

2026 Regular Session

SENATE BILL NO. 38

BY SENATOR FESI

NURSING HOMES. Provides relative to nursing facilities. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 40:2009.2 and to enact R.S.
3 40:2009.2(8) and 2009.6(C), relative to nursing facilities; to provide for definitions;
4 to provide for the revocation and reissuance of a license; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

9 §2009.2. Definitions

10 For the purposes of R.S. 40:2009.1 through 2009.20, unless the
11 context otherwise requires:

* * *

* * *

16 §2009.6. Denial, revocation, or nonrenewal of license; grounds

17 * * *

1 **C.(1) If the department revokes a nursing facility license for failures**
2 **attributed to the nursing facility license holder during an evacuation from his**
3 **facility within the effective dates of an executive order or declaration of**
4 **emergency or disaster, the department shall hold the license in abeyance and**
5 **reissue the license to a person who satisfies licensure requirements in order to**
6 **reopen and maintain patient services at the nursing facility or at a replacement**
7 **nursing facility in the same geographic area.**

8 **(2) If a license to operate a nursing facility is revoked pursuant to**
9 **Paragraph (1) of this Subsection, the department may issue the license to**
10 **another person who applies for the license pursuant to R.S. 40:2009.3. The**
11 **facility need review or moratorium requirements of R.S. 40:2116.1 shall not**
12 **apply to issuance of a license to any person pursuant to the provisions of this**
13 **Subsection.**

14 **(3) The provisions of this Subsection shall apply to:**
15 **(a) An executive order or declaration of emergency or disaster issued**
16 **during or after 2021.**

17 **(b) A nursing facility in which no alternative nursing facility is located**
18 **within ten miles.**

19 Section 2. The department shall update all administrative rules on nursing facility
20 licensure to comply with the provisions of this Act by emergency rule.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 38 Original DIGEST 2026 Regular Session Fesic

Present law provides for definitions relative to the licensing of nursing facilities.

Proposed law adds a definition for "license".

Present law provides for the grounds for denial, revocation, or nonrenewal of a nursing facility license.

Proposed law provides for the reissuance of a license to a different license holder if a license was revoked for failures attributed to the nursing facility license holder during an evacuation from his facility within the effective dates of an executive order or declaration of emergency or disaster.

Proposed law limits the provisions of proposed law to an executive order or declaration of emergency or disaster issued during or after 2021 and to a nursing facility in which no alternative nursing facility is located within ten miles.

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

(Amends R.S. 40:2009.2(into para); adds R.S. 40:2009.2(8) and 2009.6(C))