

SENATE BILL NO. 190

BY SENATOR MIZELL

1 AN ACT

2 To enact R.S. 40:2009.10.2, relative to nursing facilities; to provide for the Centers for  
3 Medicare and Medicaid Services Special Focus Facility Program; to provide for state  
4 requirements for nursing facilities; to provide for the duties and responsibilities of  
5 the Louisiana Department of Health; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2009.10.2 is hereby enacted to read as follows:

8 **§2009.10.2. Special Focus Facility Program; state requirements**

9 **A. Any nursing facility licensed by the Louisiana Department of Health**  
10 **that is selected for participation in the Centers for Medicare and Medicaid**  
11 **Services Special Focus Facility Program shall be subject to enhanced state**  
12 **oversight.**

13 **B. Any nursing facility identified in Subsection A of this Section shall do**  
14 **all of the following:**

15 **(1) Provide notice to both prospective and current residents that the**  
16 **facility is in the Special Focus Facility Program due to the scope and severity of**  
17 **noncompliance with state and federal requirements.**

18 **(2) Provide current residents the opportunity to transfer to another**  
19 **available facility if the resident can be transferred safely and there is an**  
20 **alternative nursing facility with availability that meets the resident's**  
21 **geographical, physical health, and mental health needs.**

22 **(3) Comply with all of the following state requirements in addition to any**  
23 **requirements imposed by the Centers for Medicare and Medicaid Services:**

24 **(a) Attend an in-person meeting with the Louisiana Department of**  
25 **Health within forty-five days of being selected to participate in the Special**  
26 **Focus Facility Program to discuss increased state monitoring and other**  
27 **state-imposed requirements.**

1                   **(b) Enter into an agreement with the Louisiana Department of Health to**  
2                   **address the noncompliance of the nursing facility. At the discretion of the**  
3                   **department, the agreement may include any of the following requirements for**  
4                   **the nursing facility:**

5                   **(i) Being subject to additional state monitoring, including additional**  
6                   **in-person unannounced inspections at the expense of the nursing facility.**

7                   **(ii) Implementing directed plans of correction.**

8                   **(iii) Implementing directed, in-service trainings.**

9                   **(iv) Hiring consultants or subject matter experts, subject to approval by**  
10                   **the department, at the expense of the nursing facility.**

11                   **(v) Being subject to a root cause analysis to determine the basis for the**  
12                   **noncompliance.**

13                   **(vi) Engaging with a Quality Improvement Organization approved by**  
14                   **the Centers for Medicare and Medicaid Services.**

15                   **(vii) Being subject to an owner or license holder analysis to identify a**  
16                   **pattern of poor performance.**

17                   **(viii) Implementing staffing adjustments and increases as directed by the**  
18                   **department to address deficiencies.**

19                   **(ix) Being subject to fines and penalties.**

20                   **(x) Complying with alternate remedies or other provisions intended to**  
21                   **deter noncompliance, correct deficiencies, and address quality, health, safety,**  
22                   **and welfare issues, imposed by the department.**

23                   **C. If a nursing facility is selected for the Special Focus Facility Program**  
24                   **and fails to meet the requirements for graduation from the program and the**  
25                   **additional requirements imposed by the department in accordance with**  
26                   **Subsection B of this Section within eighteen months, the Louisiana Department**  
27                   **of Health shall revoke the facility's license. However, nothing in this Section**  
28                   **shall prohibit the department from issuing a license revocation to a nursing**  
29                   **facility prior to the expiration of the eighteen-month period, if the nursing**  
30                   **facility violates the provisions of the settlement agreement and the violations or**

1            noncompliance with federal or state regulations has placed residents at risk for  
2            serious harm or death.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_