

SENATE BILL NO. 762

BY SENATOR CROWE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

AN ACT

To enact R.S. 40:2007.1(A)(3) and 2116(J)(3), relative to nursing homes; to provide for the re-building of certain facilities; to provide for certain nursing home licenses; to provide for the owners of nursing homes destroyed by hurricanes Katrina or Rita to demonstrate a failure to receive notice of surrender of their license; to provide for circumstances under which such facilities may have pre-storm licenses re-issued; to provide for possible extensions of time to rebuild once the license is re-issued; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2007.1(A)(3) and 2116(J)(3) are hereby enacted to read as follows:

§2007.1. Interruption of provision of health care services; executive order or proclamation of emergency or disaster; licensing

A.

\* \* \*

(3)(a) Notwithstanding the provisions of Paragraph (2) of this Subsection, any nursing home provider located in a parish with a population between sixty-five thousand and seventy thousand according to the latest federal decennial census, which parish was affected by hurricane Katrina or Rita, who ceased operations solely because of the damage occasioned by the events which were the subject of an order or proclamation of emergency or disaster issued pursuant to R.S. 29:724 and who failed to notify the health standards section of the Department of Health and Hospitals in writing by December 31, 2005, of the

1 interruption in services and the intent to resume operation, shall be allowed to  
2 request reinstatement of the pre-storm license for the sole purpose of rebuilding  
3 or replacing the nursing home, upon meeting the following conditions:

4 (i) The nursing home provider shall submit the license reinstatement  
5 request to the health standards section of the Department of Health and  
6 Hospitals in writing by December 31, 2008.

7 (ii) The license reinstatement request shall state the provider's intent to  
8 rebuild the nursing home and resume providing nursing home services in that  
9 parish.

10 (iii) The nursing home provider shall resume operation as a nursing  
11 home provider in that parish no later than January 1, 2010. Extensions of time  
12 may be granted by the Department of Health and Hospitals for good cause.

13 (iv) The nursing home provider shall submit all fees, costs, and cost  
14 reports due and owing to the Department of Health and Hospitals.

15 (b) Upon completion of such rebuilding construction, the nursing home  
16 provider shall meet all criteria required to remain licensed as a nursing home.

17 (c) No change of ownership in the nursing home provider shall occur  
18 until such nursing home has completed construction and has resumed  
19 operations as a nursing home provider.

20 (d) The provisions of this Subsection shall not apply to a nursing home  
21 provider who has voluntary surrendered its license and ceased operations.

22 \* \* \*

23 §2116. Facility need review

24 J.

25 \* \* \*

26 (3)(a) Notwithstanding any other law to the contrary, any nursing home  
27 provider located in a parish with a population between sixty-five thousand and  
28 seventy thousand according to the latest federal decennial census, which parish  
29 was affected by hurricane Katrina or Rita, and who ceased operations solely  
30 because of the damage occasioned by the events which were the subject of an

1 order or proclamation of emergency or disaster issued pursuant to R.S. 29:724,  
2 and whose operations have not been resumed as of July 1, 2008, shall have their  
3 pre-storm facility need review approval reinstated for the sole purpose of  
4 rebuilding or replacing the facility, upon meeting the following conditions:

5 (i) The nursing home provider shall submit a reinstatement request to  
6 the health standards section of the Department of Health and Hospitals in  
7 writing by December 31, 2008.

8 (ii) The reinstatement request shall state the provider's intent to rebuild  
9 the nursing home and resume providing nursing home services in that parish.

10 (iii) The nursing home provider shall resume operation as a nursing  
11 home provider in that parish no later than January 1, 2010.

12 (iv) The nursing home provider shall submit all fees, costs, and cost  
13 reports due and owing to the Department of Health and Hospitals.

14 (b) The facility need review approval reinstated to the facility shall  
15 encompass all rights and responsibilities afforded the facility at the time it  
16 ceased providing services as a result of hurricanes Katrina and Rita.

17 (c) The provisions of this Subsection shall not apply to a nursing home  
18 provider who has voluntarily surrendered its facility need review approval.

19 \* \* \*

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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