

First Extraordinary Session, 2005

HOUSE BILL NO. 5

BY REPRESENTATIVE WALKER

HEALTH CARE/FACILITIES: Provides for the Department of Health and Hospitals to promulgate rules for the establishment, reestablishment, or continued operation of nursing facilities, hospitals, and intermediate care facilities for the mentally retarded located in areas subject to hurricanes, tidal surges, or flooding (Item #43)

1 AN ACT

2 To enact R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10), relative to minimum  
3 standards for licensure for hospitals, nursing facilities, and intermediate care  
4 facilities for the mentally retarded; to provide the Department of Health and  
5 Hospitals the authority to promulgate rules for facilities located in areas subject to  
6 hurricanes, tidal surges, or flooding; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10) are hereby enacted  
9 to read as follows:

10 §2009.4. Standards prescribed

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

13 \* \* \*

14 (6) The establishment, reestablishment, or continued operation of facilities  
15 located in areas subject to hurricanes, tidal surges, or flooding. The regulations  
16 adopted by the department shall include but not be limited to:

17 (a) Requirements of stricter building and construction codes and guidelines.

18 (b) Restrictions of location of facilities.

19 \* \* \*

1 §2109. Rules, regulations, and minimum standards

2 \* \* \*

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

5 \* \* \*

6 (1)

7 \* \* \*

8 (c) The establishment, reestablishment, or continued operation of facilities  
9 located in areas subject to hurricanes, tidal surges, or flooding. The regulations  
10 adopted by the department shall include but not be limited to:

11 (i) Requirements of stricter building and construction codes and guidelines.

12 (ii) Restrictions of location of facilities.

13 \* \* \*

14 §2180.2. Promulgation of rules

15 The department shall promulgate, in accordance with the Administrative  
16 Procedure Act, licensing standards, rules, and regulations, regarding, but not limited  
17 to the following:

18 \* \* \*

19 (10) The establishment, reestablishment, or continued operation of facilities  
20 located in areas subject to hurricanes, tidal surges, or flooding. The regulations  
21 adopted by the department shall include but not be limited to:

22 (a) Requirements of stricter building and construction codes and guidelines.

23 (b) Restrictions of location of facilities.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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Walker

HB No. 5

**Abstract:** Grants DHH rulemaking authority for the establishment, reestablishment, or continued operation of nursing facilities, hospitals, and ICF/MRs in areas subject to hurricanes, tidal surges, or flooding.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of nursing facilities located in areas subject to hurricanes, tidal surges, or flooding. Such rules must include the requirements of stricter building and construction codes and guidelines and restrictions of location of facilities.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of hospitals located in areas subject to hurricanes, tidal surges, or flooding. Such rules may include the requirements of stricter building and construction codes and guidelines and restrictions of location of facilities.

Proposed law authorizes DHH to promulgate rules for the establishment, reestablishment, or continued operation of intermediate care facilities for the mentally retarded located in areas subject to hurricanes, tidal surges, or flooding. Such rules must include the requirements of stricter building and construction codes and guidelines and restrictions of location of facilities.

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

(Adds R.S. 40:2009.4(A)(6), 2109(B)(1)(c), and 2180.2(10))