

ACT No. 522

2022 Regular Session

HOUSE BILL NO. 933

BY REPRESENTATIVE STAGNI

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 revise laws creating and providing for the Nursing Home Emergency Preparedness
11 Review Committee within the Louisiana Department of Health; to repeal laws
12 creating and providing for a nursing home advisory committee within the Louisiana
13 Department of Health; to provide for limitation of liability; to require promulgation
14 of administrative rules; to provide for an effective date; and to provide for related
15 matters.

16 Be it enacted by the Legislature of Louisiana:

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

18 §2009.25. Emergency preparedness plans for nursing homes; ~~applicable parishes;~~
19 requirements; Nursing Home Emergency Preparedness Review Committee;
20 rules and regulations; ~~application~~

21 ~~A. Due to the threat hurricanes pose to the parishes of Acadia, Ascension,~~
22 ~~Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,~~
23 ~~Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the~~
24 ~~Baptist, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, and Vermilion,~~
25 ~~nursing homes located in these parishes shall develop an emergency preparedness~~

1 plan which shall be submitted to the Louisiana Department of Health, bureau of
2 health services financing, emergency preparedness manager, by August 1, 2006.

3 B. ~~Each emergency preparedness plan shall be reviewed and updated by the~~
4 ~~nursing home annually. A summary of the updated plan shall be submitted to the~~
5 ~~Louisiana Department of Health, bureau of health services financing, emergency~~
6 ~~preparedness manager, by March first of each year. If the emergency preparedness~~
7 ~~plan is changed, modified, or amended by the nursing home during the year, a~~
8 ~~summary of the amended plan shall be submitted to the Louisiana Department of~~
9 ~~Health, bureau of health services financing, emergency preparedness manager,~~
10 ~~within thirty days of the amendment or modification.~~

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

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

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

18 (3) ~~Staffing patterns for evacuation, including contact information for such~~
19 ~~staff.~~

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

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

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

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

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

28 F. ~~There is hereby created in the Louisiana Department of Health the~~
29 ~~Nursing Home Emergency Preparedness Review Committee, hereinafter referred to~~
30 ~~in this Section as the "committee." The committee, which shall convene at least~~

1 ~~annually, shall be charged with reviewing the findings of the emergency~~
2 ~~preparedness plan submitted to the department under this Section, identifying risks~~
3 ~~and threats, identifying manpower issues for loading, transporting and unloading~~
4 ~~residents, and developing recommendations for emergency preparedness plans to~~
5 ~~promote the health, safety, and welfare of nursing home residents. The committee~~
6 ~~shall be comprised of the following members:~~

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

8 ~~(2) The undersecretary of the Louisiana Department of Health or his~~
9 ~~designee.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 B. Each nursing home shall continue to utilize its emergency preparedness
 15 plan that was in effect on March 1, 2022, until the process provided for in Subsection
 16 C or D of this Section, whichever is applicable, has been completed. However,
 17 during this period, if a nursing home updates or amends its emergency preparedness
 18 plan pursuant to nursing home licensing rules in effect at the time, then the nursing
 19 home shall utilize the updated emergency preparedness plan until the process
 20 provided for in Subsection C or D of this Section, whichever is applicable, has been
 21 completed.

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

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

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

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

6 (c) Staffing patterns for evacuation, including contact information for facility
7 staff.

8 (d) Detailed provisions which address supply of emergency electrical power
9 in instances when primary electrical power in the nursing home is lost but evacuation
10 from the nursing home is not required.

11 (e) Any data, other information, documentation, or other content required by
12 administrative rules of the department.

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

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

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

24 (i) The office of state fire marshal.

25 (ii) The Governor's Office of Homeland Security and Emergency
26 Preparedness.

27 (iii) The Department of Transportation and Development.

28 (iv) The Louisiana Emergency Response Network.

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

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

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

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

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

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

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

20 (7) After review of a nursing home emergency preparedness plan and results
21 of the review of the plan by the entities listed in Subparagraph (4)(b) of this
22 Subsection, the department shall either approve the emergency preparedness plan or
23 require changes, amendments, or other revisions to the emergency preparedness plan.
24 The department shall notify the nursing home that submitted the plan in electronic
25 format of the department's decision.

26 (8) Within fifteen days of receipt by the nursing home of an electronic
27 notification from the department that requires changes, amendments, or revisions to
28 the nursing home's emergency preparedness plan, the nursing home shall update and
29 revise its emergency preparedness plan to incorporate the required changes,

1 amendments, or revisions, and shall return a copy of the updated and revised
2 emergency preparedness plan to the department.

3 (9) Upon receipt of a nursing home's updated and revised emergency
4 preparedness plan, the department shall confirm that all required changes,
5 amendments, or revisions have been incorporated into the updated and revised
6 emergency preparedness plan, and shall approve the emergency preparedness plan
7 and issue an approval letter to the nursing home. If the required changes,
8 amendments, or revisions have not been incorporated, the department shall reject the
9 emergency preparedness plan and issue a letter of rejection to the nursing home.
10 The department shall not issue a license to or renew a license of a nursing home that
11 has received a letter of rejection of its emergency preparedness plan.

12 (10) Each nursing home shall transmit a copy of its final, approved
13 emergency preparedness plan and a copy of the approval letter from the department
14 to the office of state fire marshal and the applicable local office or office of
15 emergency preparedness. The nursing home shall submit the final, approved
16 emergency preparedness plan in electronic format, if available, to the recipients
17 listed in this Paragraph. If the nursing home received a letter of rejection from the
18 department, the nursing home shall transmit a copy of that letter to the office of state
19 fire marshal and the applicable local office or office of emergency preparedness.

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

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

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

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

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

10 (c) Staffing patterns for evacuation, including contact information for facility
11 staff.

12 (d) Detailed provisions which address supply of emergency electrical power
13 in instances when primary electrical power in the nursing home is lost but evacuation
14 from the nursing home is not required.

15 (e) Any data, other information, documentation, or other content required by
16 administrative rules of the department.

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

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

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

28 (i) The office of state fire marshal.

29 (ii) The Governor's Office of Homeland Security and Emergency
30 Preparedness.

1 (iii) The Department of Transportation and Development.

2 (iv) The Louisiana Emergency Response Network.

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

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

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

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

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

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

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

24 (7) After review of a nursing home emergency preparedness plan and results
25 of the review of the plan by the entities listed in Subparagraph (4)(b) of this
26 Subsection, the department either approve the emergency preparedness plan or
27 require changes, amendments, or other revisions to the emergency preparedness plan.
28 The department shall notify the nursing home that submitted the plan in electronic
29 format of the department's decision.

1 (8) Within fifteen days of receipt by the nursing home of an electronic
2 notification from the department that requires changes, amendments, or revisions to
3 the nursing home's emergency preparedness plan, the nursing home shall update and
4 revise its emergency preparedness plan to incorporate the required changes,
5 amendments, or revisions, and shall return a copy of the updated and revised
6 emergency preparedness plan to the department.

7 (9) Upon receipt of a nursing home's updated and revised emergency
8 preparedness plan, the department shall confirm that all required changes,
9 amendments, or revisions have been incorporated into the updated and revised
10 emergency preparedness plan, and shall approve the emergency preparedness plan
11 and issue an approval letter to the nursing home. If the required changes,
12 amendments, or revisions have not been incorporated, the department shall reject the
13 emergency preparedness plan and issue a letter of rejection to the nursing home. The
14 department shall not issue a license to or renew a license of a nursing home that has
15 received a letter of rejection of its emergency preparedness plan.

16 (10) Each nursing home shall transmit a copy of its final, approved
17 emergency preparedness plan and a copy of the approval letter from the department
18 to the office of state fire marshal and the applicable local office or office of
19 emergency preparedness. The nursing home shall submit the final, approved
20 emergency preparedness plan in electronic format, if available, to the recipients
21 listed in this Paragraph. If the nursing home received a letter of rejection from the
22 department, the nursing home shall transmit a copy of that letter to the office of state
23 fire marshal and the applicable local office or office of emergency preparedness.

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

28 E.(1)(a) On or before October 31, 2023, and annually thereafter, each
29 nursing home located in a parish listed in Paragraph (C)(1) of this Section shall
30 review its emergency preparedness plan. In conducting the review required by this

1 Subparagraph, a nursing home shall consider any changes in state licensing rules and
 2 regulations and any changes in federal rules and regulations for nursing homes
 3 adopted since the date of its last review of its emergency preparedness plan.

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

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

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

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

19 (c) The office of state fire marshal.

20 (d) The department.

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

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

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

9 (b) Each emergency preparedness plan shall include and identify, at a
10 minimum, the following:

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

14 (ii) Proof of transportation or a contract with a transportation company,
15 verified by written transportation agreement or contract.

16 (iii) Staffing patterns for evacuation, including contact information for
17 facility staff.

18 (iv) Detailed provisions which address supply of emergency electrical power
19 in instances when primary electrical power in the nursing home is lost but evacuation
20 from the nursing home is not required.

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

23 (5) The department shall conduct a review of each nursing home emergency
24 preparedness plan submitted to it in accordance with Subparagraph (4)(a) of this
25 Subsection.

26 (a) The departmental review required by this Paragraph shall include
27 transmittal of each nursing home emergency preparedness plan to all of the following
28 entities for review by those entities:

29 (i) The office of state fire marshal.

1 (ii) The Governor's Office of Homeland Security and Emergency
2 Preparedness.

3 (iii) The Department of Transportation and Development.

4 (iv) The Louisiana Emergency Response Network.

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

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

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

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

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

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

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

26 (8) After review of a nursing home emergency preparedness plan and results
27 of the review of the plan by the entities listed in Subparagraph (5)(b) of this
28 Subsection, the department shall either approve the emergency preparedness plan or
29 require changes, amendments, or other revisions to the emergency preparedness plan.

1 On or before March first, the department shall notify the nursing home that
2 submitted the plan in electronic format of the department's decision.

3 (9) Within fifteen days of receipt by the nursing home of an electronic
4 notification from the department that requires changes, amendments, or revisions to
5 the nursing home's emergency preparedness plan, the nursing home shall update and
6 revise its emergency preparedness plan to incorporate the required changes,
7 amendments, or revisions, and shall return a copy of the updated and revised
8 emergency preparedness plan to the department.

9 (10) Upon receipt of a nursing home's updated and revised emergency
10 preparedness plan, the department shall confirm that all required changes,
11 amendments, or revisions have been incorporated into the updated and revised
12 emergency preparedness plan, and shall approve the emergency preparedness plan
13 and issue an approval letter to the nursing home. If the required changes,
14 amendments, or revisions have not been incorporated, the department shall reject the
15 emergency preparedness plan and issue a letter of rejection to the nursing home. The
16 department shall issue the approval letter or rejection letter required by this
17 Paragraph on or before May fifteenth. The department shall not issue a license to or
18 renew a license of a nursing home that has received a letter of rejection of its
19 emergency preparedness plan.

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

29 (12) The review and approval of nursing home emergency preparedness
30 plans by the department and each entity listed in Subparagraph (5)(b) of this

1 Subsection shall be performed pursuant to the department's and those entities'
2 respective areas of knowledge, expertise, or jurisdiction.

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

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

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

10 (b) Requirements for the content of nursing home emergency preparedness
11 plans.

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

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

17 (e) Minimum requirements for nursing homes which serve as evacuation
18 sites for other nursing homes.

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

21 (g) Any rule recommended or proposed by the Nursing Home Emergency
22 Preparedness Review Committee and approved by the secretary of the department.

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

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

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

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

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

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

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

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

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

22 (f) The secretary of the Department of Transportation and Development or
23 his designee.

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

25 (h) The chairperson of the emergency preparedness committee of the
26 Louisiana Nursing Home Association.

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

28 (j) Six members appointed by the secretary of the department who are
29 owners or administrators of nursing homes. The secretary shall select such members

1 in a manner that provides for geographic diversity among the facilities represented
2 by this member cohort.

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

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

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

8 (n) The director of the Louisiana Medicaid program of the department or his
9 designee.

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

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

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

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

27 (b) On an annual basis, and whenever requested by the secretary of the
28 department, the office of state fire marshal shall inspect each nonlicensed sheltering
29 site identified in a nursing home emergency preparedness plan to determine the

1 suitability and capacity of the site. The office of state fire marshal may inspect the
2 nonlicensed sheltering site at other times as it deems necessary or appropriate.

3 (c) On an annual basis, the department shall inspect and survey nonlicensed
4 sheltering sites identified in nursing home emergency preparedness plans. The
5 purpose of such inspections and surveys shall be to determine the appropriateness
6 and suitability of the site and whether it can comply with requirements for nursing
7 home evacuations before, during, and after an evacuation. Any refusal by a
8 nonlicensed sheltering site to allow an inspection or survey of the site by the
9 department may result in disqualification of the nonlicensed sheltering site. If such
10 a refusal to allow an inspection or survey occurs when nursing home residents are
11 being sheltered at the site, the department may revoke the license of the nursing
12 home that evacuated residents to the site.

13 (d) Any nursing home that decides to evacuate residents to a nonlicensed
14 sheltering site shall notify the department of this decision within one hour of the
15 decision being made. Upon receipt of such notification, the department's licensing
16 section and the office of public health shall conduct a site visit at the nonlicensed
17 sheltering site unless time, weather conditions, or other factors do not allow for such
18 visit. The department may conduct onsite inspections of the nonlicensed shelter site
19 at any time deemed necessary or appropriate by the secretary of the department. Such
20 authority of the department shall be in addition to its authority to conduct onsite
21 surveys of the licensed nursing home, regardless of location.

22 (e) If any non-licensed sheltering site is located outside of Louisiana, the
23 office of state fire marshal and the department shall coordinate with their state
24 agency counterparts in the state in which the site is located for inspection, review,
25 approval, and surveys of the site.

26 I.(1) Neither the state, the department, the Department of Transportation and
27 Development, the office of state fire marshal, nor the Governor's Office of Homeland
28 Security and Emergency Preparedness nor, except in the case of willful misconduct,
29 any employee or representative of such entities and offices, engaged in the
30 emergency preparedness activities and responsibilities as established in this Section

1 or in the rules and regulations promulgated pursuant to the provisions of this Section,
2 shall be liable for the death of or any injury to persons or damage to property as a
3 result of such activity. The state and all departments, employees, and representatives
4 thereof shall be immune from any claim based upon the exercise or performance of,
5 or the failure to exercise or perform, the duties as established in this Section or in the
6 rules and regulations promulgated pursuant to the provisions of this Section.

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

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

26 (4)(a) For purposes of this Paragraph, "LERN" means the Louisiana
27 Emergency Response Network established and provided for in Chapter 34 of this
28 Title.

29 (b) Neither LERN nor the LERN board, nor, except in the case of willful
30 misconduct, any board member, employee or representative of LERN or the LERN

1 board, engaged in the emergency preparedness activities and responsibilities as
 2 established in this Section or in the rules and regulations promulgated pursuant to the
 3 provisions of this Section, shall be liable for the death of or any injury to persons or
 4 damage to property as a result of such activity. LERN, the LERN board, and the
 5 employees and representatives of LERN and the LERN board shall be immune from
 6 any claim based on the exercise or performance of, or the failure to exercise or
 7 perform, the duties as established in this Section or in the rules and regulations
 8 promulgated pursuant to the provisions of this Section.

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

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

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

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

18 Section 3.(A) Each licensed nursing home located in the parishes of Acadia,
 19 Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Jefferson Davis, Lafayette,
 20 Lafourche, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint James, Saint John the
 21 Baptist, Saint Mary, Saint Martin, Saint Tammany, Tangipahoa, Terrebonne, and Vermilion
 22 shall develop the emergency preparedness plan required by the provisions of R.S.
 23 40:2009.25(C)(2), as enacted by Section 1 of this Act, on or before August 30, 2022.

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

28 (C) The Louisiana Department of Health shall either approve the emergency
 29 preparedness plan or require changes, amendments, or other revisions to the emergency
 30 preparedness plan. The department shall transmit to licensed nursing homes all notification

1 letters required by the provisions of R.S. 40:2009.25(C)(7), as enacted by Section 1 of this
2 Act, on or before March 1, 2023.

3 (D) The Louisiana Department of Health shall either approve or reject the
4 emergency preparedness plan and transmit to licensed nursing homes all approval and
5 rejection letters required by the provisions of R.S. 40:2009.25(C)(9), as enacted by Section
6 1 of this Act, on or before May 15, 2023.

7 (E) Each licensed nursing home located in a parish listed in Subsection (A) of this
8 Section shall perform the duties relative to its emergency preparedness plan required by the
9 provisions of R.S. 40:2009.25(C)(10), as enacted by Section 1 of this Act, on or before May
10 31, 2023.

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

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

24 (C) The Louisiana Department of Health shall either approve the emergency
25 preparedness plan or require changes, amendments, or other revisions to the emergency
26 preparedness plan. The department shall transmit to licensed nursing homes all notification
27 letters required by the provisions of R.S. 40:2009.25(D)(7), as enacted by Section 1 of this
28 Act, on or before March 1, 2024.

29 (D) The Louisiana Department of Health shall either approve or reject the
30 emergency preparedness plan and transmit to licensed nursing homes all approval and

1 rejection letters required by the provisions of R.S. 40:2009.25(D)(9), as enacted by Section
2 1 of this Act, on or before May 15, 2024.

3 (E) Each licensed nursing home located in a parish listed in Subsection (A) of this
4 Section shall perform the duties relative to its emergency preparedness plan required by the
5 provisions of R.S. 40:2009.25(D)(10), as enacted by Section 1 of this Act, on or before May
6 31, 2024.

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

10 Section 6. Any employees required by the Louisiana Department of Health for the
11 implementation and execution of the provisions of this Act shall be filled utilizing existing
12 department vacancies and associated funding.

13 Section 7. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____