

Regular Session, 2014

SENATE BILL NO. 569

BY SENATOR MORRISH

NURSING HOMES. Provides with respect to the moratorium on additional beds for nursing facilities. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 40:2116(D)(2), relative to facility need review; to provide with  
3 respect to the moratorium on additional beds for nursing facilities; to provide for the  
4 replacement of existing facilities; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2116(D)(2) is hereby amended and reenacted to read as follows:

7 §2116. Facility need review

8 \* \* \*

9 D. (1) \* \* \*

10 (2) The Department of Health and Hospitals shall implement a moratorium  
11 on additional beds for nursing facilities. The Department of Health and Hospitals  
12 shall not approve any additional nursing facilities or additional beds in nursing  
13 facilities through facility need review. This prohibition shall apply only to  
14 applications for new beds not approved prior to July 1, 1996. Such prohibition shall  
15 become enforceable on July 1, 1996, and shall remain in effect until July 1, 2016,  
16 This prohibition shall not apply to the replacement of existing facilities provided that  
17 there is no increase in existing nursing home beds at the replacement facility or all

1 **of the following criteria are met:**

2 **(a) The increase in the existing nursing home beds is for a newly**  
3 **constructed nursing home facility in a parish with a population between sixty-**  
4 **one thousand and sixty-five thousand according to the latest federal decennial**  
5 **census.**

6 **(b) The newly constructed nursing home facility has replaced a facility**  
7 **structurally older than twenty-five years.**

8 **(c) The increase in beds brings the total approved beds to no more than**  
9 **eighty.**

10 **(d) The new additional beds are not part of the Medicaid or Medicare**  
11 **programs.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Horne.

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DIGEST

Morrish (SB569)

Present law requires the Department of Health and Hospitals (DHH) to implement a moratorium on additional beds for nursing facilities. Further prohibits DHH from approving any additional nursing facilities or additional beds in nursing facilities through facility need review. The prohibition applies only to applications for new beds not approved prior to July 1, 1996, and shall remain in effect until July 1, 2016. The prohibition does not apply to the replacement of existing facilities provided there is no increase in existing nursing home beds at the replacement facility.

Proposed law retains present law and further excludes from the prohibition on additional beds for nursing facilities when all the following conditions exist:

- (1) The increase in the existing nursing home beds is for a newly constructed nursing home facility in a parish with a population between 61,000 and 65,000 according to the latest federal decennial census.
- (2) The newly constructed nursing home has replaced a facility structurally older than 25 years.
- (3) The increase in beds brings the total approved beds to no more than 80.
- (4) The new beds are not part of the Medicaid or Medicare programs.

Effective August 1, 2014.

(Amends R.S. 40:2116(D)(2))