AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

B. Each emergency preparedness plan shall be reviewed and updated by the
nursing home annually. A summary of the updated plan shall be submitted to the
Louisiana Department of Health, bureau of health services financing, emergency
preparedness manager, by March first of each year. If the emergency preparedness
plan is changed, modified, or amended by the nursing home during the year, a
summary of the amended plan shall be submitted to the Louisiana Department of
Health, bureau of health services financing, emergency preparedness manager,
within thirty days of the amendment or modification. Each nursing home shall
review and update its emergency preparedness plan and shall submit the full plan to
the emergency preparedness manager of the Louisiana Department of Health, bureau
of health services financing, for approval no later than March first of each year.
Whenever a nursing home amends or otherwise makes any substantive change to its
emergency preparedness plan, it shall submit the revised plan to the emergency
preparedness manager of the Louisiana Department of Health, bureau of health
services financing, for approval.

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

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

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

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are additions.
(1) Review the all nursing home emergency preparedness plans submitted to the department.

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

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

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

* * *

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

* * *

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

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