

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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____