

2024 Regular Session

HOUSE BILL NO. 495

BY REPRESENTATIVE JACKSON

HEALTH CARE/FACILITIES: Provides relative to facility need review for certain healthcare providers

1 AN ACT

2 To amend and reenact R.S. 40:2116(B)(4) and (E) and to enact R.S. 40:2116(F), relative to
3 facility need review; to provide for exceptions to facility need review for certain
4 behavioral health service providers; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:2116(B)(4) and (E) are hereby amended and reenacted and R.S.
7 40:2116(F) is hereby enacted to read as follows:

8 §2116. Facility need review

9 * * *

10 B. The following healthcare providers shall be subject to facility need review
11 to determine the need for a new or additional facility, provider, program, service, or
12 bed:

13 * * *

14 (4) Behavioral health services providers that provide psychosocial
15 rehabilitation or community psychiatric support and treatment services except as
16 provided for in Subsection E of this Section.

17 * * *

1 E. The Louisiana Department of Health shall not require a facility need
2 review for a behavioral health service provider in accordance with Subsection B of
3 this Section, if all of the following requirements are satisfied:

4 (1) The healthcare provider was licensed as a behavioral health service
5 provider by the Louisiana Department of Health on or before January 1, 2024.

6 (2) The behavioral health service provider is seeking to add psychosocial
7 rehabilitation services or community psychiatric support and treatment services to
8 be offered in the provider's licensed service area.

9 (3) The behavioral health service provider is not operating pursuant to a
10 provisional license issued by the Louisiana Department of Health.

11 (4) The behavioral health service provider is not subject to a current license
12 suspension, license revocation, or license non-renewal action.

13 (5) The behavioral health service provider is not under a current settlement
14 agreement with the Louisiana Department of Health.

15 (6) The behavioral health service provider has not been cited for any
16 immediate jeopardy deficiencies or repeat deficiencies by the Louisiana Department
17 of Health in the last two years.

18 (7) The behavioral health service provider has not been issued any sanctions
19 for immediate jeopardy deficiencies or repeat deficiencies by the Louisiana
20 Department of Health in the last two years.

21 F. No healthcare provider as provided for in Subsection B of this Section
22 shall be certified to participate in the Title XIX program without first obtaining
23 facility need review approval and complying with any and all licensing regulations
24 promulgated by the department. Any person establishing, managing, or operating
25 a new facility, service, or bed without the approval required by this Section shall be
26 prohibited from participating in the Title XIX program.

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 495 Engrossed

2024 Regular Session

Jackson

Abstract: Modifies the facility need review process for certain behavioral health service providers.

Present law requires the La. Dept. of Health (LDH) to conduct a facility need review for certain healthcare facilities and providers. The department shall determine if there exists a public need for an expansion of an existing facility or the establishment of a new facility. LDH must determine that a need exists before a facility is allowed to expand or be established.

Present law requires a facility need review for behavioral health services providers. Proposed law creates an exception to the facility need review requirement for certain behavioral health services.

Proposed law provides that LDH shall not require a facility need review for behavioral health service providers that meet all of the following requirements:

- (1) The provider was licensed as a behavioral health service provider by LDH on or before Jan. 1, 2024.
- (2) The provider is seeking to add psychosocial rehabilitation services or community psychiatric support and treatment services to be offered in the provider's licensed service area.
- (3) The provider is not operating under a provisional license issued by LDH.
- (4) The behavioral health service provider is not subject to a current license suspension, license revocation, or license non-renewal action.
- (5) The behavioral health service provider is not under a current settlement agreement with LDH.
- (6) The behavioral health service provider has not been cited for any immediate jeopardy deficiencies or repeat deficiencies by the LDH in the last two years.
- (7) The behavioral health service provider has not been issued any sanctions for immediate jeopardy deficiencies or repeat deficiencies by LDH in the last two years.

(Amends R.S. 40:2116(B)(4) and (E); Adds R.S. 40:2116(F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Replaces requirements that a behavioral health service provider must meet to qualify to expand certain services without a facility need review.