

SENATE BILL NO. 437

BY SENATOR ABRAHAM

1 AN ACT

2 To amend and reenact R.S. 40:2852(C)(2) and to enact R.S. 40:2852(C)(3) through (5),
3 relative to treatment services provided at facilities providing housing or temporary
4 residence for individuals referred by judicial agencies; to provide for requirements
5 for treatment; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2852(C)(2) is hereby amended and reenacted and R.S.
8 40:2852(C)(3) through (5) are hereby enacted to read as follows:

9 §2852. Facilities providing housing or temporary residence to individuals referred
10 by judicial agencies

11 * * *

12 C. * * *

13 (2) No facility ~~shall provide treatment to any individual and no judicial~~
14 ~~agency shall refer any individual to a facility providing treatment until the Louisiana~~
15 ~~Department of Health has adopted rules and has inspected the facility and certified~~
16 ~~that the facility is in compliance with these rules as provided for by this Section~~
17 **provided for in Subsection A of this Section shall provide residential substance**
18 **use disorder treatment to any individual, unless the facility is licensed by the**
19 **Louisiana Department of Health pursuant to R.S. 40:2151 et seq., as a**
20 **behavioral health service provider with the residential substance use disorder**
21 **treatment module.**

22 **(3) No judicial agency shall refer any individual to a facility providing**
23 **residential substance use disorder treatment until that facility has been**
24 **surveyed and licensed by the Louisiana Department of Health as a behavioral**
25 **health service provider with the residential substance use disorder treatment**
26 **module pursuant to R.S. 40:2151 et seq.**

27 **(4) A complaint regarding a residential facility providing residential**

1 substance use disorder treatment without a license may be filed with the
2 licensing section of the Louisiana Department of Health for investigation.

3 (5) Nothing herein shall prohibit a licensed physician or a licensed
4 mental health professional or licensed behavioral health service provider as
5 defined in R.S. 40:2153 from providing behavioral health or substance use
6 disorder treatment services, including substance use disorder counseling
7 services, to persons in their place of residence.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____