



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 109 JBE 2020

***LICENSED BED CAPACITY FOR NURSING HOMES  
HURRICANE LAURA***

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 108 JBE 2020;
- WHEREAS,** Hurricane Laura is expected to make landfall near the Louisiana-Texas border overnight on Wednesday, August 26, 2020, bringing possible flooding, power-outages, and damage to Louisiana;
- WHEREAS,** this storm and its probable damage continue to pose a threat to citizens and communities across the Gulf Coast and create 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,** La. 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 Hurricane Laura, desires to minimize the impact of the tropical storm/hurricane on the residents of nursing facilities; and
- WHEREAS,** La. 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.

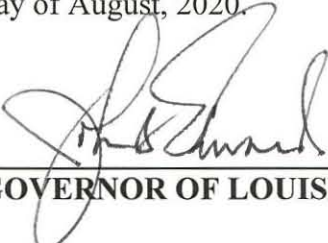
**NOW THEREFORE, I, JOHN BEL EDWARDS,** Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

- SECTION 1:** The provisions of La. R.S. 40:2116(D)(2) are hereby suspended for the purpose of allowing the Secretary of the Department of Health, at her discretion, to 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 remain in effect from Tuesday, August 25, 2020 to Wednesday, September 23, 2020, unless terminated sooner.



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 25<sup>th</sup> day of August, 2020.

  
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GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY  
OF STATE

  
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SECRETARY OF STATE