
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Substitute for Original House Bill No. 475 by Representative Jim Morris as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 40:16.3(A), (B), (C)(introductory paragraph) and (4), and (D) and to repeal R.S. 40:16.3(C)(5) and (7), relative to the John J. Hainkel, Jr., Home and Rehabilitation Center; to transfer management of the leasing of the facility from the Louisiana Department of Health to the LSU Health Sciences Center at New Orleans; to provide for leasing of the facility to Children's Hospital of New Orleans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:16.3(A), (B), (C)(introductory paragraph) and (4), and (D) are hereby amended and reenacted to read as follows:

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

A. ~~The secretary of the Louisiana Department of Health and the commissioner of administration are~~ chancellor of the Louisiana State University Health Sciences Center at New Orleans, referred to hereafter in this Section as the "chancellor", is hereby authorized to execute a negotiated lease to ~~the New Orleans Home for Incurables~~ Children's Hospital of New Orleans for the John J. Hainkel, Jr., Home and Rehabilitation Center, including the lease of the property, buildings, equipment, movable assets, and all other appurtenances of the facility, which is described as follows:

That portion of ground, together with all the buildings and improvements 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~~ chancellor 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~~ Children's Hospital of New Orleans; however, ~~the New Orleans Home for the Incurables~~ Children's Hospital of New Orleans 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 the facility in the same manner in which it was maintained prior to the execution of the lease and to seek to maintain the facility as a five star quality rated facility, subject to approval by the Louisiana Department of Health and the Senate and House committees on health and welfare, meeting jointly or separately.

* * *

D. Nothing in this Section shall preclude the ~~Louisiana Department of Health~~ chancellor from negotiating readiness assessment criteria with ~~the New Orleans Home for Incurables~~ Children's Hospital of New Orleans prior to the commencement of the lease.

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 Draft

2019 Regular Session

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.

Present law 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 Incurables for the John J. Hainkel, Jr., Home and Rehabilitation Center.

Proposed law revises present law to provide that 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 Children's Hospital of New Orleans.

Proposed law repeals present law 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))