

SENATE BILL NO. 235

BY SENATOR NEVERS

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AN ACT

To amend and reenact R.S. 40:2009.4(A)(6), the introductory paragraph of 2109(B)(1)(c), and the introductory paragraph of 2180.2(10), relative to rules, regulations, and minimum standards of certain facilities; to authorize the Department of Health and Hospitals to promulgate rules for facilities located in areas subject to hurricanes, tidal surges, or flooding; to provide for a determination of substantial damage in accordance with the Louisiana State Uniform Construction Code by certain persons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.4(A)(6), the introductory paragraph of 2109(B)(1)(c), and the introductory paragraph of 2180.2(10) are hereby amended and reenacted and to read as follows:

§2009.4. Standards prescribed

A. The Department shall prescribe and publish minimum standards in relation to:

\* \* \*

(6)(a) The establishment; of new or replacement facilities or reestablishment;~~or continued operation of facilities~~ that have sustained substantial structural damage from a hurricane or substantial structural damage from flooding which are located in areas subject to hurricanes, tidal surges, or flooding. An architect or civil engineer registered in the state shall determine whether a facility has sustained substantial structural damage from a hurricane or substantial structural damage from flooding in accordance with the Louisiana State Uniform Construction Code. The regulations adopted by the department

1 shall include but not be limited to:

2 (a) (i) Requirements of building and construction codes and guidelines.

3 (b) (ii) Restrictions of locations of newly approved facilities that are subject  
4 to the provisions of the facility need review process.

5 (c) (iii) Provisions for the fair allocation of the Medicaid share of facility  
6 specific costs directly incurred by a facility as a result of compliance.

7 (d) (iv) Provisions for reasonable time periods for compliance, not to exceed  
8 three years, except when extensions are granted by the department for good cause.

9 (b) Nothing herein shall be construed to affect or apply to existing  
10 operational facilities or to facilities that are under construction and whose  
11 construction plans were approved prior to the promulgation of regulations  
12 referred to in Subparagraph (a) of this Paragraph.

13 \* \* \*

14 §2109. Rules, regulations, and minimum standards

15 \* \* \*

16 B. The minimum standards adopted by the secretary governing operation and  
17 maintenance of hospitals may contain regulations in relation to:

18 (1)

19 \* \* \*

20 (c) The establishment; of new or replacement facilities or reestablishment;  
21 ~~or continued operation~~ of facilities that have sustained substantial structural  
22 damage from a hurricane or substantial structural damage from flooding which  
23 are located in areas subject to hurricanes, tidal surges, or flooding. An architect or  
24 civil engineer registered in the state shall determine whether a facility has  
25 sustained substantial structural damage from a hurricane or substantial  
26 structural damage from flooding in accordance with the Louisiana State  
27 Uniform Construction Code. The regulations adopted by the department shall  
28 include but not be limited to:

29 \* \* \*

30 §2180.2. Promulgation of rules

