

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969, 37:971 and 37:972.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:199 (April 1977), amended LR 10:341 (April 1984), LR 10:915 (November 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1129 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002), LR 42:274 (February 2016), LR 45:432 (March 2019), LR 50:524 (April 2024).

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Executive Director

2404#035

RULE

Department of Health Health Standards Section

Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards (LAC 48:I.7206, 7215, and 7275)

The Department of Health, Health Standards Section has amended LAC 48:I.7215 and 7275 and adopted 7206 as authorized by R.S. 36:254 and R.S. 28:31-37. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 72. Forensic Supervised Transitional Residential and Aftercare Facilities Licensing Standards

Subchapter A. General Provisions

§7206. Waivers

A. The secretary of the department may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements, and to provisions of the licensing rules involving the clinical operation of the forensic supervised transitional residential and aftercare (FSTRA) facility. The FSTRA facility shall submit a waiver request in writing to the licensing section of the department on forms prescribed by the department.

B. In the waiver request, the FSTRA facility shall demonstrate the following:

1. how resident health, safety, and welfare will not be compromised if such waiver is granted;
2. how the quality of care offered will not be compromised if such waiver is granted; and
3. the ability of the FSTRA facility to completely fulfill all other requirements of the service, condition, or regulation.

C. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

1. the waiver review committee may consult subject matter experts as necessary, including the Office of State Fire Marshal; and

2. the waiver review committee may require the FSTRA facility to submit risk assessments or other documentation to the department.

D. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

E. The department shall issue a written decision of the waiver request to the FSTRA facility. The granting of any waiver may be for a specific length of time.

F. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

G. If any waiver is granted, it is not transferrable in an ownership change or change of location.

H. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised.

I. Any waivers granted by the department prior to January 15, 2024, shall remain in place, subject to any time limitations on such waivers; further, such waivers shall be subject to the following:

1. review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a resident may be compromised; and

2. such waivers are not transferrable in any ownership change or change of location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

§7215. Renewal of License

A. - D. ...

E. A change of ownership of the FSTRA facility shall not be submitted at the time of the annual renewal of the FSTRA facility's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:55 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

Subchapter H. Physical Environment

§7275. General Provisions

A. - C.11. ...

D. Bedrooms

1. Single rooms shall contain at least 100 square feet and multi-bed rooms shall contain at least 80 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment.

D.2. - L.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:31-28:37.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:70 (January 2017), amended by the Department of Health, Health Standards Section, LR 50:525 (April 2024).

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Secretary

2404#051