
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Bobbie Hunter.

DIGEST

Present law provides for civil fines for operating a nursing home in violation of any federal statute, state law, regulation, or any rule adopted pursuant to the Administrative Procedure Act (APA) by the Department of Health and Hospitals (department) which govern the administration of nursing home care.

Present law provides that the aggregate fines assessed to nursing homes for violations determined in any one month shall not exceed \$5,000, except that the aggregate fines assessed for Class A or B repeat violations shall not exceed \$10,000 in any one month.

Proposed law increases the aggregate fines assessed to nursing homes for violations determined in any one month to \$20,000, except that the aggregate fines assessed for Class A repeat violations shall not exceed \$50,000 in any one month and the aggregate fines assessed for Class B repeat violations shall not exceed \$30,000 in any one month.

Present law provides that it shall be a violation to operate a facility, as defined in R.S. 40:2199, if one of the following apply:

- (1) As a result of a licensure or certification survey, it is determined by an agency to be in violation of one or more conditions of licensure or certification and has failed to correct such conditions of violation within the time prescribed by law or by the agency.
- (2) As a result of one or more third-party complaints, it is determined by an agency to have been in violation of one or more conditions of licensure or certification resulting directly in the incident which gave rise to such third-party complaint.

Present law provides that the aggregate fines assessed to facilities for violations determined in any one month shall not exceed \$5,000, except that the aggregate fines assessed for Class A or B repeat violations shall not exceed \$10,000 in any one month.

Proposed law increases the aggregate fines assessed to facilities for violations determined in any one month to \$20,000, except that the aggregate fines assessed for Class A repeat violations shall not exceed \$50,000 in any one month and the aggregate fines assessed for Class B repeat violations shall not exceed \$30,000 in any one month.

Present law provides that civil fines collected from any person or facility in violation shall be deposited in the state general fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.

Proposed law provides that after compliance with the requirements of Article VII, Section 9(B)

of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the civil fines collected under the provisions of R.S. 40:2199 shall be deposited into a special fund in the state treasury to be known as the Health Care Facility Fund.

Proposed law authorizes and requires the department to adopt rules in accordance with the APA to provide remedies for facilities which violate the minimum standards for licensure, the certification requirements, or the Medicaid standards of participation. Such remedies may include:

- (1) The denial of payment with respect to any individual admitted to or provided services by a facility.
- (2) The appointment of temporary management of a facility.
- (3) The closure of a facility.
- (4) The transfer of residents, clients, patients, or persons receiving services.
- (5) Alternate remedies to deter noncompliance and correct deficiencies.

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

(Amends R.S. 40:2009.11(B)(2)(b) and (3) and 2199(B)(2)(b), (B)(3) and (F)(1) and (2); adds R.S. 40:2199(F)(3) and (4) and 2199.1)