

2024 Regular Session

HOUSE BILL NO. 853

BY REPRESENTATIVES MYERS, BACALA, BERAULT, BOYER, CHASSION, DICKERSON, ECHOLS, EGAN, FISHER, HEBERT, HORTON, JACKSON, KNOX, MILLER, NEWELL, PHELPS, SELDERS, STAGNI, TAYLOR, THOMPSON, AND WYBLE

HEALTH/LDH: Creates the office of surgeon general within the Louisiana Department of Health

1 AN ACT

2 To amend and reenact R.S. 36:251(C)(1), 252(A) and (B), and 257(A) and R.S. 40:2 and
3 1281.1(introductory paragraph) and (8) and to enact R.S. 36:254.4 and 258(M) and
4 R.S. 42:1123.2(D)(6), relative to the office of surgeon general within the Louisiana
5 Department of Health; to create the office of surgeon general; to provide for the
6 position of surgeon general within the office of surgeon general; to provide for its
7 purpose, duties, and functions; to provide for definitions; to provide that the surgeon
8 general is the state health officer; to create an exception from certain ethics
9 provisions; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 36:251(C)(1), 252(A) and (B), and 257(A) are hereby amended and
12 reenacted and R.S. 36:254.4 and 258(M) are hereby enacted to read as follows:

13 §251. Louisiana Department of Health; creation; domicile; composition; purpose
14 and functions

15 * * *

16 C.(1) The Louisiana Department of Health shall be composed of the
17 executive office of the secretary, the office of surgeon general, the office of
18 management and finance, the office of public health, the office of behavioral health,
19 the office for citizens with developmental disabilities, the office of aging and adult

1 services, the office on women's health and community health, and such other offices
2 as shall be created by law.

3 * * *

4 §252. Officers of the department; compensation for one office only

5 A. The officers of the department shall be the secretary, the surgeon general,
6 the undersecretary, the deputy secretary, if a deputy secretary is appointed, and
7 assistant secretaries, each of whom shall be selected and shall perform functions as
8 provided in this Title.

9 B. No person serving as a secretary, surgeon general, deputy secretary,
10 undersecretary, or assistant secretary shall receive any additional salary from the
11 state other than that salary which he receives by virtue of serving in any one of such
12 offices. Any statewide elected official appointed to serve as a secretary, deputy
13 secretary, undersecretary, or assistant secretary shall not receive any additional
14 salary from the state other than that salary which he receives as a statewide elected
15 official.

16 * * *

17 §254.4. Surgeon general; office of the surgeon general; functions

18 A. There shall be a surgeon general within the Louisiana Department of
19 Health, office of surgeon general, who shall be appointed by the governor with
20 consent from the state Senate and who shall serve at the pleasure of the governor at
21 a salary fixed by the governor, which salary shall not exceed the amount approved
22 for such position by the legislature while in session.

23 B. The surgeon general shall be a licensed and practicing physician in this
24 state and shall continue to be so qualified during the term of office. The surgeon
25 general shall be an employee of the Louisiana Department of Health.

26 C. The surgeon general shall serve as the chief medical officer of the
27 Louisiana Department of Health and the state's leading advocate for wellness and
28 disease prevention. The surgeon general shall serve as the state health officer.

1 D. The surgeon general shall have the responsibility to provide medical and
2 clinical guidance and recommendations to the department, as well as directly to the
3 governor when requested. The surgeon general shall perform the functions provided
4 in this Title under the general control and supervision of the governor.

5 E. The surgeon general shall direct and be responsible for the functions of
6 the office of surgeon general within the Louisiana Department of Health.

7 F. The duties and functions of the surgeon general and the office of surgeon
8 general shall be in accordance with the provisions of this Section and these functions
9 and duties shall not be subject to change by the secretary.

10 G. The office of surgeon general in the Louisiana Department of Health shall
11 carry out its purpose as provided in R.S. 36:258 and the duties and functions
12 provided in this Section. The office of surgeon general shall do all of the following:

13 (1) Collect, manage, and analyze health data and statistics to formulate
14 public health policy and planning for this state.

15 (2) Promote the health of all residents and visitors in this state.

16 (3) Coordinate with other agencies, offices, medical schools, boards,
17 commissions, task forces, and other associations on healthcare initiatives for this
18 state.

19 (4) Provide an annual report to the governor, legislature, and secretary of the
20 Louisiana Department of Health, recommending priorities and initiatives for
21 improving healthcare provisions and outcomes for all residents of this state, across
22 all populations and age groups. The office of surgeon general shall provide such
23 report no later than May first of each year, beginning May 1, 2025.

24 * * *

25 §257. Assistant secretaries

26 A. Each office within the Louisiana Department of Health, except the office
27 of management and finance and the office of surgeon general, shall be under the
28 immediate supervision and direction of an assistant secretary, who shall be appointed
29 by the governor with consent of the Senate. Each shall serve at the pleasure of the

1 governor and shall be paid a salary which shall be fixed by the governor, which
2 salary shall not exceed the amount approved for such position by the legislature
3 while in session.

4 * * *

5 §258. Offices; purposes and functions

6 * * *

7 M. The office of surgeon general shall be responsible for leading and
8 coordinating efforts of the Louisiana Department of Health that are intended to
9 provide clinical and medical guidance and recommendations to improve health
10 outcomes for all residents of this state, across all populations and age groups. The
11 department may consolidate efforts on healthcare provisions and outcomes for all
12 programs within the department as deemed appropriate by the secretary of the
13 department after consultation with the surgeon general.

14 Section 2. R.S. 40:2 and 1281.1(introductory paragraph) and (8) are hereby amended
15 and reenacted to read as follows:

16 §2. State health officer

17 ~~The state health officer shall be a licensed and practicing physician in the~~
18 ~~state of Louisiana and continue to be so qualified during his term of office. He shall~~
19 ~~be a full time employee of the Louisiana Department of Health. The secretary of the~~
20 ~~Louisiana Department of Health may designate any department employee, including~~
21 ~~himself, as state health officer. No order, rule, or regulation issued by the state~~
22 ~~health officer shall take effect until it is approved and signed by the secretary. The~~
23 ~~surgeon general appointed by the governor shall serve as the state health officer. The~~
24 ~~surgeon general will collaborate with the secretary on any order, rule, or regulation~~
25 ~~issued by the state health officer. Any order, rule, or regulation issued by the state~~
26 ~~health officer shall be effective upon signature.~~

27 * * *

1 §1281.1. Definitions

2 As used in this Subpart, the following terms ~~shall~~ have the meaning ascribed
3 in this Section:

4 * * *

5 (8) "State health officer" means the ~~secretary of the Louisiana Department~~
6 ~~of Health, hereinafter referred to as the "department", or his designee~~ surgeon
7 general appointed by the governor as provided in R.S. 40:2.

8 * * *

9 Section 3. R.S. 42:1123.2(D)(6) is hereby enacted to read as follows:

10 §1123.2. Exception; certain positions at the Louisiana Department of Health

11 * * *

12 D. For purposes of this Section, "exempted physician" means a licensed
13 Louisiana physician who is employed by or who has contracted with the Louisiana
14 Department of Health or an agency thereof to serve in any of the following positions:

15 * * *

16 (6) The surgeon general of the office of surgeon general.

17 * * *

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 853 Reengrossed

2024 Regular Session

Myers

Abstract: Establishes the office of surgeon general within the La. Dept. of Health (LDH) and outlines its purpose, duties, and functions.

Present law requires LDH to be composed of the executive office of the secretary, the office of management and finance, the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, the office of aging and adult services, the office on women's health and community health, and such other offices as created by present law.

Proposed law adds the office of surgeon general to present law and otherwise retains present law.

Present law requires officers of LDH to be the secretary, the undersecretary, the deputy secretary if one is appointed, and assistant secretaries, each of whom shall be selected in accordance with present law.

Proposed law adds the surgeon general to present law and otherwise retains present law.

Present law further provides that no person serving as a secretary, deputy secretary, undersecretary, or assistant secretary shall receive any additional salary from the state other than that salary he receives for his service in such offices.

Proposed law adds the surgeon general to present law and otherwise retains present law.

Proposed law creates the position of surgeon general, office of surgeon general, within LDH and requires his appointment by the governor with consent from the state Senate. Proposed law further provides for his salary.

Proposed law requires the surgeon general to be a licensed and practicing physician in this state and to continue to be qualified throughout his term in office. Proposed law further requires him to be an employee of LDH.

Proposed law requires the surgeon general to serve as the chief medical officer of LDH and the state's leading advocate for wellness and disease prevention. Proposed law further requires the surgeon general to serve as the state health officer.

Proposed law provides that the surgeon general shall have the responsibility of providing medical and clinical guidance and recommendations to LDH and directly to the governor upon request.

Proposed law requires the surgeon general to perform certain functions under the general control and supervision of the governor and in accordance with present law and proposed law.

Proposed law further requires the surgeon general to direct and be responsible for the functions of the office of surgeon general within LDH.

Proposed law outlines the purpose, duties, and functions of the surgeon general and the office of surgeon general, which includes all of the following:

- (1) Collect, manage, and analyze health data and statistics to formulate public health policy and planning for this state.
- (2) Promote the health of all residents and visitors in this state.
- (3) Coordinate with other agencies, offices, medical schools, boards, commissions, task forces, and other associations on health care initiatives for this state.
- (4) Provide an annual report to the governor, to the legislature, and to the secretary of LDH.

Present law provides that each office within LDH, except the office of management and finance, shall be under the immediate supervision and direction of an assistant secretary.

Proposed law adds the surgeon general to the present law provision and otherwise retains present law.

Proposed law requires the office of surgeon general to be responsible for leading and coordinating efforts of LDH that are intended to provide clinical and medical guidance and recommendations to improve health outcomes for all residents of this state.

Proposed law allows LDH to consolidate efforts on healthcare provisions and outcomes for all programs within LDH as deemed appropriate by the secretary of LDH after consultation with the surgeon general.

Present law requires the state health officer to be a licensed and practicing physician in this state and continue to be qualified during his term of office.

Proposed law further requires him to be a full-time employee of the Louisiana Department of Health.

Proposed law requires the surgeon general to be appointed by the governor and to serve as the state health officer. Proposed law allows the surgeon general to collaborate with the secretary on any order, rule, or regulation issued by the state health officer.

Present law defines "state health officer" as the secretary of LDH or his designee. Proposed law redefines the term to mean surgeon general appointed by the governor as provided in proposed law.

Proposed law adds the surgeon general to the list of positions that, if filled by a physician, are exempt from the ethical standards that prohibit payments for nonpublic services.

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

(Amends R.S. 36:251(C)(1), 252(A) and (B), and 257(A) and R.S. 40:2 and 1281.1(intro. para.) and (8); Adds R.S. 36:254.4 and 258(M) and R.S. 42:1123.2(D)(6))