

2018 Regular Session

SENATE BILL NO. 135

BY SENATOR MILLS

HOSPITALS. Provides relative to hospital service districts. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 46:1072(3) and (4) and 1073(A) and (C) and to enact R.S.
3 46:1073(D), relative to hospital service districts; to provide for definitions; to
4 provide for clarification regarding market strategies and strategic plans; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:1072(3) and (4) and 1073(A) and (C) are hereby amended and
8 reenacted and R.S. 46:1073(D) is hereby enacted to read as follows:

9 §1072. Definitions

10 As used in this Subpart, the following words and phrases shall have the
11 following meanings ascribed for each unless the context clearly indicates otherwise:

12 * * *

13 (3) "Market strategies" means any **document**, plan, strategy, or device
14 developed or intended to promote, sell, or offer to sell any hospital health service or
15 other health care service.

16 (4) "Strategic plans" means any **document**, plan, strategy, or device
17 developed or intended to construct, operate, maintain a health facility or engage in

1 providing, promoting, or selling a hospital health service: or other health care
2 service, including but not limited to:

3 (a) Employment or independent contractor agreements of health care
4 providers.

5 (b) Information provided to the attorney general pursuant to R.S.
6 40:2115.11 et seq.

7 (c) Any existing, future, or potential joint venture or other relationship
8 between the hospital service district and any other hospital.

9 (d) Any existing, future, or potential relationship between the hospital
10 service district and any strategic partner.

11 * * *

12 §1073. Market strategies and strategic planning

13 A. In addition to powers and duties otherwise provided and notwithstanding
14 any law to the contrary, a hospital service district may develop marketing strategies
15 for its existing or future hospital health services or any ~~hospital~~ other existing or
16 future health care service ~~to be provided in the future~~ and may develop strategic
17 plans for the development of any future hospital health service, other health care
18 service, or facility.

19 * * *

20 C. Notwithstanding the provisions of R.S. 44:1 et seq. or any other law to the
21 contrary, any marketing strategy and strategic plan of a hospital service district
22 commission and the facility owned or operated by the district shall not be public
23 record and shall be confidential but shall be subject to court subpoena. Any
24 marketing strategy or strategic plan produced pursuant to court subpoena in
25 accordance with this Subsection shall not be public record and shall remain
26 confidential.

27 D. There shall be a rebuttable presumption that any documents, plans,
28 strategies, or devices identified as strategic by the hospital service district meet
29 the definitions of market strategies or strategic plans, as set forth in R.S.

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46:1072, and shall not be a public record and shall be confidential.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

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Present law defines market strategy as any plan, strategy, or device developed or intended to promote, sell, or offer to sell any hospital health service. Proposed law retains present law and adds document and other health care services to the definition.

Present law defines strategic plan as any plan, strategy, or device developed or intended to construct, operate, maintain a health facility or engage in providing, promoting, or selling a hospital health service. Proposed law retains present law and adds document and provides an itemization of other health care services that are part of the hospital's strategic plan.

Present law provides for market strategies for existing or future hospital health services. Proposed law retains present law and provides for market strategies for existing or future other health care services.

Present law provides that market strategies and strategic plans for hospital service districts are not public records, but shall be subject to subpoena. Proposed law retains present law and clarifies that market strategies or strategic plans produced by subpoena are not public record and shall remain confidential.

Proposed law creates a rebuttable presumption that any documents, plans, strategies, or devices identified as strategic by the hospital service district meet the definitions of market strategies or strategic plans in present law and shall not be public record and shall be confidential.

Effective August 1, 2018.

(Amends R.S. 46:1072(3) and (4) and 1073(A) and (C); adds R.S. 46:1073(D))