

2022 Regular Session

HOUSE BILL NO. 517

BY REPRESENTATIVE SELDERS

CORRECTIONS: Creates and provides for the Medical Advisory Council within the Dept. of Public Safety and Corrections

1 AN ACT

2 To amend and reenact R.S. 15:831(A) and to enact R.S. 15:827(A)(10) and 827.4, relative
3 to medical services in the Department of Public Safety and Corrections; to provide
4 relative to the duties of the Department of Public Safety and Corrections; to provide
5 relative to hiring and oversight of a state medical director within the Department of
6 Public Safety and Corrections; to provide relative to the hiring criteria of a state
7 medical director; to create a Medical Advisory Council within the Department of
8 Public Safety and Corrections; to provide relative to membership and powers of the
9 Medical Advisory Council; to provide relative to powers of the secretary of the
10 Department of Public Safety and Corrections; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:831 is hereby amended and reenacted and R.S. 15:827(A)(10)
13 and 827.4 are hereby enacted to read as follows:

14 §827. Duties of Department of Public Safety and Corrections

15 A. In addition to other duties imposed upon the department it shall be the
16 duty of the department to:

17 * * *

18 (10) Hire a statewide department medical director, pursuant to R.S. 15:827.4,
19 who shall be responsible for the delivery of services consistent with constitutional

1 standards of preventive, chronic, and acute medical care for all people sentenced to
2 state custody.

3 * * *

4 §827.4. Medical director; establishment of medical advisory council

5 A.(1) The secretary of the Department of Public Safety and Corrections shall
6 hire a statewide department medical director, pursuant to this Section, whose
7 qualifications and duties shall be approved by the Department of Public Safety and
8 Corrections Medical Advisory Council.

9 (2) The medical director shall meet all of the following criteria:

10 (a) Be a full-time public employee of the Department of Public Safety and
11 Corrections.

12 (b) Not be engaged in the practice of medicine outside of the Department of
13 Public Safety and Corrections.

14 (3) The medical director shall be compensated comparably with equivalent
15 roles in the state of Louisiana's public health system.

16 (4) The medical director and related department staff are subject to the
17 employment limitations of R.S. 15:825.3.

18 B.(1) The Medical Advisory Council is hereby created within the
19 Department of Public Safety and Corrections and shall consist of thirteen members,
20 with at least one representative from each of the following disciplines or
21 associations:

22 (a) Orthopedics.

23 (b) Obstetrics or gynecology.

24 (c) Cardiology.

25 (d) Interventional pain management.

26 (e) Family practice.

27 (f) Physical and occupational therapy.

28 (g) Oncology.

29 (h) Psychology or psychiatry.

- 1 (i) General internal medicine.
- 2 (j) The dean of Louisiana State University School of Medicine, or his
3 designee.
- 4 (k) The dean of Tulane Medical School, or his designee.
- 5 (l) The dean of Xavier University College of Pharmacy, or his designee.
- 6 (m) The Director of Louisiana Department of Health, or his designee.
- 7 (2) The professional association in the state of Louisiana that represents each
8 discipline enumerated in Paragraph (1) of this Subsection shall provide the secretary
9 the names of three nominees, from which at least one representative shall be chosen
10 by the secretary to represent their respective discipline on the council.
- 11 (c) The secretary may consider and appoint additional representatives in
12 order to fulfill his duties as defined in this Section.
- 13 C. The council shall provide advice and consent to the department regarding
14 the following:
- 15 (1) Hiring and retention of the statewide department medical director.
- 16 (2) Department policies in accordance with this Chapter before submission
17 to the secretary for initial and subsequent formal adoption and promulgation in
18 accordance with the Administrative Procedure Act, R.S. 49:950 et seq.
- 19 (3) Post-mortem review.
- 20 (4) Advisement and approval of a correctional health electronic records
21 system that is compatible with major hospitals and health providers outside the
22 correctional institutions.
- 23 (5) Other reasonably related responsibilities of institutional oversight.
- 24 D. The council shall nominate and elect a chair, vice chair, and secretary,
25 and hold meetings no less than annually.
- 26 E. The initial members of the medical advisory council shall serve until
27 August 14, 2025, and all subsequent members shall serve three-year terms beginning
28 on August fifteenth of each successive term.

1 F. The secretary shall have the authority to contract with consultants to assist
2 the medical advisory council and medical director in the promulgation and review
3 of institutional policies and practices.

4 * * *

5 §831. Medical care of inmates; testing

6 A. The secretary of the Department of Public Safety and Corrections, using
7 the advice and consent of the Department of Public Safety and Corrections Medical
8 Advisory Council, shall establish and shall prescribe standards for health, medical,
9 and dental services for each institution, including preventive, diagnostic, and
10 therapeutic measures on both an outpatient and a hospital basis, for all types of
11 patients. An inmate may be taken to a medical facility outside the institution when
12 deemed necessary by the director. However, in situations which are not life-
13 threatening, the medical facility selected to treat the inmate shall be a part of the
14 state's charity hospital system. In emergency situations where treatment by a state
15 charity hospital is not available or feasible, the inmate may receive emergency
16 treatment at the nearest private medical facility. As soon as practicable, the inmate
17 should be transferred to a facility operated by the state's charity hospital system.
18 Notwithstanding any law to the contrary, all payments to private hospitals or health
19 care providers shall be governed by R.S. 15:824(B)(1)(c). No monies appropriated
20 to the department from the state general fund or from dedicated funds shall be used
21 for medical costs associated with organ transplants for inmates or for the purposes
22 of providing cosmetic medical treatment of inmates, unless the condition
23 necessitating such treatment or organ transplant arises or results from an accident or
24 situation which was the fault of the department or resulted from an action or lack of
25 action on the part of the department. However, nothing in this Section shall prohibit
26 an inmate from donating his vital organs for transplant purposes.

27 * * *

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 517 Original

2022 Regular Session

Selders

Abstract: Provides for the Medical Advisory Council and statewide medical director within DPS&C.

Present law (R.S. 15:827) provides relative to the duties of DPS&C.

Proposed law (R.S. 15:827(A)(10)) retains present law and adds an additional duty of hiring a department medical director.

Proposed law provides that the department medical director shall be responsible for the delivery of services for persons sentenced to state custody.

Proposed law (R.S. 15:827.4) provides that the secretary of DPS&C shall hire a statewide medical director, subject to approval of the DPS&C Medical Advisory Council.

Proposed law provides for the criteria of the DPS&C medical director as both of the following:

- (1) Be a full-time employee of DPS&C.
- (2) Not be engaged in the practice of medicine outside of DPS&C.

Proposed law provides that the medical director shall be compensated comparably with equivalent roles in the state's public health system.

Proposed law creates the DPS&C Medical Advisory Council composed of 13 members from each of the following disciplines or associations: orthopedic surgery; obstetrics or gynecology; cardiology; interventional pain management; family practice; physical and occupational medicine; oncology; psychology or psychiatry; general internal medicine; La. State University School of Medicine dean, or designee; Tulane Medical School dean, or designee; Xavier University College of Pharmacy, or designee; and La. Dept. of Health director, or designee.

Present law provides that the professional association that represents each discipline shall provide the secretary with three nominees. Provides that the secretary shall choose the representative to represent their respective discipline on the council and that the secretary may appoint additional representatives.

Proposed law provides that the council shall advise DPS&C on the following:

- (1) Hiring and retaining the DPS&C medical director.
- (2) Departmental policies.
- (3) Post-mortem review.
- (4) Approval of health electronic records system.
- (5) Other reasonably related responsibilities.

Proposed law provides that the council elect a chair, vice chair, and secretary and hold annual meetings.

Proposed law provides the initial council members shall serve until Aug. 14, 2025. All subsequent members shall serve three-year terms beginning on Aug. 15th of each successive term.

Proposed law provides that the secretary shall have authority to contract with consultants to assist council and medical director.

Present law (R.S. 15:831) provides for the medical care of inmates. Provides that the DPS&C secretary shall establish standards for health, medical, and dental services for each institution.

Proposed law retains present law and provides that the Medical Advisory Council shall advise the DPS&C secretary.

(Amends R.S. 15:831(A); Adds R.S. 15:827(A)(10) and 827.4)