2021 Regular Session

HOUSE BILL NO. 187

## BY REPRESENTATIVE BAGLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. HEALTH/HOME CARE: Amends laws relative to home health care

1	AN ACT
2	To amend and reenact R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f),
3	relative to home health services; to define authorized healthcare provider; to
4	authorize nurse practitioners, clinical nurse specialists, and physician assistants to
5	order home health services; to provide rules and regulations for nurse practitioners,
6	clinical nurse specialists, and physician assistants; to provide for administrators of
7	home health agencies; to provide for an effective date; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f) are
11	hereby amended and reenacted to read as follows:
12	§2116.31. Scope, purpose; definitions
13	* * *
14	B. For the purpose of this Part unless the context clearly otherwise requires:
15	(1) "Authorized healthcare provider" means a physician, nurse practitioner,
16	clinical nurse specialist, or physician assistant licensed, certified, registered, or
17	otherwise authorized to order home health care services consistent with state law.
18	(1) (2) "Clinical record" means those documents maintained on all patients
19	accepted for care by a home health agency. The records will be retained in
20	accordance with existing state law.

## Page 1 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) (3) "Department" means the Louisiana Department of Health.
2	(3) (4) "Home health agency" means a state-owned and operated agency, or
3	a subdivision of such an agency or organization, or a private nonprofit organization,
4	or a proprietary organization which provides for the skilled home health care to the
5	public, under the order of a physician an authorized healthcare provider and in the
6	place of residence of the person receiving the care, which includes at least skilled
7	nursing and one other service listed in the minimum standards which may be
8	physical therapy, speech therapy, occupational therapy, medical social services,
9	home health aides, or such others as may be listed in the minimum standards.
10	(4) (5) "Home health aide services" means semi-skilled assistance by
11	qualified personnel with activities of daily living provided to the patient who
12	requires assistance in at least two areas of functioning and monitoring of vital signs,
13	reporting to a professional under a written plan of care, and requiring clinical note
14	for each patient visit.
15	(5) $(6)$ "Secretary" means the secretary of the Louisiana Department of
16	Health.
17	(6) (7) "State agency" means the division of licensing and certification of the
18	office of the secretary of the Louisiana Department of Health.
19	* * *
20	§2116.34. Minimum standards; rules and regulations
21	A. The secretary of the department shall prescribe and publish minimum
22	standards pursuant to the Administrative Procedure Act. Such standards shall
23	include but not be limited to the following:
24	* * *
25	(1) Requiring all such home health agencies to admit patients for skilled care
26	only on the order of a physician an authorized healthcare provider. Signed
27	physician's authorized healthcare provider's orders shall be obtained by the agency.
28	* * *

1	(7) Requiring agencies to make service available to an individual in need
2	within twenty-four hours of a referral unless otherwise ordered by a physician an
3	authorized healthcare provider.
4	* * *
5	(10) Requiring the administrator of the agency to be a person who is
6	designated in writing, is administratively responsible and available in person or by
7	telecommunication at all times for all aspects of facility operation, who has three
8	years management experience in health care delivery service, and who meets one of
9	the following conditions:
10	* * *
11	(c) Is employed as an administrator on or after January 13, 2018, and Is is
12	a college graduate with a bachelor's degree.
13	(d) Is employed as an administrator prior to January 13, 2018, and Has has
14	had three additional years of documented experience in a health care delivery
15	service.
16	(e) Has an associate degree Is an administrator who has experience in health
17	service administration with at least one year of supervisory or administrative
18	experience related to home health care or a home health care program.
19	(f) Has had six additional years of documented administrative and
20	managerial experience in a governmental or corporate setting other than in a health
21	care delivery service, having supervised at least twenty employees and handled
22	administration of the daily operations of the organization, including the budget
23	process. Such person shall have held no more than three positions in said six-year
24	time period met the minimum continuing education requirements established by the
25	secretary.
26	* * *
27	Section 2. This Act shall become effective upon signature by the governor or, if not
28	signed by the governor, upon expiration of the time for bills to become law without signature
29	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

## Page 3 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 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 187 Original 2021 Regular Session

Bagley

Abstract: Authorizes nurse practitioners, clinical nurse specialists, and physician assistants to order home health services.

<u>Present law</u> provides that a home health agency shall provide home health care to the public under the order of a physician.

<u>Proposed law</u> deletes <u>present law</u> and states that a home health agency shall provide home health care to the public under the order of an authorized healthcare provider.

Proposed law defines "authorized healthcare provider".

<u>Present law</u> provides that home health agencies shall admit patients for skilled care only on the order of a physician.

<u>Proposed law</u> retains <u>present law</u> and clarifies who may submit an order to admit patients for skilled care <u>from</u> physician to authorized healthcare provider.

<u>Present law</u> provides that an administrator of a home health agency shall have three years management experience in health care delivery service and meets one of the following conditions:

- (1) Is a college graduate with a bachelor's degree.
- (2) Has had three additional years of documented experience in a health care delivery service.
- (3) Has an associate degree.
- (4) Has had six additional years of documented administrative and managerial experience in a governmental or corporate setting other than in a health care delivery service, having supervised at least 20 employees, and handled administration of the daily operations of the organization, including the budget process. Such person shall have held no more than three positions in said six-year time period.

<u>Proposed law</u> deletes <u>present law</u> and adds that an administrator of a home health agency shall have three years management experience in health care delivery service and meets of the following conditions:

- (1) Is employed as an administrator on or after January 13, 2018, and is a college graduate with a bachelor's degree.
- (2) Is employed as an administrator prior to January 13, 2018, and has had three additional years of documented experience in a health care delivery service.

- (3) Is an administrator who has experience in health service administration with at least one year of supervisory or administrative experience related to home health care or home healthcare programs.
- (4) Has met the minimum continuing education requirements established by the secretary.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (f))