

Regular Session, 2010

SENATE BILL NO. 360

BY SENATOR BROOME

HEALTH CARE. Extends the facility need review approval for licensed intermediate care facilities for people with developmental disabilities that are located in certain areas. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:2116(J)(1), relative to facility need review; to provide for
3 facility need review approvals for certain intermediate care facilities for people with
4 developmental disabilities; to provide for the extension of such facility need review
5 approvals; to delete the provisions that provide for applicability of the exception to
6 nursing homes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2116(J)(1) is hereby amended and reenacted to read as follows:

9 §2116. Facility need review

10 * * *

11 J.(1) Notwithstanding any other provision of law to the contrary, the facility
12 need review approval for licensed ~~nursing homes~~ or intermediate care facilities for
13 people with developmental disabilities (ICF/DD) located in an area or areas which
14 have been affected by an executive order or proclamation of emergency or disaster
15 and which were operating at the time the executive order or proclamation was issued
16 under R.S. 29:724 shall remain in effect and shall not be terminated, considered to
17 have expired, or revoked until January 1, ~~2010~~ **2012**. For this exception to apply, the

1 emergency or disaster shall be the sole causal factor in the interruption of the
 2 provision of services. This exception shall not apply if any one of the following
 3 occurs:

4 (a) The approval is voluntarily surrendered by the provider.

5 (b) The provider fails to notify in writing the health standards section of the
 6 Department of Health and Hospitals of its intention to avail itself of the continuation
 7 of facility need review approval no later than December 31, 2005.

8 (c) The provider fails to recommence providing services prior to January 1,
 9 ~~2010~~ 2012.

10 * * *

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

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

DIGEST

Broome (SB 360)

Present law provides that the facility need review approval for licensed nursing homes or intermediate care facilities for people with developmental disabilities (ICF/DD) located in an area or areas which have been affected by an executive order or proclamation of emergency or disaster and which were operating at the time the executive order or proclamation was issued under R.S. 29:724 shall remain in effect and shall not be terminated, considered to have expired, or revoked until January 1, 2010.

Proposed law removes nursing facilities from the exception to the facility need review approval process and extends the time from January 1, 2010 to January 1, 2012, in which the approval will remain in effect and shall not be terminated, considered to have expired, or revoked.

Present law provides that the exception to the facility need review approval shall not apply if any one of the following occurs:

- (1) The approval is voluntarily surrendered by the provider.
- (2) The provider fails to notify in writing the health standards section of the Department of Health and Hospitals of its intention to avail itself of the continuation of facility need review approval no later than December 31, 2005.

(3) The provider fails to recommence providing services prior to January 1, 2010.

Proposed law retains present law but extends the date at which the provider must recommence providing services from January 1, 2010, to January 1, 2012.

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

(Amends R.S. 40:2116(J)(1))