

RÉSUMÉ DIGEST

ACT 522 (HB 933)

2022 Regular Session

Stagni

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

New 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 new law has been completed. Provides, however, that if a nursing home updates or amends its emergency preparedness plan pursuant to existing 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 new law has been completed.

New 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 either approve the emergency preparedness plan or require changes, amendments, or other revisions to the plan and shall electronically notify the nursing home that submitted the plan of its decision.
- (4) On or before May 15, 2023: LDH shall either approve or reject any revised emergency preparedness plan that it required a nursing home to submit and shall issue a letter to the nursing home communicating approval or rejection of 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 to its local office of emergency preparedness either of the following:
 - (a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.
 - (b) The letter of rejection of its emergency preparedness plan received from LDH.

New 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 either approve the emergency preparedness plan or require changes, amendments, or other revisions to the plan and shall electronically notify the nursing home that submitted the plan of its decision.

- (4) On or before May 15, 2024: LDH shall either approve or reject any revised emergency preparedness plan that it required a nursing home to submit and shall issue a letter to the nursing home communicating approval or rejection of the revised plan.
- (5) On or before May 31, 2024: Each nursing home located in a listed parish shall transmit to the office of state fire marshal and to its local office of emergency preparedness either of the following:
 - (a) Its final, approved emergency preparedness plan and a copy of the LDH approval letter.
 - (b) The letter of rejection of its emergency preparedness plan received from LDH.

New 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 new law is fully developed.

New law stipulates that review and approval of nursing home emergency preparedness plans by LDH, and by 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.

New law prohibits LDH from issuing a license to or renewing a license of a nursing home that has received a letter of rejection of its emergency preparedness plan.

New 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 new 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) Any rule recommended or proposed by the Nursing Home Emergency Preparedness Review Committee and approved by the secretary of the department.

New law authorizes LDH to initially promulgate any administrative rules required by new law as emergency rules in accordance with existing law relative to emergency rulemaking (R.S. 49:953.1).

Existing law creates and provides for the Nursing Home Emergency Preparedness Review Committee. Prior law provided that the committee was composed of 17 members. New law increases the number of committee members to 24 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.

New law retains existing law relative to the role of the Nursing Home Emergency Preparedness Review Committee in all of the following:

- (1) Reviewing findings of LDH concerning nursing home emergency preparedness plans.
- (2) Promoting the health, safety, and welfare of nursing home residents.

New 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.

New 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.

New 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.

New law provides, except in cases of willful misconduct, a limitation of liability for the state, LDH, the Dept. of Transportation and Development, the state fire marshal, the Governor's Office of Homeland Security and Emergency Preparedness, the La. Emergency Response Network, and employees of the foregoing entities; 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 new law.

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

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

New law provides that any staff positions required by LDH for the implementation of new law shall be filled utilizing existing department vacancies and associated funding.

Effective upon signature of governor (June 16, 2022).

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