness plan shall be  
4           signed by the nursing home's owner or owners, or any designee of such parties, and  
5           its administrator.

6           (4)(a) The department shall conduct a review of each nursing home  
7           emergency preparedness plan submitted to it in accordance with Paragraph (3) of this  
8           Subsection.

9           (b) The departmental review required by this Paragraph shall include  
10          transmittal of each nursing home emergency preparedness plan to all of the following  
11          entities for review by those entities:

12           (i) The office of state fire marshal.

13           (ii) The Governor's Office of Homeland Security and Emergency  
14          Preparedness.

15           (iii) The Department of Transportation and Development.

16           (iv) The Louisiana Emergency Response Network.

17           (v) The local office of emergency preparedness of the parish in which the  
18          nursing home is located.

19           (vi) The local office of emergency preparedness of any parish in which an  
20          evacuation site, including any unlicensed sheltering site, as identified in the nursing  
21          home's emergency preparedness plan is located.

22           (c) The departmental review required by this Paragraph may include  
23          transmittal to any other local, parish, regional, or other state agencies or entities for  
24          consultation as the department deems appropriate. Each such agency or entity shall  
25          cooperate and contribute to the department's review and approval process.

26           (5) Each entity listed in Subparagraph (4)(b) of this Subsection shall review  
27          each nursing home emergency preparedness plan submitted to it and shall submit one  
28          of the following documents to the department within ninety days of receipt of the  
29          emergency preparedness plan from the department:

1           (a) A letter of preliminary approval of the nursing home's emergency  
2           preparedness plan.

3           (b) A letter detailing what changes, amendments, or revisions to the  
4           emergency preparedness plan are necessary.

5           (6) Any entity listed in Subparagraph (4)(b) of this Subsection that does not  
6           respond to the department concerning a nursing home emergency preparedness plan  
7           within ninety days of receipt of the plan shall be deemed to have granted preliminary  
8           approval to the plan.

9           (7) After review of a nursing home emergency preparedness plan and results  
10          of the review of the plan by the entities listed in Subparagraph (4)(b) of this  
11          Subsection, the department shall transmit in electronic format either of the following  
12          documents to the nursing home that submitted the plan:

13           (a) A notification letter communicating to the nursing home final approval  
14           of the emergency preparedness plan.

15           (b) A notification letter communicating to the nursing home all required  
16           changes, amendments, or other revisions to the emergency preparedness plan.

17           (8) Within fifteen days of receipt by the nursing home of an electronic  
18           notification from the department that requires changes, amendments, or revisions to  
19           the nursing home's emergency preparedness plan, the nursing home shall update and  
20           revise its emergency preparedness plan to incorporate the required changes,  
21           amendments, or revisions, and shall return a copy of the updated and revised  
22           emergency preparedness plan to the department.

23           (9) Upon receipt of a nursing home's updated and revised emergency  
24           preparedness plan, the department shall confirm that all required changes,  
25           amendments, or revisions have been incorporated into the updated and revised  
26           emergency preparedness plan, and shall issue an approval letter to the nursing home  
27           for the emergency preparedness plan. If the required changes, amendments, or  
28           revisions have not been incorporated, the department shall issue a letter of rejection  
29           of the emergency preparedness plan to the nursing home.

1           (10) Each nursing home shall transmit a copy of its final, approved  
2           emergency preparedness plan and a copy of the approval letter from the department  
3           to the office of state fire marshal and the applicable local office or office of  
4           emergency preparedness. The nursing home shall submit the final, approved  
5           emergency preparedness plan in electronic format, if available, to the recipients  
6           listed in this Paragraph. If the nursing home received a letter of rejection from the  
7           department, the nursing home shall transmit a copy of that letter to the office of state  
8           fire marshal and the applicable local office or office of emergency preparedness.

9           (11) The review and approval of nursing home emergency preparedness  
10          plans by the department and each entity listed in Subparagraph (4)(b) of this  
11          Subsection shall be performed pursuant to the department's and those entities'  
12          respective areas of knowledge, expertise, or jurisdiction.

13           E.(1)(a) On or before October 31, 2023, and annually thereafter, each  
14           nursing home located in a parish listed in Paragraph (C)(1) of this Section shall  
15           review its emergency preparedness plan. In conducting the review required by this  
16           Subparagraph, a nursing home shall consider any changes in state licensing rules and  
17           regulations and any changes in federal rules and regulations for nursing homes  
18           adopted since the date of its last review of its emergency preparedness plan.

19           (b) On or before October 31, 2024, and annually thereafter, each nursing  
20           home located in a parish listed in Paragraph (D)(1) of this Section shall review its  
21           emergency preparedness plan. In conducting the review required by this  
22           Subparagraph, a nursing home shall consider any changes in state licensing rules and  
23           regulations and any changes in federal rules and regulations for nursing homes  
24           adopted since the date of its last review of its emergency preparedness plan.

25           (2) If a nursing home conducts a review in accordance with Paragraph (1)  
26           of this Subsection and determines that no changes, modifications, or amendments to  
27           its emergency preparedness plan are necessary, then the nursing home shall notify  
28           all of the following entities of this determination on or before November first:

1           (a) The local office of emergency preparedness of the parish in which the  
2           nursing home is located.

3           (b) The local office of emergency preparedness of any parish in which a  
4           sheltering site, alternative sheltering site, or evacuation site, as identified in the  
5           nursing home's emergency preparedness plan, is located.

6           (c) The office of state fire marshal.

7           (d) The department.

8           (3)(a) Each notification required by Paragraph (2) of this Subsection shall  
9           be in the form of a written attestation signed by the owner or owners, or any designee  
10           of such parties, and the administrator of the nursing home submitting the  
11           notification. A nursing home may submit an attestation provided for in this  
12           Paragraph for no more than four consecutive years.

13           (b) If a nursing home has submitted an attestation provided for in  
14           Subparagraph (a) of this Paragraph for four consecutive years, then, in the year  
15           following its last submission, the nursing home shall furnish a full emergency  
16           preparedness plan in accordance with the procedures provided in Paragraphs (4)  
17           through (12) of this Subsection.

18           (4) If a nursing home conducts a review in accordance with Paragraph (1)  
19           of this Subsection and determines that any changes, modifications, or amendments  
20           to its emergency preparedness plan are necessary, or if a nursing home is required  
21           by Subparagraph (3)(b) of this Subsection to furnish a full emergency preparedness  
22           plan, then the nursing home shall submit its full emergency preparedness plan,  
23           inclusive of any updates and revisions, to the department on or before November  
24           first. The full emergency preparedness plan shall be signed by the nursing home's  
25           owner or owners, or any designee of such parties, and its administrator.

26           (5) The department shall conduct a review of each nursing home emergency  
27           preparedness plan submitted to it in accordance with Paragraph (4) of this  
28           Subsection.

1           (b) The departmental review required by this Paragraph shall include  
2           transmittal of each nursing home emergency preparedness plan to all of the following  
3           entities for review by those entities:

4           (i) The office of state fire marshal.

5           (ii) The Governor's Office of Homeland Security and Emergency  
6           Preparedness.

7           (iii) The Department of Transportation and Development.

8           (iv) The Louisiana Emergency Response Network.

9           (v) The local office of emergency preparedness of the parish in which the  
10          nursing home is located.

11          (vi) The local office of emergency preparedness of any parish in which an  
12          evacuation site, including any unlicensed sheltering site, as identified in the nursing  
13          home's emergency preparedness plan is located.

14          (c) The departmental review required by this Paragraph may include  
15          transmittal to any other local, parish, regional, or other state agencies or entities for  
16          consultation as the department deems appropriate. Each such agency or entity shall  
17          cooperate and contribute to the department's review and approval process.

18          (6) Each entity listed in Subparagraph (5)(b) of this Subsection shall review  
19          each nursing home emergency preparedness plan submitted to it and shall submit one  
20          of the following documents to the department within ninety days of receipt of the  
21          emergency preparedness plan from the department:

22          (a) A letter of preliminary approval of the nursing home's emergency  
23          preparedness plan.

24          (b) A letter detailing what changes, amendments, or revisions to the  
25          emergency preparedness plan are necessary.

26          (7) Any entity listed in Subparagraph (5)(b) of this Subsection that does not  
27          respond to the department concerning a nursing home emergency preparedness plan  
28          within ninety days of receipt of the plan shall be deemed to have granted preliminary  
29          approval to the plan.

1           (8) After review of a nursing home emergency preparedness plan and results  
2           of the review of the plan by the entities listed in Subparagraph (5)(b) of this  
3           Subsection, the department shall transmit in electronic format, on or before March  
4           first, either of the following documents to the nursing home that submitted the plan:

5           (a) A notification letter communicating to the nursing home final approval  
6           of the emergency preparedness plan.

7           (b) A notification letter communicating to the nursing home all required  
8           changes, amendments, or other revisions to the emergency preparedness plan.

9           (9) Within fifteen days of receipt by the nursing home of an electronic  
10          notification from the department that requires changes, amendments, or revisions to  
11          the nursing home's emergency preparedness plan, the nursing home shall update and  
12          revise its emergency preparedness plan to incorporate the required changes,  
13          amendments, or revisions, and shall return a copy of the updated and revised  
14          emergency preparedness plan to the department.

15          (10) Upon receipt of a nursing home's updated and revised emergency  
16          preparedness plan, the department shall confirm that all required changes,  
17          amendments, or revisions have been incorporated into the updated and revised  
18          emergency preparedness plan, and shall issue an approval letter to the nursing home  
19          for the emergency preparedness plan. If the required changes, amendments, or  
20          revisions have not been incorporated, the department shall issue a letter of rejection  
21          of the emergency preparedness plan to the nursing home. The department shall issue  
22          the approval letter or rejection letter required by this Paragraph on or before May  
23          fifteenth.

24          (11) On or before May thirty-first, each nursing home shall transmit a copy  
25          of its final, approved emergency preparedness plan and a copy of the approval letter  
26          from the department to the office of state fire marshal and the applicable local office  
27          or office of emergency preparedness. The nursing home shall submit the final,  
28          approved emergency preparedness plan in electronic format, if available, to the  
29          recipients listed in this Paragraph. If the nursing home received a letter of rejection

1 from the department, the nursing home shall transmit a copy of that letter to the  
2 office of state fire marshal and the applicable local office or office of emergency  
3 preparedness on or before May thirty-first.

4 (12) The review and approval of nursing home emergency preparedness  
5 plans by the department and each entity listed in Subparagraph (5)(b) of this  
6 Subsection shall be performed pursuant to the department's and those entities'  
7 respective areas of knowledge, expertise, or jurisdiction.

8 F. With respect to emergency preparedness among nursing homes, the  
9 department shall do all of the following:

10 (1) After considering any recommendations provided by the Nursing Home  
11 Emergency Preparedness Review Committee, prescribe and publish, in accordance  
12 with the Administrative Procedure Act, rules pertaining to emergency preparedness  
13 by nursing homes. The rules shall include but not be limited to all of the following:

14 (a) Requirements for nursing homes relating to emergency preparedness.

15 (b) Requirements for the content of nursing home emergency preparedness  
16 plans.

17 (c) Requirements for the process by which the department reviews nursing  
18 home emergency preparedness plans.

19 (d) Procedures for addressing situations wherein a nursing home makes  
20 changes to its emergency preparedness plan on a schedule which deviates from that  
21 provided in Subsection E of this Section.

22 (e) Minimum requirements for nursing homes which serve as evacuation  
23 sites for other nursing homes.

24 (f) Minimum requirements for nonlicensed sheltering sites identified in  
25 nursing home emergency preparedness plans.

26 (g) Requirements, timelines, and procedures for after-action reports as  
27 provided for more specifically in Subsection I of this Section.

28 (h) Any rule recommended or proposed by the Nursing Home Emergency  
29 Preparedness Review Committee and approved by the secretary of the department.

1           (2) Review and approve nursing home emergency preparedness plans in  
2           accordance with its duly adopted rules and the applicable requirements of this  
3           Section.

4           (3) Prepare findings based upon its review of nursing home emergency  
5           preparedness plans, including any summaries of after-action reports as the secretary  
6           of the department deems appropriate, to present to the Nursing Home Emergency  
7           Preparedness Review Committee.

8           (4) The department shall implement a program for electronic submission of  
9           nursing home emergency preparedness plans no later than September 1, 2023.

10          G.(1) The legislature hereby creates within the department the Nursing  
11          Home Emergency Preparedness Review Committee, referred to hereafter in this  
12          Subsection as the "committee." The committee shall be composed as provided in  
13          Paragraph (2) of this Subsection and shall convene at least annually. The purposes  
14          and duties of the committee shall include reviewing the findings of the department  
15          with respect to nursing home emergency preparedness plans submitted to the  
16          department in accordance with the requirements of this Section. From its review of  
17          such findings and summaries of after-action reports, the committee shall develop and  
18          provide to the department recommendations for licensing regulations which address  
19          risks and threats; manpower issues for loading, transporting, and unloading residents;  
20          evacuation site locations; and evacuation site staffing in order to promote the health,  
21          safety, and welfare of nursing home residents.

22          (2) The committee shall be composed of the following members, all of  
23          whom shall serve on the committee without compensation:

24                (a) The secretary of the department or his designee.

25                (b) The undersecretary of the department or his designee.

26                (c) The state health officer or his designee.

27                (d) The emergency preparedness manager of the health standards section of  
28          the department, who shall serve as the chairperson of the committee.



1           (e) Five members appointed by the secretary of the department who are  
2           directors or managers of parish or municipal offices of emergency preparedness.

3           (f) The secretary of the Department of Transportation and Development or  
4           his designee.

5           (g) The executive director of the Louisiana Nursing Home Association.

6           (h) The chairperson of the emergency preparedness committee of the  
7           Louisiana Nursing Home Association.

8           (i) The executive director of LeadingAge Gulf States.

9           (j) Six members appointed by the secretary of the department who are  
10          owners or administrators of nursing homes. The secretary shall select such members  
11          in a manner that provides for geographic diversity among the facilities represented  
12          by this member cohort.

13          (k) The long-term care ombudsman of the governor's office of elderly affairs  
14          or his designee.

15          (l) The executive director of Disability Rights Louisiana or his designee.

16          (m) The director of the Governor's Office of Homeland Security and  
17          Emergency Preparedness or his designee.

18          (n) The director of the Louisiana Medicaid program of the department or his  
19          designee.

20          (o) The assistant secretary of the office of aging and adult services of the  
21          department or his designee.

22          (3) Any rule recommended or proposed by the committee shall be subject  
23          to review by and approval of the secretary of the department. If approved by the  
24          secretary, the department shall promulgate the rule in accordance with the  
25          Administrative Procedure Act.

26          H.(1) Each nursing home's emergency preparedness plan shall identify at a  
27          minimum a primary evacuation site location and a secondary evacuation site location  
28          for emergencies or disasters. Such evacuation site locations may include the  
29          premises of other licensed nursing homes, nonlicensed sheltering sites, or both.

1           (2)(a) The local office of emergency preparedness of the parish in which a  
2           nonlicensed sheltering site is located shall inspect the site prior to October 15, 2022,  
3           and annually thereafter. The office shall inspect any new nonlicensed sheltering site  
4           identified after May 31, 2023, in a nursing home emergency preparedness plan  
5           within thirty days of receiving the plan and annually thereafter. The office may  
6           inspect the nonlicensed sheltering site at such other times as the director of the office  
7           deems necessary or appropriate.

8           (b) On an annual basis, and whenever requested by the secretary of the  
9           department, the office of state fire marshal shall inspect each nonlicensed sheltering  
10          site identified in a nursing home emergency preparedness plan to determine the  
11          suitability and capacity of the site. The office of state fire marshal may inspect the  
12          nonlicensed sheltering site at other times as it deems necessary or appropriate.

13          (c) On an annual basis, the department shall inspect and survey nonlicensed  
14          sheltering sites identified in nursing home emergency preparedness plans. The  
15          purpose of such inspections and surveys shall be to determine the appropriateness  
16          and suitability of the site and whether it can comply with requirements for nursing  
17          home evacuations before, during, and after an evacuation. Any refusal by a  
18          nonlicensed sheltering site to allow an inspection or survey of the site by the  
19          department may result in disqualification of the nonlicensed sheltering site. If such  
20          a refusal to allow an inspection or survey occurs when nursing home residents are  
21          being sheltered at the site, the department may revoke the license of the nursing  
22          home that evacuated residents to the site.

23          (d) Any nursing home that decides to evacuate residents to a nonlicensed  
24          sheltering site shall notify the department of this decision within one hour of the  
25          decision being made. Upon receipt of such notification, the department's licensing  
26          section and the office of public health shall conduct a site visit at the nonlicensed  
27          sheltering site unless time, weather conditions, or other factors do not allow for such  
28          visit. The department may conduct onsite inspections of the nonlicensed shelter site  
29          at any time deemed necessary or appropriate by the secretary of the department. Such

1 authority of the department shall be in addition to its authority to conduct onsite  
2 surveys of the licensed nursing home, regardless of location.

3 I.(1) Neither the state nor the department, nor, except in the case of willful  
4 misconduct, any employee or representative of the state or the department, engaged  
5 in the emergency preparedness activities and responsibilities as established in this  
6 Section or in the rules and regulations promulgated pursuant to the provisions of this  
7 Section, shall be liable for the death of or any injury to persons or damage to  
8 property as a result of such activity. The state, the department, and employees and  
9 representatives of the state and the department shall be immune from any claim  
10 based upon the exercise or performance of, or the failure to exercise or perform, the  
11 duties as established in this Section or in the rules and regulations promulgated  
12 pursuant to the provisions of this Section.

13 (2) Except in the case of willful misconduct, no member of the Nursing  
14 Home Emergency Preparedness Review Committee engaged in the emergency  
15 preparedness activities and responsibilities as established in this Section or in the  
16 rules and regulations promulgated pursuant to the provisions of this Section shall be  
17 liable for the death of or any injury to persons or damage to property as a result of  
18 such activity. The members of the Nursing Home Emergency Preparedness Review  
19 Committee shall be immune from any claim based upon the exercise or performance  
20 of, or the failure to exercise or perform, the duties as established in this Section or  
21 in the rules and regulations promulgated pursuant to the provisions of this Section.

22 (3) Neither the local office of emergency preparedness, nor, except in the  
23 case of willful misconduct, any employee or representative of the local office of  
24 emergency preparedness, engaged in the emergency preparedness activities and  
25 responsibilities as established in this Section, or in the rules and regulations  
26 promulgated pursuant to the provisions of this Section, shall be liable for the death  
27 of or any injury to persons or damage to property as a result of such activity. The  
28 local office of emergency preparedness and its employees and representatives shall  
29 be immune from any claim based on the exercise or performance of, or the failure

1 to exercise or perform, the duties as established in this Section or in the rules and  
2 regulations promulgated pursuant to the provisions of this Section.

3 J.(1) Nothing in this Section shall be construed to prohibit the department  
4 from taking action against a nursing home for a deficiency cited during an  
5 emergency or disaster.

6 (2) Implementation and execution of an emergency preparedness plan shall  
7 be the duty and responsibility of the nursing home.

8 f. K. The provisions of this Section shall be in addition to all other licensing  
9 and certification laws, standards, rules, and regulations for nursing homes.

10 Section 2. R.S. 36:259(B)(28) and R.S. 40:2009.1 are hereby repealed in their  
11 entirety.

12 Section 3.(A) Each licensed nursing home located in the parishes of Acadia,  
13 Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,  
14 Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the  
15 Baptist, Saint Mary, Saint Martin, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion  
16 shall develop the emergency preparedness plan required by the provisions of R.S.  
17 40:2009.25(C)(2), as enacted by Section 1 of this Act, on or before August 30, 2022.

18 (B) Each licensed nursing home located in a parish listed in Subsection (A) of this  
19 Section shall submit copies of its emergency preparedness plan in accordance with the  
20 requirements of R.S. 40:2009.25(C)(3), as enacted by Section 1 of this Act, on or before  
21 September 1, 2022.

22 (C) The Louisiana Department of Health shall transmit to licensed nursing homes  
23 all notification letters required by the provisions of R.S. 40:2009.25(C)(7), as enacted by  
24 Section 1 of this Act, on or before March 1, 2023.

25 (D) The Louisiana Department of Health shall transmit to licensed nursing homes  
26 all approval and rejection letters required by the provisions of R.S. 40:2009.25(C)(9), as  
27 enacted by Section 1 of this Act, on or before May 15, 2023.

28 (E) Each licensed nursing home located in a parish listed in Subsection (A) of this  
29 Section shall perform the duties relative to its emergency preparedness plan required by the

1 provisions of R.S. 40:2009.25(C)(10), as enacted by Section 1 of this Act, on or before May  
2 31, 2023.

3 Section 4.(A) Each licensed nursing home located in the parishes of Allen,  
4 Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne,  
5 Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin,  
6 Grant, Iberville, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches,  
7 Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Landry,  
8 Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West  
9 Feliciana, and Winn shall develop the emergency preparedness plan required by the  
10 provisions of R.S. 40:2009.25(D)(2), as enacted by Section 1 of this Act, on or before  
11 August 30, 2023.

12 (B) Each licensed nursing home located in a parish listed in Subsection (A) of this  
13 Section shall submit copies of its emergency preparedness plan in accordance with the  
14 requirements of R.S. 40:2009.25(D)(3), as enacted by Section 1 of this Act, on or before  
15 September 1, 2023.

16 (C) The Louisiana Department of Health shall transmit to licensed nursing homes  
17 all notification letters required by the provisions of R.S. 40:2009.25(D)(7), as enacted by  
18 Section 1 of this Act, on or before March 1, 2024.

19 (D) The Louisiana Department of Health shall transmit to licensed nursing homes  
20 all approval and rejection letters required by the provisions of R.S. 40:2009.25(D)(9), as  
21 enacted by Section 1 of this Act, on or before May 15, 2024.

22 (E) Each licensed nursing home located in a parish listed in Subsection (A) of this  
23 Section shall perform the duties relative to its emergency preparedness plan required by the  
24 provisions of R.S. 40:2009.25(D)(10), as enacted by Section 1 of this Act, on or before May  
25 31, 2024.

26 Section 5. The Louisiana Department of Health may initially promulgate any rules  
27 required by the provisions of Section 1 of this Act as emergency rules in accordance with  
28 R.S. 49:953.1.

1           Section 6. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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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)]

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HB 933 Engrossed

2022 Regular Session

Stagni

**Abstract:** Effects a comprehensive revision of laws relating to emergency preparedness by and among state-licensed nursing homes.

Proposed law repeals and replaces present law addressing emergency preparedness by and among nursing homes licensed by the La. Department of Health (LDH).

Proposed law requires nursing homes to continue to utilize the emergency preparedness plans that were in effect on March 1, 2022, until the process for creation of new emergency preparedness plans provided for in proposed law has been completed. Provides, however, that if a nursing home updates or amends its emergency preparedness plan pursuant to present administrative rule, then the nursing home shall utilize the updated emergency preparedness plan until the process for creation of its new emergency preparedness plan provided for in proposed law has been completed.

Proposed law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes located in the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the Baptist, Saint Mary, Saint Martin, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion:

- (1) On or before August 30, 2022: Each nursing home located in one of the 22 parishes listed above shall develop a new emergency preparedness plan.
- (2) On or before September 1, 2022: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to LDH.
- (3) On or before March 1, 2023: LDH shall transmit to each nursing home in a listed parish from which it received an emergency preparedness plan a notification letter communicating either final approval of the plan or requirements for revisions to the plan.
- (4) On or before May 15, 2023: LDH shall transmit to each nursing home in a listed parish from which it received a revised emergency preparedness plan a letter approving or rejecting the revised plan.
- (5) On or before May 31, 2023: Each nursing home located in a listed parish shall transmit to the office of state fire marshal and the applicable local office or office of emergency preparedness either of the following

- (a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.
- (b) Its letter of rejection of its emergency preparedness plan received from LDH.

Proposed law establishes the following schedule for creation of new emergency preparedness plans by licensed nursing homes located in the parishes of Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberville, Jackson, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Helena, Saint Landry, Tensas, Union, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana, and Winn:

- (1) On or before August 30, 2023: Each nursing home located in one of the 42 parishes listed above shall develop a new emergency preparedness plan.
- (2) On or before September 1, 2023: Each nursing home located in a listed parish shall submit its new emergency preparedness plan to LDH.
- (3) On or before March 1, 2024: LDH shall transmit to each nursing home in a listed parish from which it received an emergency preparedness plan a notification letter communicating either final approval of the plan or requirements for revisions to the plan.
- (4) On or before May 15, 2024: LDH shall transmit to each nursing home in a listed parish from which it received a revised emergency preparedness plan a letter approving or rejecting the revised plan.
- (5) On or before May 31, 2024: Each nursing home located in a listed parish shall transmit to to the office of state fire marshal and the applicable local office or office of emergency preparedness either of the following
  - (a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.
  - (b) Its letter of rejection of its emergency preparedness plan received from LDH.

Proposed law establishes a schedule, procedures, and requirements relative to production of future versions of a nursing home's emergency preparedness plan after its first plan required by proposed law is fully developed.

Proposed law stipulates that review and approval of nursing home emergency preparedness plans by LDH and other state and local agencies with which LDH consults regarding such plans shall be performed pursuant to the department's and those agencies' respective areas of knowledge, expertise, or jurisdiction.

Proposed law requires LDH to promulgate administrative rules relative to emergency preparedness by nursing homes. Provides that such rules shall include but not be limited to all of the following:

- (1) Requirements for nursing homes relating to emergency preparedness.
- (2) Requirements for the content of nursing home emergency preparedness plans.
- (3) Requirements for the process by which the department reviews nursing home emergency preparedness plans.

- (4) Procedures for addressing situations wherein a nursing home makes changes to its emergency preparedness plan on a schedule which deviates from that provided in proposed law.
- (5) Minimum requirements for nursing homes which serve as evacuation sites for other nursing homes.
- (6) Minimum requirements for nonlicensed sheltering sites identified in nursing home emergency preparedness plans.
- (7) Requirements, timelines, and procedures for after-action reports as defined in and provided for more specifically in proposed law.
- (8) Any rule recommended or proposed by the Nursing Home Emergency Preparedness Review Committee and approved by the secretary of the department.

Proposed law authorizes LDH to initially promulgate any rules required by proposed law as emergency rules in accordance with present law relative to emergency rulemaking (R.S. 49:953.1).

Proposed law revises the membership of the 17-member Nursing Home Emergency Preparedness Review Committee provided for in present law by adding to the committee the following seven members:

- (1) Four members appointed by the secretary of LDH who are owners or administrators of nursing homes.
- (2) The director of the Governor's Office of Homeland Security and Emergency Preparedness or his designee.
- (3) The director of the La. Medicaid program or his designee.
- (4) The assistant secretary of the LDH office of aging and adult services or his designee.

Proposed law provides requirements and standards relative to nonlicensed sheltering sites that nursing homes identify in emergency preparedness plans. Authorizes and provides for inspections of such sites by LDH, the office of state fire marshal, and local offices of emergency preparedness.

Proposed law stipulates that any refusal by a nonlicensed sheltering site to allow an inspection or survey of the site by LDH may result in disqualification of the site. Provides that if such a refusal to allow an inspection or survey occurs when nursing home residents are being sheltered at the site, then LDH may revoke the license of the nursing home that evacuated residents to the site.

Proposed law requires any nursing home that decides to evacuate residents to a nonlicensed sheltering site to notify LDH of this decision within one hour of the decision being made. Provides that upon receipt of such notification, the LDH licensing section and office of public health shall conduct a site visit at the site unless time, weather conditions, or other factors do not allow for such visit. Authorizes LDH to conduct onsite inspections of the site at any time deemed necessary or appropriate by the secretary of the department.

Proposed law provides, except in cases of willful misconduct, a limitation of liability for the state, LDH, employees of the state and LDH, local offices of emergency preparedness, and members of the Nursing Home Emergency Preparedness Review Committee associated with engaging in the activities and responsibilities provided for in proposed law.



Proposed law provides that implementation and execution of an emergency preparedness plan shall be the duty and responsibility of the nursing home.

Proposed law repeals present law creating and providing for an 11-member nursing home advisory committee within LDH.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2009.25; Repeals R.S. 36:259(B)(28) and R.S. 40:2009.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise the procedures and schedules for creation of new emergency preparedness plans by licensed nursing homes; for review of such plans by local offices of emergency preparedness and other agencies; and for review and approval of such plans by LDH.
2. Delete proposed law exempting certain material from disclosure pursuant to present law relative to public records (R.S. 44:1 et seq.).
3. Stipulate that review and approval of nursing home emergency preparedness plans by LDH and other state and local agencies with which LDH consults regarding such plans shall be performed pursuant to the department's and those agencies' respective areas of knowledge, expertise, or jurisdiction.
4. Provide that implementation and execution of an emergency preparedness plan shall be the duty and responsibility of the nursing home.
5. Require LDH to implement a program for electronic submission of nursing home emergency preparedness plans no later than September 1, 2023.