LEGISLATION: Makes technical corrections to various provisions of law within and relating to the subject matter of the legislative committees on health and welfare

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 (l), 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), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (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), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E), 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(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), 50(C), 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.
40:1021(introductory paragraph), 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,
1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,
2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and
(3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory
paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii),
2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q),
2193.1(B)(5)(introductory paragraph), and 2321, 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), 460.3, 977, 1906(C),
1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A),
2742(C), 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891, and Children's
Code Articles 301 and 1150(2)(b) and to repeal R.S. 37:796(F) and 2465(D), R.S.
40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), 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

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
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 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 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 (I), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (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), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E), 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(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 board; 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.

*          *          *

(9)

*          *          *

(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.

(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 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 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.

§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 the Louisiana State Board of Dentistry board to provide dental services at a mobile dental clinic or a location other than the dental office.
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.

§911. Legislative findings; intent; purpose of Part

§925. Violations; penalty

C. If a person licensed to practice as a registered nurse or advanced practice
registered nurse is found guilty of violating any provision of the Part, the board
may suspend, probate, limit, or otherwise restrict, or revoke the license of such
person.

§929. Exceptions

The provisions of this Part shall not apply to:

(3)(a) The rendering of nursing assistance by any individual in the case of
immediate emergency.

(b) The rendering of nursing assistance by any individual in a disaster in
accordance with the rules and regulations established by the board.

§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.
§1012. Definitions

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

(1) "Approved school" means any school of nursing preparing registered nurse applicants, approved by the board and including Charity Hospital School of Nursing, which is approved by the Louisiana State Board of Nursing.

A. (2) "Board" means the Board of Regents.

B. (3) "Committee" means the committee of deans, directors, and department heads of the approved schools and programs of nursing which prepare registered nurse applicants and a nonvoting representative of the board.

C. "Approved school" means any school of nursing preparing registered nurse applicants, approved by the board and including Charity Hospital School of Nursing, which is approved by the Louisiana State Board of Nursing.

§1015. Procedure for applications

A. Faculty members requesting stipends for the purpose of acquiring a master's or doctoral degree in nursing or a doctoral degree in a related field shall submit to the committee an application including all of the following:

(1) Notation of approval by the applicant's dean, director, or department head of nursing and other required institutional permission.

(2) An authorized letter of acceptance from the institution which the applicant plans to enter.

(3) The specific period of time for which the stipend is requested; and

(4) Other data and qualifications as deemed pertinent by the committee.

C. The university, college, or school budget administrator shall submit to the board a list of faculty members from the institution who were granted stipends by the committee. Upon request, each institution shall be reimbursed on a monthly or semester basis by the Board of Regents for authorized stipends paid.
§1016. Stipends

Each person granted a stipend in accordance with the provisions of this Part shall receive seventy-five percent of his or her current contractual annual salary for the period of approved stipend program participation. Stipends for the fall and spring semester shall each be calculated on a four and one-half month basis. Stipends granted for a quarter session shall be calculated on a three-month basis. Summer stipends may be authorized at seventy-five percent of the salary of the individual in accordance with institutional policy. Stipends shall be used exclusively for study in Louisiana graduate programs approved by the board. A stipend may, however, be granted for out-of-state study if the committee determines that the necessary course of study is not available in the approved graduate programs of this state or for such other valid reasons as may be determined by the committee.

§1017. Procedure and stipends for non-faculty applications

A. The committee may administer a program by which each year to an applicant eligible pursuant to R.S. 37:1013(B) not more than seventy-five percent of the lowest faculty salary being paid at the time of the application to be forgiven in exchange for completing the degree and for serving on the faculty for not less than three years more than the length of time taken to acquire the degree.

* * *

§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:

(1) The pharmacist shall administer influenza immunizations in conformance with the most current annual influenza vaccination administration protocol as set forth by the United States Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practice (ACIP).

*   *   *

(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 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 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.

(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.

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

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

(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, 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 Physicians’ Physician Assistants.

B. A personal interview of a physician assistant applicant shall be required
only in those cases where the assistant 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 provision provisions of this Part, the court shall try and punish the offender for contempt of court in accordance with law.
§1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

A.(1) There is hereby created within the Louisiana 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.

§2352. Definition of terms

As used in this Chapter, the following terms mean have the meaning ascribed in this Section:

(3) "Candidate" means any person whose application and related materials have been approved by the board. Only candidates are eligible to take the written/oral written and oral examination.

(8) "Provisional licensed psychologist" means a person provisionally licensed under in accordance with the provisions of this Chapter.

(9) "Psychologist" means any person licensed as a psychologist under in accordance with the provisions of this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.

§2353. State board of examiners; organization; duties; meetings; fees

A.

(2) The governor shall appoint members for terms of five years. Each appointment by the governor shall be subject to Senate confirmation. A board

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
member shall not be eligible to succeed himself. All psychologist appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana Psychological Association and other persons licensed under in accordance with the provisions of this Chapter are entitled to one vote for each vacancy on the board.

The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

(3)(a) Each psychologist board member shall be a citizen of the United States, resident of the state of Louisiana, shall have rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college as defined in this Chapter for a period of five years, and shall be licensed under in accordance with the provisions of this Chapter for a minimum of five years.

* * *

C. The board is hereby authorized and empowered to do all of the following:

* * *

(2) Employ, within the limits of the funds received by the board, an administrative assistant, general legal counsel, or other personnel necessary for the proper performance of work under conducted pursuant to this Chapter.

* * *

(4) Examine for, deny, approve, revoke, suspend, and renew the licenses of applicants, candidates, and psychologists as provided under in this Chapter.

(5) Conduct hearings upon complaints concerning the disciplining of a person licensed pursuant to the provisions of this Chapter and within the limitations established under in Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950 this Title.

* * *
§2355. Records

* * *

B. The board shall publish or cause to be published annually a list of psychologists or licensed specialists in school psychology licensed under in accordance with the provisions of this Chapter.

§2356. Licensure of psychologists by written and oral examination

* * *

B. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted to candidacy status, or unsatisfactory and rejected; if rejected, the notice to the applicant shall state the reasons for such rejection.

* * *

F. In the event a candidate fails to receive a passing grade on the written/oral examination, he may apply for re-examination and shall be allowed to take a subsequent written/oral examination upon payment of such fee as is required by this Chapter.

* * *

H. If the board reasonably believes that a person applying for a license or for renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board, and/or submit to a mental health examination by a psychologist and/or psychiatrist approved by the board, or both a physical examination and a mental health examination. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order
requiring the person to submit to the examination. A person who is ordered to submit to an examination in accordance with this Subsection shall not be eligible for licensure or renewal of license prior to the examination. Proceedings under pursuant to this Subsection shall be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et seq.

§2356.1. Authorization to obtain criminal history record information

* * *

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure under in accordance with the applicable law administered by the board, the board shall have the authority to forward the applicant's fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

* * *

§2356.2. Provisional licensed psychologist; renewal; continuing education

* * *

C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees established under provided for in R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times.

* * *

§2356.3. Specialist in school psychology; licensure; scope of practice

A.

* * *

(2) If the board reasonably believes that a person applying for a license or for a renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, that would impair his...
competency to render psychological services, the board may request that the person
submit to a physical examination by a medical doctor approved by the board or a
mental health examination by a psychologist or psychiatrist approved by the board.

If the person refuses to submit to the examination, the board, after contradictory
hearing and upon finding reasonable cause, may issue an order requiring the person
to submit to the physical or mental health examination. A person who is ordered to
submit to a physical or mental health examination shall not be eligible for licensure
or renewal of license prior to such examination. Proceedings **under pursuant to** this
Paragraph shall be conducted in compliance with the Administrative Procedure Act.

§2357. Renewal of license

A.(1) Persons licensed as psychologists **under in accordance with** the
provisions of this Chapter shall be eligible for renewal of licensure without regard
to any subsequent changes in the requirements for licensure upon payment of the
fees **established under provided for in R.S. 37:2354 and compliance with the
requirement established pursuant to requirements of Paragraph (2) of this Subsection.

(2) The board shall establish continuing education requirements to be
fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall
cause the license to lapse. For a period of two years from the date of lapse of the
license, the license may be renewed upon proof of fulfilling all continuing education
requirements applicable through the date of reinstatement and upon payment of all
fees due **under as required by R.S. 37:2354.**

B.(1) Persons licensed as a specialist in school psychology **under in
accordance with the provisions of this Chapter shall be eligible for renewal of
licensure without regard to any subsequent changes in the requirements for licensure
upon payment of fees required by this Chapter and compliance with the provisions
of this Subsection.

** * * ***
§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology

A. A psychologist and anyone under the supervision of a psychologist shall conduct their activities in conformity with ethical and professional standards promulgated by the board under pursuant to its current rules and regulations.

*          *          *

C.(1) Proceedings for disciplinary action or for the denial or withholding of a license or provisional license under pursuant to the authority of this Section shall be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom it has taken disciplinary action, after hearing or informal resolution, to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review in accordance with the provisions of this Chapter. These costs shall be paid no later than ninety days after the adjudication by the board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

*          *          *

F. A person who has been refused a license or provisional license, or whose license has been revoked, under in accordance with the provisions of this Section; may reapply for licensure after more than two years have elapsed from the date such denial or revocation is legally effective.

*          *          *

§2360. Violation and penalties

A. Each of the following shall be a misdemeanor:

(1) For any person not licensed under in accordance with the provisions of this Chapter or Part VI of Chapter 15 of this Title to represent himself as a psychologist; or.

(2) For any person not licensed under in accordance with the provisions of this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of psychology; or.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(3) Except for medical psychologists duly licensed by the Louisiana State
Board of Medical Examiners, for any person to represent himself as a psychologist
during the time that his license as a psychologist shall be is suspended, or revoked,
or lapsed.

(4) For any person to otherwise violate the provisions of this Chapter.

B. Such A misdemeanor described in Subsection A of this Section shall be
prosecuted by the district attorney of the judicial district in which the offense was
committed in the name of the people of the state of Louisiana.

C. Such A misdemeanor described in Subsection A of this Section shall be
punishable upon conviction by imprisonment for not more than six months; or by a
fine of not less than one hundred dollars nor more than five hundred dollars, or by
both such fine and imprisonment. Each violation shall be deemed a separate offense.

§2361. Injunctive proceedings

* * *

D. In case of violation of any injunction issued under pursuant to the
provisions of this Section, the court may summarily try and punish the offender for
contempt of court.

E. Such The injunctive proceedings provided for in this Section shall be in
addition to, and not in lieu of, all penalties and other remedies as provided in this
Chapter.

§2362. Advertisement of psychological services

The board may promulgate regulations to prohibit deceptive advertisements
and representations concerning psychological services and the board may enforce
this Section and its regulations under in accordance with the provisions of R.S.
37:2361.

§2363. Privileged communications

A. In judicial proceedings, whether civil, criminal, or juvenile, legislative
and administrative proceedings, and proceedings preliminary and ancillary thereto,
a patient or client, or his legal representative, may refuse to disclose or prevent the
disclosure of confidential information, including information contained in administrative records, communicated to a psychologist or a licensed specialist in school psychology licensed under in accordance with the provisions of this Chapter, or persons reasonably believed by the patient or client to be so licensed, or to their employees or other persons under their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder.

§2365. Scope of Chapter

A. Members of other professions which who are licensed or certified under in accordance with the laws of this state shall be permitted to render services consistent with their professional training and code of ethics provided they do not represent themselves as psychologists or their work as psychological. The provisions of this Subsection shall not apply to those persons duly licensed as medical psychologists by the Louisiana State Board of Medical Examiners.

B. Duly ordained clergy and Christian Science practitioners shall be permitted to function in their ministerial capacity provided if they do not represent themselves as psychologists, or their work as psychological, unless they have been licensed under in accordance with the provisions of this Chapter or Part VI of Chapter 15 of this Title.

C. The following persons may engage in activities defined as the practice of psychology provided if they do not represent themselves by any title which incorporates the word "psychologist" and provided they perform their activities under the supervision and functional authority of a psychologist licensed under in accordance with the provisions of this Chapter, subject to applicable in accordance with regulations promulgated by the board:

   * * *

(2) An individual pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under in accordance with the provisions of this Chapter.
(3) An assistant who is qualified under in accordance with regulations promulgated by the board and who is employed by, or otherwise directly accountable to, a psychologist licensed under in accordance with the provisions of this Chapter.

*          *          *

§2366. Drugs; medicine

Except as provided in Part II of this Chapter, nothing Nothing in this Chapter shall be construed as permitting a psychologist licensed under in accordance with the provisions of this Chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

§2367. Orders to nurses

Notwithstanding any law or rule or regulation to the contrary, including but not limited to the provisions of Chapter 11 of Title 37 of the Louisiana Revised Statutes of 1950 this Title, it shall be considered to be within the scope of the practice of nursing as defined in Chapter 11 of said Title 37 this Title for a registered nurse, licensed practical nurse, and any other healthcare provider licensed under in accordance with the provisions of Chapter 11 of Title 37 this Title to execute and effectuate any order or direction otherwise within the scope of the practice of said healthcare provider when that order is within the scope of practice of psychology and given to him by a psychologist licensed under in accordance with the provisions of this Chapter and, when given in an institutional setting, the order is within the scope of the privileges granted to the psychologist by that institution.

*          *          *

§2441. Registration and licensing required

In order to protect the public welfare, aid the Department of Revenue in collecting sales taxes on labor and on retail prices of hearing aids, and material used in the service and maintenance of hearing aids; to protect privately owned property and to provide an adequate supply of licensed dealers throughout the state by the establishment of the apprenticeship training program by the board; any person

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rendering or offering to render services for the sale, maintenance, and repair of any
type of hearing aid as defined in R.S. 37:2442 shall hereafter be required to be
registered and licensed as hereinafter provided in accordance with the provisions of
this Chapter, and it shall be unlawful for any person to engage in or offer to engage
in the state hearing aid sales and repair service as defined in R.S. 37:2442 unless
duly registered and licensed in accordance with this Chapter or as an audiologist
under in accordance with the provisions of Chapter 34 of Title 37 of the Louisiana
Revised Statutes of 1950 this Title; that there is hereby created a board to be known
as the Louisiana Board for Hearing Aid Dealers.

§2442. Definitions

The following words or and phrases, when used in this Chapter, shall have
the following meanings:

* * *

(6) "Unethical conduct" includes but is not limited to the following:

* * *

(r) Sharing of any profits or sharing of any percentage of a licensee's income
with any person, firm, corporation, or other business enterprise other than a person
licensed to fit and sell hearing aids under in accordance with the provisions of this
Chapter who is a resident of this state and associated with the licensee in fitting and
selling hearing aids.

* * *

(t) Representing or implying that a hearing aid is or will be custom made,
"made to order," "prescription made," "made to order", "prescription made", or in
any other sense specially fabricated for an individual person when such is not the
case.

* * *
§2447. Scope of examination

The examination provided in R.S. 37:2446 shall consist of tests of knowledge in the areas of hearing testing and other areas to determine capability of fitting and selling hearing aids. The tests under provided for in this Section shall not include questions requiring a formal college, medical, surgical, or audiological education. The examination shall be determined and proctored by the Louisiana Board for Hearing Aid Dealers.

§2449. Temporary training permit

A. An applicant who fulfills the requirements of R.S. 37:2445 and who has not previously applied to take the examination provided under for in R.S. 37:2446 may apply to the board for a temporary training permit.

C. No temporary training permit shall be issued by the board under pursuant to this Section unless the applicant shows to the satisfaction of the board that he is or will be supervised and trained by a person, hereinafter "sponsor", who holds a valid license or certificate of endorsement issued under in accordance with the provisions of this Chapter.

D. If a person who holds a temporary training permit issued under in accordance with the provisions of this Section does not take the next required examination given after the date of issue, the temporary training permit shall not be renewed, except for good cause shown to the satisfaction of the board.

E. If a person who holds a temporary training permit issued under in accordance with the provisions of this Section takes and fails to pass the next required examination given after the date of issue, the board may renew the temporary training permit for a period ending thirty days after the conclusion of the next examination given. In no event shall more than one renewal be permitted. The fee for renewal shall be seventy-five dollars.
§2449.1. Guidelines for training of temporary training permit holders

* * *

C. The training period **begins shall begin** on the date of the issuance of the temporary permit. A temporary training permit holder **must shall** complete at least one hundred fifty hours of directly supervised practicum that includes:

* * *

E. On completion of the directly supervised practicum required **under by the provisions of** Subsection C of this Section, the temporary training permit holder shall continue the permit holder's training under the direct supervision of the permit holder's sponsor or co-sponsor.

* * *

§2453. Revocation or suspension of license or certificate; grounds

Any person registered **under in accordance with the provisions of this Chapter** may have his license or certificate revoked or suspended for a fixed period to be determined by the board for any of the following causes:

* * *

(2) By securing a license or certificate **under provided for in this Chapter through** fraud or deceit.

* * *

§2457. Powers and duties of board

The powers and duties of the Louisiana Board for Hearing Aid Dealers are as follows:

* * *

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for **license licensure**.

(5) To issue and renew licenses and **certificate certificates** of endorsement.

* * *

(7) To appoint representatives to conduct or supervise the examination of applicants for **license licensure**.

CODING: Words in **struck through** type are deletions from existing law; words **underscored** are additions.
(8) To designate the time and place for examining applicants for license licensure.

* * *

(10) To require the periodic inspection and calibration of audiometric testing equipment and to carry out the periodic inspection of facilities of persons licensed under in accordance with the provisions of this Chapter.

* * *

§2462. Notice and hearing on revocation or suspension

Any person whose license or temporary training permit is sought to be revoked or suspended under pursuant to the provisions of this Chapter shall be given thirty days notice, in writing, enumerating the charges and specifying a date for public hearing thereon. The hearing shall be held in the parish where the person's business is conducted. The board may issue subpoenas, compel the attendance and testimony of witnesses, and place them under oath, in the same manner as in a district court in the parish where the hearing takes place.

* * *

§2464. Application of Chapter; exceptions

A. This Chapter does shall not apply to a person while he is engaged in the fitting of hearing aids, provided it if that activity is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, tax-supported institution or agency or nonprofit organization, unless such person, or institution, or agency sells hearing aids, and/or or accessories, except earmolds.

B. This Chapter shall not apply to any physician or surgeon licensed under the Louisiana State Medical Practice Act; in accordance with the provisions of R.S. 37:1261; et seq.

C. This Chapter shall not apply to a person holding a certificate of clinical competence in audiology awarded by the American Speech-Language-Hearing
A. Any person who owns, maintains, or operates an office or place of
business in which the person employs or engages under contract a person who
practices the selling and fitting of hearing aids is considered to be practicing the
selling and fitting of hearing aids under as provided in this Chapter and is required
to be licensed under in accordance with the provisions of this Chapter.

B. If the person who owns, maintains, or operates an office or place of
business under described in Subsection A of this Section is a partnership, each
partner shall be licensed as provided by this Section. If the person who owns,
maintains, or operates an office or place of business under described in Subsection
A of this Section is a corporation or other legal entity, the chief executive officer of
the corporation or legal entity shall be licensed as provided by this Chapter.

C.(1) All persons licensed under pursuant to the requirements of this Section
shall file annually on or before the first day of the calendar year with the board a list
of all licensed hearing aid dealers directly or indirectly employed by it, and shall also
file with the board a statement on a form approved by the board that it submits itself
to the rules and regulations of the board and the provisions of this Chapter, and shall
register with the board its intention to engage in the selling and fitting of hearing aids
or accessories, provided that the above is completed prior to such organization
selling or offering for sale hearing aids or accessories.

* * *

§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 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) He is at least eighteen years of age;
(b) He is of good moral character;
(c) He is free of any infectious disease;
(d) He 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 he passed an examination given and graded by the board, which shall consist of a written examination and a practical demonstration of abilities.

(h) Has he 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 licensing 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:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(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 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 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
§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. 40:1200.281 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), 50(C), 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. 40:1021(introductory paragraph), 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, 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory paragraph), 2321 are hereby amended and reenacted to read as follows:

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§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 foodborne 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 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 groundsto
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.

* * *
E.(1) For purposes of this Section, except as provided in Paragraph (2) of this Subsection, "food service establishment" shall mean 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 of whether there is a charge for the food.

(2) The term "food service establishment" does 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 seasonal establishments;

(g) A bed and breakfast operations;

(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 register 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:

§50. Issuance of death certificates; duties of state registrar

C. A local registrar may issue certified copies of any death certificate during
the ten day period it is retained by him, and the certification of the local registrar
shall have the same legal effect as certification by the state registrar, as otherwise
provided by law. The local registrar shall forward each death certificate to the state
registrar on the tenth day after the certificate is filed with him. Each month the state
registrar shall notify each parish registrar of voters as to the name, address, and age
of each resident of that parish over eighteen years of age for whom a death certificate
has been received.

§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; 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.

* * *

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

§1021. Definitions

A. As used in this Part, unless the context clearly otherwise indicates, the term "drug paraphernalia" shall mean and include means and includes, but is not be limited to:

* * *

§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 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.

§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 the 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:

(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 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 of 1996, as amended, 42 U.S.C. 1320d et seq.

(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.

* * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§1249.2. Definitions

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

(5) "Person with a developmental disability" means an individual of any age who has a developmental disability as defined in R.S. 28:451.2.

§1249.3. Medical assistance programs

A. The department shall adopt rules and regulations in accordance with the Administrative Procedure Act with regards to the following:

(4) Developing and implementing a budget neutral pilot program in selected areas of the state for an integrated, coordinated, prepaid delivery model for long-term care services for the elderly and people with adult-onset disabilities.

§2012.2. Admission of pay patients; disposition of proceeds

Patients suffering with tuberculosis who are able to pay for hospitalization in a hospital operated by the department shall reimburse the hospital for expenses of their hospitalization, medical services, drugs, and medicines at rates to be fixed by the department, and the proceeds of fees paid by such patients shall be transmitted to the state treasurer in accordance with state laws.

§2012.3. Transportation of indigent patients to hospital; expenses

A. Upon being shown the certificate of the superintendent of the hospital entitling an indigent tuberculosis patient to admission to a state-owned tuberculosis hospital, the parish sheriff shall arrange for the transportation of the patient to such hospital.

B. The sheriff may collect from the parish five cents per mile for the distance the patient is transported from the parish to the hospital designated. Where more
than one patient is transported at a time, the sheriff shall receive five cents per mile
for each patient transported. This five cents per mile shall be made to cover any
means of transportation, sleeping accommodations, and sustenance of patients during
their transportation. In addition to the above amounts, the sheriff may collect
for his own expenses an additional five cents per mile for each mile traveled in
transporting the patient or patients to the hospital and in returning. The sheriff shall
take the most direct route possible in going to and returning from the hospital. If any
parish fails or refuses to pay the transportation charges to any sheriff justly entitled
to them, the sheriff may proceed by summary writ of mandamus in the district court,
without cost, against the governing authority of the parish to enforce payment.

§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).

*  *  *

§2109. Rules, regulations, and minimum standards

*  *  *

E.

*  *  *

(2) However, the The provisions of this Subsection shall not be construed to authorize the secretary to close any hospital without approval as otherwise provided by law.

*  *  *

§2113.2. Rules, regulations, and contracts

The Louisiana Department of Health shall prescribe rules and regulations to govern the necessary contracts, agreements, and financial arrangements to properly conduct training and research programs. Such rules and regulations shall govern contracts and agreements with colleges and universities, both publicly and privately owned, within the state for the purpose of promoting research and training in relation to illnesses of all types. All rules, regulations and contracts adopted under the
former authority of R.S. 46:663.2 are continued in effect and made subject to the provisions herein enacted.

§2120.33. Definitions

As used in this Part, the following definitions shall apply unless the context clearly indicates otherwise:

(7) "Cognitive rehabilitation" means a systematic, functionally oriented service of therapeutic cognitive activities based on an assessment and an understanding of the behavior of a client. Services are directed to achieve functional improvement by either any of the following methods:

(a) Reinforcing, strengthening, or re-establishing previously learned patterns of behavior; or.

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

(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 acute care in hospitals.

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

§2193.1. Purpose and definitions

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

(5) "Pediatric day health care facility" means a facility that may operate seven days a week, not to exceed twelve hours a day, to provide care for medically fragile children under the age of twenty-one, including technology-dependent children who require close supervision. Care and services to be provided by the pediatric day health care facility shall include but shall not be limited to:
§2321. Definitions

As used in this Chapter:

"Water pollution control projects" means any waste treatment facilities or any plants or other works which accomplishes the treating, stabilizing or holding of untreated or inadequately treated sewage or other wastes.

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), 460.3, 977, 1906(C), 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891 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

* * *

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 vital records registry as an organization which may confirm the identity of displaced persons.
§450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare

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.

§460.3. Adult basic education; literacy training; vocational educational training

To the extent allowed by federal law and notwithstanding any other state law, rule, or regulation to the contrary, adult basic education and literacy training shall be included in the definition of vocational educational training for purposes of calculating work participation rates under the Temporary Assistance for Needy Families programs. This law shall apply to any person receiving such education or training, regardless of the person's age. Any rule or regulation in conflict with this Section is hereby repealed.

§977. Vaccinations for certain juveniles in state custody

The office of public health shall be responsible for providing and dispensing the Hepatitis B vaccine, through the Vaccines for Children Program, to children between the ages of twelve and nineteen who have been placed in the custody of the division of youth services of the Department of Public Safety and Corrections.
§1906. Delinquents and children in need of services; custody, supervision, services

C. With respect to children between the ages of twelve and nineteen who have been placed in the custody of the local juvenile detention facility, each child shall be immunized with the Hepatitis hepatitis B vaccine during the intake process at any state or nonstate-owned facility. The Vaccines for Children Program through the office of public health shall be responsible for providing and dispensing the Hepatitis hepatitis B vaccine to each facility as provided for in R.S. 46:977. The office of public health shall utilize the Louisiana Immunization Network for Kids (LINKS) to track the Hepatitis hepatitis B vaccination, as well as all other vaccinations given to juveniles while in the custody of local juvenile detention facilities. Detainees released before completion of the series of three immunizations shall be referred to health units or other providers for completion of the series of doses.

§1933. Organization and powers

B. Any multiparish juvenile detention home district may acquire title by purchase or donation to real and personal immovable 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:

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CODING: Words in **_** type are additions.
§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, enforcement, and regulatory requirements.

(b) (2) 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.

(c) (3) 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 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.

*          *          *

§2761. Uncompensated Care Hospital Payments

A.(1) The Louisiana Department of Health shall specify in the Medicaid
State Plan how uncompensated care is defined and calculated and shall determine
what facilities qualify for uncompensated care payments and the amount of the
payments. In determining payments as provided in this Subsection, the department
shall prioritize local access to care; and shall distribute uncompensated care
payments in proportion to the amount and type of uncompensated care reported by
all qualified facilities as required by rule and as allocated in appropriations to the
Medical Vendor Payments Program medical vendor payments program. The
secretary shall require, as a condition of payment of uncompensated care costs
provided under pursuant to this Subsection, that all state and non-state hospitals,
excluding rural hospitals included in the Rural Hospital Preservation Act and their
provider-based provider-based rural health clinics, and other health care healthcare
facilities report to the department patient-specific patient-specific Louisiana
Medicaid universal billing revenue code format data on the amount and type of
uncompensated care provided and all requested data on the amount and type of other
services and activities financed by uncompensated care payments. This data shall
be reported electronically by each hospital or other facility on a quarterly schedule
as required by the department. The secretary shall provide, after the close of each
quarter, a detailed summary of reported information to the governor and the
legislature. Hospitals defined under in the Rural Hospital Preservation Act shall
continue to report the data collected on the Louisiana Department of Health form "Schedule of Uncompensated Care Cost" in accordance with the state plan as approved by the Centers for Medicare and Medicaid Services. The secretary of the Louisiana Department of Health shall provide an annual report of the submitted information and related payments to the governor and the legislature and shall make such data available to the public on the Louisiana Department of Health department's website. In addition, if a hospital or other health care facility does not provide the required patient-specific data, the secretary of the department may withhold an amount equal to five percent of Medicaid payments due that provider. Such withholding shall increase by five percent for each successive month that the required data is not received, but the total amount withheld shall not exceed twenty-five percent of the total monthly amount due the facility. Upon receipt of the required data, the department shall pay the facility all amounts previously withheld as a result of the failure to submit the required data. A hospital or other health care facility subject to withholding pursuant to this Paragraph may request an administrative review as provided by R.S. 46:437.4. The format of the data submission shall be defined as the current mandated Louisiana Medicaid Program format by the secretary of the department.

(2) Nothing in this Subsection shall be construed to impede or preclude the Louisiana Department of Health from implementing the provisions of the Rural Hospital Preservation Act.

B. The secretary of the Louisiana Department of Health shall, subject to approval from the Centers for Medicare and Medicaid Services, amend the State Medicaid Plan to provide for Medicaid disproportionate share payments to hospitals operated by the LSU Health Sciences Center-New Orleans under the provision of federal law that permits the reimbursement of uncompensated cost up to one hundred and seventy-five percent of allowable cost. In state fiscal years 2003-2004 and 2004-2005, Medicaid disproportionate share payments retained...
§2891. Physician upper payment limit methodology

The Louisiana Department of Health is hereby authorized to develop mechanisms to support the continued operation of state-funded health care programs, specifically Medicaid, through the utilization of physician upper payment limit reimbursement methodologies. Any such methodology utilized shall be designed to continue access and delivery of healthcare services to the poor. The implementation of this methodology shall be subject to federal law and approval by the Centers for Medicare and Medicaid Services. Participation in the utilization of physician upper payment limit reimbursement methodologies shall be limited exclusively to only those hospitals which certify public expenditures to the state of Louisiana.

Section 6. Children's Code Articles 301 and 1150(2)(b) are hereby amended and reenacted to read as follows:

Art. 301. Definitions

As used in this Title:

"Nonmetropolitan area" means a parish whose largest city has a population of fifty thousand or less and where the population of the entire parish is less than one hundred thousand.

Art. 1150. Definitions

As used in this Chapter:

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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
(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. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), 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. 37:1026.3 and 2833, R.S. 40:1061.9, 1105.1, 1105.9(D), 1251.4, 1269.2, 1300.32, 2010.1, 2010.7, 2017.12(B), 2120.2, and 2472, R.S. 46:1 and 1072, and Children's Code Articles 811.3 and 1351.

Section 9. (A) The Louisiana State Law Institute is hereby authorized and directed to redesignate Part XII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1123.1 through 1123.4 as amended by Section 4 of this Act, as Part V of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.41 through 1300.44, and is further directed to retain the heading of the Part.

(B) The Louisiana State Law Institute is hereby authorized and directed to redesignate Chapter 60 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2761 as amended by Section 5 of this Act, as Subpart A-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1242, and is further directed to apply to the Subpart the heading "Uncompensated Care Hospital Payments".

(C) The Louisiana State Law Institute is hereby authorized and directed to redesignate Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2891 as amended by Section 5 of this Act, as Subpart B-1 of Part I of Chapter 5-E.
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 Reengrossed 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.

Proposed law authorizes and directs the La. State Law Institute to redesignate certain segments of present law as follows:

(1) Redesignate Part XII of Ch. 5-B of Title 40 of the La. Revised Statutes, comprised of R.S. 40:1123.1 through 1123.4, as Part V of Ch. 5-G of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1300.41 through 1300.44.

(2) Redesignate Ch. 60 of Title 46 of the La. Revised Statutes, comprised of R.S. 46:2761, as Subpart A-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1242.

(3) Redesignate Ch. 64 of Title 46 of the La. Revised Statutes, comprised of R.S. 46:2891, as Subpart B-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1244.1.

(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 (l), 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), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976,
Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make corrections in present law consistent with the provisions of proposed law.
2. Make technical and conforming changes.

The House Floor Amendments to the engrossed bill:

1. Make corrections in present law consistent with the provisions of proposed law.
2. Make technical and conforming changes.