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. 15:827.4, relative to medical
3	services in the Department of Public Safety and Corrections; to create a Medical
4	Advisory Council within the Department of Public Safety and Corrections; to
5	provide relative to membership and powers of the Medical Advisory Council; to
6	provide relative to powers of the secretary of the Department of Public Safety and
7	Corrections; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 15:831(A) is hereby amended and reenacted and R.S. 15:827.4 is
10	hereby enacted to read as follows:
11	§827.4. Establishment of Medical Advisory Council
12	A. The Medical Advisory Council to the secretary is hereby created within
13	the Department of Public Safety and Corrections and shall consist of the medical
14	directors from each state prison facility and the department medical director.
15	B. The council shall provide recommendations to the department regarding
16	the following:
17	(1) Hiring and retention.
18	(2) Department policies.
19	(3) Post-mortem review.

1	(4) A correctional health electronic records system that is compatible with
2	major hospitals and health providers outside the correctional institutions.
3	(5) Other reasonably related responsibilities of institutional oversight.
4	C. The council shall nominate and elect a chair, vice chair, and secretary, and
5	hold meetings no less than quarterly.
6	D. The initial members of the medical advisory council shall serve until
7	August 14, 2025, and all subsequent members shall serve three-year terms beginning
8	on August fifteenth of each successive term.
9	\underline{E} . The secretary shall have the authority to contract with consultants to assist
10	the medical advisory council and medical director in the promulgation and review
11	of institutional policies and practices.
12	F. The council shall submit a quarterly report to the state health officer
13	within the Louisiana Department of Health.
14	* * *
15	§831. Medical care of inmates; testing
16	A. The secretary of the Department of Public Safety and Corrections, using
17	the recommendations of the Department of Public Safety and Corrections Medical
18	Advisory Council, shall establish and shall prescribe standards for health, medical,
19	and dental services for each institution, including preventive, diagnostic, and
20	therapeutic measures on both an outpatient and a hospital basis, for all types of
21	patients. An inmate may be taken to a medical facility outside the institution when
22	deemed necessary by the director. However, in situations which are not life-
23	threatening, the medical facility selected to treat the inmate shall be a part of the
24	state's charity hospital system. In emergency situations where treatment by a state
25	charity hospital is not available or feasible, the inmate may receive emergency
26	treatment at the nearest private medical facility. As soon as practicable, the inmate
27	should be transferred to a facility operated by the state's charity hospital system.
28	Notwithstanding any law to the contrary, all payments to private hospitals or health
29	care providers shall be governed by R.S. 15:824(B)(1)(c). No monies appropriated
30	to the department from the state general fund or from dedicated funds shall be used

Page 2 of 4

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

for medical costs associated with organ transplants for inmates or for the purposes of providing cosmetic medical treatment of inmates, unless the condition necessitating such treatment or organ transplant arises or results from an accident or situation which was the fault of the department or resulted from an action or lack of action on the part of the department. However, nothing in this Section shall prohibit an inmate from donating his vital organs for transplant purposes.

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 Reengrossed	2022 Regular Session	Selders

Abstract: Provides for the Medical Advisory Council within DPS&C.

<u>Proposed law</u> (R.S. 15:827.4) creates the DPS&C Medical Advisory Council composed of medical directors from each state prison facility and the department medical director.

<u>Proposed law</u> provides that the council shall provide recommendations to DPS&C on the following:

- (1) Hiring and retention.
- (2) Departmental policies.
- (3) Post-mortem review.
- (4) A health electronic records system.
- (5) Other reasonably related responsibilities.

<u>Proposed law</u> provides that the council elect a chair, vice chair, and secretary and hold quarterly meetings.

<u>Proposed law</u> 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.

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

<u>Proposed law</u> provides that the council shall submit a quarterly report to the state health officer within the La. Dept. of Health.

<u>Present law</u> (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.

Page 3 of 4

<u>Proposed law</u> retains <u>present law</u> and provides that the Medical Advisory Council shall provide recommendations to the DPS&C secretary.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Administration of</u> <u>Criminal Justice</u> to the <u>original</u> bill:

- 1. Make technical changes.
- 2. Delete language that references the hiring of a statewide department medical director.
- 3. Change the membership of the advisory council <u>from</u> thirteen members of various medical disciplines or associations <u>to</u> the medical directors from each state prison facility and the department medical director.
- 4. Replace "advice and consent" with "recommendations".
- 5. Change the time period of the council's meetings <u>from</u> "annually" <u>to</u> "quarterly".
- 6. Require the council to submit a quarterly report to the state health officer within the La. Department of Health.
- 7. Delete language that references the Administrative Procedure Act relative to the council's advice to the DPS&C on departmental policies.
- 8. Delete language that requires the council to provide advisement and approval pertaining to a health electronic records system.

The House Floor Amendments to the engrossed bill:

- 1. Make technical changes.
- 2. Delete <u>proposed law</u> that references the hiring of a statewide department medical director.