

2020 Regular Session

HOUSE BILL NO. 240

BY REPRESENTATIVE HUGHES

HEALTH/LDH: Authorizes the Louisiana Department of Health office of behavioral health to conduct reviews of deaths of persons served by the office

1 AN ACT
2 To amend and reenact R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and
3 (D)(1), relative to the authority of the Louisiana Department of Health to conduct
4 certain mortality reviews; to provide for the office of behavioral health to review
5 deaths of persons receiving services through that office; to provide for definitions;
6 to provide for the access of certain reports; to provide an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and (D)(1)
10 are hereby amended and reenacted to read as follows:

11 §2020. Review of deaths of persons served by the Louisiana Department of Health

12 A. The legislature finds that:

13 (1) In accordance with best practices and national trends, it is recommended
14 that the Louisiana Department of Health through the office for citizens with
15 developmental disabilities, the office of behavioral health, and the office of aging
16 and adult services monitor and review deaths of persons receiving services through
17 the offices.

18 (2) Collection of data on the causes and circumstances of death of these
19 persons will enable the office for citizens with developmental disabilities, the office

1 of behavioral health, and the office of aging and adult services offices to initiate
2 quality improvement and provider remediation in long-term care services in order
3 to reduce mortality rates.

4 (3) A complete review of the information obtained by the office for citizens
5 with developmental disabilities, the office of behavioral health, and the office of
6 aging and adult services will enable the offices to identify patterns and systemic
7 problems to support corrective actions and quality improvements in service delivery.

8 B. For the purposes of this Section, the following terms shall have the
9 following meanings:

10 * * *

11 (2) "Health care provider" means a health care provider as defined in R.S.
12 ~~13:3734(A)(1)~~ 13:3734(A)(2), a licensed mental health professional as defined in
13 R.S. 40:2153, and other agencies licensed or certified by the department to deliver
14 health care or related services.

15 (3) "Office" means the office for citizens with developmental disabilities, the
16 office of behavioral health, or the office of aging and adult services within the
17 Louisiana Department of Health.

18 C. The duties of the office ~~for citizens with developmental disabilities and~~
19 ~~the office of aging and adult services~~ shall be the following:

20 * * *

21 D.(1) Notwithstanding any other provision of law to the contrary, the
22 Louisiana Department of Health, and each office provided for in Paragraph (B)(3)
23 of this Section ~~office for citizens with developmental disabilities and office of aging~~
24 ~~and adult services,~~ shall be authorized to access death certificates in the custody of
25 the department, autopsy reports, coroner reports, and records of all service providers,
26 including medical records in the custody of health care providers, of persons being
27 served through the offices at the time of death.

28 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 240 Reengrossed

2020 Regular Session

Hughes

Abstract: Provides that the La. Dept. of Health through the office of behavioral health shall be authorized as an agency that may monitor and review deaths of persons receiving services through its office.

Present law provides that the La. Dept. of Health (LDH) through the office for citizens with developmental disabilities and the office of aging and adult services are authorized to monitor and review deaths of persons receiving services through its offices.

Proposed law retains present law and adds that the office of behavioral health shall have the authority to monitor and review deaths of persons receiving services through its office.

Present law provides for the following duties of LDH through the office for citizens with developmental disabilities and the office of aging and adult services:

- (1) In each death reviewed, the offices shall obtain data and records relevant to the cause of death from providers, including health care providers, as well.
- (2) Shall identify patterns and systemic problems to determine what changes, if any, should be in service delivery.

Proposed law changes present law by adding that the office of behavioral health shall follow the duties in present law in reviewing each death of persons receiving services through its office.

Present law provides that a health care provider shall have the meaning as defined in present law, R.S. 13:3734(A)(1). Further provides that "office" shall mean the office for citizens with developmental disabilities or the office of aging and adult services.

Proposed law retains present law and adds that a health care provider shall also mean a licensed mental health professional as defined in present law, R.S. 40:2153, and other agencies who are licensed or certified by LDH to deliver health care or related services. Further provides that "office" shall mean the office for citizens with developmental disabilities, the office of behavioral health, or the office of aging and adult services.

Present law provides that the office for citizens with developmental disabilities and the office of aging and adult services are authorized to access death certificates in the custody of the department, autopsy reports, and records of all service providers, including medical records in the custody of health care providers, of persons being served through the offices at the time of death.

Proposed law revises present law and states that the office for citizens with developmental disabilities, the office of behavioral health, and the office of aging and adult services are also authorized to access coroner reports along with other reports provided for in present law. Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2020(A), (B)(2) and (3), (C)(intro. para.) and (D)(1))