AN ACT

To amend and reenact R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d), 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1), 39.1(A)(introductory paragraph), 75(A), 654(Section heading), 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(introductory paragraph) and...

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(ii), and 2180.25(B)(2)(m)(v) and (q), R.S. 46:236.1.2(A)(introductory paragraph),
450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and
(D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 1933(B),
1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and
2757(C)(1)(e), and Children's Code Article 1150(2)(b) and to repeal R.S. 40:5.5(F)
and (G) and 1249.1(A) and (B) and Section 4 of Act No. 449 of the 2006 Regular
Session, relative to various provisions of Titles 28, 37, 39, 40, and 46 of the
Louisiana Revised Statutes of 1950, the Louisiana Children's Code, and uncodified
law; to make technical corrections in provisions relative to behavioral health, human
services, administration of the Louisiana Department of Health, administration of the
Department of Children and Family Services, healthcare institutions and services,
professions and occupations, boards and commissions, public health, food and drugs,
public welfare and assistance, child welfare, and other matters within or relating to
the purview of the legislative committees on health and welfare; to make corrective
changes including corrections in legal citations and in names of organizations,
programs, publications, institutions, agencies, boards, commissions, departments,
and offices and officers of departments; to remove references to agencies, other legal
entities, and programs that have been repealed or no longer exist; to repeal obsolete
findings and references to outdated information; to designate undesignated statutory
provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d), 70(A),
and 915(F)(3) are hereby amended and reenacted to read as follows:

§2. Definitions

Whenever used in this Title, the masculine shall include the feminine, the
singular shall include the plural, and the following definitions shall apply:

* * *

(28) "Psychiatric mental health nurse practitioner" means an advanced
practice registered nurse licensed to practice as a nurse practitioner or clinical nurse
specialist by the Louisiana State Board of Nursing, in accordance with the provisions of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or populations across the life span at risk for developing or having a diagnosis of psychiatric disorders, mental health problems, or both. A psychiatric mental health nurse practitioner means a specialist who provides primary mental health care to patients seeking mental health services in a wide range of settings. Primary mental health care provided by a psychiatric mental health nurse practitioner involves the continuous and comprehensive services necessary for the promotion of optimal mental health, prevention and treatment of psychiatric disorders, and health maintenance. Such primary health care includes the assessment, diagnosis, and management of mental health problems and psychiatric disorders. A psychiatric mental health nurse practitioner means a provider of direct mental health care services who synthesizes theoretical, scientific, and clinical knowledge for the assessment and management of both health and illness states and who is licensed to practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.

For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have at least two years of training, primary experience, or both, in diagnosis and treatment of mental illness. For purposes of this Chapter, a psychiatric mental health nurse practitioner shall also have authority from the Louisiana State Board of Nursing to prescribe legend and certain controlled drugs, in accordance with the provisions of R.S. 37:913(3)(b), (8), and (9).

*          *          *

§51.1. Treatment facility; staff membership and institutional privileges; certain healthcare providers

A. *

*          *          *

(3) Staff membership, specifically delineated institutional privileges, which may include the ability to prepare and execute orders for the admission of patients
to a treatment facility, or both, granted to a psychiatric mental health nurse practitioner shall be conditioned upon all of the following requirements:

* * *

(b) The applicant psychiatric mental health nurse practitioner shall have a valid, current, and unrestricted advanced practice registered nurse license, as a nurse practitioner or clinical nurse specialist, issued by the Louisiana State Board of Nursing, and have been granted limited prescriptive authority pursuant to LAC 46:XLV.4513 LAC 46:XLVII.4513.

* * *

(d) The applicant psychiatric mental health nurse practitioner shall prescribe medications or the use of seclusion or restraint on patients in the treatment facility only in accordance with the collaborative practice agreement and in accordance with the treatment facility's staff membership or privilege-granting process and restrictions, if any.

* * *

§70. Written treatment plan for involuntary outpatient treatment

A. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, or psychologist develops and provides to the court a proposed written treatment plan. The respondent, and any other individual whom the respondent may designate, shall be afforded a reasonable opportunity to participate in the development of the written treatment plan. The treatment plan shall reflect the expressed preferences of the respondent to the extent the preferences are reasonable and consistent with the respondent's best interests. The written treatment plan shall be deemed appropriate by the director. The written treatment plan shall include appropriate services to provide care coordination. The written treatment plan shall also include appropriate categories of services, as set forth in Subsection D of this Section, which the respondent is recommended to receive and are available to the respondent. The written treatment plan shall specify a provider that has agreed to provide each of the

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specified services. If the written treatment plan includes medication, it shall state whether the medication should be self-administered or administered by authorized personnel, and shall specify the type and dosage range of medication most likely to provide maximum benefit for the respondent.

§915. Districts and authorities; functions, powers, and duties; sole-source contracting

F. The provisions of Subsections A and B of this Section shall not include the following:

(3) Operation, management, and performance of functions and services relating to the Louisiana Vital Records Registry and the collection of vital statistics within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S. 44:401 et seq., and R.S. 40:1061.17, including the Putative Father Registry and the vital records management information system.

Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2) are hereby amended and reenacted to read as follows:

§752. Exemptions from license

The licensing provisions of this Chapter shall not apply to:

(3)(a) Dental schools or colleges approved by the Louisiana State Board of Dentistry; the practice of dentistry by students in dental schools or colleges...
approved by the board when acting under the direction and supervision of registered
dentists, licensed and acting as instructors or professors; interns in any hospital or
institution, but not residents.

(b) Dental hygiene schools or colleges approved by the Louisiana State
Board of Dentistry board; the practice of dental hygiene by students in dental or
dental hygiene schools or colleges approved by the board when acting under the
direction and supervision of registered dentists or dental hygienists, licensed and
acting as instructors or professors; interns in any hospital or institution, but not
residents.

*     *     *

(6) The making of artificial restorations, substitutes, appliances, or materials
for the correction of diseases, loss, deformity, malposition, dislocation, fracture,
injury of the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts,
upon written work orders or prescriptions furnished by a licensed and registered
dentist on a form approved by the Louisiana State Board of Dentistry board as
hereinafter set forth, and the use in connection with said work order or prescription
of casts, models or from impressions furnished by a licensed or registered dentist.

(7) The making and repairing of prosthetic dentures, bridges, artificial
restorations or other structures to be used or worn as substitutes for natural teeth, or
appliances for the correction of disease, loss, deformity, malposition, dislocation,
fracture of or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated
tissues or parts upon a written work order or prescription furnished by a licensed and
registered dentist on a form approved by the Louisiana State Board of Dentistry
board as hereinafter set forth and constructed on, or by use of, casts or models made
from impressions taken by a licensed and registered dentist if these prosthetic or
orthodontic appliances, or the services rendered in the construction, repair, or
alteration thereof are not offered for sale, or use, or delivery to the public or placed
or adjusted in the oral cavity, except by licensed and registered dentists.

(c) When used in this Section, the following terms shall have the following meanings ascribed to them in this Subparagraph:


(ii) "Dentist with a disability" means a dentist who is a "person with a disability" as defined in R.S. 9:3541.21(3) R.S. 9:3541.21.

(iii) "Personal representative" has the same meaning as provided in R.S. 9:2260.1.

(d) The twenty-four-month period provided for in this Section begins when:

(ii) The spouse or personal representative of the dentist with a disability files with the board a verified copy of disability status signed by a physician attesting to the dentist's disability with the Louisiana State Board of Dentistry.

§753. Louisiana State Board of Dentistry; appointment of members; term of office; vacancies; nominating meetings; quorum; domicile

A. There is hereby created within the Louisiana Department of Health the Louisiana State Board of Dentistry, referred to hereafter in this Chapter as the "board", which shall carry out the purposes and enforce the provisions of this Chapter, subject to the provisions of R.S. 36:803.

I. The domicile of the Louisiana State Board of Dentistry board shall be the parish of East Baton Rouge.
§761. Requirements of applicants for dental license

A. The board shall require that every applicant for a dental license shall:

* * *

(2) Present satisfactory evidence of graduation from a dental college or university approved by the Louisiana State Board of Dentistry board, according to its rules and regulations.

* * *

(4) Present satisfactory evidence of having taken an examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations before being accepted for the regular examination given by the board, or pass an examination given by the board in the theory and practice of the science of dentistry in addition to the regular examination given by the Louisiana State Board of Dentistry board. Upon receipt of information that the applicant has passed the examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations, he may be awarded a dental license, but only when all other requirements for licensure have been met. If the applicant fails the examination given by the Joint Commission on National Dental Examinations, he must shall successfully retake the Louisiana clinical licensing examination after providing satisfactory evidence of subsequently passing the examination given by the Joint Commission on National Dental Examinations.

* * *

§764. Dental hygienist; application for license

A. Every applicant to be licensed as a dental hygienist shall:

* * *

(4) Present satisfactory evidence of graduation from a training school of dental hygienists approved by the Louisiana State Board of Dentistry board, according to its rules and regulations.
(5) Present satisfactory evidence of having taken an examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations before being accepted for the regular examination given by the board or pass an examination given by the board in the theory and practice of the science of dental hygiene in addition to the regular examination given by the Louisiana State Board of Dentistry board. Upon receipt of information that the applicant has passed the examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations, he may be awarded a dental hygiene license, but only when all other requirements for licensure have been met. If the applicant fails the examination given by the Joint Commission on National Dental Examinations, he must successfully retake the Louisiana clinical licensing examination after providing satisfactory evidence of subsequently passing the examination given by the Joint Commission on National Dental Examinations.

*          *          *

§771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's contracted reimbursement amount

A. Notwithstanding any state or federal provisions to the contrary, a contracted dentist licensed to practice dentistry by the Louisiana State Board of Dentistry board may offer a discount for dental care services rendered to an uninsured individual. Any such discount granted by a contracted dentist to an uninsured individual shall not reduce the contracted reimbursement amount between a dentist and a health or dental insurance issuer for dental care services rendered to the issuer's enrollees, insureds, and subscribers.

B. For the purposes of this Section:

(1) "Contracted dentist" means a dentist licensed to practice dentistry by the Louisiana State Board of Dentistry board who has executed a direct, specific contract with a health insurance issuer.

*          *          *
§786.1. Stay of board decision

A. Absent agreement of counsel for all parties, no stay of enforcement of a decision issued under R.S. 37:780, or for a violation of R.S. 37:788, during the pendency of an appeal under R.S. 37:786 shall be granted unless the civil district court for the parish of Orleans finds that the applicant has established:

(1) That the issuance of the stay does not threaten harm to other interested parties, including the Louisiana State Board of Dentistry board, and persons for whom the applicant may render dental or dental hygiene services.

* * *

§792. Dental x-ray functions by dental assistants; qualifications

* * *

B. Any dental assistant who does not meet the employment criteria set forth in R.S. 37:792(A) Subsection A of this Section shall attend and successfully complete a course in x-ray function and safety approved by the Louisiana State Board of Dentistry board within six months after commencement of employment by a licensed dentist. Any such assistant shall be deemed to be authorized to take dental x-rays only upon compliance with this Subsection.

C.(1) The dentist employer shall certify to the board that any dental assistant employed by him either:

(a) Meets the employment criteria set forth in R.S. 37:792(A) Subsection A of this Section, or that the assistant has attended and completed a course in dental x-ray function and safety, or

(b) That the assistant has not attended such course but has been employed less than six months.

* * *

§793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral sedation; deep sedation; general anesthesia; definitions; permits; credentials; reporting; fees; limitations; exceptions

* * *
G. The authority for the administration of anesthetic and sedative agents as described in this Section shall be limited as follows:

(2) The administration of nitrous oxide inhalation analgesia shall be limited to qualified dentists and dental hygienists licensed by the board for use on dental patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only under the direct supervision of a dentist licensed by the Louisiana State Board of Dentistry board to whom the board has issued a permit to administer nitrous oxide inhalation analgesia.

§796. Louisiana State Board of Dentistry; adoption of rules relating to the providing of dental services at mobile dental clinics and locations other than the dental office

A. The Louisiana State Board of Dentistry board shall adopt rules relating to the providing of dental services at mobile dental clinics and locations other than the dental office.

B. The rules shall include but not be limited to:

(7) Provisions for the inspection by the Louisiana State Board of Dentistry board of mobile dental clinics and locations offering dental services other than the dental office and health care facilities licensed by the Louisiana Department of Health.

D. Nothing in this Section shall be construed to prohibit the Louisiana State Board of Dentistry board from adopting emergency rules as otherwise provided for in the Administrative Procedure Act.

F. Notwithstanding any other provision of law to the contrary, the failure to adopt rules as provided by the provisions of Subsection B of this Section by January
1, 2011, shall be grounds for the immediate removal of the members of the Louisiana State Board of Dentistry board.

§796.1. Requirements to provide dental services at mobile dental clinics and locations other than the dental office; permit; hold harmless

A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a person offering dental services at a mobile dental clinic or a location other than the dental office shall:

1. Be a dentist licensed in Louisiana who is in good standing with the Louisiana State Board of Dentistry board.

2. Have received a permit from Louisiana State Board of Dentistry the board to provide dental services at a mobile dental clinic or a location other than the dental office. The permit shall be issued pursuant to the provisions of this Section and in accordance with rules adopted pursuant to the Administrative Procedure Act.

§966. Meetings; quorum

A. The board shall meet annually at a time and place to be fixed by it, and at such other times as may be necessary.

B. A majority of the board constitutes a quorum.

§971. Examination; licensing

A. Applicants for licenses under this Part shall pass a written examination in all subjects required by the board. The written examination may be supplemented by an oral or practical examination.

B. If the applicant passes the examination provided for in Subsection A of this Section, the board shall issue a license to practice as a practical nurse and authorize the use of the title "Licensed Practical Nurse" or the abbreviation "L.P.N."
§976. Schools of practical nursing; application; hearings

A. A school of practical nursing which wishes to be accredited may make application to the board. After investigation and approval of the curricula of the school the board may approve the school and issue a certificate as an accredited school of practical nursing.

B. If the board finds that an accredited school is not adhering to the requirements of this Part or to the courses prescribed by the board, the board shall give reasonable notices to correct these conditions within a reasonable time. If the conditions are not corrected, the board may, after a hearing with charges detailed and specified, revoke the certificate issued to such school.

C. Appeals from decisions of the board shall be to the Civil District Court of Orleans Parish within 30 thirty days from the final ruling.

§1007. Nursing Supply and Demand Council; creation; membership; vacancies; compensation; staff and facilities; powers and duties

A.

(2)

(c) Additional members of the council may be added at any time upon a majority vote of the members named in Subparagraph (a) of this Paragraph.

§1176. Removal

A. A board member may be removed upon one or more of the following grounds:

(3) The violation of the laws governing the practice of pharmacy or the distribution of drugs and/or devices.
§1218. Administration of influenza immunization

A pharmacist may administer an influenza immunization to any person seven years of age or older without a prescription or medical order contingent upon all of the following provisions:

* * * * *

(3) The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse Events Reporting System (VAERS), the cooperative program of the CDC and the United States Food and Drug Administration for vaccine safety, or its successor program; and further, the pharmacist shall refer the patient with an adverse event to the influenza immunization for appropriate medical care.

* * * *

§1218.1. Administration of immunizations and vaccines other than influenza immunizations

A. (1) A pharmacist may administer to an individual age seventeen or older an immunization or a vaccine without a patient-specific prescription or medical order if the immunization or the vaccine is administered in conformance with the most current immunization administration protocol as set forth by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practice. At the time that a pharmacist administers an immunization or vaccine under in accordance with the provisions of this Section, the pharmacist shall also inform the individual that the administration of an immunization or vaccine under in accordance with the provisions of this Section is not to be construed as being in lieu of an annual checkup with the individual's primary care or family physician.

(2) The pharmacist shall report each immunization to the Louisiana Department of Health, office of public health's Louisiana Immunization Network for Kids Statewide at the time of the immunization or as soon as reasonably practicable thereafter, as this is the official state vaccination record.
(2) (3) The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse Events Reporting System, the cooperative program of the United States Centers for Disease Control and Prevention and the United States Food and Drug Administration for vaccine safety, or its successor program; and further, the pharmacist shall refer the patient with an adverse event to an immunization for appropriate medical care.

(3) (4) The pharmacist shall maintain for at least two years a record of each immunization administered.

(4) (5) The pharmacist shall obtain the appropriate credentials to administer immunizations from the board, as administratively defined, prior to administering any such immunization.

(5) (6) The pharmacist shall request the name of a patient's primary care provider prior to the administering of any immunization. If the patient identifies such primary care provider to the pharmacist, the pharmacist shall notify the primary care provider, by written or electronic communication, as soon as reasonably possible thereafter that the immunization was administered.

§1285. Causes for nonissuance; suspension; revocation; or the imposition of restrictions; fines; reinstatement; publication of action; stays

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:

(25) Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or, or excessive use or abuse of drugs, including alcohol.
§1360.24. Licensure

A. Except as otherwise provided for in this Part, an individual shall be licensed by the board before he may practice as a physician assistant. The board may grant a license to a physician assistant applicant who:

(3) Has successfully completed an education program for physician assistants accredited by the Committee on Allied Health Education and Accreditation, its predecessors, or its successors and who has passed the physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants.

B. A personal interview of a physician assistant applicant shall be required only in those cases where the applicant is making his first application before the board and where discrepancies exist in the application or the applicant has been subject to prior adverse licensure, certification, or registration action.

§1360.26. Inactive license

Any physician assistant who notifies the board in writing on forms prescribed by the board may elect to place his licensure on an inactive status. A physician assistant with an inactive status license shall be excused from payment of renewal fees and shall not practice as a physician assistant. Any licensee who engages in practice while his or her license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline under pursuant to R.S. 37:1360.34. A physician assistant requesting restoration to active status from inactive status shall be required to pay the current renewal fees and shall be required to meet the criteria for renewal as provided for in R.S. 37:1360.27.
§1360.31. Services performed by physician assistants

C.

(4) A physician assistant may provide medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the physician assistant to provide MAT, his supervising physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT. For purposes of this Subparagraph, "MAT" means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

D. The activities listed above in this Section may be performed in any setting authorized by the supervising physician including but not limited to clinics, hospitals, ambulatory surgical centers, patient homes, nursing homes, other institutional settings, and health manpower shortage areas.

§1360.37. Injunctive proceedings

C. In case of violation of any injunction issued under in accordance with the provisions of this Part, the court shall try and punish the offender for contempt of court in accordance with law.

§1515. Board of Veterinary Medicine; terms; compensation; removal

A.(1) There is hereby created within the Department of Agriculture and Forestry a board to be known as the Louisiana Board of Veterinary Medicine which is subject to the provisions of R.S. 36:803.

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§3003. Definitions

As used in this Chapter the following words shall have the meanings hereinafter ascribed to each:

* * *

(4)(a) "Occupational therapy" means the application of any activity in which one engages for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorders, congenital or developmental disabilities, or the aging process, in order to achieve optimum functioning and prevention and health maintenance. The occupational therapist may enter a case for the purposes of providing consultation and indirect services and evaluating an individual for the need of services. Prevention, wellness, and education-related education-related services shall not require a referral; however, in workers' compensation injuries preauthorization shall be required by the employer or workers' compensation insurer or provider. Implementation of direct occupational therapy to individuals for their specific medical condition or conditions shall be based on a referral or order from a physician, physician assistant, advanced practice registered nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in accordance with published standards of practice established by the American Occupational Therapy Association, Inc., and the essentials of accreditation established by the agencies recognized to accredit specific facilities and programs.

* * *

§3071. License of electrologists; qualifications; examinations; issuance of license; waiver

* * *

B.(1) The board shall license as an electrologist and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by the application fee required by this Part, together with evidence,
verified by oath and satisfactory to the board, that he meets all of the following qualifications:

(a) At least eighteen years of age;

(b) Of good moral character;

(c) Free of any infectious disease;

(e) Has graduated from an accredited high school;

(f) After high school graduation, has successfully completed a course in practical training in electrolysis in a school of electrology that maintains the standards established and approved by the board or that he has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board at the time of certification;

(g) Has passed an examination given and graded by the board, which shall consist of a written examination and a practical demonstration of abilities;

(h) Has paid any other fees required by this Chapter.

(2) Each applicant shall provide his subject for the practical demonstration. Within ten days after each examination, the official in charge shall deliver the question and answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license stating the rating of the candidate in each subject and whether or not the board approves the candidate for a license. If a candidate fails one or more parts of an examination, he may take the parts in which he has failed in a subsequent examination upon payment of a fifteen dollar examination fee. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination within one year of the date of the original examination.

* * *

Section 3. R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658 are hereby amended and reenacted to read as follows:
§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

B. Appropriations from the Health Excellence Fund shall be restricted to the following purposes:

(2) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, as well as institutions represented in the membership of the Medical Education Commission as provided in R.S. 17:1519.8 R.S. 17:1519.12, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

(3) Provision of comprehensive chronic disease management services, including outpatient pharmacy for indigent and needy citizens of Louisiana, by the facilities of the Louisiana State University Health Sciences Center, including but not limited to the Health Care Services Division health care services division.

§98.4. Louisiana Fund

B. Appropriations from the Fund shall be restricted to the following purposes provided in this Subsection, and no annual appropriation for any one of the purposes enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent of the total amount of monies appropriated from the Fund in any fiscal year:
(3) Initiatives to benefit the citizens of Louisiana with respect to health care through:

(a) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, as well as institutions represented in the membership of the Medical Education Commission as provided in R.S. 17:1519.8 R.S. 17:1519.12, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

(b) Provision of comprehensive chronic disease management services, including outpatient pharmacy for indigent and needy citizens of Louisiana, by the facilities of the Louisiana State University Health Sciences Center, included but not limited to the Health Care Services Division. §1536. Assessment of premiums

A. 

(2) For the purposes of this Section, the term "agency" for higher education entities shall mean each individual board, institution, or entity within postsecondary education and the administration and each individual hospital within the Louisiana State University Health Sciences Center. Health Care Services Division.
§1543. Unit of risk analysis and loss prevention

D. For the purposes of this Section, the term "agency" for higher education entities shall mean each individual board, institution, or entity within postsecondary education and the administration and each individual hospital within the Louisiana State University Health Sciences Center Health Care Services Division health care services division.

§1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services by a state agency from an accredited facility

Notwithstanding any other provision of law to the contrary, regulations promulgated by the commissioner of administration or other purchasing entity governing the purchase of prostheses, orthoses, prosthetic services, or orthotic services shall require that such services shall be purchased only from an accredited facility as provided in R.S. 40:1225.1; however, nothing in this Section shall prohibit a licensed occupational therapist or a licensed physical therapist from practicing within his scope of practice. In addition, the provisions of this Section shall not apply to a licensed optometrist, ophthalmologist, podiatrist, or orthopedist.

Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1), 39.1(A)(introductory paragraph), 75(A), 654(Section heading), 961(introductory paragraph), the heading of Part X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), 3(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(introductory paragraph)

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and (ii), and 2180.25(B)(2)(m)(v) and (q) are hereby amended and reenacted to read as follows:

§4. Sanitary Code

A. The state health officer acting through the office of public health of the Louisiana Department of Health shall prepare, promulgate, and enforce rules and regulations embodied within the state's Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the Administrative Procedure Act; and, further, in conformity with the following guidelines and directives:

(1)(a) In order to protect the consuming public against food-borne disease, the rules and regulations contained in the Sanitary Code shall be designed so as to provide and require that all food products, including milk and milk products, ice, bottled water, marine and freshwater seafood, animal products, frozen desserts and toppings, and related similar foods, are produced from a safe and sanitary source, and are prepared, processed, packaged, handled, stored, and transported in a sanitary manner which will prevent contamination, spoilage, or adulteration. These food product rules and regulations shall be further designed so as to provide that all facilities, material, and equipment that may come into direct contact with any food or food product must be of nontoxic content to ensure a sanitary, wholesome, and nutritious product.

(b) *

(ii) Subject to the appropriation of funds by the legislature, the state health officer in conjunction with the Louisiana Department of Agriculture and Forestry shall institute a public safety marketing campaign to warn the public about the risks of consuming seafood from the People's Republic of China deemed to be safe by the Seafood Inspection Program but which nevertheless contains hazardous substances. The campaign shall include a warning label program as more specifically provided

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for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of understanding with the Louisiana Department of Agriculture and Forestry to implement this marketing campaign.

(iii) The Louisiana Retailers Association shall work with the Louisiana Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and Research Board, and other respective agencies to develop a voluntary assessment for the implementation of the public safety marketing campaign.

§5. General powers and jurisdiction

A. The state health officer and the office of public health of the Louisiana Department of Health shall have exclusive jurisdiction, control, and authority:

(19) To conduct health inspections and issue health permits through state employed licensed sanitarians, or by licensed sanitarians of parish health units or departments.

(21)(a) To conduct health, safety, and sanitation inspections, through state employed licensed sanitarians, of any place upon receipt of a complaint that the department determines shows appropriate and sufficient grounds to indicate a health hazard or sanitary code violation may exist, regardless of whether such place is licensed or not, or otherwise regulated.

§5.5. Sanitary inspections of certain restaurants food service establishments; food safety certificates

B. No person, other than a representative of the restaurant, shall be notified by the department of the time and place of the inspection prior thereto and shall be nontransferable.
C. On or after January 1, 1999, the state health officer and the office of public health of the Louisiana Department of Health shall require, at a minimum, the owner or a designated employee of a food service establishment to hold a food safety certificate; however, the state health officer and the office of public health of the Louisiana Department of Health shall not require more than one owner or employee per establishment to hold a food safety certificate. Provisions for the issuance and renewal of such certificate shall be made part of the state's sanitary code in accordance with the provisions of R.S. 40:4 and the following requirements, conditions, and authorizations:

   (1) The office of public health shall approve training programs for applicants which impart and test knowledge of the nature, prevention, and control of foodborne foodborne illness transmission and of methods for identifying and monitoring critical control points for safeguarding the production, processing, preparation, and serving of food. Such training programs shall include but not be limited to instructions in the standards set forth in the Applied Food Service Sanitation Program established by the Educational Foundation of the National Restaurant Association or other programs recognized in the food service industry. The office of public health shall approve training programs administered or approved by another state, a political subdivision, or other jurisdiction with standards that meet or exceed those established by this Subsection.

   (2) A food safety certificate shall be issued to any individual person who files an application upon a form and in such a manner as prescribed by the sanitary code, provided if such individual person furnishes satisfactory evidence that he has completed an approved training program or has passed a written examination provided by the individual or group providing approved training programs.

   (3) A fee, not to exceed twenty-five dollars, may be imposed on and collected from an individual or a food service establishment for a food safety certificate to defer expenses in the administration of this Subsection.

* * *

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E.(1) For purposes of this Section, except as provided in Paragraph (2) of this Subsection, "food service establishment" shall mean means an establishment which meets the following criteria:

(1) The establishment prepares food for human consumption, either for individual service or for a group of people, whether consumption is on or off the premises and regardless if of whether there is a charge for the food.

(2) The term "food service establishment" does shall not include any of the following:

(a) A private home where food is prepared or served for individual family consumption.

(b) A private club where food is prepared and served exclusively for member consumption.

(c) Religious or charitable food sales.

(d) An establishment that heats or prepares boudin or sausage for personal consumption.

(e) A bar or lounge that serves beverages only.

(f) A temporary and or seasonal establishments.

(g) A and bed and breakfast operations operation.

(h) A nursing facility.

(i) A public, private, or parochial school.

§5.5.2. Chinese seafood warning label program

D. With the cooperation and assistance of the Louisiana Retailers Association, the Louisiana Restaurant Association, and other necessary organizations, the state health officer in conjunction with the Louisiana Department of Agriculture and Forestry shall encourage the display of the signage and other promotional literature as provided for in Subsection C of this Section where seafood sales occur.
§5.8. Definitions

The following terms as used in this Chapter relative to public water systems shall have the following meanings:

* * *

(6) "Public water system" means a system for the provision to the public of water for potable purposes, through pipes or other constructed conveyances, if the system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. The term includes all of the following:

(a) Any collection, treatment, storage, and distribution facilities under the control of the operator of the system and used primarily in connection with the system; and.

* * *

§31.13. Development of immunization registry and tracking and recall system; standards

The office of public health, a public health unit, or both, or their agents or other providers may develop an immunization registry and an associated tracking and recall system. The developer of any system shall consult providers in developing the system to provide for a simple and efficient system of transferring information. The registry and associated tracking system shall be named the Louisiana Immunization Network (LINKS), and shall include but not be limited to the following:

(1) Immunization records of all clients born or living within the jurisdiction of the agency that develops the registry.

* * *

§39.1. Certified copies of birth certificates and death certificates; clerks of district courts and the Second City Court of the city of New Orleans; Vital Records Conversion Fund

A. The state registrar of vital records shall promulgate rules to implement the issuance of certified copies of birth certificates and death certificates through the
office of the clerk of district court in each parish and the office of clerk of the Second
City Court of the city of New Orleans. Such rules shall apply only to issuance of
those birth and death records that are available for electronic issuance from the Vital
Records Registry birth and death databases of the vital records registry and shall
include access to the following items:

§75. Adult adoption; name changes

A. Adult adoptions and name changes resulting from the adoptions pursuant
to R.S. 9:465 shall have no effect on birth certificates maintained by the Vital
Records Registry vital records registry, except that when a name change is effected
pursuant to R.S. 9:465 and an affidavit is presented from the district attorney of the
parish or place of residence of the requesting party indicating that there is no
objection of the district attorney to the adoptee's name change along with a certified
copy of the notarial act of adoption and the appropriate fee, the registrar of vital
records shall prepare a new birth certificate to reflect the new name. If there is an
objection from the district attorney, the registrar of vital records shall not seal the
adopted person's birth certificate nor prepare a new certificate until the grounds for
the objection have been removed and confirmed by a supplemental affidavit from the
district attorney.

§654. Food processing plants; food-borne foodborne illness reporting and testing
requirements

§961. Definitions

As used in this Part, the following terms shall have the meaning ascribed to
them in this Section unless the context clearly indicates otherwise:

(23) "Industrial hemp" means the plant Cannabis sativa and any part of that
plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.

* * *

(27)

* * *

(b) "Marijuana" shall not include the following:

(i) Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Louisiana Department of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018.

* * *

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

* * *

(3) To cultivate, possess, process, or sell industrial hemp, industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.

* * *

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PART X-B. TRANSACTIONS IN DRUG-RELATED DRUG-RELATED OBJECTS PROHIBITED

* * *

§1024. Exceptions; defenses; local needle exchanges

* * *

B. It shall be an affirmative defense that the person to whom the drug-related drug-related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marijuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug-related drug-related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

* * *

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; production facility licensing by the Department of Agriculture and Forestry

* * *

§1047. Louisiana Department of Agriculture and Forestry; authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning ascribed to them in this Subsection:

* * *

(4) "Department" means Louisiana the Department of Agriculture and Forestry.

* * *

§1061.17. Woman's right to know

* * *

B. Informed consent; requirements. After a woman is determined to be pregnant, no abortion shall be performed or induced without the voluntary and
informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

*          *          *

(3)(a) Written information from the physician. Except as provided in Subparagraph (c) of this Paragraph, at least seventy-two hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, in writing and read orally and in person of:

*          *          *

(iii) Whether the physician is currently board certified and, if so, the medical specialty and the certifying organization.

§1122.1. Louisiana Rare Disease Advisory Council

B.

*          *          *

(2) The Louisiana Rare Disease Advisory Council hereby referred to hereafter in this Part as the "advisory council", shall serve only in a resource capacity to any public and private agency located in this state that provide services for a person who has been diagnosed with a rare disease.

*          *          *

§1123.3. Restroom access

B. This Section shall not apply to any retail establishment that meets either of the following criteria:

*          *          *

(2) It maintains records or information that are subject to the Health Insurance Portability and Accountability Act of 1996, if the employee restroom is located in an area where the records or information may be accessed.

*          *          *

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§1133.15. Hazardous substance transportation emergencies; payment for emergency medical services

The person or entity who in the course of transporting hazardous substances or materials causes or contributes to a discharge of a hazardous substance or material that causes an emergency condition shall be obligated to pay the reasonable costs of any emergency medical services provider whose presence or service, including standby, is requested at such hazardous substance emergency by any person authorized by the Department of Public Safety and Corrections or the Department of Environmental Quality to respond to a hazardous substance transportation emergency. Nothing in this Section shall affect the rights of any party to recover under any other provision of law.

* * *

§1139.6. Powers and duties of the commission

In addition to its duties defined elsewhere, the commission shall have the duty and authority:

* * *

(8) To enter into contractual arrangements with recognized and duly constituted ambulance providers which are primarily engaged in the operation of ambulance-related functions in order to enhance Medicaid funding and reimbursement, and for related matters.

* * *

§1168.3. Data system; components; reporting; design in collaboration with medical schools certain higher education institutions; public records exception

* * *

§1203.1. Definitions

For the purposes of this Part:

* * *

(4) "Employer" means any of the following facilities, agencies, providers, or programs:

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(a) A nursing facility; as defined in R.S. 40:2009.2.

* * *

(e) A home health agency; as defined in R.S. 40:2116.31.

(f) A hospice; as defined in R.S. 40:2182.

* * *

(h) A home- and community-based service provider; as defined in R.S. 40:2120.2.

* * *

(n) A pediatric day health care facility; as defined in R.S. 40:2193.1(B)(5).

* * *

(z) A free-standing birth center; as defined in R.S. 40:2180.23.

* * *

§1203.3. Refusal to hire or contract; termination of employment; exemption; appeal procedure; waiver

* * *

D.

* * *

(2) The employment prohibition provided for in this Section shall not apply to a state certified hospice attendant as provided for in R.S. 40:2192.

* * *

§1223.3. Definitions

As used in this Part, the following terms shall have the meaning ascribed in this Section:

(1) "Asynchronous store and forward transfer" means the transmission of a patient's medical information from an originating site to the provider at the distant site without the patient being present.

(2) "Distant site" means the site at which the healthcare provider delivering the service is located at the time the service is provided via a telecommunications system.
(3) "Healthcare provider" means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide healthcare or professional services as a physician assistant, hospital, nursing home, dentist, registered nurse, advanced practice registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified nurse assistant, offshore health service provider, ambulance service, licensed midwife, pharmacist, speech-language pathologist, audiologist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, certified or licensed athletic trainer, psychologist, medical psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory scientist.

(4) "Originating site" means the location of the patient at the time the service is furnished via a telecommunications system or when the asynchronous store and forward transfer occurs.

(5) "Synchronous interaction" means communication through interactive technology that enables a healthcare provider and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. The healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient's medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.

(6)(a) "Telehealth" means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote
monitoring of a patient, and transfer of medical data. The term "telehealth" shall not
include any of the following:

(i) Electronic mail messages and text messages that are not compliant with
applicable requirements of the Health Insurance Portability and Accountability Act

(ii) Facsimile transmissions.

(b) For purposes of this Paragraph, "behavioral health services" means those
services as defined in R.S. 40:2153 that are appropriate for the patient and delivered
by a licensed mental health professional, acting within the scope of applicable state
laws and his professional license for services identified by Louisiana Department of
Health, to treat mental illness or substance use.

§2017.10. Emergency medical services program; cooperation of other state
departments

A. The Louisiana Department of Health shall establish, maintain, and operate
an effective program which will provide adequate emergency medical services for
persons injured on the roads and highways of the state, whether through the
excessive use of alcoholic beverages or otherwise. The program shall be
administered by the department, with such assistance and use of facilities of other
agencies of the state and its political subdivisions as will best and most efficiently
serve the interests of public health and safety of the citizens of Louisiana through the
furnishing of emergency medical services deemed by the department to be best
calculated to protect and preserve the health and welfare of persons injured on the
roads and highways and in emergency situations contributing to such injuries and
report the results of such services. To this end the Department of Public Safety, the
Civil Defense Agency and Corrections and such other boards, commissions,
departments, and agencies of the state and its political subdivisions as the department
shall deem necessary therefor shall cooperate with and assist the department, at its
request.
B. In order to effectuate the emergency medical services program herein provided for in this Section, the department shall have authority to adopt and enforce rules and regulations pertaining thereto and to do and perform all things and acts which it deems necessary or desirable for the purpose.

§2018.3. Louisiana Sickle Cell Commission

B.(1) Thirteen members shall be appointed by the governor, subject to Senate confirmation, as follows:

(h) One member from a list of nominees submitted by the Southwest Louisiana Sickle Cell Anemia, Inc.

§2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose; termination

B. For purposes of this Section, the following definitions shall apply:

(3) "Palliative care" means an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illnesses, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial, and spiritual. "Palliative care" services:

(b) Affirm life and regards regard dying as a normal process.

(i) Are applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy,
and includes include those investigations needed to better understand and manage 
distressing clinical complications.

C.

(2) The council shall be composed of the following seventeen members:

(a) Four physician members, including two who are board-certified board-certified in hospice and palliative care, one who shall be board-certified board-certified in pain management, and one who shall be board-certified board-certified in pediatric care appointed by the Louisiana State Board of Medical Examiners.

(3) The council may engage and solicit, as necessary, input, recommendations, and guidance pertaining to palliative care from interested parties and stakeholders including but not limited to the following:

(i) AARP Louisiana (AARP).

§2166.5. Rules and regulations; licensing standards; fees

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

(12)

(e) For purposes of this Paragraph, the following definitions shall apply:

(ii) "Resident" means the a resident of the a licensed adult residential care providers provider facility or the his legal or designated representative of the resident.
§2180.25. Rules and regulations; licensing standards

B. (2) The rules, regulations, and licensing standards shall have the effect of law and shall include, but not be limited to:

(m) Requirements for each free-standing birth center to have agreements or written policies and procedures with other agencies, institutions, or individuals, for services to clients including but not limited to:

(v) Obstetric/newborn Obstetric and newborn acute care in hospitals.

(q) Requirements for documentation and evidence that the delivery is expected to be low-risk, singleton birth, and vertex presentation.

Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(e) are hereby amended and reenacted to read as follows:

§236.1.2. Family and child support programs; responsibilities

A. The department is hereby authorized to develop and implement a program of family support in FITAP cases, Title IV-E Foster Care cases, Medicaid-only Medicaid-only cases, and any other category of cases to which the state is required by federal law or regulation to provide services, designed to do the following:

§450.3. WIC participants; homeless

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
C. For purposes of this Section, the following terms shall have the following meanings:

(2) "Qualified organization" means any organization, association, corporation, coalition, confederation, company, business, alliance, establishment, enterprise, firm, club, league, lodge, order, fellowship, fraternity, brotherhood, union, society, group, governmental entity, or other similar body that has met the requirements set forth in rules of the Louisiana Department of Health for proper registration with the Vital Records Registry as an organization which may confirm the identity of displaced persons.

§450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare coverage

A. Any enrollee in Medicaid who is eligible for services and who has a diagnosis of diabetes or hypertension, or who has a family history of kidney disease, shall be evaluated for kidney disease through routine clinical laboratory assessments of kidney function.

B. Any enrollee in Medicaid who is eligible for services and who has been diagnosed with diabetes or hypertension or who has a family history of kidney disease, and who has received a diagnosis of kidney disease, shall be classified as a chronic kidney patient.

C. The diagnostic criteria which define chronic kidney disease (CKD) should be generally recognized clinical practice guidelines, which identify chronic kidney disease or its complications based on the presence of kidney damage and level of kidney function.

D. In keeping with the Medicaid disease management program of the Louisiana Department of Health, Medicaid program's disease management program, patients receiving Medicaid benefits who are at risk for chronic kidney disease will be tracked regarding appropriate diagnostic testing. Medicaid providers will be educated and disease management strategies implemented in order to increase the
rate of evaluation and treatment for chronic kidney disease according to accepted
practice guidelines including:

(1) Managing risk factors, which may prolong kidney function or delay
progression to kidney replacement therapy.

(3) Improving the nutritional status of chronic kidney disease patients.

§450.6. Election of Chafee Option

A. To the extent federal financial participation is available pursuant to an
approved state Medicaid plan amendment, the Louisiana Department of Health shall
exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent
foster care adolescents as defined by 42 U.S.C. 1396d(w)(1) who are not otherwise
Medicaid-eligible in accordance with such requirements as were in effect as of April 1, 2008, either of the following types of benefits:

(1) An alternative benefits package authorized by 42 U.S.C. 1396u-7 as
set forth in Subsection B of this Section; or

(2) Regular Medicaid benefits under as provided in the Medical
Assistance Plan.

B. For purposes of Subsection A of this Section, the alternative benefits
package may include:

(1) A high-deductible private insurance policy.

§1933. Organization and powers

B. Any multiparish juvenile detention home district may acquire title by
purchase or donation to real and personal property for public purposes; and may
own, operate, or maintain facilities for the housing, care, supervision, maintenance,
and education of juveniles under the age of eighteen years, and for individuals
eighteen years of age and over who were under eighteen years of age when they
committed an alleged offense.

§1952. Definitions
As used in this Chapter:

§2169.1. Powers and duties
The office shall have the following powers and duties:

(7) To assist state departments and agencies and other stakeholders in
drafting plans to maximize the impact of the use of such funds identified in
Paragraph (6) of this Section.

§2626. Fees on emergency ground ambulance service providers; disposition of fees
H.(1) No additional assessment shall be collected and any assessment shall
be terminated for the remainder of the fiscal year from the date on which any of the
following occur:

(d) The amount of the reimbursement for emergency and nonemergency
ground ambulance services payable by any participant in the Bayou Health Plan or
Medicaid managed care organization falls below one hundred percent of the
Medicaid rate in effect at the time the service is rendered.

§2741. Legislative findings and purpose
A.(1)(a) The current methodology for reimbursement of services to Medicaid
recipients provided by nursing homes was implemented in 1984 prior to major
changes in federal laws relative to nursing home staffing, provision of patient care,

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are additions.
The current methodology did not anticipate changes in Medicare and other health insurance programs that have resulted in patients with more complex medical problems being discharged to nursing homes.

The current methodology provides a disincentive for capital formation to maintain and update physical plants of nursing homes and provides a disincentive to admit patients with high care needs.

The legislature finds that a number of state Medicaid programs have adopted case mix reimbursement systems which factor into nursing homes' rates the care level and resource needs of the patients receiving services.

The legislature further finds that a rental system for reimbursing capital costs would encourage investment in the renovation and replacement of nursing homes creating a more homelike environment and better quality of life for the patients.

§2742. Case mix reimbursement

C. In the event the Louisiana Department of Health is required to implement reductions in the nursing home program as a result of a budget shortfall, a budget reduction category shall be created. This category shall reduce the statewide average Medicaid rate, without changing the parameters established in this Section, by reducing the reimbursement rate paid to each nursing home using an equal amount per patient per day. The direct care spending floor shall be decreased one percentage point for each thirty-cent reduction in the average Medicaid rate computed under this system not to be reduced to below ninety percent of the median.

§2757. Single state entity for children; additional duties and functions

C.(1) Based on the findings and intent of the legislature as declared in Subsections A and B of this Section, the commission shall develop no later than
March 1, 2004, a plan for the creation of a single state entity to provide services to children and their families, which plan shall:

* * *

(e) Identify and provide specifics concerning requirements for implementing the single state agency, including but not limited to necessary personnel, funds, office space, facilities, and equipment. Such specifics shall include such information as: total dollars requested by appropriate budget categories and, to the extent appropriate, by program and by organizational unit; the number and classification of necessary personnel, by program and organizational unit; explanation of how the requirements will be provided, including the transfer and utilization of the personnel, funds, facilities, and equipment of transferred entities; how functions, including management and finance related functions and data processing, will be consolidated; and how services may be provided more effectively.

* * *

Section 6. Children's Code Article 1150(2)(b) is hereby amended and reenacted to read as follows:

Art. 1150. Definitions

(2) "Designated emergency care facility" means any of the following:

(b) Any of the following medical clinics during normal and customary hours of operation: local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and Federally Qualified Health Centers. Offices, clinics, or other types of treatment facilities, private physicians, or dentists not listed above are not designated emergency care facilities within the meaning of this Subparagraph.
Section 7. R.S. 40:5.5(F) and (G) and 1249.1(A) and (B) and Section 4 of Act No. 449 of the 2006 Regular Session are hereby repealed in their entirety.

Section 8. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the defined terms comprising R.S. 40:1061.9, 1105.1, and 2120.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 314 Original 2022 Regular Session Turner

Abstract: Makes technical corrections to provisions of law in Titles 28, 37, 39, 40, and 46 of the La. Revised Statutes, the La. Children's Code, and uncodified law within or relating to the subject matter of the legislative committees on health and welfare.

Proposed law provides relative to present law in Titles 28, 37, 39, 40, and 46 of the La. Revised Statutes, the La. Children's Code, and uncodified law concerning matters within and relating to the subject matter jurisdiction of the legislative committees on health and welfare.

Proposed law makes technical corrections in present law relative to behavioral health, human services, administration of the La. Department of Health, administration of the Department of Children and Family Services, healthcare institutions and services, professions and occupations, boards and commissions, public health, food and drugs, public welfare and assistance, and child welfare.

Proposed law makes corrective changes including corrections in legal citations and in names of organizations, programs, publications, institutions, agencies, boards, commissions, departments, and offices and officers of departments.

Proposed law removes references to agencies, other legal entities, and programs that have been repealed or no longer exist. Repeals obsolete findings and references to outdated information.

Proposed law provides for the proper designation of undesignated provisions of present law.

(Amends R.S. 28:2(intro. para.) and (28), 51.1(A)(3)(b) and (d), 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(intro. para.) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A), 1285(A)(25), 1360.24(A)(intro. para.) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 3003(intro. para.) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(intro. para.) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(intro. para.) and (1)-(3), and (E), 5.5.2(D), 5.8(intro. para.) and (6)(intro. para.) and (a), 31.13(1), 39.1(A)(intro. para.), 75(A), 654(Section heading), 961(intro. para.), (23), and (27)(b)(j), 966(A)(3), the heading of Part X-B of Ch. 4 of Title 40 of the La. Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading), 1047(A)(intro. para.) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(intro. para.) and (8), 1168.3(Section heading), 1203.14(a), (e), (f), (h), (m), (n), and (z), 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(intro. para.), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(intro. para.)

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
and (ii), and 2180.25(B)(2)(m)(v) and (q), R.S. 46:236.1.2(A)(intro. para.), 450.3(intro. para.) and (C)(2), 450.5(A)-(C) and (D)(intro. para.), (1), and (3), 450.6(A) and (B)(1), 1933(B), 1952(intro. para.), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(e), and Ch.C. Art. 1150(2)(b); Repeals R.S. 40:5.5(F) and (G) and 1249.1(A) and (B) and §4 of Act No. 449 of the 2006 R.S.)