

Regular Session, 2008

HOUSE BILL NO. 152

BY REPRESENTATIVE FRANKLIN AND SENATORS MOUNT AND MORRISH

NURSING HOMES: Repeals the moratorium on replacement of nursing facilities

1 AN ACT

2 To amend and reenact R.S. 40:2116(D)(2)(introductory paragraph), relative to the
3 moratorium on nursing facilities; to repeal the prohibition on the replacement of
4 existing nursing facilities; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2116(D)(2)(introductory paragraph) is hereby amended and
7 reenacted to read as follows:

8 §2116. Facility need review

9 * * *

10 D.

11 * * *

12 (2) The Department of Health and Hospitals shall implement a moratorium
13 on additional beds for nursing facilities. The Department of Health and Hospitals
14 shall not approve any additional nursing facilities or additional beds in nursing
15 facilities through facility need review. This prohibition shall apply only to
16 applications for new beds not approved prior to July 1, 1996. Such prohibition shall
17 become enforceable on July 1, 1996, and shall remain in effect until July 1, 2012.
18 This prohibition shall not apply to the replacement of existing facilities, ~~until June~~
19 ~~30, 2008~~ provided that there is no increase in existing nursing home beds at the
20 replacement facility. ~~However, this~~ This prohibition shall also not apply to an

1 operator who had plans for a replacement facility recommended for tentative
2 approval by the division of engineering and architectural services of the Department
3 of Health and Hospitals on or before July 1, 2005, and who has reached vertical
4 construction by October 1, 2005. Vertical construction shall exist when all of the
5 following criteria are met:

6 * * *

7 Section 2. This Act shall become effective upon signature by the governor or, if not
8 signed by the governor, upon expiration of the time for bills to become law without signature
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
11 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

Franklin

HB No. 152

Abstract: Repeals the moratorium on replacement of nursing facilities.

Present law authorizes DHH to place a moratorium on the replacement of existing nursing facilities until 6/30/2008.

Proposed law repeals the moratorium on the replacement of existing nursing facilities provided there is no increase in existing nursing home beds at the replacement facility.

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

(Amends R.S. 40:2116(D)(2)(intro. para.))