

Existing law provides for licensing standards for health care facilities, including the voluntary surrender of a license.

Existing law provides for the facility need review process with respect to long term care providers, particularly nursing homes and intermediate care facilities for the mentally retarded (ICF/MR).

Existing law provides for the termination, expiration, or revocation of such facility need review approval based upon the cessation of the provision of services.

Existing law provides that DHH may terminate a health care provider agreement based upon the cessation of the provision of services.

New law retains existing law and provides relative to an executive order or declaration of emergency or disaster issued in accordance with R.S. 29:724.

New law provides for the impact of an executive order or proclamation of emergency or disaster upon the licensure process in areas affected by the emergency or disaster. The facilities whose licensing processes are affected are:

1. Adult day health care facility.
2. Substance abuse/addiction treatment facility.
3. Ambulatory surgery center.
4. Case management provider.
5. Home health agency.
6. Hospice.
7. Hospital.
8. Nursing home.
9. Rural health clinic.
10. Intermediate care facility for the mentally retarded (ICF/MR).
11. End stage renal disease facility.

New law provides an exception for the continuation of licensure for licensed facilities operating areas affected by an executive order or proclamation of emergency or disaster. Applies to facilities who:

- (1) Notify health standards section of DHH, in writing, later than Dec. 31, 2005 of an interruption of service due to the events which are the subject of the declaration.
- (2) Notify DHH, in writing, of intention to resume the provision of services.
- (3) Resume provision of services by Jan. 1, 2008. Extensions may be granted for good cause by DHH.

New law provides that facilities that experience such interruption shall not be considered to have surrendered their license.

New law provides that such interruption shall not constitute the sole cause for DHH to terminate or revoke a license.

New law provides that DHH shall retain the right to inspect any facility, temporary or permanent, prior to the resumption of provision of services.

New law provides that DHH shall license outpatient off-campus facilities established by licensed hospitals located in areas affected by the event which is the subject of a proclamation of emergency or disaster, provided the licensed hospital complies with the following no later than Dec 31, 2005:

- (1) Notifies DHH of commencement of the provision of services at such off-campus facility.
- (2) Submits attention that to the best of the hospital's knowledge, the off-campus facility is in compliance with regulations, including life and safety rules and public health requirements.

New law provides for a waiver of the 10-bed minimum requirement for hospitals for a hospital which was the sole provider of hospital inpatient and emergency services in an area which is affected by an executive order or proclamation of emergency or disaster. Such waiver is effective for two years beginning the date that the temporary facility begins operations. Extensions shall be granted by DHH for good cause.

New law provides that DHH shall require no further documentation than that provided herein. Nothing shall relieve facilities of compliance with rules and regulation of the Centers for Medicare and Medicaid Services.

New law provides that facility need review approval for nursing homes and ICF/MR facilities in areas affected by an executive order or proclamation of emergency or disaster remain in effect until Jan. 1, 2008. Emergency or disaster shall be the sole cause of such interruption in services.

New law provides that the facility need review exception shall not apply if:

- (1) The approval is voluntarily surrendered.
- (2) The provider fails to notify the health standards section of DHH in writing no later than Dec. 31, 2005 of intention to avail itself of the continuation of facility need review approval.
- (3) The provider fails to commence provision of services prior to Jan. 1, 2008.

New law provides that the facility need review approval provisions shall not be interpreted to allow either of the following:

- (1) A facility with facility need review approval to locate outside the geographic area for which the facility need review approval was granted.
- (2) The facility to obviate the moratorium provisions of R.S. 40:2116(D)(2).

Effective upon signature of the governor (November 23, 2005).

(Amends R.S. 40:2109(B)(7); adds R.S. 40:2007.1 and 2116(J))