

State of Louisiana



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NUMBER JBE 19-7

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 111 JBE 2019;
- WHEREAS,** Tropical Storm Barry is moving toward the Louisiana coast, and is expected to strengthen into a hurricane before it makes landfall on the Louisiana coast on July 13, 2019, bringing heavy rainfall, flooding, and damage to Louisiana;
- WHEREAS,** this storm and its potential damage continue to pose a threat to citizens and communities across Louisiana and creates conditions that 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 Tropical Storm Barry, 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,** R.S. 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 Tropical Storm Barry, desires to minimize the impact of the tropical storm on the residents of nursing facilities; and
- WHEREAS,** R.S. 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:

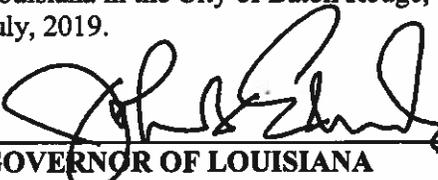
SECTION 1: The Secretary of the Department of Health may establish such protocols, policies, and procedures as to allow a licensed nursing facility which accepts or receives evacuated residents to temporarily exceed its licensed bed capacity in the event of a declared emergency.

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 continue in effect 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 in the City of Baton Rouge, on this 11th day of July, 2019.



GOVERNOR OF LOUISIANA

**ATTEST BY THE
SECRETARY OF STATE**



SECRETARY OF STATE