#### 2019 Regular Session

# HOUSE BILL NO. 619 (Substitute for House Bill No. 475 by Representative Jim Morris)

BY REPRESENTATIVES JIM MORRIS AND ABRAMSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/FACILITIES: Transfers management of the state's leasing of the John J. Hainkel, Jr., Home from the La. Dept. of Health to the LSU Health Sciences Center at New Orleans

1	AN ACT
2	To amend and reenact R.S. 40:16.3(A), (B), (C)(introductory paragraph) and (4), and (D)
3	and to repeal R.S. 40:16.3(C)(5) and (7), relative to the John J. Hainkel, Jr., Home
4	and Rehabilitation Center; to transfer management of the leasing of the facility from
5	the Louisiana Department of Health to the LSU Health Sciences Center at New
6	Orleans; to provide for leasing of the facility to LCMC Health; and to provide for
7	related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 40:16.3(A), (B), (C)(introductory paragraph) and (4), and (D) are
10	hereby amended and reenacted to read as follows:
11	§16.3. John J. Hainkel, Jr., Home and Rehabilitation Center; lease
12	A. The secretary of the Louisiana Department of Health and the
13	commissioner of administration are chancellor of the Louisiana State University
14	Health Sciences Center at New Orleans, referred to hereafter in this Section as the
15	"chancellor", is hereby authorized to execute a negotiated lease to the New Orleans
16	Home for Incurables LCMC Health for the John J. Hainkel, Jr., Home and
17	Rehabilitation Center, including the lease of the property, buildings, equipment,
18	movable assets, and all other appurtenances of the facility, which is described as
19	follows:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

thereon and all the rights, ways, privileges, servitudes, appurtenances, and
advantages thereunto belonging, or in anywise appertaining, situated in the Sixth
District of the city of New Orleans, State of Louisiana, Burtheville, being all of
Square 22, composed of Lots 1 through 24, bounded by Patton, Constance, Calhoun,
and Henry Clay, and said square measures 317 feet 8 inches 5 lines (317 feet 6
inches 7 1/2 lines title) front on Patton, 311 feet 3 inches 0 lines (311 feet 6 1/2 lines
title) front on Constance, 289 feet 7 inches 4 lines (289 feet 3 inches 7 lines 7 inches
title) front on Henry Clay, containing 91,063.10 square feet; all in accordance with
survey of Joseph F. Varisco, Jr., dated November 14, 1975, resurveyed January 23
1976. And, according to a survey of Joseph F. Varisco, Jr., dated September 14
1977, revised November 27, 1979, said property has the same actual dimensions
encompasses all of Square 22 and contains improvements known as 612 Henry Clay
Avenue.
B. The lease of property by the secretary and the commissioner chancello
shall be expressly exempted from the provisions of R.S. 41:1211 et seq., relative to
the lease of public land.
C. The secretary and the commissioner of administration chancellor shall be
authorized and empowered to execute the appropriate instrument or instruments, and
any corrections thereof, to effectuate the lease of the property described in
Subsection A of this Section. Additionally, the secretary and the commissioner of
administration shall chancellor is hereby be authorized and empowered to negotiate
such terms and conditions in the lease document as may be necessary to ensure:
* * *
(4) That the facility shall be operated by the New Orleans Home for the
Incurables LCMC Health; however, the New Orleans Home for the Incurables
LCMC Health 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, which shall include but not be limited to requiring the lessee to maintain

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1	the facility in the same manner in which it was maintained prior to the execution of
2	the lease and to seek to maintain the facility as a five star quality rated facility,
3	subject to approval by the Louisiana Department of Health and the Senate and House
4	committees on health and welfare, meeting jointly or separately.
5	* * *
6	D. Nothing in this Section shall preclude the Louisiana Department of Health
7	chancellor from negotiating readiness assessment criteria with the New Orleans
8	Home for Incurables LCMC Health prior to the commencement of the lease.
9	Section 2. R.S. 40:16.3(C)(5) and (7) are hereby repealed in their entirety.

### 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)]

HB 619 Engrossed2019 Regular SessionJim Morris

Abstract: Transfers management of the state's leasing of the John J. Hainkel, Jr., Home and Rehabilitation Center from the La. Dept. of Health to the LSU Health Sciences Center at New Orleans.

<u>Present law</u> authorizes the secretary of the La. Department of Health (LDH) and the commissioner of administration to execute a negotiated lease to the New Orleans Home for the Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center.

<u>Proposed law</u> revises <u>present law</u> to provide that the chancellor of the Louisiana State University Health Sciences Center at New Orleans shall negotiate the lease for the John J. Hainkel, Jr., Home and Rehabilitation Center, and that the lease shall be with LCMC Health.

<u>Proposed law</u> repeals <u>present law</u> providing all of the following:

- (1) That the Medicaid rate shall be set at the 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 and for any period after one year from the effective date of any lease the Medicaid rate shall be set at the rate which would be paid under the nursing home reimbursement methodology, subject to approval by the federal Medicaid agency.
- (2) That the New Orleans Home for the Incurables shall offer those employees who are employed by the John J. Hainkel, Jr., Home and Rehabilitation Center at the commencement of the lease first priority for employment.

(Amends R.S. 40:16.3(A), (B), (C)(intro. para.) and (4), and (D); Repeals R.S. 40:16.3(C)(5) and (7))