

2019 Regular Session

HOUSE BILL NO. 475

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: Provides to the transferring management of the John J. Hainkel, Jr., Home and Rehabilitation Center from the Department of Health to the health care division of Louisiana State University

1 AN ACT

2 To enact R.S. 17:1519.19 and to repeal R.S. 40:16.3, relative to healthcare facilities; to
3 transfer management of the John J. Hainkel, Jr., Home and Rehabilitation Center
4 from the Louisiana Department of Health; to authorize the health care division of
5 Louisiana State University to lease the John J. Hainkel, Jr., Home and Rehabilitation
6 Center; to specify certain terms and conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:1519.19 is hereby enacted to read as follows:

9 §1519.19. John J. Hainkel, Jr., Home and Rehabilitation Center; lease

10 A. The chancellor of the Louisiana State University Health Sciences Center
11 at New Orleans, hereinafter referred to as the chancellor, is hereby authorized to
12 execute a negotiated lease to the New Orleans Home for Incurables for the John J.
13 Hainkel, Jr., Home and Rehabilitation Center, including the lease of the property,
14 buildings, equipment, movable assets, and all other appurtenances of the facility,
15 which is described as follows:

16 That portion of ground, together with all the buildings and improvements
17 thereon and all the rights, ways, privileges, servitudes, appurtenances, and
18 advantages thereunto belonging, or in anywise appertaining, situated in the Sixth
19 District of the city of New Orleans, State of Louisiana, Burtheville, being all of

1 Square 22, composed of Lots 1 through 24, bounded by Patton, Constance, Calhoun,
2 and Henry Clay, and said square measures 317 feet 8 inches 5 lines (317 feet 6
3 inches 7 ½ lines title) front on Patton, 311 feet 3 inches 0 lines (311 feet 6 ½ lines
4 title) front on Constance, 289 feet 7 inches 4 lines (289 feet 3 inches 7 lines 7 inches
5 title) front on Henry Clay, containing 91,063.10 square feet; all in accordance with
6 survey of Joseph F. Varisco, Jr., dated November 14, 1975, resurveyed January 23,
7 1976. And, according to a survey of Joseph F. Varisco, Jr., dated September 14,
8 1977, revised November 27, 1979, said property has the same actual dimensions,
9 encompasses all of Square 22 and contains improvements known as 612 Henry Clay
10 Avenue.

11 B. The lease of property by the chancellor shall be expressly exempted from
12 the provisions of R.S. 41:1211 et seq., relative to the lease of public land.

13 C. The chancellor shall be authorized and empowered to execute the
14 appropriate instrument or instruments, and any corrections thereof, to effectuate the
15 lease of the property described in Subsection A of this Section. Additionally, the
16 chancellor shall hereby be authorized and empowered to negotiate such terms and
17 conditions in the lease document as may be necessary to ensure:

18 (1) That the facility shall continue to be named the "John J. Hainkel, Jr.,
19 Home and Rehabilitation Center" and operate as a long-term care facility that
20 provides nursing home level services, and that may provide adult day health care
21 services.

22 (2) That the facility shall continue its mission to provide quality health care
23 services to indigent persons.

24 (3) That the facility shall continue as a medical and clinical training facility.

25 (4) That the facility shall be operated by the New Orleans Home for the
26 Incurables; however, the New Orleans Home for the Incurables shall have the option
27 to enter into a sublease or a cooperative endeavor agreement to operate the facility
28 consistent with the terms and conditions of the lease, which shall include but not be
29 limited to requiring the lessee to maintain the facility in the same manner in which

1 it was maintained prior to the execution of the lease and to seek to maintain the
2 facility as a five star quality rated facility, subject to approval by the health care
3 services division.

4 (5) That the Medicaid rate shall be set at the rate as of March 19, 2010, and
5 shall be set at such rate for at least one year from the effective date of any lease and
6 for any period after one year from the effective date of any lease the Medicaid rate
7 shall be set at the rate which would be paid under the nursing home reimbursement
8 methodology, subject to approval by the Centers for Medicare and Medicaid
9 Services.

10 (6) That the state shall continue and complete all previously funded or
11 obligated capital outlay repairs to the facility.

12 (7) That the New Orleans Home for the Incurables shall offer those
13 employees who are employed by the John J. Hainkel, Jr., Home and Rehabilitation
14 Center at the commencement of the lease first priority for employment.

15 (8) That the lease shall terminate if the facility ceases to operate as a long-
16 term care facility.

17 (9) Any and all other terms and conditions consistent herein to effectuate this
18 Section.

19 D. Nothing in this Section shall preclude the health care services division
20 from negotiating readiness assessment criteria with the New Orleans Home for the
21 Incurables prior to the commencement of the lease.

22 Section 2. R.S. 40:16.3 is hereby repealed in its 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 475 Original

2019 Regular Session

Jim Morris

Abstract: Authorizes the health services division of Louisiana State University to assume the lease of the John J. Hainkel, Jr., Home and Rehabilitation Center.

Present law authorizes the secretary of the Louisiana Department of Health and the commissioner of administration to enter into a lease with the New Orleans Home for the

Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center, including a lease of the property, buildings, equipment, and movable assets.

Proposed law revises present law by transferring the lease of the New Orleans Home for Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center to the health services division of Louisiana State University.

(Adds R.S. 17:1519.19; Repeals R.S. 40:16.3)