

Regular Session, 2010

HOUSE BILL NO. 971

BY REPRESENTATIVE ABRAMSON

NURSING HOMES: Provides for the leasing of the John J. Hainkel, Jr., Home and Rehabilitation Center

1 AN ACT

2 To enact R.S. 40:16.3, relative to state property; to authorize and empower the secretary of
3 the Department of Health and Hospitals and the commissioner of administration to
4 lease the John J. Hainkel, Jr., Home and Rehabilitation Center to the New Orleans
5 Home for the Incurables; to specify certain terms and conditions of the lease; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:16.3 is hereby enacted to read as follows:

9 §16.3. John J. Hainkel, Jr., Home and Rehabilitation Center; lease

10 A. The secretary of the Department of Health and Hospitals and the
11 commissioner of administration are hereby authorized to execute a negotiated lease
12 to the New Orleans Home for Incurables for the John J. Hainkel, Jr., Home and
13 Rehabilitation Center, including the lease of the property, buildings, equipment,
14 movable assets, and all other appurtenances of the facility, which is described as
15 follows:

16 That portion of ground, together with all the buildings and improvements
17 thereon and all the rights, ways, privileges, servitudes, appurtenances, and
18 advantages thereunto belonging, or in anywise appertaining, situated in the Sixth
19 District of the city of New Orleans, State of Louisiana, Burtheville, being all of
20 Square 22, composed of Lots 1 through 24, bounded by Patton, Constance, Calhoun,

1 and Henry Clay, and said square measures 317 feet 8 inches 5 lines (317 feet 6
2 inches 7 1/2 lines title) front on Patton, 311 feet 3 inches 0 lines (311 feet 6 1/2 lines
3 title) front on Constance, 289 feet 7 inches 4 lines (289 feet 3 inches 7 lines 7 inches
4 title) front on Henry Clay, containing 91,063.10 square feet; all in accordance with
5 survey of Joseph F. Varisco, Jr., dated November 14, 1975, resurveyed January 23,
6 1976. And, according to a survey of Joseph F. Varisco, Jr., dated September 14,
7 1977, revised November 27, 1979, said property has the same actual dimensions,
8 encompasses all of Square 22 and contains improvements known as 612 Henry Clay
9 Avenue.

10 B. The lease of property by the secretary and the commissioner shall be
11 expressly exempted from the provisions of R.S. 41:1211 et seq., relative to the lease
12 of public land.

13 C. The secretary and the commissioner of administration shall be authorized
14 and empowered to execute the appropriate instrument or instruments, and any
15 corrections thereof, to effectuate the lease of the property described in Subsection A
16 of this Section. Additionally, the secretary and the commissioner of administration
17 shall hereby be authorized and empowered to negotiate such terms and conditions
18 in the lease document as may be necessary to ensure:

19 (1) That the facility shall continue to be named the "John J. Hainkel, Jr.,
20 Home and Rehabilitation Center" and operate as a long-term care facility that
21 provides nursing home level services and adult day health care services.

22 (2) That the facility shall continue its mission to provide quality health care
23 services to indigent persons.

24 (3) That the facility shall continue as a medical and clinical training facility.

25 (4) That the facility shall be operated by the New Orleans Home for the
26 Incurables; however, the New Orleans Home for the Incurables shall have the option
27 to enter into a sublease or a cooperative endeavor agreement to operate the facility
28 consistent with the terms and conditions of the lease, subject to approval by the
29 Department of Health and Hospitals.

1 (5) The Medicaid rate shall be set at the current rate as of March 19, 2010,
 2 and shall be set at such rate for at least one year from the effective date of any lease,
 3 subject to approval by the Centers for Medicare and Medicaid Services.

4 (6) That the state shall continue and complete all previously budgeted capital
 5 outlay repairs to the facility.

6 (7) That the New Orleans Home for the Incurables shall offer current
 7 employees first priority for employment.

8 (8) That the lease shall terminate if the facility ceases to operate as a long-
 9 term care facility.

10 (9) Any and all other terms and conditions consistent herein to effectuate this
 11 Section.

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)]

Abramson

HB No. 971

Abstract: Authorizes the Department of Health and Hospitals (DHH) and the division of administration to lease the John J. Hainkel, Jr., Home and Rehabilitation Center to the New Orleans Home for the Incurables, subject to certain terms and conditions.

Proposed law authorizes the secretary of DHH and the commissioner of administration to enter into a lease with the New Orleans Home for the Incurables, including a lease of the property, buildings, equipment, and movable assets.

Proposed law exempts the lease from the provisions of present law relative to the lease of public lands.

Proposed law provides that the lease shall be negotiated to ensure:

- (1) That the facility shall continue to be named the "John J. Hainkel, Jr. Home and Rehabilitation Center" and operate as a long-term care facility that provides nursing home level services and adult day health care services.
- (2) That the facility shall continue its mission to provide quality health care services to indigent persons.
- (3) That the facility shall continue as a medical and clinical training facility.
- (4) That the facility shall be operated by the New Orleans Home for the Incurables. New Orleans Home for the Incurables shall have the option to enter into a sublease or a cooperative endeavor agreement to operate the facility consistent with the terms and conditions of the lease, subject to approval by the Department of Health and Hospitals.

- (5) The Medicaid rate shall be set at the current rate as of March 19, 2010, and shall be set at such rate for at least one year from the effective date of any lease, subject to approval by the Centers for Medicare and Medicaid Services.
- (6) That the state shall continue and complete all previously budgeted capital outlay repairs to the facility.
- (7) That the New Orleans Home for the Incurables shall offer current employees first priority for employment.
- (8) That the lease shall terminate if the facility ceases to operate as a long-term care facility.
- (9) Any and all other terms and conditions consistent herein to effectuate the provisions of proposed law.

(Adds R.S. 40:16.3)