

2026 Regular Session

SENATE BILL NO. 405

BY SENATOR TALBOT

NURSING HOMES. Provides for the Nursing Home Choice Act. (8/1/26)

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AN ACT

To enact R.S. 40:2009.10.2, relative to nursing facilities; to provide for the Centers for Medicare and Medicaid Quality Rating System; to provide requirements for one-star rated facilities; to provide for the duties and responsibilities of the Louisiana Department of Health; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.10.2 is hereby enacted to read as follows:

§2009.10.2. One-star nursing facilities; state requirements

A. The legislature hereby finds the following:

(1) The Centers for Medicare and Medicaid Services created the Five-Star Quality Rating System to help consumers, families, and caregivers compare nursing homes more easily and to help identify areas about which they may want to ask questions. Nursing homes with five stars are considered to have the highest quality and nursing homes with one star are considered to have the lowest quality as compared with other nursing homes. There is one overall five-star rating for each nursing home and separate ratings for health

1 inspections, staffing, and quality measures.

2 (2) The office of adult and aging services within the Louisiana
3 Department of Health offers home- and community-based services to help older
4 adults and individuals with adult-onset disabilities maintain their independence,
5 including the Adult Day Health Care Waiver, Community Choices Waiver,
6 Long-Term Personal Care Services, and Program of All-Inclusive Care for the
7 Elderly.

8 (3) The Community Choices Waiver is a home- and community-based
9 service that serves older adults and persons with adult-onset disabilities. The
10 Community Choices Waiver contains a wide array of services, including
11 support coordination, nursing and skilled therapy assessments and services,
12 in-home monitoring systems, home modifications and assistive technologies,
13 personal care, home-delivered meals, monitored in-home caregiving, and
14 caregiver respite.

15 B. If any nursing home receives an overall quality rating of one star on
16 the Centers for Medicare and Medicaid Services rating scale, every resident or
17 potential resident of the nursing home and their families or legal guardian shall
18 receive individual counseling by an office of aging and adult services' employee
19 to explain the quality rating scale and to offer the below options:

20 (1) Immediate access to a Community Choices Waiver and any other
21 home- and community-based service for which the individual is eligible in order
22 to receive comprehensive services in the community in lieu of the nursing home.

23 (2) Immediate transfer to another available nursing home of their choice
24 that rated an overall two or above on the quality rating scale.

25 C. Any potential resident and all placing entities shall be notified of the
26 one-star rating of the nursing home prior to placement so that other options
27 may be presented before an individual is placed in the nursing home. Prior to
28 admission, the potential resident and the resident's family or legal guardian
29 shall be counseled by an office of aging and adult services' employee to explore

1 alternative options.

2 D.(1) Once a nursing home has been given a one-star quality rating, the
3 nursing home administrator shall submit a remediation plan to the Louisiana
4 Department of Health within thirty days after the rating is assigned. The
5 remediation plan shall include specific, measurable, performance targets for
6 improving health inspections, staffing, and quality.

7 (2) A progress report on the plan shall be provided to the Louisiana
8 Department of Health every quarter.

9 E. Any nursing home that has an overall one-star quality rating may be
10 subject to additional surveys, monitoring, and intervention by the Louisiana
11 Department of Health.

12 F. If the nursing home has not improved its overall quality rating after
13 a two-year period, the department shall enforce sanctions up to and including
14 placing the nursing home on a closure track.

15 G. The failure of a nursing home to comply with any provision of this
16 Section shall constitute grounds for appropriate action by the Louisiana
17 Department of Health.

18 H. Any nursing home with an overall quality rating of one-star on
19 October 1, 2026, shall comply with the provisions of this Section, which shall
20 remain effective until the rating has improved to a quality rating of two stars
21 or higher.

22 Section 2. This Act may be known and shall be cited as the "Nursing Home Choice
23 Act".

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

Proposed law requires any nursing home resident or potential resident in a home that receives an overall quality rating of one-star from the Centers for Medicare and Medicaid Services (CMS) to receive individual counseling from the office of aging and adult services.

Proposed law further requires the office to offer the resident or potential resident either immediate access to a Community Choices Waiver and any other home- and community-based service or immediate transfer to a nursing home of their choice that is rated an overall two or above.

Proposed law requires potential residents and placing entities to be notified of the one-star rating prior to placement.

Proposed law requires the administrator of a nursing home that has been assigned a one-star rating to submit a remediation plan to the La. Dept. of Health within 30 days after receiving the rating.

Proposed law provides that any nursing home with an overall one-star rating may be subject to additional surveys, monitoring, and intervention by the La. Dept. of Health.

Proposed law provides that if a nursing home has not improved its overall rating after a two-year period, the department shall enforce sanctions up to and including placing the nursing home on a closure track.

Proposed law provides that proposed law applies to any nursing home with an overall quality rating of one-star on Oct. 1, 2026, and shall remain effective until the rating has improved to a quality rating of two stars or higher.

Proposed law provides that proposed law may be known and shall be cited as the "Nursing Home Choice Act".

Effective August 1, 2026.

(Adds R.S. 40:2009.10.2)