

2019 Regular Session

HOUSE BILL NO. 250

BY REPRESENTATIVES DAVIS, BILLIOT, TERRY BROWN, FOIL, GUINN, HOFFMANN, LEBAS, MCFARLAND, STAGNI, STOKES, WHITE, AND ZERINGUE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/BEHAVIORAL: Requires residential treatment facilities to provide access to medication-assisted treatment for patients with opioid use disorder

1 AN ACT

2 To amend and reenact R.S. 40:2156(B)(introductory paragraph) and (6) and to enact R.S.

3 40:2153(15) and 2159.1, relative to behavioral health services providers; to provide

4 relative to licensure and regulation of such providers by the Louisiana Department

5 of Health; to establish requirements for residential facilities licensed as behavioral

6 health services providers which provide treatment for opioid use disorder; to prohibit

7 certain actions against behavioral health services provider licenses prior to a specific

8 date; to require the Louisiana Department of Health to furnish technical assistance

9 to certain providers relative to opioid use disorder treatment; to require certain

10 providers to submit reports to the Louisiana Department of Health concerning such

11 treatment; to provide for definitions; to provide for an effective date; and to provide

12 for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 40:2156(B)(introductory paragraph) and (6) are hereby amended and  
15 reenacted and R.S. 40:2153(15) and 2159.1 are hereby enacted to read as follows:

16 §2153. Definitions

17 For the purposes of this Part, and subject to the provisions of R.S. 40:2154,  
18 unless the context otherwise clearly indicates, the following terms shall have the  
19 following meanings:

20 \* \* \*



1        attestation that the facility submits shall include a report addressing its progress  
 2        toward satisfying those requirements.

3        Section 2.(A) The Louisiana Department of Health shall not take any action to  
 4        enforce the requirements of R.S. 40:2159.1(B), as enacted by Section 1 of this Act, prior to  
 5        January 1, 2021.

6        (B) The Louisiana Department of Health shall not take any action against the license  
 7        of a behavioral health services provider which holds a license on the effective date of this  
 8        Act for failure to comply with the requirements of R.S. 40:2159.1(A), as enacted by Section  
 9        1 of this Act, prior to January 1, 2020.

10       Section 3. This Act shall become effective January 1, 2020.

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#### 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)]

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HB 250 Reengrossed

2019 Regular Session

Davis

**Abstract:** Requires residential treatment facilities licensed pursuant to the Behavioral Health Services Provider Licensing Law to provide access to medication-assisted treatment for patients with opioid use disorder.

Proposed law requires each residential treatment facility licensed pursuant to present law, R.S. 40:2151 et seq., which provides treatment for opioid use disorder to provide all of the following:

- (1) Onsite access to at least one form of FDA-approved opioid antagonist treatment.
- (2) Onsite access to at least one form of FDA-approved partial opioid agonist treatment.

Proposed law requires each residential substance use disorder facility licensed pursuant to present law which provides treatment for opioid use disorder to submit to the La. Department of Health (LDH) on its initial licensing application or its annual licensing renewal application an attestation as to whether it is complying with the requirements of proposed law. Provides that the requirement for submission of the attestation shall commence on Jan. 1, 2021. Provides further that if the licensed facility is not fully complying with the requirements of proposed law, then its attestation shall include a report addressing its progress toward satisfying those requirements.

Proposed law prohibits LDH from taking any action prior to Jan. 1, 2021, to enforce the requirements of proposed law for residential substance use disorder facilities to submit attestations to the department relative to their compliance with proposed law.

Proposed law prohibits the LDH from taking any action prior to Jan. 1, 2020, against a residential treatment facility licensed as of the effective date of proposed law for failure to comply with proposed law.

Effective Jan. 1, 2020.

(Amends R.S. 40:2156(B)(intro. para.) and (6); Adds R.S. 40:2153(15) and 2159.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Retain and relocate proposed law within present law.
2. Delete proposed law indicating that residential substance use disorder facilities may meet opioid use disorder treatment requirements of proposed law by providing access to opioid antagonist treatment by referral.
3. Require that each residential substance use disorder facility licensed pursuant to present law as a behavioral health services provider which provides treatment for opioid use disorder submit to the LDH on its initial licensing application or its annual licensing renewal application an attestation as to whether it is complying with the requirements of proposed law. Provide that the requirement for submission of the attestation shall commence on Jan. 1, 2021. Provide further that if the licensed facility is not fully complying with the requirements of proposed law, then its attestation shall include a report addressing its progress toward satisfying those requirements.
4. Prohibit LDH from taking any action prior to Jan. 1, 2021, to enforce the requirements of proposed law for residential substance use disorder facilities to submit attestations to the department relative to their compliance with proposed law.
5. Change the date on which LDH may begin taking actions against licensees to enforce requirements of proposed law relative to the provision of opioid agonist and antagonist treatment from Jan. 1, 2023, to Jan. 1, 2020.
6. Delete proposed law requiring the following:
  - (a) That LDH develop a monitoring mechanism to track and report on which behavioral health services providers are complying with the requirements of proposed law prior to commencement of enforcement of proposed law.
  - (b) That LDH offer technical assistance to behavioral health services providers seeking to comply with proposed law prior to commencement of enforcement of proposed law.
  - (c) That each behavioral health services provider subject to the requirements of proposed law furnish to LDH, on or before Jan. 1, 2021, a report addressing its progress toward satisfying proposed law.