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Department of Health
Bureau of Health Services Financing

Public Hearing—Substantive Changes to Proposed Rule
Nursing Facilities
Licensing Standards
(LAC 48:I.Chapter 97 and 9911)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health, Bureau of Health Services Financing published a Notice of Intent in the December 20, 2022 edition of the *Louisiana Register* (LR 48:3034-3045) to amend LAC 48:I.Chapter 97 and §9911 as authorized by R.S. 36:254 and 40:2009.1-2009.44. This Notice of Intent proposed to continue the provisions of the November 18, 2022 Emergency Rule which amended the provisions governing the licensing of nursing facilities in order to comply with the requirements of the following Acts of the 2022 Regular Session of the Louisiana Legislature: Act 253 required the Department of Health to amend provisions governing the licensing of nursing facilities to provide requirements for generators or other department approved alternate electrical power sources; Act 461 required the department to promulgate provisions concerning healthcare workplace violence; and Act 522 directed the department to promulgate requirements and standards for nursing home emergency preparedness plans (*Louisiana Register*, Volume 48, Number 12).

The department has determined that additional, non-technical revisions are necessary to the provisions of §9701 and §9767 of the December 20, 2022 Notice of Intent. Taken together, these revisions will closely align the proposed Rule with the department's original intent.

Title 48

PUBLIC HEALTH-GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9701. Definitions

Unlicensed Sheltering Site-any location within or outside the state of Louisiana that is not licensed as a nursing facility by the LDH in accordance with the R.S. 40:2009.3, or licensed as a nursing facility by another state, when such location is used for evacuation purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR 49:

§9767. Emergency Preparedness

A. - A.2. ...

a. - d. Repealed.

A.3. - B.1. ...

a. - d.iii. Repealed.

2. - 3.b. ...

i. - vi. Repealed.

NOTE: Repealed.

B.4. - C.1.t.vi. ...

2. - 17.f. Repealed.

D. Unlicensed Sheltering Sites

1. - 3. ...

4. If any unlicensed sheltering site is located outside of Louisiana, including nursing homes, the department shall coordinate with their state agency counterparts in the state in which the site is located for inspection, review, approval, and surveys of the site.

D.5. - K.6. ...

K.7. - M.5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1905 (November 2016), amended LR 48:1290 (May 2022), LR 49:

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Thursday, April 27, 2023 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m., March 1, 2023.

Dr. Courtney N. Phillips

Secretary