



**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER 17-20**

LICENSED BED CAPACITY FOR NURSING HOMES

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 104 JBE 2017;
- WHEREAS,** Hurricane Harvey made landfall multiple times on the Texas coast and Louisiana coasts between August 25, 2017 and August 30, 2017, bringing historic flooding, damage, and devastation to Texas and southwest Louisiana;
- WHEREAS,** this storm and its damage continue to pose a threat to citizens and communities across the Gulf Coast and creates conditions which place lives and property in the State in jeopardy;
- WHEREAS,** the state of Louisiana desires to promote and protect the health, safety, and well-being of all Louisiana residents, and specifically those residents in nursing facilities;
- WHEREAS,** the state of Louisiana desires to promote and protect the health, safety, and well-being of evacuees from Hurricane Harvey, and specifically those evacuees needing nursing facility services;
- WHEREAS,** the state of Louisiana desires to ensure the protection of such residents and evacuees in nursing facilities in times of declared emergencies;
- WHEREAS,** Louisiana Revised Statute 40:2116(D)(2) prohibits the Department of Health from approving additional beds in nursing facilities;
- WHEREAS,** the state of Louisiana desires that residents and evacuees in nursing facilities be able to temporarily evacuate to safe sheltering locations during an emergency;
- WHEREAS,** the state of Louisiana, recognizing the potential significance of Hurricane Harvey, desires to minimize the impact of the tropical storm/hurricane on the residents of nursing facilities; and
- WHEREAS,** Louisiana Revised Statute 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW THEREFORE I, JOHN BEL EDWARDS, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Secretary of the Department of Health may establish such protocols, policies, and procedures as to allow a licensed nursing facility which accepts or receives evacuated residents to temporarily exceed its licensed bed capacity in the event of a declared emergency.

SECTION 2: The Secretary of the Department of Health may establish such protocols, policies, and procedures without strict compliance with the requirements and provisions of the Administrative Procedure Act.

SECTION 3: This Order is effective upon signature and shall be applicable from August 24, 2017, until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 31st day of August, 2017.



GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**



SECRETARY OF STATE