

Regular Session, 2014

HOUSE BILL NO. 667

BY REPRESENTATIVE SIMON

HEALTH: Reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 of the La. Revised Statutes

1 AN ACT

2 To amend and reenact R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph),

3 1104(1), 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G),

4 1143, 1146 through 1148, 1149(A), 1150, 1151, 1152(C), 1153(A),

5 1231(introductory paragraph) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8),

6 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3) through (5),

7 (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e),

8 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a) through (d), 1236,

9 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2),

10 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296,

11 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and

12 (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2)

13 and (3), (C), (D)(introductory paragraph), and (E), 1299.35.1(introductory

14 paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1,

15 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1)

16 and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory

17 paragraph), (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5),

18 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A),

19 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K),

20 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4),

1 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F),
2 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8),
3 (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5),
4 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and
5 (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2),
6 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii),
7 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4),
8 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E),
9 and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12),
10 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D),
11 1299.58.8(A) through (C), 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E),
12 1299.62(B)(introductory paragraph) and (2), 1299.63(A)(introductory paragraph)
13 and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(introductory paragraph), (2), and
14 (7), 1299.64.3(C) and (D), 1299.64.4(A) through (C), 1299.64.5(A) and (B)(2),
15 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75,
16 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1,
17 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1),
18 1299.131(A)(introductory paragraph) and (3) and (C)(3), 1299.182(introductory
19 paragraph), 1299.184(A)(introductory paragraph) and (D),
20 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b),
21 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3),
22 1300.51(3)(g), 1300.53(A)(introductory paragraph) and (B)(introductory paragraph),
23 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A)
24 and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A),
25 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and
26 1300.263(A)(2) and (C), and to recodify Chapter 5 of Title 40 of the Louisiana
27 Revised Statutes of 1950 in its entirety, relative to the organization of certain laws
28 pertaining to health; to direct the Louisiana State Law Institute to redesignate the
29 current provisions of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950

1 into a new format and number scheme, to be comprised of R.S. 40:1061 through
2 1300.37, without changing the text of the provisions except as provided herein; to
3 make technical and conforming changes to reflect the format and number scheme
4 provided herein; to direct the Louisiana State Law Institute to change references to
5 segments of law in existing statutes and codes as necessary to reflect the
6 redesignation of such segments as provided herein; to provide for corrections in
7 names of agencies, offices, institutions, and other entities and for other technical
8 corrections; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph), 1104(1),
11 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146 through
12 1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(introductory paragraph) and (21),
13 1231.2, 1232.3(A)(1), (2), (6), and (8), 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and
14 (14), 1232.8, 1232.9(3) through (5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b),
15 (3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)
16 through (d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2),
17 1236.7(B)(1) and (2), 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6),
18 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C),
19 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G),
20 1299.34.5(B)(2) and (3), (C), (D)(introductory paragraph), and (E), 1299.35.1(introductory
21 paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1,
22 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and
23 (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory paragraph),
24 (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5), 1299.35.10(A)(18)
25 and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 1299.35.19(introductory paragraph) and
26 (1), 1299.39(E)(1) and (2), (H), and (K), 1299.39.1(A)(1)(a) and (C)(1),
27 1299.39.2(introductory paragraph), (1), and (4), 1299.39.3(D)(introductory paragraph) and
28 (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1)
29 through (3), (5), (8), (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C),

1 and (D)(5), 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d)
 2 and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2),
 3 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii),
 4 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4), 1299.50
 5 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), and (F),
 6 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a),
 7 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D), 1299.58.8(A) through (C),
 8 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E), 1299.62(B)(introductory paragraph)
 9 and (2), 1299.63(A)(introductory paragraph) and (2) and (B), 1299.64, 1299.64.1(B),
 10 1299.64.2(introductory paragraph), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A) through
 11 (C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B)
 12 and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1),
 13 1299.97.1, 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3),
 14 1299.114(1), 1299.131(A)(introductory paragraph) and (3) and (C)(3),
 15 1299.182(introductory paragraph), 1299.184(A)(introductory paragraph) and (D),
 16 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b), 1300.6(A),
 17 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g),
 18 1300.53(A)(introductory paragraph) and (B)(introductory paragraph), 1300.57(A)(4),
 19 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A) and (C), 1300.114,
 20 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351,
 21 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C) are hereby amended
 22 and reenacted to read as follows:

~~PART XXVIII.~~ CHAPTER 5. HEALTH PROVISIONS: ABORTION

~~§1299.30.~~ §1061. Abortion; prohibition

[Section redesignated from R.S. 40:1299.30]

~~§1299.30.1.~~ §1061.1. Pain-Capable Unborn Child Protection Act

* * *

G. Construction. This Section shall not be construed to repeal, by
implication or otherwise, R.S. ~~40:1299.35.2~~ 40:1061.9 or any otherwise applicable

1 provision of Louisiana law regulating or restricting abortion. An abortion that
 2 complies with this Section, but violates the provisions of R.S. ~~40:1299.35.2~~
 3 40:1061.9 or any otherwise applicable provision of Louisiana law, shall be deemed
 4 unlawful as provided in such provision. An abortion that complies with the
 5 provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 or any otherwise applicable provision of
 6 Louisiana law regulating or restricting abortion, but violates this Section, shall be
 7 deemed unlawful as provided in this Section. If some or all of the provisions of this
 8 Section are temporarily or permanently restrained or enjoined by judicial order, all
 9 other provisions of Louisiana law regulating or restricting abortion shall be enforced
 10 as though such restrained or enjoined provisions had not been adopted; provided,
 11 however, that whenever such temporary or permanent restraining order or injunction
 12 is stayed or dissolved, or otherwise ceases to have effect, such provisions shall have
 13 full force and effect.

14 ~~§1299.31.~~ §1061.2. Discrimination against certain persons; prohibition

15 [Section redesignated from R.S. 40:1299.31]

16 ~~§1299.32.~~ §1061.3. Discrimination against hospitals, clinics, etc.; prohibition

17 [Section redesignated from R.S. 40:1299.32]

18 ~~§1299.33.~~ §1061.4. Governmental assistance; discrimination for refusal to
 19 participate in an abortion; prohibition

20 [Section redesignated from R.S. 40:1299.33]

21 ~~§1299.34.~~ §1061.5. Employees of state and political subdivisions; counseling
 22 abortion prohibited

23 [Section redesignated from R.S. 40:1299.34]

24 ~~§1299.34.5.~~ §1061.6. Use of public funds

25 * * *

26 B. Notwithstanding any other provision of law to the contrary, no public
 27 funds made available to any institution, board, commission, department, agency,
 28 official, or employee of the state of Louisiana, or of any local political subdivision
 29 thereof, whether such funds are made available by the government of the United

1 States, the state of Louisiana, or a local governmental subdivision, or from any other
2 public source, shall be used in any way for, to assist in, or to provide facilities for an
3 abortion, except for any of the following:

4 * * *

5 (2) Whenever the abortion is being sought to terminate a pregnancy resulting
6 from an alleged act of rape and all of the requirements of R.S. ~~40:1299.35.7(A)~~
7 40:1061.16(A) are met.

8 (3) Whenever the abortion is being sought to terminate a pregnancy resulting
9 from an alleged act of incest and all of the requirements of R.S. ~~40:1299.35.7(B)~~
10 40:1061.16(B) are met.

11 C. The secretary of the Department of Health and Hospitals shall promulgate
12 rules to insure that no funding of any abortion shall be made based upon a claim of
13 rape or incest until the applicable requirements of R.S. ~~40:1299.35.7~~ 40:1061.16
14 have been complied with and written verification has been obtained from the
15 physician performing the abortion and from the law enforcement official to whom
16 the report is made, if applicable.

17 D. Subsection A of this Section shall be superseded and Subsections B and
18 C and R.S. ~~40:1299.35.7~~ 40:1061.16 shall become effective only when the
19 circumstances in Subparagraph (1)(a) or in Subparagraph (2)(a) occur:

20 * * *

21 E. If Subsections B and C and R.S. ~~40:1299.35.7~~ 40:1061.16 become
22 effective and subsequently the federal requirement for acceptance of Medicaid funds,
23 that public funds be made available for abortions resulting from pregnancy due to
24 rape or incest, is no longer applicable to the state of Louisiana, then on the same day,
25 the provisions of Subsections B and C and R.S. ~~40:1299.35.7~~ 40:1061.16 shall be
26 superseded and the provisions of Subsection A shall be effective to the fullest extent
27 allowed by law.

28 ~~§1299.35.0: §1061.7.~~ Legislative intent

29 [Section redesignated from R.S. 40:1299.35.0]

1 ~~§1299.35.1.~~ §1061.8. Definitions

2 As used in R.S. ~~40:1299.35.0~~ 40:1061.7 through ~~1299.35.19~~ 1061.27, the
3 following words have the following meanings:

4 * * *

5 (7) "Physician" means a person licensed to practice medicine in the state of
6 Louisiana who meets the requirements of R.S. ~~40:1299.35.2~~ 40:1061.9.

7 * * *

8 ~~§1299.35.2.~~ §1061.9. Abortion by physician; determination of viability; ultrasound
9 test required; exceptions; penalties

10 * * *

11 D. Ultrasound Requirements. Except in the case of a medical emergency,
12 and in addition to the provisions of R.S. ~~40:1299.35.6~~ 40:1061.15, consent to an
13 abortion of an unborn child at any stage of gestational development is voluntary and
14 informed only if an obstetric ultrasound is performed in accordance with the
15 provisions of this Section.

16 * * *

17 (5) Penalties. Any person who intentionally or knowingly fails to comply
18 with any requirement of this Section shall be subject to the penalties as provided for
19 in R.S. ~~40:1299.35.19~~ 40:1061.27.

20 * * *

21 ~~§1299.35.2.1.~~ §1061.10. Drugs or chemicals used; penalties

22 A. When any drug or chemical is used for the purpose of inducing an
23 abortion as defined in R.S. ~~40:1299.35.1~~ 40:1061.8, the physician who prescribed the
24 drug or chemical shall be in the same room and in the physical presence of the
25 pregnant woman when the drug or chemical is initially administered, dispensed, or
26 otherwise provided to the pregnant woman.

27 B. Any person who knowingly performs or attempts to perform an abortion
28 without complying with the requirements of this Section shall be subject to penalties

1 pursuant to R.S. ~~40:1299.35.19~~ 40:1061.27. No penalty may be assessed against the
2 woman upon whom the abortion is performed or attempted to be performed.

3 ~~§1299.35.3.~~ §1061.11. Born-Alive Infant Protection Act

4 * * *

5 B. An infant at any stage of development who has survived an abortion
6 procedure resulting in his or her live birth shall be given reasonable and immediate
7 medical care as provided in R.S. ~~40:1299.35.4(C)~~ 40:1061.12(C).

8 * * *

9 ~~§1299.35.4.~~ §1061.12. Abortion after viability; second attendant physician required;
10 duties

11 [Section redesignated from R.S. 40:1299.35.4]

12 ~~§1299.35.5.~~ §1061.13. Minors

13 * * *

14 B. The following provisions shall apply to all applications for court orders
15 by minors seeking abortions and appeals from denials of applications:

16 * * *

17 (3)

18 * * *

19 (b)

20 * * *

21 (ii) Such evaluation and counseling session shall be for the purpose of
22 developing trustworthy and reliable expert opinion concerning the minor's
23 sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion
24 decision in order to aid the court in its decision and to make the state's resources
25 available to the court for this purpose. Persons conducting such sessions may
26 employ the information and printed materials referred to in R.S. ~~40:1299.35.6~~
27 40:1061.15 in examining how well the minor interviewed is informed about
28 pregnancy, fetal development, abortion risks and consequences, and abortion
29 alternatives, and should also endeavor to verify that the minor is seeking an abortion

1 of her own free will and is not acting under intimidation, threats, abuse, undue
2 pressure, or extortion by any other persons.

3 * * *

4 ~~§1299.35.5.1.~~ §1061.14. Prevention of forced abortion; signage in abortion facilities

5 * * *

6 B.

7 * * *

8 (2) The sign shall feature the web address of the pregnancy resources
9 website maintained by the department pursuant to R.S. ~~40:1299.35.6~~ 40:1061.15,
10 which shall be shown on the sign in a large, bold font designed to be clearly visible
11 to patients, along with any additional information which is deemed necessary by the
12 department and is in accordance with the provisions of R.S. ~~40:1299.35.6~~
13 40:1061.15.

14 * * *

15 ~~§1299.35.6.~~ §1061.15. Woman's Right To Know

16 A. Legislative findings and purposes. The Legislature of Louisiana finds
17 that:

18 * * *

19 (4) The judicial obstacles to such legislation now having been removed by
20 virtue of the Casey decision, the legislature finds that it is in the public interest and
21 in furtherance of the general health and welfare of the citizens of this state to reenact
22 provisions of law similar to those heretofore either declared unconstitutional or
23 repealed for the following reasons:

24 * * *

25 (b) The ~~knowledgable~~ knowledgable exercise of a woman's decision to have
26 an abortion depends on the extent to which the woman receives sufficient
27 information to make an informed choice between two alternatives, giving birth or
28 having an abortion.

29 * * *

1 B. Informed consent; requirements. After a woman is determined to be
2 pregnant, no abortion shall be performed or induced without the voluntary and
3 informed consent of the woman upon whom the abortion is to be performed or
4 induced. Except in the case of a medical emergency, consent to an abortion is
5 voluntary and informed if and only if:

6 (1) The provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 requiring an ultrasound
7 test and determination of viability are met.

8 * * *

9 (3) Oral information from the physician. At least twenty-four hours before
10 the abortion, the physician who is to perform the abortion or the referring physician
11 has informed the woman, orally and in person, of:

12 (a) The name of the physician who meets the requirements of R.S.
13 ~~46:1299.35.2(A)~~ 40:1061.9(A) and who will perform the abortion.

14 * * *

15 (h) The requirement that at least twenty-four hours prior to the woman
16 having any part of an abortion performed or induced, the physician, referring
17 physician, or qualified person working in conjunction with either physician must
18 perform an obstetric ultrasound under the provisions of R.S. ~~40:1299.35.2~~ 40:1061.9.

19 * * *

20 C.

21 * * *

22 (1) The department shall cause to be published in English, within one
23 hundred twenty days after enactment of this Act, and shall update on an annual basis,
24 or as needed, the following easily comprehensible information on a stable Internet
25 website that shall be developed and maintained by the department to inform the
26 public of the public and private agencies and services available to assist a woman
27 through pregnancy, upon childbirth, and while her child is dependent, including but

1 not limited to the following information that shall indicate the agency's or service's
2 physical address, telephone number, and web address if available:

3 * * *

4 (d) Information on a separate and featured subpage of the department's
5 website that lists facilities that provide free obstetric ultrasound services under the
6 provisions of R.S. ~~40:1299.35.2~~ 40:1061.9 and this Section.

7 * * *

8 D. Publication of printed materials. The department shall cause to be
9 published, within one hundred twenty days after enactment of this Act and shall
10 update on an annual basis or as needed, the following printed materials:

11 (1) The signs provided for in the Forced Abortion Prevention Sign Act, R.S.
12 ~~40:1299.35.5.1~~ 40:1061.14.

13 * * *

14 G. Reporting requirements. Any physician who has provided the
15 information and materials to any woman in accordance with the requirements of this
16 Section shall provide to the department:

17 (1) With respect to a woman upon whom an abortion is performed, all
18 information as required by R.S. ~~40:1299.35.10~~ 40:1061.19 as well as the date upon
19 which the information and materials required to be provided under this Section were
20 provided, as well as an executed copy of the certification form required by this
21 Section.

22 * * *

23 H.

24 * * *

25 (1) Any person who intentionally, knowingly, or recklessly fails to comply
26 with all the requirements of this Section shall be subject to the penalties provided in
27 R.S. ~~40:1299.35.19~~ 40:1061.27.

28 * * *

1 ~~§1300.102.~~ §1073.2. Legislative intent

2 [Section redesignated from R.S. 40:1300.102]

3 ~~§1300.103.~~ §1073.3. Definitions

4 [Section redesignated from R.S. 40:1300.103]

5 ~~§1300.104.~~ §1073.4. Emergency Medical Services for Children Program;
6 establishment; administration; functions

7 [Section redesignated from R.S. 40:1300.104]

8 ~~§1300.106.~~ §1073.5. Implementation; rules and regulations

9 [Section redesignated from R.S. 40:1300.106]

10 ~~§1300.107.~~ §1073.6. Costs

11 [Section redesignated from R.S. 40:1300.107]

12 PART ~~LXVIII~~ III. HEALTH SERVICES FOR

13 CATASTROPHICALLY ILL CHILDREN

14 ~~§1300.311.~~ §1075.1. Definitions

15 [Section redesignated from R.S. 40:1300.311]

16 ~~§1300.312.~~ §1075.2. Reimbursement

17 [Section redesignated from R.S. 40:1300.312]

18 ~~§1300.313.~~ §1075.3. Rules and regulations

19 [Section redesignated from R.S. 40:1300.313]

20 PART ~~I-A~~ IV. MINOR'S CONSENT TO MEDICAL TREATMENT

21 AND RELATED PROCEDURES

22 SUBPART A. MINOR'S CONSENT; MISCELLANEOUS PROVISIONS

23 ~~§1095.~~ §1077.1. Medical treatment

24 [Section redesignated from R.S. 40:1095]

25 ~~§1096.~~ §1077.2. Treatment for drug abuse

26 [Section redesignated from R.S. 40:1096]

27 ~~§1097.~~ §1077.3. Donation of blood

28 [Section redesignated from R.S. 40:1097]

1 SUBPART B. PREVENTIVE ALCOHOLISM AND ADDICTION COUNSELING
2 AND TREATMENT FOR ALCOHOL OR DRUG ABUSE FOR MINOR CHILDREN

3 ~~§1098.1.~~ §1077.11. Statement of purpose

4 [Section redesignated from R.S. 40:1098.1]

5 ~~§1098.2.~~ §1077.12. Definitions

6 [Section redesignated from R.S. 40:1098.2]

7 ~~§1098.3.~~ §1077.13. Consent requirements

8 [Section redesignated from R.S. 40:1098.3]

9 ~~§1098.4.~~ §1077.14. Facility requirements

10 [Section redesignated from R.S. 40:1098.4]

11 ~~§1098.5.~~ §1077.15. Parental involvement in counseling

12 Any school or facility that provides preventive counseling or treatment to a
13 child shall seek, only with the written consent of the child, the involvement of a
14 parent, family member, or other individual close to the child. Such involvement
15 shall be in conformity with the confidentiality requirements of R.S. ~~40:1098.8~~
16 40:1077.18.

17 * * *

18 ~~§1098.6.~~ §1077.16. Limitation of liability

19 [Section redesignated from R.S. 40:1098.6]

20 ~~§1098.7.~~ §1077.17. Authorized resources

21 [Section redesignated from R.S. 40:1098.7]

22 ~~§1098.8.~~ §1077.18. Confidentiality

23 [Section redesignated from R.S. 40:1098.8]

24 PART V. NEWBORNS

25 ~~PART XV~~ SUBPART A. GENETIC CONDITIONS AND NEWBORNS

26 ~~§1299.~~ §1079.1. Programs for combating phenylketonuria, congenital
27 hypothyroidism, galactosemia, sickle cell diseases, biotinidase deficiency,
28 and other genetic conditions

29 A. The Department of Health and Hospitals is hereby authorized and

1 directed to establish, maintain, and carry out programs designed to reduce mortality
2 and morbidity from sickle cell disease and to prevent central nervous system damage
3 in children with phenylketonuria, congenital hypothyroidism, biotinidase deficiency,
4 galactosemia and genetic conditions tested under the authority of R.S. ~~40:1299.1(B)~~
5 40:1079.2(B).

6 B.(1) The Department of Health and Hospitals shall establish and maintain
7 a diagnostic laboratory for each of the following purposes:

8 * * *

9 (c) Such other purposes as may be deemed necessary by the department to
10 carry out any program adopted under the authority of this ~~Part Subpart~~, including
11 conducting experiments, projects, and other undertakings as may be necessary to
12 develop tests for genetic conditions made part of the battery of tests by the
13 Department of Health and Hospitals under R.S. ~~40:1299.1(B)~~ 40:1079.2(B).

14 * * *

15 ~~§1299.1.~~ §1079.2. Tests

16 A.

17 * * *

18 (3) The department shall follow up all positive tests with the attending
19 physician who notified the department thereof and with the parents of the newborn
20 child when such notification was made by a person other than a physician, and, when
21 confirmed, shall inform either the physician or parents or both of the services and
22 facilities that are available from the Department of Health and Hospitals and from
23 other state boards, departments, and agencies that are cooperating with the
24 department in carrying out the programs authorized by this ~~Part Subpart~~. Such
25 follow-up shall include the availability of board eligible or board certified geneticists
26 and appropriate ancillary personnel including genetic counselors and laboratory
27 technicians trained to operate clinical biochemical genetics laboratory equipment.
28 In the event there is an insufficient amount of counselors, the department shall

1 determine which genetic tests shall be suspended until the proper number of genetic
2 counselors are available.

3 * * *

4 ~~§1299.2.~~ §1079.3. Cooperation with the Department of Health and Hospitals

5 The various boards, commissions, departments and agencies of the state and
6 of the parishes, municipalities and other political subdivisions capable of assisting
7 or having services and facilities for assisting the Department of Health and Hospitals
8 in carrying out any program established under the authority of this ~~Part~~ Subpart may
9 cooperate with the Department of Health and Hospitals and may furnish any such
10 services and facilities in aid of any such program.

11 ~~§1299.3.~~ §1079.4. Cooperation of physicians and hospitals

12 The Department of Health and Hospitals may invite the cooperation of all
13 physicians and hospitals in the state which provide maternity and newborn infant
14 care to participate in any program established by the department under the authority
15 of this ~~Part~~ Subpart.

16 ~~§1299.4.~~ §1079.5. Sickle Cell Anemia; clinic established

17 [Section redesignated from R.S. 40:1299.4]

18 ~~§1299.4.1.~~ §1079.6. Sickle cell anemia; clinics established statewide

19 [Section redesignated from R.S. 40:1299.4.1]

20 ~~§1299.4.2.~~ §1079.7. Sickle cell anemia; local programs

21 * * *

22 C. The provisions of this Section shall not relieve or remove any
23 responsibilities of the Department of Health and Hospitals from implementing and
24 complying with the provisions of R.S. ~~40:1299.4~~ 40:1079.5.

25 * * *

26 ~~§1299.5.~~ §1079.8. Hemophilia; state treatment program; advisory committee

27 [Section redesignated from R.S. 40:1299.5]

28 ~~§1299.6.~~ §1079.9. Privacy of genetic information

29 [Section redesignated from R.S. 40:1299.6]

1 ~~§1108.~~ §1083.8. Penalty; revocation of charter

2 Whoever violates any provision of this ~~Part~~ Subpart shall be fined not more
3 than fifty dollars for the first offense, not more than one hundred dollars for the
4 second offense, and not more than two hundred dollars for each subsequent offense.

5 If the accused is a physician, midwife, or the like, the court may also order
6 a revocation of his license. If the accused is a maternity home or the like,
7 incorporated under the laws of this state, the court may order a revocation of its
8 charter.

9 PART VI. YOUTH SPORTS INJURY

10 ~~PART XXXVII-B~~ SUBPART A. COMPREHENSIVE SPORTS

11 INJURY MANAGEMENT PROGRAM

12 ~~§1299.186.~~ §1085.1. Comprehensive sports injury management program for student
13 athletics

14 * * *

15 B. The injury management program shall:

16 * * *

17 (3) Ensure that any student who, in accordance with the provisions of this
18 ~~Part~~ Subpart, is removed from practice, training, or competition:

19 * * *

20 E. To carry out the duties prescribed in this ~~Part~~ Subpart, a school may
21 contract for and accept private contributions, gifts, and grants, or in-kind aid from
22 the federal government, the state, or any other source.

23 F. The Board of Elementary and Secondary Education (BESE) shall
24 promulgate, in accordance with the Administrative Procedure Act, any rules
25 necessary to implement the sports injury management program provided for in this
26 ~~Part~~ Subpart. In developing such rules, BESE may engage and solicit input from the
27 Louisiana State Board of Medical Examiners and the Sports Medicine Advisory
28 Committee of the Louisiana High School Athletic Association, and may incorporate

1 recommendations of those groups in any final rules providing for a sports injury
2 management program.

3 * * *

4 H. The provisions of this ~~Part~~ Subpart shall not apply to concussions, as the
5 protocols specific to these injuries shall be governed by the Louisiana Youth
6 Concussion Act.

7 ~~PART XXXVII-A~~ SUBPART B. LOUISIANA YOUTH CONCUSSION ACT

8 ~~§1299.181.~~ §1087.1. Legislative intent

9 [Section redesignated from R.S. 40:1299.181]

10 ~~§1299.182.~~ §1087.2. Definitions

11 As used in this ~~Part~~ Subpart:

12 * * *

13 ~~§1299.183.~~ §1087.3. Louisiana youth athlete concussion education requirements

14 [Section redesignated from R.S. 40:1299.183]

15 ~~§1299.184.~~ §1087.4. Removal from and return to play

16 A. A coach who is required to complete concussion recognition education
17 pursuant to this ~~Part~~ Subpart shall immediately remove any youth athlete from a
18 game, competition, or practice if any of the following occurs:

19 * * *

20 D. This Section does not create any liability for, or create a cause of action
21 against, a school, its officers, or its employees, an organization or association of
22 which a school or school district is a member, a private or public school, a private
23 club, a public recreation facility, or an athletic league when such person or entity has
24 complied with the provisions of this ~~Part~~ Subpart.

25 ~~§1299.185.~~ §1087.5. Concussion information

26 [Section redesignated from R.S. 40:1299.185]

1 (6) "Health care provider" shall mean every licensed health care facility and
2 licensed health care provider, as defined in R.S. ~~40:1299.41(A)~~ 40:1231.1(A), in the
3 state of Louisiana.

4 * * *

5 ~~§1299.81.~~ §1105.2. Cancer registry program; data; statewide
6 [Section redesignated from R.S. 40:1299.81]

7 ~~§1299.82.~~ §1105.3. Powers; duties
8 [Section redesignated from R.S. 40:1299.82]

9 ~~§1299.83.~~ §1105.4. Authority
10 [Section redesignated from R.S. 40:1299.83]

11 ~~§1299.84.~~ §1105.5. Participation in program
12 [Section redesignated from R.S. 40:1299.84]

13 ~~§1299.85.~~ §1105.6. Reports; liability for
14 [Section redesignated from R.S. 40:1299.85]

15 ~~§1299.86.~~ §1105.7. Advisory functions
16 [Section redesignated from R.S. 40:1299.86]

17 ~~§1299.87.~~ §1105.8. Disclosure of medical records to cancer registries
18 [Section redesignated from R.S. 40:1299.87]

19 ~~§1299.88.~~ §1105.9. Louisiana Cancer and Lung Trust Fund Board
20 * * *

21 C.(1) The board shall establish rules and regulations for its own procedures,
22 establish policies for the operation of the statewide registry program for reporting
23 cancer cases established under the provisions of R.S. ~~40:1299.80~~ 40:1105.1 et seq.,
24 establish criteria for review panels, and establish guidelines and deadlines for grant
25 applications to be submitted. The appointment of review panels for the purpose of
26 evaluating grant applications and making recommendations to the board on a priority
27 basis shall be made before monies are allocated. Any member of the board or review

1 panels with a direct conflict of interest shall excuse himself or herself from voting
2 on any grant proposal.

3 * * *

4 ~~§1299.89.~~ §1105.10. Annual cancer report

5 [Section redesignated from R.S. 40:1299.89]

6 ~~§1299.90.~~ §1105.11. Annual lung cancer report

7 [Section redesignated from R.S. 40:1299.90]

8 ~~§1299.90.1.~~ §1105.12. Louisiana Advisory Committee on Populations and
9 Geographic Regions With Excessive Cancer Rates; creation; membership;
10 duties

11 [Section redesignated from R.S. 40:1299.90.1]

12 ~~§1299.90.2.~~ §1105.13. Breast Cancer Control Program

13 [Section redesignated from R.S. 40:1299.90.2]

14 ~~PART XXVIII. CHILD PROTECTIVE SERVICES LEGAL DEFENSE~~

15 ~~§1299.91. Child protective services workers; legal defense~~

16 [Section redesignated to R.S. 13:5108.2]

17 ~~PART XXXH IV.~~ IV. CYSTIC FIBROSIS

18 ~~§1299.118.~~ §1107.1. Purpose

19 [Section redesignated from R.S. 40:1299.118]

20 ~~§1299.119.~~ §1107.2. Programs for individuals with cystic fibrosis who are
21 twenty-one years of age or older

22 [Section redesignated from R.S. 40:1299.119]

23 ~~§1299.120.~~ §1107.3. Funds

24 [Section redesignated from R.S. 40:1299.120]

1 ~~§1066:~~ §1119.9. Sale of drug as cure or treatment

2 [Section redesignated from R.S. 40:1066]

3 ~~§1067:~~ §1119.10. Rules and regulations

4 [Section redesignated from R.S. 40:1067]

5 ~~§1068:~~ §1119.11. Penalty

6 Whoever violates any provision of this ~~Sub-part~~ Subpart or any rule or
7 regulation made hereunder shall, for the first offense, be fined not less than ten
8 dollars nor more than two hundred dollars. For the second offense, he shall be fined
9 not less than twenty-five dollars nor more than four hundred dollars. For each
10 subsequent offense, he shall be fined not less than fifty dollars nor more than five
11 hundred dollars or imprisoned for not less than ten days nor more than six months,
12 or both.

13 SUBPART B. PREGNANT WOMEN

14 ~~§1091:~~ §1119.21. Blood samples; standard test

15 [Section redesignated from R.S. 40:1091]

16 ~~§1092:~~ §1119.22. Nature of standard test

17 [Section redesignated from R.S. 40:1092]

18 ~~§1093:~~ §1119.23. Reports on birth and stillbirth certificates

19 [Section redesignated from R.S. 40:1093]

20 ~~§1094:~~ §1119.24. Use of controlled dangerous substances while pregnant;
21 multidisciplinary team

22 [Section redesignated from R.S. 40:1094]

23 ~~PART VII:~~ CHAPTER 5-C. HEALTH PROVISIONS:

24 EMERGENCY MEDICAL SERVICES

25 ~~SUBPART A~~ PART I. GENERAL PROVISIONS

26 ~~§1231:~~ §1131. Definitions

27 For purposes of this ~~Part~~ Chapter:

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~SUBPART B~~ PART II. EMERGENCY MEDICAL PERSONNEL

2 ~~§1232.1.~~ §1133.1. Emergency medical personnel training; licensure

3 [Section redesignated from R.S. 40:1232]

4 ~~§1232.1.~~ §1133.2. Fee schedule; fees for license prohibited

5 [Section redesignated from R.S. 40:1232.1]

6 ~~§1232.2.~~ §1133.3. Louisiana Emergency Medical Services Certification

7 Commission; creation; membership; qualifications; terms; vacancies;

8 meetings; officers; compensation; domicile

9 [Section redesignated from R.S. 40:1232.2]

10 ~~§1232.3.~~ §1133.4. Powers and duties of the commission; exceptions

11 A. The commission shall:

12 (1) Recommend to the bureau requirements and standards of practice for
13 individuals seeking to be certified under this ~~Subpart~~ Part.

14 (2) Approve requirements and standards of practice submitted by the bureau
15 for emergency medical services practitioners consistent with this ~~Subpart~~ Part.

16 * * *

17 (6) Cause the prosecution of any individual who violates any provision of
18 this ~~Subpart~~ Part.

19 * * *

20 (8) Adopt rules and regulations to implement the provisions of this ~~Subpart~~
21 Part in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

22 * * *

23 ~~§1232.4.~~ §1133.5. Powers and duties of the bureau

24 The bureau shall:

25 * * *

26 (5) Deny, withhold, revoke, restrict, probate, or suspend a license as directed
27 by the commission under the provisions of R.S. ~~40:1232.6~~ 40:1133.7.

28 * * *

1 (8) Prepare an annual report detailing the activities of the commission during
2 the past fiscal year including the number and nature of the hearings conducted under
3 the provisions of R.S. ~~40:1232.7~~ 40:1133.8.

4 (9) Adopt rules and regulations to implement the provisions of this ~~Subpart~~
5 Part in accordance with the Administrative Procedure Act.

6 * * *
7 ~~§1232.5~~. §1133.6. License; requirements; renewal

8 * * *

9 B. In lieu of the evidence required by Subsection A of this Section, an
10 applicant may submit evidence that he has been duly licensed or certified in another
11 state, territory, or country or has received military training and certification or
12 license as emergency medical services practitioner as defined in R.S. ~~40:1231~~
13 40:1131, and meets the qualifications and requirements established by the bureau.

14 * * *
15 ~~§1232.6~~. §1133.7. Grounds for disciplinary proceedings

16 The commission may discipline emergency medical services practitioners by
17 directing the bureau to deny, withhold, revoke, restrict, probate, or suspend a license
18 to practice as an emergency medical services practitioner, impose fines and assess
19 costs, or otherwise discipline an emergency medical services practitioner, and the
20 commission may direct the bureau to limit, restrict, or deny a student emergency
21 medical services practitioner from entering or continuing the clinical phase of EMS
22 education for the following causes:

23 * * *

24 (5) Is guilty of aiding or abetting another person in the violation of this
25 ~~Subpart~~ Part.

26 * * *

27 (14) Has violated any rules and regulations of the commission or the bureau
28 or any provision of this ~~Subpart~~ Part.

29 * * *

1 ~~§1232.7.~~ §1133.8. Hearings of the commission; appeal of decision

2 [Section redesignated from R.S. 40:1232.7]

3 ~~§1232.8.~~ §1133.9. Injunction

4 The commission, through the bureau, may obtain an injunction without bond
5 forbidding any person from violating or continuing to violate any of the provisions
6 of this ~~Subpart~~ Part. This injunction shall not be subject to release upon bond.

7 ~~§1232.9.~~ §1133.10. Violations

8 No person or individual shall engage in any of the following activities:

9 * * *

10 (3) Practice as an emergency medical services practitioner unless licensed
11 to do so under the provisions of this ~~Subpart~~ Part.

12 (4) Use in connection with his name any designation tending to imply that
13 he is an emergency medical services practitioner unless duly authorized to practice
14 under the provisions of this ~~Subpart~~ Part.

15 (5) Practice as an emergency medical services practitioner during the time
16 the license issued under the provisions of this ~~Subpart~~ Part is suspended or revoked.

17 * * *

18 (7) Conduct or serve as an educator in conducting any course claiming to
19 prepare students for licensure as emergency medical services practitioner under the
20 provisions of this ~~Subpart~~ Part, unless both the course and the educator have been
21 approved by the bureau.

22 (8) Knowingly aid or abet another person in the violation of this ~~Subpart~~
23 Part.

24 ~~§1232.10.~~ §1133.11. Prosecution

25 A. Any person who violates the provisions of R.S. ~~40:1232.9~~ 40:1133.10
26 shall be subject to prosecution. This prosecution shall be brought in the name of the
27 state, provided the provisions of this ~~Subpart~~ Part shall not prevent or interfere with
28 a prosecution brought by the district attorney of a parish when a prosecution or a
29 pre-prosecution proceeding has been initiated by the district attorney.

1 B. Whoever is found guilty of violating any provision of R.S. ~~40:1232.9~~
2 40:1133.10 shall, upon a first conviction, be fined not more than five hundred dollars
3 or imprisoned for not more than six months, or both. Upon a second or subsequent
4 conviction, the offender shall be imprisoned with or without hard labor for not more
5 than two years and fined not more than five thousand dollars.

6 ~~§1232.11~~. §1133.12. Exceptions

7 This ~~Subpart~~ Part shall not apply to the practice of emergency medical
8 services by a legally qualified emergency medical services practitioner who is
9 employed by the United States government, or by any bureau, division, or agency
10 thereof, while in the discharge of his official duties.

11 ~~§1233~~. §1133.13. Civil immunity

12 A.(1) Any emergency medical services practitioner, licensed pursuant to the
13 provisions of this ~~Subpart~~ Part who renders emergency medical care to an individual
14 while in the performance of his medical duties and following the instructions of a
15 physician shall not be individually liable to such an individual for civil damages as
16 a result of acts or omissions in rendering the emergency medical care, except for acts
17 or omissions intentionally designed to harm, or for grossly negligent acts or
18 omissions which result in harm to such an individual. Nothing herein shall relieve
19 the driver of the emergency vehicle from liability arising from the operation or use
20 of such vehicle.

21 (2) The immunity granted to emergency medical services practitioners by the
22 provisions of this ~~Subpart~~ Part shall extend to parish governing authorities, police
23 departments, sheriffs' offices, fire departments, or other public agencies engaged in
24 rendering emergency medical services and its insurers with respect to such
25 emergency medical services unless the emergency medical services practitioner
26 employed by such agencies would be personally liable under the provisions of
27 Paragraph (1) of this Subsection.

28 * * *

1 situation where there is no reasonable expectation of the prompt response of an
2 ambulance or industrial ambulance.

3 * * *

4 D.(1) The provisions of this Section shall not apply:

5 * * *

6 (e) To ambulances which are operated from a location outside of the state to
7 transport patients from a location outside of the state to a location inside the state or
8 to transport patients from a medical facility inside to a point outside the state, but no
9 such ambulance shall transport any patient point to point within the state except in
10 the case of disaster as outlined in this ~~Subpart~~ Part.

11 * * *

12 ~~§1235.1.~~ §1135.2. Qualifications to operate emergency medical response vehicles;
13 vehicle requirements; equipment; penalties

14 * * *

15 B. No person shall conduct, maintain, or operate an emergency medical
16 response vehicle as an emergency vehicle which:

17 (1) Does not carry with it as part of its regular equipment the list of
18 equipment for emergency medical response vehicles as prescribed in rules and
19 regulations promulgated by the Department of Health and Hospitals. This list shall
20 be based upon the recommendations of the American College of Surgeons as
21 provided in R.S. ~~40:1235(A)(3)~~ 40:1135.1(A)(3). The list shall be consistent with
22 the scope of practice for emergency medical technicians established in R.S. ~~40:1234~~
23 40:1133.14. After initial promulgation, such list shall be subject to review after four
24 years and anytime thereafter. The list shall not be changed more often than once
25 every four years. However, nothing shall preclude the Department of Health and
26 Hospitals from supplementing the list with state of the art, newly developed devices,
27 equipment, or medications that may be carried in lieu of other items on the list of
28 equipment.

29 * * *

1 (4) Is not insured in accordance with the provisions of R.S. ~~40:1236.4~~
2 40:1135.9.

3 * * *

4 ~~§1235.2.~~ §1135.3. Ambulance providers; licensure

5 * * *

6 C. An applicant seeking licensure as an ambulance provider shall:

7 * * *

8 (3) Successfully complete an inspection by the department which includes
9 the following:

10 (a) An inspection of all vehicles to determine that they are in safe and
11 working order and that they are equipped with all of the prescribed medical
12 equipment as required by this Section and R.S. ~~40:1235~~ 40:1135.1 and ~~1235.1~~
13 1135.2. What is safe and working order shall be determined pursuant to provisions
14 of Title 32 of the Louisiana Revised Statutes of 1950 and the Louisiana Motor
15 Vehicle Inspection Manual in addition to the provisions of this Section and R.S.
16 ~~40:1235~~ 40:1135.1 and ~~1235.1~~ 1135.2. Each vehicle successfully completing the
17 inspection shall receive a permit authorizing it to be operated as part of the
18 applicant's service.

19 * * *

20 ~~§1235.3.~~ §1135.4. Ambulance services; fees

21 [Section redesignated from R.S. 40:1235.3]

22 ~~§1235.4.~~ §1135.5. Ambulance services; violations; penalties; fines; notices;
23 hearings; appeals

24 * * *

25 B.(1) Any person or entity violating the provisions of this ~~Part~~ Chapter when
26 such violation poses a threat to the health, safety, rights, or welfare of a patient or
27 client may be liable to civil fines and other penalties, to be assessed by the
28 department, in addition to any criminal action which may be brought under other
29 applicable laws. The department shall adopt rules, in accordance with the

1 Administrative Procedure Act, which define specific classifications of violations,
2 articulate factors in assessing civil fines including mitigating circumstances, and
3 explain the treatment of continuing and repeat deficiencies.

4 (2) The schedule of civil fines and other penalties by class of violation is as
5 follows:

6 (a) Class A violations: If an ambulance or emergency medical response
7 vehicle is found to have been operated in violation of any of the requirements of this
8 ~~Part Chapter~~ concerning the number or qualifications of personnel, the ambulance
9 or emergency medical response vehicle shall be immediately taken out of service
10 until it meets those requirements, and the ambulance service operating it shall be
11 subject to a civil fine of not more than five hundred dollars for the first violation and
12 not more than one thousand dollars per day for each repeat violation.

13 (b) Class B violations: If an ambulance service is found to have been
14 operating in violation of any of the requirements of this ~~Part Chapter~~ concerning
15 insurance coverage, its license shall be immediately suspended until it meets those
16 requirements, and it shall be subject to a civil fine of not more than five hundred
17 dollars for the first violation and not more than one thousand dollars per day for each
18 repeat violation.

19 (c) Class C violations: If an ambulance or emergency medical response
20 vehicle is found to have been operated without undergoing any inspection required
21 under the provisions of this ~~Part Chapter~~, the ambulance or emergency medical
22 response vehicle shall be immediately taken out of service until it meets those
23 requirements, and the ambulance service operating it shall be subject to a civil fine
24 of not more than five hundred dollars for the first violation and not more than one
25 thousand dollars per day for each repeat violation.

26 (d) Class D violations: If an ambulance or emergency medical response
27 vehicle is found to have been operated in violation of any of the requirements of this
28 ~~Part Chapter~~ concerning medical and safety equipment, the ambulance or emergency
29 medical response vehicle shall be immediately taken out of service until it meets

1 those requirements, and the ambulance service operating it shall be subject to a civil
2 fine of not more than one hundred dollars for the first violation and not more than
3 five hundred dollars per day for each repeat violation.

4 * * *

5 ~~§1236.~~ §1135.6. Advanced emergency medical technicians

6 In addition to the requirements of R.S. ~~40:1235~~ 40:1135.1, any hospital,
7 ancillary medical facility, or ambulance service, whether public or private, may
8 conduct a program utilizing any emergency medical services practitioner to
9 supervise and direct the delivery of emergency medical care to the sick and injured
10 at the scene of an emergency during transport to a hospital, while in the hospital
11 emergency department, and until care responsibility is assumed by the regular
12 hospital staff.

13 ~~§1236.1.~~ §1135.7. Unauthorized response by commercial ambulances; penalties

14 A. No commercial ambulance shall make any emergency run based solely
15 on information intercepted by use of a radio communication scanner or similar
16 device except in cases where human life is threatened, unless that commercial
17 ambulance has been specifically requested to respond to such emergency. Nothing
18 in this Section shall be construed to prohibit service to a subscriber of a commercial
19 ambulance service. No person certified under this ~~Part~~ Chapter or certified or
20 licensed pursuant to any provision of Louisiana law shall operate a commercial
21 ambulance in violation of this Section.

22 B. The certificate or license of any person certified under this ~~Part~~ Chapter
23 or certified or licensed pursuant to Louisiana law who violates the provisions of this
24 Section shall be suspended by the appropriate certification or licensing authority for
25 not less than thirty days, nor more than six months.

26 * * *

27 ~~§1236.2.~~ §1135.8. Air ambulance services; licensure

28 * * *

1 C. An applicant seeking licensure as an air ambulance service shall:

2 * * *

3 (2) Submit the appropriate initial license fee as provided in this ~~Part~~ Chapter.

4 * * *

5 (4) Submit to and successfully complete an inspection by the department to
6 include the following:

7 (a) An inspection of all aircraft utilized as air ambulances to ensure that all
8 required medical and safety equipment is present and operational. The medical and
9 safety equipment shall conform to local protocol as established by the medical
10 director of the air ambulance service. The list of required medical and safety
11 equipment shall be established under rules promulgated by the department and shall
12 be based upon the recommendations of an advisory committee to be composed of the
13 following persons:

14 * * *

15 (vi) One representative of each air ambulance service certified or licensed
16 in accordance with this ~~Part~~ Chapter.

17 * * *

18 ~~§1236.4.~~ §1135.9. Required insurance coverage

19 * * *

20 C. For purposes of this Section, "ambulance provider" shall mean any entity
21 owning, controlling, or operating any business or service which, as a substantial
22 portion of its business, furnishes, operates, conducts, maintains, advertises, engages
23 in, proposes to engage in, or professes to engage in the business or service of
24 transporting persons who may need medical attention during transport. However,
25 "ambulance provider" shall not include:

26 * * *

27 (2) Volunteer nonprofit organizations or municipal nonprofit organizations,
28 as defined in R.S. 40:1131, operating invalid coaches, ~~as defined in R.S. 40:1231(7)~~;

29 * * *

1 (c) Class C Violations: If an air ambulance is found to have been operated
 2 without undergoing any inspection required under the provisions of this ~~Part~~ Chapter,
 3 the air ambulance shall be immediately taken out of service until it meets those
 4 requirements, and the air ambulance service operating it shall be subject to a civil
 5 fine of not more than five hundred dollars for the first violation and not more than
 6 one thousand dollars per day for each repeat violation.

7 (d) Class D Violations: If an air ambulance is found to have been operated
 8 in violation of any of the requirements of this ~~Part~~ Chapter concerning medical and
 9 safety equipment, the air ambulance shall be immediately taken out of service until
 10 it meets those requirements, and the air ambulance service operating it shall be
 11 subject to a civil fine of not more than one hundred dollars for the first violation and
 12 not more than five hundred dollars per day for each repeat violation.

13 * * *

14 ~~SUBPART D~~ PART IV. AUTOMATED EXTERNAL DEFIBRILLATORS

15 ~~§1236.11~~. §1137.1. Legislative findings

16 [Section redesignated from R.S. 40:1236.11]

17 ~~§1236.12~~. §1137.2. Definitions

18 As used in this ~~Subpart~~ Part "automated external defibrillator" and "AED"
 19 mean a medical device heart monitor and defibrillator that:

20 [Section redesignated from R.S. 40:1236.12]

21 ~~§1236.13~~. §1137.3. Persons in possession of AEDs; training, testing, and
 22 notification requirements; manufacturer responsibility; possession required

23 * * *

24 C. Any manufacturer, wholesale supplier, or retailer of an AED shall notify
 25 purchasers of ~~AED's~~ AEDs intended for use in the state of the requirements of this
 26 Section.

27 * * *

1 reimbursement. Payments shall be made only in accordance with an approved waiver
 2 or state plan amendment. The department and the statewide ambulance district may
 3 enter into an agreement, in accordance with state and federal law, to develop funding
 4 methodologies in a way that is consistent with the legislative intent set forth herein.
 5 The methodology shall be created with the intent to maximize, to the fullest extent
 6 possible, the return to the providers located within the jurisdiction of the local
 7 governing body which subsidized the delivery of services. Any licensed provider of
 8 ambulance services shall be eligible to participate in the district. Participation is on
 9 a strictly voluntary basis.

10 ~~§1236.25.~~ §1139.5. Ambulance service district commission; qualifications,
 11 appointment, vacancies, removal and compensation of members

12 A. The ambulance service district created pursuant to this ~~Subpart~~ Part shall
 13 be governed by the Ambulance Service District Commission, hereafter referred to
 14 as the "commission". The commission shall be composed of seven members, one
 15 member from each congressional district and the remaining member or members
 16 from the state at large, appointed by the governor, subject to confirmation by the
 17 Senate, from a list of names submitted by the Louisiana Ambulance Alliance. The
 18 nomination list submitted to the governor shall include at least three nominees from
 19 each congressional district and at least three nominees for each position to be
 20 appointed from the state at large. Members of the commission shall be citizens and
 21 qualified electors of this state. Initially, three members of the commission shall be
 22 appointed for a two-year term, and the remaining members for four-year terms.
 23 Thereafter, all members shall be appointed for four years. Any vacancy on the board
 24 caused by death, resignation, removal, or disability of a member shall be filled for
 25 the unexpired term in the same manner as the original appointment.

26 * * *

1 ~~§1236.26.~~ §1139.6. Powers and duties of the commission

2 In addition to the duties defined elsewhere, the commission shall have the
3 duty and authority:

4 * * *

5 (6) To appoint the necessary standing and special committees which may be
6 necessary to carry out the purposes of this ~~Subpart~~ Part.

7 * * *

8 ~~§1236.27.~~ §1139.7. Procedure for organizing the ambulance service district

9 [Section redesignated from R.S. 40:1236.27]

10 ~~§1236.28.~~ §1139.8. Domicile; service of process

11 [Section redesignated from R.S. 40:1236.28]

12 ~~§1236.29.~~ §1139.9. District as a political subdivision; power to incur debt and issue
13 general bonds

14 The ambulance service district is hereby declared to be a political subdivision
15 of the state. For carrying out the purposes of the ambulance service district as
16 provided in this ~~Subpart~~ Part, the district, pursuant to the provisions of the Louisiana
17 Constitution of 1974, shall have the power to incur debt and issue general obligation
18 bonds or revenue.

19 ~~§1236.30.~~ §1139.10. Federal and state aid

20 [Section redesignated from R.S. 40:1236.30]

21 ~~§1236.31.~~ §1139.11. Rules and regulations

22 [Section redesignated from R.S. 40:1236.31]

23 ~~PART VII-A. LEGEND DRUGS~~

24 ~~§1237.~~ Definitions

25 [Section redesignated to R.S. 40:1060.11]

26 ~~§1238.~~ Legend drug imprint

27 [Section redesignated to R.S. 40:1060.12]

1 ~~§1238.1. Sale, distribution, or possession of legend drug without prescription or~~
2 ~~order prohibited; exceptions; penalties~~

3 [Section redesignated to R.S. 40:1060.13]

4 ~~§1238.2. Prescription requirements; penalties~~

5 [Section redesignated to R.S. 40:1060.14]

6 ~~§1238.3. Obtaining legend drugs by misrepresentation or fraud; penalties~~

7 [Section redesignated to R.S. 40:1060.15]

8 ~~§1238.4. Prescriptions; electronic questionnaires~~

9 [Section redesignated to R.S. 40:1060.16]

10 ~~PART VII-B. ANABOLIC STEROID~~

11 ~~§1239. Uses authorized; regulation; penalties~~

12 [Section redesignated to R.S. 40:1060.21]

13 CHAPTER 5-D. HEALTH PROVISIONS: HEALTH CARE

14 SUBCHAPTER A. HEALTH CARE CONSUMERS

15 PART I. ADVANCE DIRECTIVES AND LIFE-SUSTAINING PROCEDURES

16 ~~PART XXIV-A~~ SUBPART A. DECLARATIONS CONCERNING
17 LIFE-SUSTAINING PROCEDURES

18 ~~§1299.58.1.~~ §1151. Legislative purpose, findings and intent

19 * * *

20 A.

21 * * *

22 (4) In furtherance of the rights of such persons, the legislature finds and
23 declares that nothing in this ~~Part~~ Subpart shall be construed to be the exclusive
24 means by which life-sustaining procedures may be withheld or withdrawn, nor shall
25 this ~~Part~~ Subpart be construed to require the application of medically inappropriate
26 treatment or life-sustaining procedures to any patient or to interfere with medical
27 judgment with respect to the application of medical treatment or life-sustaining
28 procedures.

1 B. Intent. (1) The legislature intends that the provisions of this ~~Part~~ Subpart
2 are permissive and voluntary. The legislature further intends that the making of a
3 declaration pursuant to this ~~Part~~ Subpart merely illustrates a means of documenting
4 a patient's decision relative to withholding or withdrawal of medical treatment or
5 life-sustaining procedures.

6 (2) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be
7 construed to require the making of a declaration pursuant to this ~~Part~~ Subpart.

8 (3) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be
9 construed to be the exclusive means by which life-sustaining procedures may be
10 withheld or withdrawn, nor shall this ~~Part~~ Subpart be construed to require the
11 application of medically inappropriate treatment or life-sustaining procedures to any
12 patient or to interfere with medical judgment with respect to the application of
13 medical treatment or life-sustaining procedures.

14 ~~§1299.58.2.~~ §1151.1. Definitions

15 As used in this ~~Part~~ Subpart, the following words shall have the meanings
16 ascribed to them unless the context clearly states otherwise:

17 * * *

18 (4) "Declaration" means a witnessed document, statement, or expression
19 voluntarily made by the declarant, authorizing the withholding or withdrawal of
20 life-sustaining procedures, in accordance with the requirements of this ~~Part~~ Subpart.
21 A declaration may be made in writing, orally, or by other means of nonverbal
22 communication.

23 (5) "Do-not-resuscitate identification bracelet" means a standardized bracelet
24 as described in R.S. ~~40:1299.58.3(D)(1)(b)~~ 40:1151.2(D)(1)(b).

25 * * *

26 (7) "Licensed emergency medical services practitioner" means a licensed
27 emergency medical services practitioner as defined in R.S. ~~40:1231~~ 40:1131.

28 * * *

1 (12) "Registry" means a registry for declarations established and maintained
2 by the secretary of state pursuant to this Part Subpart.

3 * * *

4 ~~§1299.58.3.~~ §1151.2. Making of declaration; notification; illustrative form; registry;
5 issuance of do-not-resuscitate identification bracelets

6 * * *

7 C.

8 * * *

9 (3)(a) Any declaration executed prior to January 1, 1992, which does not
10 contain directions regarding life-sustaining procedures in the event that the declarant
11 is in a continual profound comatose state shall not be invalid for that reason. Such
12 declaration shall be applicable to any terminal and irreversible condition, as defined
13 in this Part Subpart, unless it clearly provides to the contrary.

14 * * *

15 ~~§1299.58.4.~~ §1151.3. Revocation of declaration

16 [Section redesignated from R.S. 40:1299.58.4]

17 ~~§1299.58.5.~~ §1151.4. Procedure for making a declaration for a qualified patient who
18 has not previously made a declaration

19 A.(1) Nothing in this Part Subpart shall be construed in any manner to
20 prevent the withholding or the withdrawal of life-sustaining procedures from a
21 qualified patient with a terminal and irreversible condition who is comatose,
22 incompetent, or otherwise physically or mentally incapable of communication and
23 has not made a prior declaration in accordance with this Part Subpart.

24 * * *

25 ~~§1299.58.6.~~ §1151.5. Making a declaration for the benefit of a terminally ill minor

26 * * *

27 C. Nothing in this Section shall be construed to require the making of a
28 declaration for a terminally ill minor. The legislature intends that the provisions of
29 this Part Subpart are permissive and voluntary. The legislature further intends that

1 the making of a declaration pursuant to this ~~Part~~ Subpart merely illustrates a means
2 of documenting the decision relative to withholding or withdrawal of medical
3 treatment or life-sustaining procedures on behalf of a minor.

4 ~~§1299.58.7.~~ §1151.6. Physician, health care provider, and licensed emergency
5 medical services practitioner responsibility

6 A. Any attending physician who has been notified of the existence of a
7 declaration made under this ~~Part~~ Subpart or at the request of the proper person as
8 provided in R.S. ~~40:1299.58.5~~ 40:1151.4 or R.S. ~~40:1299.58.6~~ 40:1151.5 upon
9 diagnosis of a terminal and irreversible condition of the patient, or who on his own
10 determines the existence of a declaration on file in the registry, shall take necessary
11 steps to provide for written certification of the patient's terminal and irreversible
12 condition, so that the patient may be deemed to be a qualified patient as defined in
13 R.S. ~~40:1299.58.2~~ 40:1151.1.

14 B. Any attending physician who refuses to comply with the declaration of
15 a qualified patient or declaration otherwise made pursuant to this ~~Part~~ Subpart shall
16 make a reasonable effort to transfer the patient to another physician.

17 C. No provision of this ~~Part~~ Subpart imposes a duty upon the physician or
18 health care facility to make a search of the registry for the existence of a declaration.

19 D. If the policies of a health care provider preclude compliance with the
20 declaration of a qualified patient under this ~~Part~~ Subpart or preclude compliance with
21 the provisions pertaining to a representative acting on behalf of a qualified patient,
22 then the provider shall take all reasonable steps to transfer the patient to a provider
23 with which the provisions of this ~~Part~~ Subpart can be effectuated.

24 * * *

25 ~~§1299.58.8.~~ §1151.7. Immunity from liability

26 A.(1) Any health care facility, physician, or other person acting under the
27 direction of a physician shall not be subject to criminal prosecution or civil liability
28 or be deemed to have engaged in unprofessional conduct as a result of the
29 withholding or the withdrawal of life-sustaining procedures from a qualified patient

1 who has made a declaration or is wearing a do-not-resuscitate identification bracelet
2 in accordance with the provisions of this ~~Part~~ Subpart.

3 (2) Any person, health care facility, physician, or other person acting under
4 the direction of a physician who authorizes the withholding or withdrawal of
5 life-sustaining procedures in accordance with a qualified patient's declaration or
6 do-not-resuscitate identification bracelet, or as otherwise provided in this ~~Part~~
7 Subpart shall not be subject to criminal prosecution or civil liability for such action.

8 B. In instances where a patient diagnosed as having a terminal and
9 irreversible condition or his representative utilized means other than those in
10 accordance with the provisions of this ~~Part~~ Subpart to document or manifest the
11 patient's intention and desire that medical treatment or life-sustaining procedures be
12 withheld or withdrawn, any health care facility, physician, or other person acting
13 under the direction of a physician shall not be subject to criminal prosecution or civil
14 liability or be deemed to have engaged in unprofessional conduct as a result of the
15 withholding or withdrawal of life-sustaining procedures when the health care facility,
16 physician, or other person acting under the direction of a physician has acted in good
17 faith reliance on the patient's or his representative's manifestations that medical
18 treatment or life-sustaining procedures be withheld or withdrawn and the continued
19 utilization of life-sustaining procedures would, within reasonable medical judgment,
20 serve only to prolong the dying process.

21 C.(1) Inasmuch as the provisions of this ~~Part~~ Subpart are declared by the
22 legislature to provide an alternative nonexclusive means by which life-sustaining
23 procedures may be withheld or withdrawn, the provisions of this Section shall apply
24 to any case in which life-sustaining procedures are withheld or withdrawn unless it
25 is shown by a preponderance of the evidence that the person authorizing or
26 effectuating the withholding or withdrawal of life-sustaining procedures did not, in
27 good faith, comply with the provisions of this ~~Part~~ Subpart or did not act in good
28 faith compliance with the intention of the terminal and irreversible patient that
29 medical treatment or life-sustaining procedures be withheld or withdrawn.

1 (2) A declaration made in accordance with this ~~Part~~ Subpart shall be
2 presumed to have been made voluntarily.

3 * * *

4 ~~§1299.58.9.~~ §1151.8. Penalties

5 [Section redesignated from R.S. 40:1299.58.9]

6 ~~§1299.58.10.~~ §1151.9. General application

7 A. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or
8 approve assistance to suicide, mercy killing, or euthanasia; or to permit any
9 affirmative or deliberate act or omission to end life other than to permit the natural
10 process of dying.

11 B.(1) The withholding or withdrawal of life-sustaining procedures from a
12 qualified patient in accordance with the provisions of this ~~Part~~ Subpart shall not, for
13 any purpose, constitute a suicide.

14 (2) Nor shall the making of a declaration pursuant to this ~~Part~~ Subpart affect
15 the sale, procurement, or issuance of any life insurance policy, nor shall it be deemed
16 to modify the terms of an existing policy.

17 * * *

18 (5) The removal of life support systems or the failure to administer
19 cardio-pulmonary resuscitation under this ~~Part~~ Subpart shall not be deemed the cause
20 of death for purposes of insurance coverage.

21 C. The provisions of this ~~Part~~ Subpart are cumulative with existing law
22 pertaining to an individual's right to consent or refuse to consent to medical or
23 surgical treatment.

24 D. A declaration properly executed in and under the laws of another state is
25 deemed to be validly executed for purposes of this ~~Part~~ Subpart.

26 E. It is the policy of the state of Louisiana that human life is of the highest
27 and inestimable value through natural death. When interpreting this ~~Part~~ Subpart,
28 any ambiguity shall be interpreted to preserve human life.

1 ~~PART XXIV-B~~ SUBPART B. LOUISIANA MILITARY

2 ADVANCE MEDICAL DIRECTIVE ACT

3 ~~§1299.60. §1153.1.~~ Application; military personnel

4 [Section redesignated from R.S. 40:1299.60]

5 ~~§1299.61. §1153.2.~~ Illustrative form; military advance medical directives

6 [Section redesignated from R.S. 40:1299.61]

7 ~~§1299.62. §1153.3.~~ Requirements for legally sufficient military advance medical
8 directive

9 * * *

10 B. For purposes of this Part Subpart, a military advance medical directive is
11 any written declaration that:

12 * * *

13 (2) Contains a statement that sets forth the contents of the first undesignated
14 paragraph of the form provided in R.S. ~~40:1299.61~~ 40:1153.2.

15 * * *

16 ~~§1299.63. §1153.4.~~ Additional form of military advance medical directive;
17 application of this Chapter

18 A. Nothing in this Part Subpart affects or limits the use of:

19 * * *

20 (2) Any other form for a declaration concerning life-sustaining procedures
21 authorized by ~~Part XXIV-A of this Chapter~~ Subpart A of this Part.

22 B. This Part Subpart provides an illustrative form for making an advance
23 medical directive and, in the event of direct conflict with ~~Part XXIV-A of this~~
24 Chapter Subpart A of this Part, is governed by the provisions contained herein.

25 However, for purposes of interpretation, application, intent, definitions, direction,
26 voluntary registry, notification, immunity from liability, and penalties, the provisions
27 of ~~Part XXIV-A of this Chapter~~ Subpart A of this Part shall apply.

1 ~~§1299.64.~~ §1153.5. Short title

2 This ~~Part~~ Subpart may be cited as the "Louisiana Military Advance Medical
3 Directive Act".

4 ~~PART XXIV-C~~ SUBPART C. LOUISIANA PHYSICIAN ORDER
5 FOR SCOPE OF TREATMENT

6 ~~§1299.64.1.~~ §1155.1. Legislative purpose, findings, and intent

7 * * *

8 B.(1) The legislature intends that the provisions of this ~~Part~~ Subpart are
9 permissive and voluntary. The legislature further intends that the completion of the
10 Louisiana Physician Order for Scope of Treatment form merely illustrates a means
11 of documenting a decision of a patient relative to withholding or withdrawal of
12 medical treatment or life-sustaining procedures.

13 (2) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be
14 construed to require the completion of a Louisiana Physician Order for Scope of
15 Treatment form pursuant to this ~~Part~~ Subpart.

16 (3) It is the intent of the legislature that nothing in this ~~Part~~ Subpart shall be
17 construed to be the exclusive means by which life-sustaining procedures may be
18 withheld or withdrawn, nor shall this ~~Part~~ Subpart be construed to require the
19 application of medically inappropriate treatment or life-sustaining procedures to any
20 patient.

21 ~~§1299.64.2.~~ §1155.2. Definitions

22 As used in this ~~Part~~ Subpart, the following terms shall have the meanings
23 ascribed to them unless the context clearly states otherwise:

24 * * *

25 (2) "Licensed emergency medical services practitioner" means a licensed
26 emergency medical services practitioner as defined in R.S. ~~40:1231~~ 40:1131.

27 * * *

28 (7) "Life-sustaining procedure" means any medical procedure or intervention
29 which, within reasonable medical judgment, would serve only to prolong the dying

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 process of a qualified patient, including such procedures as the invasive
 2 administration of nutrition and hydration and the administration of cardiopulmonary
 3 resuscitation when the benefits of the procedure do not outweigh the burdens thereof.
 4 A "life-sustaining procedure" shall not include any measure deemed as comfort care.
 5 Notwithstanding any other provision of this Part Subpart, the administration of
 6 nutrition and hydration, whether orally or by invasive means, shall always occur
 7 except in the event another condition arises which is life-limiting and irreversible
 8 and in which nutrition and hydration by any means becomes a greater burden than
 9 benefit to the qualified patient.

* * *

11 ~~§1299.64.3.~~ §1155.3. Louisiana Physician Order for Scope of Treatment

12 * * *

13 C. Nothing in this Part Subpart shall be construed in any manner to prevent
 14 the withholding or the withdrawal of life-sustaining procedures from an adult person
 15 who is comatose, incompetent, or otherwise physically or mentally incapable of
 16 communication and has not executed a prior LaPOST form in accordance with this
 17 Part Subpart.

18 D. The Louisiana Physician Order for Scope of Treatment or LaPOST form
 19 is not a declaration concerning life-sustaining procedures and therefore shall not
 20 have to comply with the provisions of R.S. ~~40:1299.58.1~~ 40:1151 through
 21 ~~1299.58.10~~ 1151.9 in order to be valid and enforceable.

22 ~~§1299.64.4.~~ §1155.4. Physician, health care provider, and licensed emergency
 23 medical services practitioner responsibility

24 A. Any attending physician who refuses to comply with the provisions of a
 25 duly executed LaPOST form executed pursuant to this Part Subpart shall make a
 26 reasonable effort to transfer the patient to another physician.

27 B. No provision of this Part Subpart imposes a duty upon the physician or
 28 health care provider to make a search of whether a patient has executed a LaPOST
 29 form.

1 C. If the policies of a health care provider preclude compliance with the
2 LaPOST form executed under this ~~Part~~ Subpart or preclude compliance with the
3 provisions pertaining to a representative acting on behalf of a patient, then the health
4 care provider shall take all reasonable steps to transfer the patient to a health care
5 provider with which the provisions of this ~~Part~~ Subpart can be effectuated.

6 * * *

7 ~~§1299.64.5.~~ §1155.5. Immunity from liability

8 A.(1) Any health care provider, physician, or other person acting under the
9 direction of a physician shall not be subject to criminal prosecution or civil liability
10 or be deemed to have engaged in unprofessional conduct as a result of the
11 withholding or withdrawal of life-sustaining procedures from a patient who has duly
12 executed a LaPOST form in accordance with the provisions of this ~~Part~~ Subpart, or
13 as a result of transferring a patient to a provider with which the provisions of this
14 ~~Part~~ Subpart can be effectuated.

15 (2) Any person, health care provider, physician, or other person acting under
16 the direction of a physician who authorizes the withholding or withdrawal of
17 life-sustaining procedures in accordance with a duly executed LaPOST form, or as
18 otherwise provided in this ~~Part~~ Subpart, shall not be subject to criminal prosecution
19 or civil liability for such action.

20 (3) A duly executed LaPOST form made in accordance with this ~~Part~~
21 Subpart shall be presumed to have been made voluntarily.

22 B.

23 * * *

24 (2) A licensed emergency medical services practitioner shall not be subject
25 to criminal prosecution or civil liability for administering life-sustaining procedures
26 to a patient who has duly executed a LaPOST form when there is no reasonable
27 means by which the licensed emergency medical services practitioner could know
28 or should have known that the patient had executed such LaPOST form, or as a result

1 of transferring a patient to a provider with which the provisions of this ~~Part~~ Subpart
2 can be effectuated.

3 ~~§1299.64.6.~~ §1155.6. General application

4 A. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or
5 approve mercy killing or euthanasia or to permit any affirmative or deliberate act or
6 omission to end life other than to permit the natural process of dying.

7 B.(1) The withholding or withdrawal of life-sustaining procedures from a
8 patient who has duly executed a LaPOST form in accordance with the provisions of
9 this ~~Part~~ Subpart shall not, for any purpose, constitute a suicide.

10 (2) The execution of a LaPOST form pursuant to this ~~Part~~ Subpart shall not
11 affect the sale, procurement, or issuance of any life insurance policy, nor shall it be
12 deemed to modify the terms of an existing policy.

13 * * *

14 (5) The removal of life support systems or the failure to administer
15 cardio-pulmonary resuscitation under this ~~Part~~ Subpart shall not be deemed the cause
16 of death for purposes of insurance coverage or the denial of insurance coverage.

17 C. The provisions of this ~~Part~~ Subpart are cumulative with existing law
18 pertaining to an individual's right to consent or refuse to consent to medical or
19 surgical treatment.

20 D. It is the policy of the state of Louisiana that human life is of the highest
21 and inestimable value through natural death. When interpreting this ~~Part~~ Subpart,
22 any ambiguity shall be interpreted to preserve human life.

23 PART II. CONSENT

24 ~~PART XXH~~ SUBPART A. UNIFORM CONSENT LAW

25 ~~§1299.39.5.~~ §1157.1. Consent to medical treatment; methods of obtaining consent

26 A. Notwithstanding any other law to the contrary, written consent to medical
27 treatment means the voluntary permission of a patient, through signature, marking,
28 or affirmative action through electronic means pursuant to R.S. ~~40:1299.40.1~~
29 40:1163.1, to any medical or surgical procedure or course of procedures which sets

1 (2) If medical care is rendered or a surgical procedure performed with
2 respect to which the panel has not made a determination regarding a duty of
3 disclosure, the physician or other health care provider is under the general duty to
4 disclose otherwise imposed by R.S. ~~40:1299.39.5~~ 40:1157.1.

5 * * *

6 ~~§1299.39.7.~~ §1157.3. Exception to obtaining informed consent; human
7 immunodeficiency virus or other infectious agents

8 A. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any
9 other law to the contrary, whenever it is determined by the hospital infection control
10 committee or equivalent body that an agent or employee of a hospital, or a physician
11 having privileges at the hospital has been exposed to the blood or bodily fluids of a
12 patient, in such a manner as to create any risk that the agent, employee, or physician
13 may become infected with the human immunodeficiency virus or other infectious
14 agent if the patient is infected with the human immunodeficiency virus or other
15 infectious agent, in accordance with the infectious disease exposure guidelines of the
16 Centers for Disease Control or the infectious disease exposure standards of the health
17 care facility where the exposure occurred, the hospital infection control committee
18 may, without the consent of the patient, conduct such tests on blood previously
19 drawn or body fluids previously collected as are necessary to determine whether the
20 patient is, in fact, infected with the virus or other agent believed to cause acquired
21 immune deficiency syndrome or other infectious disease. If no previously drawn
22 blood or collected bodily fluids are available or are suitable, the hospital may order,
23 without the consent of the patient, that blood, bodily fluids, or both be drawn and
24 collected from the patient to conduct the necessary tests.

25 B. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any
26 other law to the contrary, whenever it is determined by the infectious disease control
27 officer of any law enforcement, fire service, or emergency medical service agency
28 or organization that an agent or employee of the agency or organization has been
29 exposed to the blood or bodily fluids of a patient while rendering emergency medical

1 services, transporting, or treating an ill or injured patient in such a manner as to
 2 create any risk that the agent or employee may become infected with the human
 3 immunodeficiency virus or other infectious agent if the patient is infected with the
 4 human immunodeficiency virus or other infectious agent, in accordance with the
 5 infectious disease exposure guidelines of the Centers for Disease Control or the
 6 infectious disease exposure standards of the agency or organization, then the
 7 infectious disease control officer of the agency or organization may present the facts
 8 to the infection control committee of the hospital or other health care facility to
 9 which the patient has been transported. If the hospital infection control committee
 10 agrees that there has been a potential exposure to the agency or organization
 11 personnel, the hospital infection control committee may, while the patient is in such
 12 hospital and without the consent of the patient, conduct such tests as are provided for
 13 in this Section.

* * *

15 F. Nothing in this ~~Part~~ Subpart shall be construed to require the hospital to
 16 perform the test described herein.

17 ~~PART XXIV~~ SUBPART B. LOUISIANA MEDICAL CONSENT LAW

18 ~~§1299.50.~~ §1159.1. Short title

19 This ~~Part~~ Subpart shall be known as and may be cited as the "Louisiana
 20 Medical Consent Law-".

21 ~~§1299.51.~~ ~~Part~~ §1159.2. Subpart not applicable to abortion and sterilization

22 The provisions of this ~~Part~~ Subpart shall not apply in any manner whatsoever
 23 to the subjects of abortion and sterilization, which subjects shall continue to be
 24 governed by existing law independently of the terms and provisions of this ~~Part~~
 25 Subpart.

26 ~~§1299.52.~~ ~~Part~~ §1159.3. Subpart not applicable to care and treatment of mentally
 27 ill; exception

28 Except as provided in R.S. ~~40:1299.58~~ 40:1159.9, the provisions of this ~~Part~~
 29 Subpart shall not apply to the care and treatment of the mentally ill, which subject

1 shall continue to be governed by existing law independently of the terms and
2 provisions of this ~~Part~~ Subpart.

3 ~~§1299.53. §1159.4.~~ Persons who may consent to surgical or medical treatment

4 * * *

5 D. Consent to surgical or medical treatment for an individual with a
6 developmental disability will be implied where an emergency, as defined in R.S.
7 ~~40:1299.54~~ 40:1159.5, exists.

8 ~~§1299.54. §1159.5.~~ Emergencies

9 A. In addition to any other instances in which a consent is excused or
10 implied at law, a consent to surgical or medical treatment or procedures suggested,
11 recommended, prescribed, or directed by a duly licensed physician will be implied
12 where an emergency exists. For the purposes hereof, an emergency is defined as a
13 situation wherein: (1) in competent medical judgment, the proposed surgical or
14 medical treatment or procedures are reasonably necessary; and (2) a person
15 authorized to consent under ~~Section 1299.53~~ R.S. 40:1159.4 is not readily available,
16 and any delay in treatment could reasonably be expected to jeopardize the life or
17 health of the person affected, or could reasonably result in disfigurement or impair
18 faculties.

19 B. For purposes of this Section, an emergency is also defined as a situation
20 wherein: (1) a person transported to a hospital from a licensed health care facility is
21 not in a condition to give consent; (2) a person authorized to give consent under
22 ~~1299.53~~ R.S. 40:1159.4 is not readily available; and (3) any delay would be injurious
23 to the health and well being of such person.

24 ~~§1299.55. §1159.6.~~ Construction of ~~Part~~ Subpart; general application

25 A. The provisions of this ~~Part~~ Subpart shall be liberally construed, and all
26 relationships set forth herein shall include the marital, adoptive, foster and
27 step-relations as well as the natural whole blood. A consent by one person so
28 authorized and empowered shall be sufficient. Any person acting in good faith shall
29 be justified in relying on the representations of any person purporting to give such

1 a consent, including but not limited to his identity, his age, his marital status, his
2 emancipation, and his relationship to any other person for whom the consent is
3 purportedly given.

4 B. Nothing in this ~~Part~~ Subpart shall be construed to condone, authorize, or
5 approve assistance to suicide, mercy killing, or euthanasia.

6 ~~§1299.56.~~ §1159.7. Right of adult to refuse treatment as to his own person not
7 abridged

8 [Section redesignated from R.S. 40:1299.56]

9 ~~§1299.57.~~ §1159.8. Consent to medical arbitration agreements

10 The persons authorized and empowered in R.S. ~~40:1299.53(a) and (b)~~
11 40:1159.4(A) and (B) to consent to surgical or medical treatment or procedures for
12 others as provided therein are also authorized and empowered, for and on behalf of
13 such others, and without court approval, to enter into binding medical arbitration
14 agreements.

15 ~~§1299.58.~~ §1159.9. Consent to surgical or medical treatment for developmentally
16 disabled persons and residents of state-operated nursing homes

17 * * *

18 C. Consent given pursuant to this Section shall be in writing and shall
19 comply with the provisions of R.S. ~~40:1299.39.5(A)~~ 40:1157.1(A). A copy of the
20 signed written consent form and of the physician's written recommendation shall be
21 placed in the resident's permanent record.

22 * * *

23 E. Consent to surgical or medical treatment for residents will be implied
24 where an emergency, as defined in R.S. ~~40:1299.54~~ 40:1159.5, exists.

25 F. Notwithstanding anything else herein to the contrary, no person shall be
26 authorized to make a medical decision for an individual with a developmental
27 disability pursuant to this Section unless there is no decision maker reasonably
28 available, competent, and willing to act pursuant to R.S. ~~40:1299.53~~ 40:1159.4.

1 ~~PART XXXIV~~ SUBPART C. INFORMED CONSENT
 2 TO DENTAL TREATMENT

3 ~~§1299.131.~~ §1161.1. Consent to dental treatment

4 A. As used in this Part Subpart:

5 * * *

6 (3) Notwithstanding the provisions of this Part Subpart, a dentist who
 7 performs oral or maxillofacial surgery in a hospital shall be subject to the provisions
 8 of R.S. ~~40:1299.39.5~~ 40:1157.1.

9 * * *

10 C. Where the informed consent for dental treatment is obtained in writing,
 11 no evidence shall be admissible to modify or limit the authorization for performance
 12 of the dental treatment or course of dental treatment and such informed consent, in
 13 the absence of clear and convincing proof that execution of the consent was induced
 14 by fraudulent misrepresentation of material facts by the involved dentist, shall be
 15 conclusively presumed to be valid and effective. Where such written consent is
 16 employed it shall also be conclusively presumed that the patient, or his
 17 representative, is able to communicate effectively in spoken or written English or in
 18 any other language in which the consent form is written and that the patient, or his
 19 representative, has understood the information disclosed in the written consent,
 20 provided that such informed consent is documented in a writing which contains all
 21 of the following:

22 * * *

23 (3) Is signed by the patient for whom the dental treatment or course of dental
 24 treatment is to be performed, or if the patient for any reason lacks legal capacity to
 25 consent, by a representative of the patient as provided in the Louisiana Medical
 26 Consent Law, in R.S. ~~40:1299.50~~ 40:1159.1 et seq.

27 * * *

1 PART III. INFORMATION AND RECORDS

2 ~~PART XXII-A~~ SUBPART A. ELECTRONIC HEALTH CARE TRANSACTIONS

3 ~~§1299.40.1.~~ §1163.1. Electronic health care transactions; electronic signature
4 authentication and identification system

5 [Section redesignated from R.S. 40:1299.40.1]

6 ~~PART XXIX~~ SUBPART B. HEALTH CARE INFORMATION

7 ~~§1299.96.~~ §1165.1. Health care information; records

8 * * *

9 B. As used in this Section:

10 (1) "Health care provider" means a "health care provider" as defined in R.S.
11 ~~40:1299.41~~ 40:1231.1 or a "state health care provider" as defined in R.S. ~~40:1299.39~~
12 40:1237.1 or a clinical laboratory or medical facility in accordance with Paragraph
13 (A)(4) of this Section.

14 * * *

15 ~~§1299.96.1.~~ §1165.2. Health Care Information Technology and Infrastructure
16 Advisory Collaborative; membership; powers and duties; annual report

17 [Section redesignated from R.S. 40:1299.96.1]

18 ~~§1299.97.~~ §1165.3. Contact lens prescription; contents; expiration; restrictions on
19 filling; release; penalties

20 [Section redesignated from R.S. 40:1299.97]

21 ~~PART XXIX-A~~ SUBPART C. ELECTRONIC HEALTH RECORDS

22 LOAN PROGRAM ACT

23 ~~§1299.97.1.~~ §1167.1. Short title

24 This ~~Part~~ Subpart shall be known as and may be cited as the "Electronic
25 Health Records Loan Program".

26 ~~§1299.97.2.~~ §1167.2. Legislative findings; purpose

27 [Section redesignated from R.S. 40:1299.97.2]

1 ~~§1299.97.3.~~ §1167.3. Definitions

2 As used in this ~~Part~~ Subpart, the following terms shall have the following
3 meanings unless the context clearly indicates otherwise:

4 * * *

5 ~~§1299.97.4.~~ §1167.4. Establishment of the Electronic Health Records Loan Program

6 * * *

7 B.

8 * * *

9 (3) All loan program funds shall be administered by the department pursuant
10 to the provisions of this ~~Part~~ Subpart.

11 * * *

12 PART IV. RIGHTS

13 ~~PART XLI~~ SUBPART A. CONFIDENTIALITY OF HIV TEST RESULTS

14 ~~§1300.11.~~ §1169.1. Purpose; intent; insurance and R.S. ~~40:1299.39.7~~ 40:1157.3 not
15 affected

16 The legislature recognizes that confidentiality protection for information
17 related to human immunodeficiency virus (HIV) infection and acquired
18 immunodeficiency syndrome (AIDS) is an essential public health measure. In order
19 to retain the full trust and confidence of persons at risk, the state has an interest both
20 in assuring that HIV test results are not improperly disclosed and in having clear and
21 certain rules for the disclosure of such information. By providing additional
22 protection for the confidentiality of HIV test results, the legislature intends to
23 encourage the expansion of voluntary confidential testing for HIV so that individuals
24 may come forward, learn their health status, make decisions regarding the
25 appropriate treatment, and change behaviors that put them and others at risk of
26 infection. The legislature also recognizes that confidentiality protections can limit
27 the risk of discrimination and the harm to an individual's interest in privacy that
28 unauthorized disclosure of HIV test results can cause. It is not the intent of the
29 legislature to create any new right, right of action, or cause of action or eliminate any

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 right, right of action, or cause of action existing under current law. It is further not
 2 the intent of the legislature that this Chapter repeal, amend, or in any way affect the
 3 provisions of R.S. ~~40:1299.39.7~~ 40:1157.3 relative to the ability of a physician or
 4 employee of a hospital who may become infected with the human immunodeficiency
 5 virus to test the blood of a patient without the patient's consent. It is the intent of the
 6 legislature that in the case of a person applying for or already insured under an
 7 insurance policy, who will be or has been the subject of a test to determine infection
 8 for human immunodeficiency virus (HIV), all facets of insurers' practices in
 9 connection with HIV related testing and HIV test results and all facets of other
 10 entities' and individuals' interactions with insurers relating to HIV related testing or
 11 HIV test results shall be governed exclusively by Title 22 of the Louisiana Revised
 12 Statutes of 1950 and any regulations promulgated pursuant thereto by the
 13 commissioner of the Department of Insurance who shall have the authority to
 14 promulgate such regulations.

15 ~~§1300.12.~~ §1169.2. Definitions

16 [Section redesignated from R.S. 40:1300.12]

17 ~~§1300.13.~~ §1169.3. HIV-related testing; consent; exceptions

18 * * *

19 E. The provisions of Subsections A through D shall not apply to the
 20 performance of an HIV-related test:

21 (1) By a health care provider or health care facility in relation to the
 22 procuring, processing, distributing, or use of a human body or human part, including
 23 organs, tissues, eyes, bones, arteries, blood, semen, or other body fluids, for use in
 24 medical research or therapy, or for transplantation to individuals, as provided in R.S.
 25 ~~40:1299.142~~ 40:1111.2.

26 * * *

27 ~~§1300.14.~~ §1169.4. Confidentiality of HIV test result; disclosure

28 * * *

1 D. No person to whom confidential HIV test results have been disclosed
2 pursuant to this ~~Part Subpart~~ shall disclose the information to another person except
3 as authorized by this ~~Part Subpart~~, provided, however, that the provisions of this
4 Subsection shall not apply to the individual or to a natural person who is authorized
5 by law to consent to health care for the individual.

6 * * *

7 ~~§1300.15. §1169.5.~~ Court authorization for disclosure of confidential HIV test
8 results

9 A. Notwithstanding any other provision of law, no court shall issue an order
10 for the disclosure of confidential HIV test results except a court of record of
11 competent jurisdiction in accordance with the provisions of this ~~Part Subpart~~.

12 B. A court may grant an order for disclosure of confidential HIV test results
13 upon an application showing:

14 * * *

15 (4) That the applicant is lawfully entitled to the disclosure and the disclosure
16 is consistent with the provisions of this ~~Part Subpart~~.

17 * * *

18 F. An order authorizing disclosure of confidential HIV test results shall:

19 * * *

20 (3) To the extent possible consistent with this Section, conform to the
21 provisions of this ~~Part Subpart~~.

22 * * *

23 ~~PART E~~ SUBPART B. LOUISIANA HEALTH CARE

24 CONSUMERS' RIGHT TO KNOW

25 ~~§1300.111. §1171.1.~~ Findings

26 [Section redesignated from R.S. 40:1300.111]

1 ~~§1300.112. §1171.2.~~ Data collection; powers and duties of the Department of Health
2 and Hospitals

3 The Department of Health and Hospitals, in consultation with the Health Data
4 Panel, shall:

5 * * *

6 (3) Identify the most practical methods to collect, transmit, and share
7 required health care data as described in this Part Subpart.

8 * * *

9 (8) Provide the process for Internet publication of provider and health plan
10 specific cost, quality, and performance data collected pursuant to this Part Subpart
11 for access and use by a consumer or requesting entity.

12 (9) Ensure that data released pursuant to this Part Subpart shall not include
13 any identifier which is listed in 45 CFR 164.514(b) as being necessary to be removed
14 in order for the data to be de-identified within the meaning of 45 CFR 164.514(a).

15 (10) Promulgate rules and regulations, in accordance with the Administrative
16 Procedure Act, to carry out the provisions of this Part Subpart.

17 (11) Implement the initial phase of the Internet website created pursuant to
18 this Part Subpart on or before April 30, 2009.

19 (12) In the event that sufficient funds are not appropriated to implement this
20 Part Subpart, to include the collection, storage, analysis, and dissemination of data
21 to participating agencies, organizations, and the general public, the application and
22 enforcement of this Part Subpart shall be suspended pending the appropriation of
23 sufficient funds, and all accumulated health care data shall be stored with appropriate
24 confidentiality safeguards, destroyed, or transferred to another appropriate agency
25 or organization in accordance with state law.

26 ~~§1300.113. §1171.3.~~ Health Data Panel; advisory council to the secretary of the
27 Department of Health and Hospitals

28 A. The Department of Health and Hospitals shall create the Health Data
29 Panel. The purpose of the Health Data Panel shall be to make recommendations to

1 the secretary of the Department of Health and Hospitals for the implementation of
2 the requirements of this ~~Part~~ Subpart. The Health Data Panel shall consider the
3 provisions set forth in R.S. ~~40:1300.112~~ 40:1171.2.

4 * * *

5 C. The secretary or his designee shall serve as the chairman of the meetings
6 of the Health Data Panel. The secretary may use the recommendations of the Health
7 Data Panel to fulfill the Department of Health and Hospitals' responsibilities as set
8 forth in this ~~Part~~ Subpart.

9 * * *

10 ~~§1300.114.~~ §1171.4. Violations; penalties

11 A. All state agencies and health professional licensing, certification, or
12 registration boards and commissions, which collect, maintain, or distribute health
13 data, shall provide to the Department of Health and Hospitals such data as are
14 necessary for the department to carry out its responsibilities as defined in this ~~Part~~
15 Subpart.

16 B. All health care providers licensed by the state, including but not limited
17 to hospitals, outpatient surgical facilities, and outpatient clinical facilities shall
18 submit information in the manner and form prescribed in rules and regulations
19 promulgated by the Department of Health and Hospitals pursuant to this ~~Part~~
20 Subpart.

21 C. Any person, firm, corporation, organization, or institution that violates
22 any of the provisions of this ~~Part~~ Subpart or any rules and regulations promulgated
23 thereunder regarding patient confidentiality of information shall be guilty of a
24 misdemeanor and upon conviction thereof shall be punished by a fine of not less than
25 five hundred dollars nor more than one thousand dollars or by imprisonment not
26 exceeding one month, or both. Each day of the violation shall constitute a separate
27 offense.

28 D. Any person, firm, corporation, organization, or institution knowingly
29 violating any of the provisions of this ~~Part~~ Subpart or any rules and regulations

1 promulgated thereunder shall be guilty of a misdemeanor and upon a plea of guilty,
2 a plea of nolo contendere or conviction, shall be punished by a fine of not more than
3 one thousand dollars.

4 E. Renewal of state licenses issued by the Department of Health and
5 Hospitals, Department of Insurance, or health professional licensing, certification,
6 or registration boards and commissions shall be predicated in part on compliance
7 with data reporting requirements of this ~~Part~~ Subpart and rules and regulations
8 promulgated thereunder. Prior to relicensing, the secretary of the Department of
9 Health and Hospitals shall confirm compliance with data reporting requirements in
10 writing to the appropriate permitting or licensing authority. The permit, certification,
11 or license of any health care provider, health plan, or facility covered by this ~~Part~~
12 Subpart shall be suspended until such time as the required data is submitted to the
13 Department of Health and Hospitals.

14 ~~PART XXV~~ SUBPART C. RIGHT TO CHIROPRACTIC CARE

15 ~~§1299.65.~~ §1173.1. Chiropractic care; freedom of choice

16 [Section redesignated from R.S. 40:1299.65]

17 SUBCHAPTER B. HEALTH CARE FACILITIES

18 ~~PART LXXI~~ I. RURAL HOSPITAL PRESERVATION ACT

19 ~~§1300.141.~~ §1181.1. Short title

20 [Section redesignated from R.S. 40:1300.141]

21 ~~§1300.142.~~ §1181.2. Legislative findings; purpose

22 [Section redesignated from R.S. 40:1300.142]

23 ~~§1300.143.~~ §1181.3. Definitions

24 [Section redesignated from R.S. 40:1300.143]

25 ~~§1300.144.~~ §1181.4. Medical assistance programs; rural hospital reimbursement

26 A. The department shall adopt rules and regulations in accordance with the
27 Administrative Procedure Act that provide the following:

28 * * *

1 (2)

2 * * *

3 (b) Notwithstanding any law to the contrary, by September 1, 2007, the
4 department shall file a state plan amendment with CMS amending the Medicaid state
5 plan provisions governing Medicaid hospital reimbursement to provide that a rural
6 hospital, as defined in R.S. ~~40:1300.143~~ 40:1181.3, shall be reimbursed at a rate
7 which equals or approximates one hundred ten percent, or, if a reduction is required
8 by CMS, the maximum amount acceptable to CMS, but in no event less than one
9 hundred percent, of the appropriate reasonable cost of providing hospital inpatient
10 and outpatient services, including but not limited to services provided in a rural
11 health clinic licensed as part of a rural hospital. The new rural hospital payment
12 methodology shall utilize prospective rates approximating costs at the time of service
13 for inpatient acute and psychiatric services. To ensure that rural hospital outpatient
14 services, including those currently reimbursed on a cost basis and those currently
15 reimbursed on a fee schedule are reimbursed in the aggregate at one hundred ten
16 percent of the reasonable costs or such lesser amounts as approved by CMS, but in
17 no event less than one hundred percent of their reasonable costs, the department shall
18 pay an interim rate for cost-based outpatient services at one hundred ten percent of
19 reasonable cost during the year and for fee-based services paid on a claim-by-claim
20 basis, and the department shall make quarterly estimates of a supplemental payment
21 required to bring the hospital's reimbursement for such services up to one hundred
22 percent of reasonable costs and immediately remit such payments to the hospital and
23 at final settlement pay such amounts as necessary to ensure that all outpatient
24 services in the aggregate (cost based and fee schedule) are paid at one hundred ten
25 percent of reasonable costs.

26 * * *

27 ~~§1300.145~~. §1181.5. Managed care organizations

28 [Section redesignated from R.S. 40:1300.145]

1 ~~§1300.146.~~ §1181.6. Pilot regulatory, demonstration program

2 [Section redesignated from R.S. 40:1300.146]

3 ~~§1300.147.~~ §1181.7. Authorized activities concerning health care providers and
4 public rural hospitals

5 [Section redesignated from R.S. 40:1300.147]

6 PART ~~II~~ II. ~~FEDERAL~~ FEDERALLY QUALIFIED
7 HEALTH CENTER PRESERVATION ACT

8 ~~§1300.131.~~ §1183.1. Short title

9 This Part may be cited as the "~~Federal~~ Federally Qualified Health Center
10 Preservation Act".

11 * * *

12 ~~§1300.132.~~ §1183.2. Legislative findings; purpose

13 A. The legislature finds that:

14 (1) ~~Federal~~ Federally Qualified Health Centers (FQHCs) provide most of the
15 health care services required by a substantial number of low income residents living
16 in the state and therefore constitute an invaluable part of the health care delivery
17 system of the state.

18 * * *

19 ~~§1300.133.~~ §1183.3. Definitions

20 [Section redesignated from R.S. 40:1300.133]

21 ~~§1300.134.~~ §1183.4. Medical assistance programs; FQHC reimbursement

22 [Section redesignated from R.S. 40:1300.134]

23 PART ~~III~~ III. FEDERALLY QUALIFIED HEALTH CENTER
24 AND RURAL HEALTH CLINIC EXPANSION

25 ~~§1300.231.~~ §1185.1. Federally Qualified Health Center and Rural Health Clinic
26 Expansion Act

27 [Section redesignated from R.S. 40:1300.231]

28 ~~§1300.232.~~ §1185.2. Findings

29 [Section redesignated from R.S. 40:1300.232]

1 ~~§1300.233.~~ §1185.3. Definitions

2 [Section redesignated from R.S. 40:1300.233]

3 ~~§1300.234.~~ §1185.4. Authorization

4 [Section redesignated from R.S. 40:1300.234]

5 ~~§1300.235.~~ §1185.5. Required reporting, budget consideration

6 [Section redesignated from R.S. 40:1300.235]

7 ~~§1300.236.~~ §1185.6. Rules and regulations

8 [Section redesignated from R.S. 40:1300.236]

9 PART ~~LXIV~~ IV. NOTIFICATION TO LAW ENFORCEMENT AGENCY

10 ~~§1300.271.~~ §1187.1. Notification of law enforcement agency prior to discharge of
11 a person issued a summons or arrest warrant and admitted to a hospital

12 [Section redesignated from R.S. 40:1300.271]

13 PART ~~LXXI~~ V. COOPERATIVE ENDEAVOR AGREEMENTS
14 FOR NONSTATE GOVERNMENTAL HOSPITALS

15 ~~§1300.341.~~ §1189.1. Nonstate governmental hospitals; cooperative endeavor
16 agreements

17 [Section redesignated from R.S. 40:1300.341]

18 SUBCHAPTER C. HEALTH CARE PROFESSIONALS

19 PART ~~XLH~~ I. CLINICAL PRECEPTOR NURSE AIDE TRAINING PROGRAM

20 ~~§1300.21.~~ §1201.1. Clinical preceptor nurse aide training program; legislative intent
21 [Section redesignated from R.S. 40:1300.21]

22 ~~§1300.22.~~ §1201.2. Clinical preceptor training program
23 [Section redesignated from R.S. 40:1300.22]

24 PART ~~XLV~~ II. CRIMINAL HISTORY CHECKS ON NONLICENSED PERSONS
25 AND LICENSED AMBULANCE PERSONNEL

26 ~~§1300.51.~~ §1203.1. Definitions

27 For the purposes of this Part:

28 * * *

1 (3) "Employer" means any of the following facilities, agencies, providers,
2 or programs:

3 * * *

4 (g) An ambulance service as defined in R.S. ~~40:1299.41(A)~~ 40:1231.1(A).

5 * * *

6 ~~§1300.52. §1203.2.~~ Employment of nonlicensed persons and licensed ambulance
7 personnel; mandatory criminal history and security checks; temporary
8 employment; notice to applicants

9 [Section redesignated from R.S. 40:1300.52]

10 ~~§1300.53. §1203.3.~~ Refusal to hire or contract; termination of employment;
11 exemption; appeal procedure; waiver

12 A. Except as otherwise provided in R.S. ~~40:1300.52(C)~~ 40:1203.2, no
13 employer shall hire any licensed ambulance personnel or nonlicensed person when
14 the results of a criminal history check reveal that the licensed ambulance personnel
15 or nonlicensed person has been convicted of any of the following offenses:

16 * * *

17 B. Additionally, except as otherwise provided in R.S. ~~40:1300.52(C)~~
18 40:1203.2, no employer who provides care or services to any person under the age
19 of twenty-one shall hire any licensed ambulance personnel or nonlicensed person
20 when the results of the criminal history check reveal that the licensed ambulance
21 personnel or nonlicensed person has been convicted of any of the following offenses:

22 * * *

23 ~~§1300.54. §1203.4.~~ Confidentiality of criminal history records

24 [Section redesignated from R.S. 40:1300.54]

25 ~~§1300.55. §1203.5.~~ Compliance

26 [Section redesignated from R.S. 40:1300.55]

27 ~~§1300.56. §1203.6.~~ Ineligible for unemployment compensation

28 [Section redesignated from R.S. 40:1300.56]

1 ~~§1300.6.~~ §1205.6. Loan forgiveness for primary care physicians, pediatricians,
2 surgeons, obstetricians, and gynecologists

3 A. The department shall establish a loan forgiveness program for primary
4 care physicians, which shall include those practicing family medicine, internal
5 medicine, pediatrics, medicine/pediatrics, obstetrics, gynecology, and general
6 surgery, hereinafter collectively referred to as "primary care physicians", who are
7 practicing in a rural health professional shortage area, hereinafter referred to as an
8 "HPSA", and who serve on the active medical staff of a rural hospital in accordance
9 with such hospital's medical staff bylaws, rules, and regulations. "Rural hospital" is
10 defined as provided for in R.S. ~~40:1300.143~~ 40:1181.3. The establishment of this
11 loan forgiveness program shall be subject to an act of the legislature appropriating
12 monies sufficient to establish and implement the program.

13 * * *

14 ~~§1300.7.~~ §1205.7. Rules

15 [Section redesignated from R.S. 40:1300.7]

16 PART ~~XL-A~~ IV. MEDICAL AND ALLIED HEALTH PROFESSIONAL
17 EDUCATION SCHOLARSHIP AND LOAN PROGRAM

18 ~~§1300.8.1.~~ §1207.1. Scholarship and loan program

19 [Section redesignated from R.S. 40:1300.8.1]

20 ~~§1300.8.2.~~ §1207.2. Medical and Allied Health Professional Education Scholarship
21 and Loan Fund

22 [Section redesignated from R.S. 40:1300.8.2]

23 SUBCHAPTER D. HEALTH CARE SERVICES

24 PART ~~LXVIII~~ I. ACCESS TO MAMMOGRAMS ACT

25 ~~§1300.181.~~ §1211.1. Screening mammography permitted

26 [Section redesignated from R.S. 40:1300.181]

27 ~~§1300.182.~~ §1211.2. Notification of results

28 [Section redesignated from R.S. 40:1300.182]

1 PART ~~XLVIII~~ IV. LOUISIANA KIDNEY HEALTH CARE LAW

2 ~~§1300.81~~. §1217.1. Short title

3 [Section redesignated from R.S. 40:1300.81]

4 ~~§1300.82~~. §1217.2. Finding; statement of purpose

5 [Section redesignated from R.S. 40:1300.82]

6 ~~§1300.83~~. §1217.3. Definitions

7 [Section redesignated from R.S. 40:1300.83]

8 ~~§1300.84~~. §1217.4. Louisiana Kidney Health Care Program; creation; eligibility

9 [Section redesignated from R.S. 40:1300.84]

10 ~~§1300.85~~. §1217.5. Services

11 [Section redesignated from R.S. 40:1300.85]

12 ~~§1300.86~~. §1217.6. Facilities

13 [Section redesignated from R.S. 40:1300.86]

14 ~~§1300.87~~. §1217.7. Selection of service providers

15 [Section redesignated from R.S. 40:1300.87]

16 ~~§1300.88~~. §1217.8. Denial, modification, suspension, or termination of services;
17 appeal procedure; judicial review

18 [Section redesignated from R.S. 40:1300.88]

19 ~~§1300.89~~. §1217.9. Reimbursement

20 [Section redesignated from R.S. 40:1300.89]

21 ~~§1300.90~~. §1217.10. Recovery of costs

22 A. The medical center may recover the costs of services provided by this
23 Part from a person who does not reimburse the medical center as required by R.S.
24 ~~40:1300.89(C)~~ 40:1217.9(C) or from any third party who has a legal obligation to
25 pay other benefits and to whom notice of the medical center's interest has been given.

26 * * *

27 ~~§1300.91~~. §1217.11. Funding

28 [Section redesignated from R.S. 40:1300.91]

1 ~~§1300.92.~~ §1217.12. Contracts

2 [Section redesignated from R.S. 40:1300.92]

3 ~~§1300.93.~~ §1217.13. Scientific investigations

4 [Section redesignated from R.S. 40:1300.93]

5 ~~§1300.94.~~ §1217.14. Educational programs

6 [Section redesignated from R.S. 40:1300.94]

7 ~~§1300.95.~~ §1217.15. Rules and regulations

8 [Section redesignated from R.S. 40:1300.95]

9 ~~§1300.96.~~ §1217.16. Report

10 [Section redesignated from R.S. 40:1300.96]

11 ~~§1300.97.~~ §1217.17. Implementation

12 [Section redesignated from R.S. 40:1300.97]

13 PART ~~IX~~ V. LOUISIANA SENIOR RX AND AGING AND DISABILITY

14 INFORMATION STATION PROGRAMS

15 ~~§1300.211.~~ §1219.1. Short title

16 [Section redesignated from R.S. 40:1300.211]

17 ~~§1300.212.~~ §1219.2. Definitions

18 [Section redesignated from R.S. 40:1300.212]

19 ~~§1300.213.~~ §1219.3. Louisiana Senior Rx and Aging and Disability Information

20 Station Programs; legislative findings; creation; eligibility

21 [Section redesignated from R.S. 40:1300.213]

22 ~~§1300.214.~~ §1219.4. Services

23 [Section redesignated from R.S. 40:1300.214]

24 ~~§1300.215.~~ §1219.5. Other sources of funding

25 [Section redesignated from R.S. 40:1300.215]

1 ~~§1300.216.~~ §1219.6. Report

2 [Section redesignated from R.S. 40:1300.216]

3 PART ~~LVIII~~ VI. LOUISIANA SENIORS

4 PHARMACY ASSISTANCE LAW

5 ~~§1300.191.~~ §1221.1. Short title

6 [Section redesignated from R.S. 40:1300.191]

7 ~~§1300.192.~~ §1221.2. Definitions

8 [Section redesignated from R.S. 40:1300.192]

9 ~~§1300.193.~~ §1221.3. Louisiana Seniors Pharmacy Assistance Program; creation;
10 eligibility

11 [Section redesignated from R.S. 40:1300.193]

12 ~~§1300.194.~~ §1221.4. Services

13 [Section redesignated from R.S. 40:1300.194]

14 ~~§1300.195.~~ §1221.5. Denial, modification, suspension, or termination of services;
15 appeal procedure; judicial review

16 [Section redesignated from R.S. 40:1300.195]

17 ~~§1300.196.~~ §1221.6. Reimbursement

18 [Section redesignated from R.S. 40:1300.196]

19 ~~§1300.197.~~ §1221.7. Recovery of costs

20 A. The department may recover the costs of services provided by this Part
21 from an individual who does not reimburse the department as required by R.S.
22 ~~40:1300.196(C)~~ 40:1221.6(C) or from any third party who has a legal obligation to
23 pay other benefits and to whom notice of the department's interest has been given.

24 * * *

25 ~~§1300.198.~~ §1221.8. Funding

26 * * *

27 B. In the event that the secretary determines that the funds appropriated may
28 not meet projected expenditure for the fiscal year, the secretary may:

1 (1) Adjust the maximum benefits provided in R.S. ~~40:1300.194(D)~~
2 40:1221.4(D).

3 * * *

4 ~~§1300.199~~. §1221.9. Report
5 [Section redesignated from R.S. 40:1300.199]

6 ~~§1300.200~~. §1221.10. Rules and regulations
7 [Section redesignated from R.S. 40:1300.200]

8 ~~§1300.201~~. §1221.11. Implementation
9 [Section redesignated from R.S. 40:1300.201]

10 PART ~~LXV~~ VII. PROSTHETICS AND ORTHOTICS

11 FROM ACCREDITED FACILITIES

12 ~~§1300.281~~. §1223.1. Purchase of prostheses, orthoses, prosthetic services, and
13 orthotic services by a state agency from an accredited facility; Medicaid
14 reimbursement; definitions; penalties
15 [Section redesignated from R.S. 40:1300.281]

16 SUBCHAPTER E. MALPRACTICE

17 PART ~~XXIII~~ I. MEDICAL MALPRACTICE

18 ~~§1299.41~~. §1231.1. Definitions and general applications

19 A. As used in this Part:

20 (1) "Ambulance service" means an entity under circumstances in which the
21 provisions of R.S. ~~40:1299.39~~ 40:1237.1 are not applicable which operates either
22 ground or air ambulances, using a minimum of two persons on each ground
23 ambulance, at least one of whom is trained and registered at the level of certified
24 emergency medical technician-basic, or at the intermediate or paramedic levels, or
25 one who is a registered nurse, and using a minimum on any air ambulance of one
26 person trained and registered at the paramedic level or a person who is a registered
27 nurse, or any officer, employee, or agent thereof acting in the course and scope of his
28 employment, including any student enrolled in a qualified emergency medical

1 services educational program under the direct supervision of a licensed health care
2 provider.

3 (2) "Authority" means the Residual Malpractice Insurance Authority
4 established under ~~Section 1299.46~~ R.S. 40:1231.7.

5 (3) "Board" means the Patient's Compensation Fund Oversight Board created
6 in R.S. ~~40:1299.44(D)~~ 40:1231.4(D).

7 * * *

8 (5) "Claims manager" means the claims manager appointed and employed
9 by the board pursuant to R.S. ~~1299.44(D)(2)(g)~~ 40:1231.4(D)(2)(g).

10 * * *

11 (8) "Executive director" means the executive director of the board, appointed
12 and employed pursuant to R.S. ~~40:1299.44(D)(2)(f)~~ 40:1231.4(D)(2)(f).

13 * * *

14 (10) "Health care provider" means a person, partnership, limited liability
15 partnership, limited liability company, corporation, facility, or institution licensed
16 or certified by this state to provide health care or professional services as a physician,
17 hospital, nursing home, community blood center, tissue bank, dentist, registered or
18 licensed practical nurse or certified nurse assistant, offshore health service provider,
19 ambulance service under circumstances in which the provisions of R.S. ~~40:1299.39~~
20 40:1237.1 are not applicable, certified registered nurse anesthetist, nurse midwife,
21 licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,
22 optometrist, podiatrist, chiropractor, physical therapist, occupational therapist,
23 psychologist, social worker, licensed professional counselor, licensed perfusionist,
24 licensed respiratory therapist, licensed radiologic technologist, licensed clinical
25 laboratory scientist, or any nonprofit facility considered tax-exempt under Section
26 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis
27 and treatment of cancer or cancer-related diseases, whether or not such a facility is
28 required to be licensed by this state, or any professional corporation a health care
29 provider is authorized to form under the provisions of Title 12 of the Louisiana

1 Revised Statutes of 1950, or any partnership, limited liability partnership, limited
2 liability company, management company, or corporation whose business is
3 conducted principally by health care providers, or an officer, employee, partner,
4 member, shareholder, or agent thereof acting in the course and scope of his
5 employment.

6 * * *

7 (19) "Risk" means any health care provider which shall apply for malpractice
8 liability insurance coverage under the provisions of ~~Section 1299.46~~ R.S. 40:1231.7.

9 * * *

10 E.(1) Subject to R.S. ~~40:1299.47~~ 40:1231.8, a claimant having a claim under
11 this Part for bodily injuries to or death of a patient on account of malpractice may
12 file a complaint in any court of competent jurisdiction and proper venue. Upon filing
13 the complaint in court for bodily injuries to or death of a patient on account of
14 malpractice, said claimant shall send, by certified mail, return receipt requested, a
15 copy of the complaint, and any amendments thereto, to the board. The claimant shall
16 also promptly provide written notice to the board of the trial date upon receiving
17 notice from the court scheduling a trial in such proceeding.

18 * * *

19 G. Notwithstanding the provisions of Subsection D, the running of
20 prescription against a health care provider who is answerable in solido with a
21 qualified health care provider against whom a claim has been filed for review under
22 this Part shall be suspended in accordance with the provisions of R.S.
23 ~~40:1299.47(A)(2)(a)~~ 40:1231.8(A)(2)(a).

24 * * *

25 L. Any cause of action for the unintentional acts or omissions arising from
26 resuscitating a patient who has a declaration concerning life-sustaining procedures
27 executed pursuant to R.S. ~~40:1299.58.1~~ 40:1151 et seq., a Louisiana Physician Order
28 for Scope of Treatment executed pursuant to R.S. ~~40:1299.64.1~~ 40:1155.1 et seq., or

1 a do not resuscitate order issued by a physician licensed in this state shall be
2 governed by the provisions of this Part.

3 ~~§1299.42.~~ §1231.2. Limitation of recovery

4 A. To be qualified under the provisions of this Part, a health care provider
5 shall:

6 * * *

7 (2) Pay the surcharge assessed by this Part on all health care providers
8 according to R.S. ~~40:1299.44~~ 40:1231.4.

9 * * *

10 B.(1) The total amount recoverable for all malpractice claims for injuries to
11 or death of a patient, exclusive of future medical care and related benefits as
12 provided in R.S. ~~40:1299.43~~ 40:1231.3, shall not exceed five hundred thousand
13 dollars plus interest and cost.

14 * * *

15 (3)(a) Any amount due from a judgment or settlement or from a final award
16 in an arbitration proceeding which is in excess of the total liability of all liable health
17 care providers, as provided in Paragraph (2) of this Subsection, shall be paid from
18 the patient's compensation fund pursuant to the provisions of R.S. ~~40:1299.44(C)~~
19 40:1231.4(C).

20 * * *

21 C. Except as provided in R.S. ~~40:1299.44(C)~~ 40:1231.4(C), any advance
22 payment made by the defendant health care provider or his insurer to or for the
23 plaintiff, or any other person, may not be construed as an admission of liability for
24 injuries or damages suffered by the plaintiff or anyone else in an action brought for
25 medical malpractice.

26 D.

27 * * *

28 (5) In the event that a partial settlement is executed between the defendant
29 and/or his insurer with a plaintiff for the sum of one hundred thousand dollars or less,

1 written notice of such settlement shall be sent to the board. Such settlement shall not
2 bar the continuation of the action against the patient's compensation fund for excess
3 sums in which event the court shall reduce any judgment to the plaintiff in the
4 amount of malpractice liability insurance in force as provided for in R.S.
5 ~~40:1299.42(B)(2)~~ 40:1231.2(B)(2).

6 * * *

7 ~~§1299.43.~~ §1231.3. Future medical care and related benefits

8 A.

9 * * *

10 (3) If the total amount is for the maximum amount recoverable, exclusive of
11 the value of future medical care and related benefits that will be incurred after the
12 date of the response to the special interrogatory by the jury or the court's finding, the
13 cost of all future medical care and related benefits that will be incurred after the date
14 of the response to the special interrogatory by the jury or the court's finding shall be
15 paid in accordance with R.S. ~~40:1299.43(C)~~ 40:1231.3(C).

16 (4) If the total amount is for the maximum amount recoverable, including the
17 value of the future medical care and related benefits, the amount of future medical
18 care and related benefits that will be incurred after the date of the response to the
19 special interrogatory by the jury or the court's finding shall be deducted from the
20 total amount and shall be paid from the patient's compensation fund as incurred and
21 presented for payment. The remaining portion of the judgment, including the
22 amount of future medical care and related benefits incurred up to the date of the
23 response to the special interrogatory by the jury or the court's finding shall be paid
24 in accordance with R.S. ~~40:1299.44(A)(7)~~ 40:1231.4(A)(7) and R.S.
25 ~~40:1299.44(B)(2)(a), (b), and (c)~~ 40:1231.4(B)(2)(a), (b), and (c).

26 (5) In all cases where judgment is rendered for a total amount less than the
27 maximum amount recoverable, including any amount awarded on future medical
28 care and related benefits that will be incurred after the date of the response to the
29 special interrogatory by the jury or the court's finding, payment shall be in

1 accordance with R.S. ~~40:1299.44(A)(7)~~ 40:1231.4(A)(7) and R.S.
2 ~~40:1299.44(B)(2)(a), (b), and (c)~~ 40:1231.4(B)(2)(a), (b), and (c).

3 * * *

4 D. Payments for medical care and related benefits shall be paid by the
5 patient's compensation fund without regard to the five hundred thousand dollar
6 limitation imposed in R.S. ~~40:1299.42~~ 40:1231.2.

7 * * *

8 ~~§1299.44.~~ §1231.4. Patient's Compensation Fund

9 A.(1)

10 * * *

11 (b) The Patient's Compensation Fund Oversight Board may invest, in
12 accordance with R.S. ~~40:1299.44.1~~ 40:1231.5, any portion of the private monies
13 comprising the corpus of the fund, as determined by the board, while maintaining its
14 ability to timely pay claims, future medical care and related benefits, and other
15 current expenses under this Part. The board may enter into a cooperative endeavor
16 agreement whereby the state treasurer may be authorized to invest, in accordance
17 with R.S. ~~40:1299.44.1~~ 40:1231.5, a portion of the private monies comprising the
18 corpus of the fund, as determined by the board.

19 * * *

20 (f) Notwithstanding any provision of law to the contrary, in the event the
21 fund is dissolved or liquidated, any remaining balance after all amounts due under
22 this Part to medical malpractice claimants, including future medical care and related
23 benefits as provided in R.S. ~~40:1299.43~~ 40:1231.3, and all amounts due any other
24 person for administrative or operating expenses have been paid from the fund, shall
25 be paid over to the state general fund by the board or then administrator of the fund
26 for deposit in the state treasury.

27 * * *

1 (7)(a) Claims from the patient's compensation fund exclusive of those
2 provided for in R.S. ~~40:1299.43~~ 40:1231.3 shall be computed at the time the claim
3 becomes final.

4 * * *

5 B.

6 * * *

7 (2) The only claim against the fund shall be a voucher or other appropriate
8 request by the board after it receives:

9 * * *

10 (d) A certified copy of a judgment awarding medical care and related
11 benefits rendered pursuant to R.S. ~~40:1299.43~~ 40:1231.3.

12 (e) A voucher drawn by the board through the patient's compensation fund
13 defense counsel pursuant to a judgment reciting that a patient is in need of future
14 medical care and related benefits under the provisions of R.S. ~~40:1299.43~~ 40:1231.3.

15 * * *

16 C.

17 * * *

18 (5)

19 * * *

20 (b) The board shall not be entitled to file a suit or otherwise assert a claim
21 against any qualified health care provider as defined in R.S. ~~40:1299.41(A)~~
22 40:1231.1(A) on the basis that the qualified health care provider failed to comply
23 with the appropriate standard of care in treating or failing to treat any patient.

24 * * *

25 (8) The parties may agree that any amounts due from the patient's
26 compensation fund pursuant to R.S. ~~40:1299.44(B)~~ 40:1231.4(B) be paid by annuity
27 contract purchased by the patient's compensation fund for and on behalf of the
28 claimant.

29 * * *

1 D.(1)

2 * * *

3 (e) For the purpose of apportioning representation on the board, the
4 percentage surcharge contribution of each distinct class of health care providers
5 listed by R.S. ~~40:1299.41~~ 40:1231.1 to the aggregate surcharges paid to the fund
6 shall be calculated for each fiscal year of the fund, and apportionment with respect
7 to an initial or subsequent appointment to the board shall be based on such
8 percentage contributions for the fund fiscal year preceding any such appointment.

9 * * *

10 (2)

11 * * *

12 (b) In addition to other powers and authority expressly or impliedly
13 conferred on the board by this Part, the board shall have the authority, to the extent
14 not inconsistent with the provisions of this Part, to:

15 * * *

16 (ii) Establish and define the standards and forms of financial responsibility
17 required of self-insured health care providers, and the standards and forms of
18 malpractice liability insurance policies issued by admitted insurance companies and
19 the standards, forms, acceptable ratings and other criteria for medical malpractice
20 liability insurance policies issued by non-admitted insurance companies which are
21 acceptable as proof of financial responsibility pursuant to R.S. ~~40:1299.42~~
22 40:1231.2, as a condition to initial and continuing enrollment with the fund.

23 * * *

24 (xi) Defend the fund from all claims arising under R.S.
25 ~~40:1299.44(D)(2)(b)(x)~~ 40:1231.4(D)(2)(b)(x) and obtain indemnity and
26 reimbursement to the fund of all amounts for which anyone other than a qualified
27 health care provider may be held liable. The right of indemnity and reimbursement
28 to the fund shall be limited to that amount that the fund may be cast in judgment.

29 * * *

1 (xv) Intervene as a matter of right, at its discretion, in any civil action or
2 proceeding involving malpractice as defined in R.S. ~~40:1299.41~~ 40:1231.1 in which
3 either of the following occurs:

4 * * *

5 ~~§1299.44.1.~~ §1231.5. Investment responsibilities

6 [Section redesignated from R.S. 40:1299.44.1]

7 ~~§1299.45.~~ §1231.6. Malpractice coverage

8 A.

9 * * *

10 (2) When, and during the period that each shareholder, partner, member,
11 agent, officer, or employee of a corporation, partnership, limited liability partnership,
12 or limited liability company, who is eligible for qualification as a health care
13 provider under this Part, and who is providing health care on behalf of such
14 corporation, partnership, or limited liability company, is qualified as a health care
15 provider under the provisions of R.S. ~~40:1299.42(A)~~ 40:1231.2(A), such corporation,
16 partnership, limited liability partnership, or limited liability company shall, without
17 the payment of an additional surcharge, be deemed concurrently qualified and
18 enrolled as a health care provider under this Part. Any such corporation, partnership,
19 limited liability partnership, or limited liability company which fails to provide proof
20 of financial responsibility upon request of the fund after the filing of a request for
21 review of a claim under R.S. ~~40:1299.47~~ 40:1231.8 or after the filing of a lawsuit
22 alleging medical malpractice, shall not be deemed concurrently qualified and
23 enrolled as a health care provider under this Part.

24 * * *

25 ~~§1299.46.~~ §1231.7. Risk management; authority

26 [Section redesignated from R.S. 40:1299.46]

27 ~~§1299.47.~~ §1231.8. Medical review panel

28 A.(1)

29 * * *

1 (g) The filing fee of one hundred dollars per named defendant qualified
 2 under this Part shall be applicable in the event that a claimant identifies additional
 3 qualified health care providers as defendants. The filing fee applicable to each
 4 identified qualified health care provider shall be due forty-five days from the mailing
 5 date of the confirmation of receipt of the request for review for the additional named
 6 defendants in accordance with R.S. ~~40:1299.47(A)(3)(a)~~ 40:1231.8(A)(3)(a).

7 * * *

8 C. The medical review panel shall consist of three health care providers who
 9 hold unlimited licenses to practice their profession in Louisiana and one attorney.
 10 The parties may agree on the attorney member of the medical review panel. If no
 11 attorney for or representative of any health care provider named in the complaint has
 12 made an appearance in the proceedings or made written contact with the attorney for
 13 the plaintiff within forty-five days of the date of receipt of the notification to the
 14 health care provider and the insurer that the required filing fee has been received by
 15 the patient's compensation board as required by R.S. ~~40:1299.47(A)(1)(c)~~
 16 40:1231.8(A)(1)(c), the attorney for the plaintiff may appoint the attorney member
 17 of the medical review panel for the purpose of convening the panel. Such notice to
 18 the health care provider and the insurer shall be sent by registered or certified mail,
 19 return receipt requested. If no agreement can be reached, then the attorney member
 20 of the medical review panel shall be selected in the following manner:

21 * * *

22 N.(1)

23 * * *

24 (b)

25 * * *

26 (ii) In accordance with R.S. ~~40:1299.47(B)(1)(b)~~ 40:1231.8(B)(1)(b), after
 27 the twelve month period provided for in this Subsection, the medical review panel
 28 established to review the claimant's complaint shall be dissolved without the
 29 necessity of obtaining a court order of dissolution.

1 (iii) In accordance with R.S. ~~40:1299.47(B)(3)~~ 40:1231.8(B)(3), ninety days
2 after the notification to all parties by certified mail by the attorney chairman of the
3 board of the dissolution of the medical review panel, the suspension of the running
4 of prescription with respect to a qualified health care provider shall cease.

5 * * *

6 ~~§1299.48.~~ §1231.9. Reporting of claims

7 A. For the purpose of providing the various licensing boards of Louisiana
8 health care providers, as defined by R.S. ~~40:1299.41(A)~~ 40:1231.1(A), with
9 information on malpractice claims paid by insurers or self insurers on behalf of
10 health care providers in this state, each insurer of such health care provider, and each
11 health care provider in Louisiana who is self insured shall, within thirty days of the
12 date of payment, provide a written report to the licensing board of this state having
13 licensing authority over the health care provider on whose behalf payment was made,
14 and each such report shall contain:

15 * * *

16 ~~§1299.49.~~ §1231.10. Medical review panel; one panel for state and private claims

17 The following provisions shall apply when, for the same injury to or death
18 of a patient, a malpractice claim alleges liability of both a state health care provider
19 under the provisions of this Part and a health care provider under the provisions of
20 ~~Part XXI-A of this Chapter~~ Part IV of this Subchapter:

21 (1) Unless all parties have agreed otherwise, only one medical review panel
22 shall be convened in such instance to review the claims under this Part and ~~Part~~
23 ~~XXI-A of this Chapter~~ Part IV of this Subchapter.

24 * * *

25 (4) The panel shall be governed by the law applicable under both Parts. In the
26 event of a procedural conflict between the provisions of the Parts, the provisions of
27 R.S. ~~40:1299.47~~ 40:1231.8 shall govern.

1 PART ~~XX~~ II. MEDICAL MALPRACTICE COVERAGE

2 ~~§1299.37~~. §1233.1. State hospitals; medical malpractice coverage

3 [Section redesignated from R.S. 40:1299.37]

4 PART ~~XXI~~ III. MALPRACTICE COVERAGE; STATE EMPLOYED

5 PHYSICIANS, DENTISTS, AND PROFESSIONAL NURSES

6 ~~§1299.38~~. §1235.1. State agency may provide malpractice coverage

7 [Section redesignated from R.S. 40:1299.38]

8 PART ~~XXI-A~~ IV. MALPRACTICE LIABILITY FOR STATE SERVICES

9 ~~§1299.39~~. §1237.1. Definitions and general application

10 * * *

11 E.(1) Unless the medical malpractice claim is first compromised and settled
12 in accordance with Subsection H of this Section or unless the state, through the
13 concurrence of the office of risk management and the legal counsel representing the
14 state against such claim, waive the medical review panel procedure, all medical
15 malpractice claims by their patients or their representatives arising from the right
16 created and granted by Subsections C and D of this Section shall be submitted to
17 administrative review in accordance with this Subsection before such right in
18 individual claims can become sufficiently existent to be susceptible of judicial
19 recognition or adjudication. The medical malpractice claims of prisoners relating to
20 health care rendered in a correctional facility and arising under this Part shall be
21 submitted to correctional administrative review procedures established for
22 administrative hearings in the correctional environment or established in accordance
23 with express law, including R.S. 15:1171 et seq., R.S. 49:964, and the administrative
24 rules and regulations pertaining thereto. All other medical malpractice claims arising
25 under this Part, including wrongful death and survival actions related to prisoners,
26 shall be submitted to a medical review panel in accordance with R.S. ~~40:1299.39~~.
27 40:1237.2.

1 (2) All claims and complaints submitted to a medical review panel in
2 accordance with R.S. ~~40:1299.39.1~~ 40:1237.2 shall conform at a minimum to the
3 requirements of Rules 8, 9, and 10 of the Federal Rules of Civil Procedure.

4 * * *

5 H. Internally within the state government of Louisiana, the office of risk
6 management shall have the primary responsibility for the administrative management
7 of medical malpractice claims against the state. Copies of all claims shall be
8 submitted to the office of risk management by claimants or their attorneys. In the
9 administration of such claims, the office of risk management shall cause a timely and
10 thorough investigation of the circumstances surrounding each malpractice claim,
11 assemble all data relevant thereto, and coordinate with legal counsel for the defense
12 of such cases. With the approval of such legal counsel, and in accordance with R.S.
13 39:1535, the office of risk management may compromise and settle any suit or claim
14 up to the limits set forth in this Part. All malpractice claims not subject to such
15 compromise or settlement shall be reviewed by a state medical review panel pursuant
16 to R.S. ~~40:1299.39.1~~ 40:1237.2. In any suit or claim brought pursuant to this Part,
17 the office of risk management may pay all defense and investigative costs, costs as
18 established by the state medical review panel law, and any other costs incurred in
19 connection with the defense of these actions as said costs accrue.

20 * * *

21 K. Any person covered by this Part shall be considered as a named insured.
22 A health care provider who fails to qualify as a state health care provider under this
23 Part is not covered by the provisions of this Part and is subject to liability under the
24 private law without regard to the provisions of this Part. If a health care provider
25 does not so qualify, the patient's remedy will not be affected by the terms and
26 provisions of this Part, except as provided in this Part with respect to the suspension
27 and the running of prescription of actions against a health care provider who has not
28 qualified under this Part when a claim has been filed against the health care provider
29 for review under this Part. However, the running of prescription against a health care

1 provider who is answerable in solido with a qualified state health care provider
2 against whom a claim has been filed for review under this Part shall be suspended
3 in accordance with the provisions of R.S. ~~40:1299.39.1(A)(2)(a)~~ 40:1237.2(A)(2)(a).

4 * * *

5 ~~§1299.39.1.~~ §1237.2. State medical review panel

6 A.(1)(a) All malpractice claims against the state, its agencies, or other
7 persons covered by this Part, other than claims subject to administrative review in
8 a correctional facility in accordance with R.S. ~~40:1299.39(E)~~ 40:1237.1(E) and
9 claims compromised or settled by the claimant and the division of administration
10 with the concurrence of designated legal counsel for the state, shall be reviewed by
11 a state medical review panel established as provided in this Section, to be
12 administered by the commissioner of administration, hereinafter referred to as
13 commissioner. The filing of a request for review by a state medical review panel as
14 provided for in this Section shall not be reportable by any health care provider or any
15 other entity to the Louisiana State Board of Medical Examiners, to any licensing
16 authority, committee, or board of any other state, or to any credentialing or similar
17 agency, committee, or board of any clinic, hospital, health insurer, or managed care
18 company.

19 * * *

20 C.(1) The state medical review panel shall consist of one attorney and three
21 health care providers who hold unlimited licenses to practice their profession in
22 Louisiana. The parties may agree on the attorney member of the state medical
23 review panel. If no attorney for or a representative of any health care provider
24 named in the complaint has made an appearance in the proceeding or made written
25 contact with the attorney for the plaintiff within forty-five days of the date of receipt
26 of the notification to the health care provider and the insurer that the required filing
27 fee has been received by the commissioner or the patients compensation board as
28 required by R.S. ~~40:1299.39.1(A)(1)(e)~~ 40:1237.2(A)(1)(c), the attorney for the
29 plaintiff may appoint the attorney member of the state medical review panel for the

1 purpose of convening the panel. Such notice to the health care provider and the
2 insurer shall be sent by registered or certified mail, return receipt requested. If no
3 agreement can be reached, then the attorney member of the state medical review
4 panel shall be selected in the following manner:

5 * * *

6 ~~§1299.39.2.~~ §1237.3. Medical review panel; one panel for state and private claims

7 The following provisions shall apply when, for the same injury to or death
8 of a patient, a malpractice claim alleges liability of both a state health care provider
9 under the provisions of this Part and a health care provider under the provisions of
10 ~~Part XXIII of this Chapter~~ Part I of this Subchapter:

11 (1) Unless all parties have agreed otherwise, only one medical review panel
12 shall be convened in such instance to review the claims under this Part and ~~Part~~
13 ~~XXIII of this Chapter~~ Part I of this Subchapter.

14 * * *

15 (4) The panel shall be governed by the law applicable under both Parts. In
16 the event of a procedural conflict between the provisions of the Parts, the provisions
17 of R.S. ~~40:1299.47~~ 40:1231.8 shall govern.

18 ~~§1299.39.3.~~ §1237.4. Emergency/Disaster Medicine Review Panel; establishment;
19 review process

20 * * *

21 D. Emergency/disaster medicine review process;

22 * * *

23 (7) Other procedures for the panel process and opinion shall be similar to the
24 panel process for civil proceedings provided in R.S. ~~40:1299.39.1~~ 40:1237.2 et seq.
25 but shall be confidential as provided in Subsection F of this Section.

26 (a) The panel members shall take the oath provided for in R.S.
27 ~~40:1299.39.1(C)(5)(a) and (c)~~ 40:1237.2(C)(5)(a) and (c).

28 (b) The panel deliberations shall be governed by the provisions of R.S.
29 ~~40:1299.39.1(C)(7)~~ 40:1237.2(C)(7).

1 (c) Qualification of physicians/medical personnel shall be the same as R.S.
2 ~~40:1299.39.1(C)(3)(f)~~ 40:1237.2(C)(3)(f).

3 (d) Costs of the panel shall be paid by the division of administration and
4 compensation for panel members shall be the same as R.S. ~~40:1299.39.1(F)(1)~~
5 40:1237.2(I)(1).

6 (e) Evidence to be considered shall be the same as R.S. ~~40:1299.39.1(D)(1),~~
7 ~~(2), (5), and (6)~~ 40:1237.2(D)(1), (2), (5), and (6) except that no depositions may be
8 set or utilized during this process.

9 * * *

10 CHAPTER 5-E. HEALTH PROVISIONS:

11 MEDICAL ASSISTANCE PROGRAM (MEDICAID)

12 PART I. HEALTH SERVICES FINANCING

13 ~~PART LXVI~~ SUBPART A. HOSPITAL PROSPECTIVE

14 REIMBURSEMENT METHODOLOGY

15 ~~§1300.291.~~ §1241. Hospital prospective reimbursement methodology

16 [Section redesignated from R.S. 40:1300.291]

17 ~~PART LXX~~ SUBPART B. HEALTH CARE PROVIDERS

18 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

19 ~~§1300.331.~~ §1243.1. Health care providers; upper payment limit

20 [Section redesignated from R.S. 40:1300.331]

21 ~~§1300.332.~~ §1243.2. Upper payment limit mechanism for outpatient behavioral
22 health services for Medicaid recipients under the age of twenty-one

23 [Section redesignated from R.S. 40:1300.332]

24 ~~PART LXVII~~ SUBPART C. INTERGOVERNMENTAL TRANSFERS

25 ~~§1300.301.~~ §1245.1. Authority to accept and use intergovernmental transfers from
26 local governing bodies

27 [Section redesignated from R.S. 40:1300.301]

1 ~~PART LXXII~~ SUBPART D. PARISH AND MUNICIPAL ENTITIES

2 ~~§1300.351.~~ §1247.1. Funding identification

3 All parish and municipal entities are hereby authorized to identify funds
4 received from any source other than the state and to consult with the Department of
5 Health and Hospitals in an effort to maximize revenues for both the Department of
6 Health and Hospitals and the parish and municipal entities. Collaboration between
7 the Department of Health and Hospitals and the parish and municipal entities may
8 allow such entities to receive additional funding from public and private sources.
9 The provisions of this ~~Part~~ Subpart shall not be construed to require any parish or
10 municipal entity to enter into an agreement with the Department of Health and
11 Hospitals.

12 ~~PART LXIX~~ II. THE HOME- AND COMMUNITY-BASED
13 LONG-TERM CARE ACT

14 ~~§1300.321.~~ §1249.1. Legislative findings; purpose

15 [Section redesignated from R.S. 40:1300.321]

16 ~~§1300.322.~~ §1249.2. Definitions

17 [Section redesignated from R.S. 40:1300.322]

18 ~~§1300.323.~~ §1249.3. Medical assistance programs

19 [Section redesignated from R.S. 40:1300.323]

20 ~~PART XXVI-A~~ III. MEDICAID BUY-IN PROGRAM
21 FOR PERSONS WITH DISABILITIES

22 ~~§1299.78.~~ §1251.1. Title

23 [Section redesignated from R.S. 40:1299.78]

24 ~~§1299.78.1.~~ §1251.2. Purpose

25 [Section redesignated from R.S. 40:1299.78.1]

26 ~~§1299.78.2.~~ §1251.3. Ticket to Work and Work Incentives Improvement Act
27 Opportunities

28 [Section redesignated from R.S. 40:1299.78.2]

1 ~~§1299.78.3.~~ §1251.4. Definitions

2 [Section redesignated from R.S. 40:1299.78.3]

3 ~~§1299.78.4.~~ §1251.5. Buy-In Program Appropriations

4 [Section redesignated from R.S. 40:1299.78.4]

5 ~~§1299.78.5.~~ §1251.6. Provisions

6 [Section redesignated from R.S. 40:1299.78.5]

7 PART ~~LXXXIII~~ IV. MEDICAID TRANSPARENCY

8 ~~§1300.361.~~ §1253.1. Legislative intent

9 [Section redesignated from R.S. 40:1300.361]

10 ~~§1300.362.~~ §1253.2. Bayou Health; reporting

11 [Section redesignated from R.S. 40:1300.362]

12 ~~§1300.363.~~ §1253.3. Louisiana Behavioral Health Partnership; reporting

13 [Section redesignated from R.S. 40:1300.363]

14 ~~§1300.364.~~ §1253.4. Department of Health and Hospitals information

15 [Section redesignated from R.S. 40:1300.364]

16 ~~§1300.365.~~ §1253.5. Medicaid state plan amendments

17 [Section redesignated from R.S. 40:1300.365]

18 CHAPTER 5-F. HEALTH PROVISIONS; PUBLIC HEALTH

19 SUBCHAPTER A. PUBLIC HEALTH - GENERAL

20 PART ~~XLVH~~ I. HEALTH REPORT CARD-CERTAIN HEALTH

21 AND HEALTH-RELATED ISSUES

22 ~~§1300.71.~~ §1261. Health report card

23 [Section redesignated from R.S. 40:1300.71]

24 ~~§1300.72.~~ §1261.1. Managed care organization; report

25 A. If a managed care organization is implemented by the state, the
26 organization shall submit an annual report to the Department of Health and Hospitals
27 in such manner that the information in the report can be included in the report
28 required by R.S. ~~40:1300.71~~ 40:1261.

1 B. The report required by Subsection A shall contain issues listed in R.S.
2 ~~40:1300.71(A)~~ 40:1261(A).

3 PART ~~XXXIII~~ II. LOUISIANA ORGAN TRANSPLANT ASSISTANCE
4 PROGRAM AND BONE MARROW DONATIONS

5 ~~§1299.121.~~ §1263.1. Definitions

6 [Section redesignated from R.S. 40:1299.121]

7 ~~§1299.122.~~ §1263.2. Louisiana Organ Transplant Assistance Program

8 [Section redesignated from R.S. 40:1299.122]

9 ~~§1299.123.~~ §1263.3. Powers and duties

10 [Section redesignated from R.S. 40:1299.123]

11 ~~§1299.124.~~ §1263.4. Definitions; paid marrow donor leave; prohibition of employer
12 sanctions; relationship to other leave

13 [Section redesignated from R.S. 40:1299.124]

14 ~~§1299.125.~~ §1263.5. Bone marrow donor drive

15 [Section redesignated from R.S. 40:1299.125]

16 PART ~~VIII~~ III. MARKET PLACES

17 ~~§1241.~~ §1265.1. Public markets; location, inspection, and operation; exemptions;
18 market zones

19 [Section redesignated from R.S. 40:1241]

20 ~~§1242.~~ §1265.2. Private markets; inspection and operation

21 [Section redesignated from R.S. 40:1242]

22 PART ~~XIII~~ IV. POISON CONTROL CENTER

23 ~~§1296.~~ §1267.1. Poison control center; establishment

24 The Department of Health and Hospitals shall provide for the establishment
25 of a statewide poison control center at ~~Northeast Louisiana University~~ the University
26 of Louisiana at Monroe. The university may cooperate with public and private
27 agencies and health care institutions in the operation of the center. The center shall
28 include operation of a statewide toll-free telephone number.

1 PART ~~XI~~ V. RABIES CONTROL

2 ~~§1275.~~ §1269.1. Citation of Part

3 [Section redesignated from R.S. 40:1275]

4 ~~§1276.~~ §1269.2. Definitions

5 [Section redesignated from R.S. 40:1276]

6 ~~§1277.~~ §1269.3. Authority to enact regulations for control of rabies

7 [Section redesignated from R.S. 40:1277]

8 ~~§1278.~~ §1269.4. Penalty

9 [Section redesignated from R.S. 40:1278]

10 PART ~~IV~~ VI. REPORTING OF INFECTIOUS DISEASES

11 ~~§1099.~~ §1271.1. Infectious diseases; notification

12 [Section redesignated from R.S. 40:1099]

13 ~~§1099.1.~~ §1271.2. Mandatory identification of infected corpses

14 [Section redesignated from R.S. 40:1099.1]

15 PART ~~XLVII~~ VII. RIVER REGION CANCER SCREENING

16 AND EARLY DETECTION DISTRICT

17 ~~§1300.61.~~ §1273.1. River Region Cancer Screening and Early Detection District,
18 creation; domicile; board of commissioners, membership, terms

19 [Section redesignated from R.S. 40:1300.61]

20 ~~§1300.62.~~ §1273.2. Objects and purposes of the district

21 [Section redesignated from R.S. 40:1300.62]

22 ~~§1300.63.~~ §1273.3. Board duties and authority

23 [Section redesignated from R.S. 40:1300.63]

24 ~~§1300.64.~~ §1273.4. Board officers; meetings

25 [Section redesignated from R.S. 40:1300.64]

26 ~~§1300.65.~~ §1273.5. Center director

27 [Section redesignated from R.S. 40:1300.65]

28 ~~§1300.66.~~ §1273.6. Duties of director

29 [Section redesignated from R.S. 40:1300.66]

1 ~~§1300.67.~~ §1273.7. Medical staff

2 [Section redesignated from R.S. 40:1300.67]

3 ~~§1300.68.~~ §1273.8. Procedure in organizing board

4 [Section redesignated from R.S. 40:1300.68]

5 PART ~~XXXVH~~ VIII. SEVERE HEAD INJURIES

6 ~~§1299.171.~~ §1275.1. Statement of purpose

7 [Section redesignated from R.S. 40:1299.171]

8 ~~§1299.172.~~ §1275.2. Definitions

9 [Section redesignated from R.S. 40:1299.172]

10 ~~§1299.173.~~ §1275.3. Mandatory reporting requirement

11 [Section redesignated from R.S. 40:1299.173]

12 ~~§1299.174.~~ §1275.4. Rules and regulations

13 [Section redesignated from R.S. 40:1299.174]

14 PART ~~XH~~ IX. SHOE FITTING MACHINES

15 ~~§1295.~~ §1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties

16 [Section redesignated from R.S. 40:1295]

17 PART ~~HH~~ X. SPITTING ON FLOOR

18 ~~§1121.~~ §1279.1. Spitting on floors or walls of cars, depots, or public buildings

19 prohibited; penalty

20 [Section redesignated from R.S. 40:1121]

21 PART XI. WATER AND SEWERAGE

22 ~~PART IV-A~~ SUBPART A. WATER SUPPLY AND SEWERAGE SYSTEMS

23 ~~§1141.~~ §1281.1. Definitions

24 * * *

25 B. Certificate--a certificate of competency issued by the state health officer
26 stating that the operator has met the requirements for the specified operator
27 classification as defined by the state health officer under R.S. ~~40:1143~~ 40:1281.3.

28 * * *

1 ~~§1142.~~ §1281.2. Committee of certification; appointment; terms; powers; duties;
2 annual report; compensation

3 * * *

4 E. The committee shall hold at least one examination each year for the
5 purpose of examining candidates for certification at a time and place designated by
6 the committee. Those applicants whose competency is acceptable to the committee
7 shall be recommended to the state health officer for certification. Additional
8 meetings may be called by the chairman or the state health officer as may be
9 necessary to carry out the provisions of this ~~Part~~ Subpart. Five members shall
10 constitute a quorum.

11 * * *

12 G. The committee shall maintain all funds collected in a separate account
13 and shall use these funds in the administration of this ~~Part~~ Subpart; it shall prepare
14 an annual report to be submitted to the undersecretary of the department, showing
15 its financial and operational activities. The committee may use the office of
16 management and finance of the department and may reimburse the department for
17 such services as it may render.

18 * * *

19 ~~§1143.~~ §1281.3. Classification of water and sewerage facilities

20 Within one hundred twenty days of adoption of this ~~Part~~ Subpart, the state
21 health officer will classify all water production facilities, water treatment plants,
22 water distribution systems, sewage collection systems, and sewage treatment plants
23 actually used or intended for use by the public with due regard to the size, type,
24 character of water or wastewater to be treated, and other physical conditions
25 affecting such treatment plants and collection or distribution systems and prescribe
26 the skill, knowledge, and experience that the operator in charge must have to
27 supervise successfully the operation of the facilities so as to protect the public health,
28 prevent unlawful pollution, and protect the water resources of the state.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 renewable upon application, provided the requirements for renewal without
2 reexamination for certificate of even grade are satisfied. Persons granted limited
3 certificates and renewals of limited certificates shall pay the same fees as are fixed
4 for regular certificates of like grade.

5 C. Any person appointed to replace or succeed a water supply system or
6 sewage system operator after the effective date of this ~~part~~ Subpart may be issued a
7 temporary certificate upon application to the committee and payment of the same
8 fees as are specified for limited certificates. Any such person shall be required to
9 obtain a regular certificate of the class commensurate with his duties within a period
10 of twenty four months after the date on which a temporary certificate is issued.

11 ~~§1148.~~ §1281.8. Rulemaking authority

12 The secretary of the Department of Health and Hospitals, in accordance with
13 any other appropriate state law, shall make such rules and regulations as are
14 necessary to carry out the intent of this ~~Part~~ Subpart. The rules and regulations shall
15 include, but not be limited to, provisions establishing the bases for classification of
16 water production facilities, water treatment plants, water distribution systems,
17 sewage collection systems, and sewage treatment plants, and prescribing the skill,
18 knowledge, and experience that the operator in charge must have to supervise
19 successfully the operation of such facilities, and such other provisions as may be
20 necessary for the administration of this ~~Part~~ Subpart.

21 ~~§1149.~~ §1281.9. Certified operator required; exceptions

22 A. On or after one year following the effective date of this ~~Part~~ Subpart, it
23 shall be unlawful for any person, firm, or corporation, both municipal and private,
24 operating a water supply system or sewerage system to operate same unless the
25 competency of the operator is duly certified to by the state health officer under the
26 provisions of this ~~Part~~ Subpart. Furthermore, it shall be unlawful for any person to
27 perform the duties of an operator, as defined herein, without being duly certified
28 under the provisions of this ~~Part~~ Subpart.

29 * * *

1 ~~§1150.~~ §1281.10. Penalties

2 Whoever violates any provision of this ~~part~~ Subpart shall be guilty of a
3 misdemeanor and, upon conviction, shall be punished by a fine of one hundred
4 dollars or by imprisonment in the parish jail for not more than ten days, or by both
5 fine and imprisonment, and each day of operation in violation of this part shall
6 constitute a separate offense.

7 ~~§1151.~~ §1281.11. Exemptions, exceptions, and exclusions

8 The secretary shall provide by rule promulgated in accordance with the
9 provisions of the Administrative Procedure Act for exemptions from the application
10 of this ~~Part~~ Subpart relative to the certification of water supply and sewerage system
11 operators. Such exemptions shall be authorized only if and to the extent that they are
12 in conformity with and are required by federal guidelines pertaining to such
13 operators.

14 ~~PART IV-B~~ SUBPART B. SEWAGE AND SEWERAGE

15 ~~§1152.~~ §1281.21. Secretary; powers; sewage discharges; certain waters

16 * * *

17 C. The secretary shall adopt and promulgate rules and regulations consistent
18 with the general intent and purposes of this ~~Chapter~~ Subpart, in accordance with the
19 Administrative Procedure Act, to prevent water pollution of any of the waters
20 described in Subsection A of this Section, from untreated or improperly treated
21 sewage, notwithstanding any other provision of law establishing any special sewage
22 or water districts or commissions.

23 ~~§1153.~~ §1281.22. Sewage discharges; prohibitions; penalties

24 A. No person shall cause or allow to be discharged untreated or improperly
25 treated sewage into Lake Pontchartrain, Toledo Bend Reservoir, the Sabine River,
26 or their drainage basins, and into all estuaries, streams, and water courses within the
27 state which empty or drain into Lake Pontchartrain, Toledo Bend Reservoir, the

1 Sabine River, or their drainage basins, in contravention of any of the rules or
2 regulations authorized and adopted pursuant to R.S. ~~40:1152~~ 40:1281.21.

3 * * *

4 ~~§1154. §1281.23.~~ Sewage treatment systems; effluent limiters or reducers;
5 disinfectants

6 [Section redesignated from R.S. 40:1154]

7 ~~§1155. §1281.24.~~ Approval of individual sewage treatment and disposal systems

8 [Section redesignated from R.S. 40:1155]

9 ~~§1156. §1281.25.~~ Installation and maintenance of individual aerobic sewage
10 treatment systems by homeowners; waiver of fees

11 [Section redesignated from R.S. 40:1156]

12 SUBCHAPTER B. ENVIRONMENTAL HEALTH

13 PART ~~LVI~~ I. ENVIRONMENTAL HEALTH SURVEILLANCE SYSTEM

14 ~~§1300.171. §1283.1.~~ Purpose

15 [Section redesignated from R.S. 40:1300.171]

16 ~~§1300.172. §1283.2.~~ Development of surveillance system

17 [Section redesignated from R.S. 40:1300.172]

18 PART ~~XVII~~ II. LEAD POISONING PREVENTION AND CONTROL

19 ~~§1299.21. §1285.1.~~ Establishment of lead poisoning prevention program

20 [Section redesignated from R.S. 40:1299.21]

21 ~~§1299.22. §1285.2.~~ Collaboration with other organizations

22 [Section redesignated from R.S. 40:1299.22]

23 ~~§1299.23. §1285.3.~~ Mandatory reporting of lead poisoning cases required;
24 comprehensive records

25 [Section redesignated from R.S. 40:1299.23]

26 ~~§1299.24. §1285.4.~~ Program for detection of lead poisoning sources; voluntary and
27 compulsory inspections; posting dangerous areas; mandatory physical
28 examinations

29 * * *

1 B. When the state health officer or his designee is informed of a case of lead
 2 poisoning pursuant to this Part, or otherwise, he shall cause to have inspected the
 3 dwelling in which the person with lead poisoning resides, or has recently resided, if
 4 the occupants of said dwelling consent, after reasonable notice, to such inspection.
 5 The findings of such inspection shall be reported to the state health officer or his
 6 designee and to the appropriate enforcement authorities provided in R.S. ~~40:1299.28~~
 7 40:1285.9.

8 C. A dangerous level of lead found in a dwelling inspected pursuant to this
 9 Section, or otherwise, shall be reported immediately to the owner of the building or
 10 to his duly appointed representative, all affected tenants, the appropriate enforcement
 11 authorities set out in R.S. ~~40:1299.28~~ 40:1285.9, and the state health officer or his
 12 designee. The state health officer or his designee shall inform such other persons or
 13 agencies as he deems advisable, and shall cause to have prominently posted on the
 14 main entrance to said dwelling a notice that the dwelling contains dangerous amounts
 15 of lead paint or other lead materials and that children under the age of six years and
 16 persons deemed at risk should not be allowed to reside in said dwelling. Such notice
 17 may not be removed until all premises have been found to comply with R.S.
 18 ~~40:1299.27~~ 40:1285.7. Unauthorized intentional removal of the notice shall subject
 19 the offender to a fine of five hundred dollars.

20 * * *

21 ~~§1299.25.~~ §1285.5. Designation of high-risk areas

22 The Department of Health and Hospitals, after consultation with
 23 representatives from the state's medical schools and analysis of childhood blood lead
 24 surveillance, housing, and Medicaid data, shall identify geographic areas in the state
 25 and establish those areas as high-risk for lead poisoning. Based upon the ~~Department~~
 26 ~~of Health and Hospital's~~ analysis of data by the Department of Health and Hospitals,
 27 blood lead screening of children of certain ages residing in these identified areas
 28 shall be mandated by rules adopted in accordance with the Administrative Procedure

1 Act. The office of public health shall promulgate rules and regulations to implement
2 the specific policies and procedures for mandated childhood blood lead screening.

3 ~~§1299.26. §1285.6.~~ Sale and use of lead-based paint and other similar lead-based
4 surface coating material restricted; penalties

5 [Section redesignated from R.S. 40:1299.26]

6 ~~§1299.27. §1285.7.~~ Safety precautions; procedures for removal and repainting

7 A. Whenever a child or children under six years of age or mentally retarded
8 person resides in any residential premises in which any paint, plaster or other
9 accessible materials contain dangerous levels of lead as defined pursuant to ~~R.S.~~
10 ~~40:1299.24~~ the provisions of this Part, after notification by the state health officer or
11 his representative, the owner shall remove or cover said paint, plaster or other
12 material so as to make it inaccessible to children under six years of age or mentally
13 retarded persons. Whenever any such residential premises containing said dangerous
14 levels of lead undergoes a change of ownership and as a result thereof, a child or
15 children under six years of age or mentally retarded persons will become a resident
16 therein, the new owner shall remove or cover said paint, plaster, or other material so
17 as to make it inaccessible to such children or mentally retarded persons.

18 * * *

19 C. This duty shall apply to every owner of residential premises whenever a
20 child or children under six years of age or mentally retarded persons reside therein
21 or whenever such premises undergoes a change of ownership and as a result thereof
22 a child or children under six years of age or mentally retarded persons shall reside
23 therein, whether or not his premises have been inspected pursuant to ~~R.S. 40:1299.24~~
24 the provisions of this Part or otherwise. This section shall be strictly construed and
25 enforced so as to best protect the safety of residents of such dwellings.

26 * * *

27 ~~§1299.27.1. §1285.8.~~ Lead-free pipe, fitting, fixture, solder, or flux; exclusions;
28 definitions

29 [Section redesignated from R.S. 40:1299.27.1]

1 ~~§1299.28.~~ §1285.9. Violations; enforcement

2 A. Any violation of R.S. ~~40:1299.26, 1299.27, or 1299.27.1~~ 40:1285.6,
3 1285.7, or 1285.8 may be treated by any party as a violation of the state, municipal,
4 or parochial health codes and all procedures and remedies applicable to such
5 violations of the codes shall be available to correct, deter, or punish violations of the
6 provisions. The district and appellate courts shall have jurisdiction to enforce the
7 provisions to the same extent that the courts have jurisdiction to enforce the codes.

8 B. All local health officers, health unit supervisors, or other code
9 enforcement agencies shall enforce R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~
10 40:1285.6, 1285.7, and 1285.8 in the same manner and with the same authority as
11 they may enforce the health code.

12 C. The state health officer shall have concurrent responsibility and authority
13 to enforce R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~ 40:1285.6, 1285.7, and 1285.8
14 and in so doing shall have available to him all powers and authority which shall be
15 available to local health officers and health unit supervisors. The state health
16 officer's responsibility with respect to objects sold or placed into commerce in
17 violation of R.S. ~~40:1299.27.1~~ 40:1285.8 is limited to those instances where the state
18 officer or his personnel are notified of such violation.

19 D. Violations of R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~ 40:1285.6, 1285.7,
20 and 1285.8 shall be treated as emergency matters, and shall be given preference by
21 enforcing agencies and speedy hearings by district and appellate courts.

22 ~~§1299.29.~~ §1285.10. Liability of owners of residential property; damages

23 The owner of any residential property shall be liable for all damages caused
24 by his failure to perform the duties required of him pursuant to R.S. ~~40:1299.26 or~~
25 ~~R.S. 40:1299.27~~ 40:1285.6 or 1285.7.

26 PART ~~IX~~ III. SMOKE CONSUMERS

27 ~~§1251.~~ §1287.1. Equipment of steam plants in certain cities; penalty

28 [Section redesignated from R.S. 40:1251]

1 PART ~~XXX~~ IV. TOXIC SUBSTANCES

2 ~~§1299.100.~~ §1289.1. Submission of emergency plan and reporting of toxic
3 substances; penalties

4 [Section redesignated from R.S. 40:1299.100]

5 SUBCHAPTER C. SMOKING

6 PART ~~LXIII~~ I. LOUISIANA SMOKEFREE AIR ACT

7 SUBPART A. GENERAL PROVISIONS

8 ~~§1300.251.~~ §1291.1. Short title

9 [Section redesignated from R.S. 40:1300.251]

10 ~~§1300.252.~~ §1291.2. Purpose

11 [Section redesignated from R.S. 40:1300.252]

12 ~~§1300.253.~~ §1291.3. Definitions

13 [Section redesignated from R.S. 40:1300.253]

14 SUBPART B. PROHIBITIONS AND EXEMPTIONS

15 ~~§1300.256.~~ §1291.11. General smoking prohibitions; exemptions

16 [Section redesignated from R.S. 40:1300.256]

17 SUBPART C. PENALTIES AND RULES AND REGULATIONS

18 ~~§1300.261.~~ §1291.21. Notice of prohibition of smoking

19 [Section redesignated from R.S. 40:1300.261]

20 ~~§1300.262.~~ §1291.22. Enforcement; penalties

21 A.(1) Any violation of any prohibition in R.S. ~~40:1300.256(A)~~
22 40:1291.11(A) may be cited by any law enforcement officer by the issuance of a
23 citation and summons to appear before a court of proper jurisdiction.

24 * * *

25 B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S.
26 ~~40:1300.256(A)(1), (2), and (3)~~ 40:1291.11(A)(1), (2), and (3) shall, upon a first
27 offense, be fined twenty-five dollars.

28 * * *

1 (2)(a) Any employer who is guilty of a violation of the prohibition in R.S.
2 ~~40:1300.256(A)(4)~~ 40:1291.11(A)(4) shall, upon a first offense, be fined one
3 hundred dollars.

4 * * *

5 ~~§1300.263.~~ §1291.23 Development of smoke-free policies

6 A.

7 * * *

8 (2) For the purposes of this Section, "smoke-free" means the prohibition of
9 smoking as defined in R.S. ~~40:1300.253~~ 40:1291.3.

10 * * *

11 C. The provisions of this Section shall not supersede the provisions of R.S.
12 ~~40:1300.256(A)~~ 40:1291.11(A).

13 PART ~~X~~ II. SMOKING REGULATION

14 ~~§1261.~~ §1293.1. Louisiana Superdome; smoking regulation

15 [Section redesignated from R.S. 40:1261]

16 ~~§1262.~~ §1293.2. Senator Nat G. Kiefer University of New Orleans Lakefront Arena;
17 smoking regulation

18 [Section redesignated from R.S. 40:1262]

19 CHAPTER 5-G. MISCELLANEOUS HEALTH PROVISIONS

20 PART ~~XIX~~ I. HUMAN CLONING

21 ~~§1299.36.~~ §1300. Use of public monies for human cloning; prohibition; exceptions

22 [Section redesignated from R.S. 40:1299.36]

23 PART ~~XVI~~ II. MASS MEETINGS

24 ~~§1299.11.~~ §1300.11. Definitions

25 [Section redesignated from R.S. 40:1299.11]

26 ~~§1299.12.~~ §1300.12. Permits

27 [Section redesignated from R.S. 40:1299.12]

28 ~~§1299.13.~~ §1300.13. Application of Part; exceptions

29 [Section redesignated from R.S. 40:1299.13]

1 identifying device, and, if the identifying device is found, may make a reasonable
2 search for an identification card of the type described in ~~Section 1299.73(B)~~ R.S.
3 40:1300.33(B).

4 B. There shall be no cause of action against a medical practitioner for
5 making a reasonable search of a disabled person to locate an identifying device, and
6 if the identifying device is found, for making a reasonable search for an
7 identification card of the type described in ~~Section 1299.73(B)~~ R.S. 40:1300.33(B).

8 ~~§1299.76.~~ §1300.36. Duty of others

9 A. Any person, other than a law enforcement officer or medical practitioner,
10 who finds a disabled person shall make a reasonable effort to notify a law
11 enforcement officer or medical practitioner. If a law enforcement officer or medical
12 practitioner is not present, any person who finds a disabled person may make a
13 reasonable search for an identifying device, and, if the identifying device is found,
14 may make a reasonable search for an identification card of the type described in
15 ~~Section 1299.73(B)~~ R.S. 40:1300.33(B). If a device or card is located, the person
16 making the search shall attempt promptly to bring its contents to the attention of a
17 law enforcement officer or medical practitioner.

18 * * *

19 ~~§1299.77.~~ §1300.37. Falsifying identification or misrepresenting condition

20 Any person who, with intent to deceive, provides, wears, uses, or possesses
21 a false identifying device or identification card of the type described in ~~Section~~
22 ~~1299.73(B)~~ R.S. 40:1300.33(B) shall be guilty of a misdemeanor and, upon
23 conviction, shall be punished by imprisonment in the parish jail for not more than
24 ninety days, or by a fine of not more than three hundred dollars, or both.

25 Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S.
26 40:1299.91 as R.S. 13:5108.2.

27 Section 3(A). The Louisiana State Law Institute is hereby directed to redesignate
28 Part VII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
29 R.S. 40:1237 through 1238.4, as Part XVI of Chapter 4 of Title 40 of the Louisiana Revised

1 Statutes of 1950, to be comprised of R.S. 40:1060.11 through 1060.16, and to retain the
2 heading of the Part.

3 (B) The Louisiana State Law Institute is hereby directed to redesignate Part VII-B
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1239, as Part XVII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,
6 to be comprised of R.S. 40:1060.21, and to retain the heading of the Part.

7 Section 4. The Louisiana State Law Institute is hereby directed to redesignate Part
8 XVIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
9 40:1299.30 through 1299.35.19, as Chapter 5 of Title 40 of the Louisiana Revised Statutes
10 of 1950, to be entitled "Health Provisions: Abortion" and comprised of R.S. 40:1061 through
11 1061.27, as more specifically provided in Section 1 of this Act.

12 Section 5.(A) The Louisiana State Law Institute is hereby directed to establish
13 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
14 Provisions: Children" and comprised of R.S. 40:1071 through 1087.5, as more specifically
15 provided in Section 1 of this Act and in this Section.

16 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XXXI
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 40:1299.111 through 1299.117, as Part I of Chapter 5-A of Title 40 of the Louisiana Revised
19 Statutes of 1950, to be comprised of R.S. 40:1071 through 1071.6, and to retain the heading
20 of the Part.

21 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XLIX
22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1300.101 through 1300.107, as Part II of Chapter 5-A of Title 40 of the Louisiana
24 Revised Statutes of 1950, to be comprised of R.S. 40:1073.1 through 1073.6, and to retain
25 the heading of the Part.

26 (D) The Louisiana State Law Institute is hereby directed to redesignate Part LXVIII
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1300.311 through 1300.313, as Part III of Chapter 5-A of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1075.1 through 1075.3, and to retain
2 the heading of the Part.

3 (E)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I-A
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1095 through 1098.8, as Part IV of Chapter 5-A of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.18, as more specifically
7 provided in Section 1 of this Act and in this Subsection, and to retain the heading of the Part.

8 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
9 of Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
10 R.S. 40:1095 through 1097, as Subpart A of Part IV of Chapter 5-A of Title 40 of the
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.3, and
12 to retain the heading of the Subpart.

13 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
14 Part I-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
15 R.S. 40:1098.1 through 1098.8, as Subpart B of Part IV of Chapter 5-A of Title 40 of the
16 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.11 through 1077.18,
17 and to retain the heading of the Subpart.

18 (F)(1) The Louisiana State Law Institute is hereby directed to establish Part V of
19 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Newborns"
20 and comprised of R.S. 40:1079.1 through 1083.8, as more specifically provided in Section
21 1 of this Act and in this Subsection.

22 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XV of
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299
24 through 1299.6, as Subpart A of Part V of Chapter 5-A of Title 40 of the Louisiana Revised
25 Statutes of 1950, to be comprised of R.S. 40:1079.1 through 1079.9 and entitled "Genetic
26 Conditions and Newborns".

27 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIV
28 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
29 40:1300.371 through 1300.373, as Subpart B of Part V of Chapter 5-A of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1081.1 through 1081.3 and
2 entitled "Newborn Critical Congenital Heart Disease Screening Program".

3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part II of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1101
5 through 1108, as Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1083.1 through 1083.8 and entitled "Prevention
7 of Blindness from Ophthalmia Neonatorum".

8 (G)(1) The Louisiana State Law Institute is hereby directed to establish Part VI of
9 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Youth
10 Sports Injury" and comprised of R.S. 40:1085.1 through 1087.5, as more specifically
11 provided in Section 1 of this Act and in this Subsection.

12 (2) The Louisiana State Law Institute is hereby directed to redesignate Part
13 XXXVII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
14 of R.S. 40:1299.186, as Subpart A of Part VI of Chapter 5-A of Title 40 of the Louisiana
15 Revised Statutes of 1950, to be comprised of R.S. 40:1085.1 and entitled "Comprehensive
16 Sports Injury Management Program".

17 (3) The Louisiana State Law Institute is hereby directed to redesignate Part
18 XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
19 of R.S. 40:1299.181 through 1299.185, as Subpart B of Part VI of Chapter 5-A of Title 40
20 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1087.1 through 1087.5
21 and entitled "Louisiana Youth Concussion Act".

22 Section 6.(A) The Louisiana State Law Institute is hereby directed to establish
23 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
24 Provisions: Diseases" and comprised of R.S. 40:1101 through 1119.24, as more specifically
25 provided in Section 1 of this Act and in this Section.

26 (B) The Louisiana State Law Institute is hereby directed to redesignate Part LI of
27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1300.121 through 1300.125, as Part I of Chapter 5-B of Title 40 of the Louisiana Revised

1 Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4, and to retain the heading
2 of the Part.

3 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LIV of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1300.151 through 1300.154, as Part II of Chapter 5-B of Title 40 of the Louisiana
6 Revised Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4 and entitled
7 "Breast Cancer: Oral and Written Summary of Treatment Alternatives".

8 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVII
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1299.80 through 1299.90.2, as Part III of Chapter 5-B of Title 40 of the Louisiana
11 Revised Statutes of 1950, to be comprised of R.S. 40:1105.1 through 1105.13, and to retain
12 the heading of the Part.

13 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXXII
14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
15 40:1299.118 through 1299.120, as Part IV of Chapter 5-B of Title 40 of the Louisiana
16 Revised Statutes of 1950, to be comprised of R.S. 40:1107.1 through 1107.3, and to retain
17 the heading of the Part.

18 (F) The Louisiana State Law Institute is hereby directed to redesignate Part LV of
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
20 40:1300.161 through 1300.363, as Part V of Chapter 5-B of Title 40 of the Louisiana
21 Revised Statutes of 1950, to be comprised of R.S. 40:1109.1 through 1109.3, and to retain
22 the heading of the Part.

23 (G) The Louisiana State Law Institute is hereby directed to redesignate Part XXXV
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1299.141 through 1299.147, as Part VI of Chapter 5-B of Title 40 of the Louisiana
26 Revised Statutes of 1950, to be comprised of R.S. 40:1111.1 through 1111.7, and to retain
27 the heading of the Part.

28 (H) The Louisiana State Law Institute is hereby directed to redesignate Part VI of
29 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1181,

1 as Part VII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be
2 comprised of R.S. 40:1113.1, and to retain the heading of the Part.

3 (I)(1) The Louisiana State Law Institute is hereby directed to establish Part VIII of
4 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
5 "Tuberculosis" and comprised of R.S. 40:1115.1 through 1117.1, as more specifically
6 provided in Section 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part V of
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1172,
9 as Subpart A of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
10 1950, to be comprised of R.S. 40:1115.1 and entitled "Tuberculosis - General".

11 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLIII
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1300.31, as Subpart B of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised
14 Statutes of 1950, to be comprised of R.S. 40:1117.1 and entitled "Tuberculosis Testing for
15 Admission to Nursing Homes".

16 (J)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I of
17 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1061
18 through 1094, as Part IX of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
19 1950, to be comprised of R.S. 40:1119.1 through 1119.24, as more specifically provided in
20 Section 1 of this Act and in this Subsection, and to retain the heading of the Part.

21 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
22 of Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
23 R.S. 40:1061 through 1068, as Subpart A of Part IX of Chapter 5-B of Title 40 of the
24 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1119.1 through 1119.11, and
25 to retain the heading of the Subpart.

26 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
27 Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1091 through 1094, as Subpart B of Part IX of Chapter 5-B of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1119.21 through 1119.24, and to retain
2 the heading of the Subpart.

3 Section 7.(A) The Louisiana State Law Institute is hereby directed to establish
4 Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
5 Provisions: Emergency Medical Services" and comprised of R.S. 40:1131 through 1139.11,
6 as more specifically provided in Section 1 of this Act and in this Section.

7 (B) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
8 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
9 R.S. 40:1231 through 1231.2, as Part I of Chapter 5-C of Title 40 of the Louisiana Revised
10 Statutes of 1950, to be comprised of R.S. 40:1131 through 1131.2 and entitled "General
11 Provisions".

12 (C) The Louisiana State Law Institute is hereby directed to redesignate Subpart B
13 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
14 R.S. 40:1232 through 1234.1, as Part II of Chapter 5-C of Title 40 of the Louisiana Revised
15 Statutes of 1950, to be comprised of R.S. 40:1133.1 through 1133.15 and entitled
16 "Emergency Medical Personnel".

17 (D) The Louisiana State Law Institute is hereby directed to redesignate Subpart C
18 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
19 R.S. 40:1235 through 1236.7, as Part III of Chapter 5-C of Title 40 of the Louisiana Revised
20 Statutes of 1950, to be comprised of R.S. 40:1135.1 through 1135.12 and entitled
21 "Emergency Medical Transportation".

22 (E) The Louisiana State Law Institute is hereby directed to redesignate Subpart D
23 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
24 R.S. 40:1236.11 through 1236.14, as Part IV of Chapter 5-C of Title 40 of the Louisiana
25 Revised Statutes of 1950, to be comprised of R.S. 40:1137.1 through 1137.4 and entitled
26 "Automated External Defibrillators".

27 (F) The Louisiana State Law Institute is hereby directed to redesignate Subpart E of
28 Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
29 R.S. 40:1236.21 through 1236.31, as Part V of Chapter 5-C of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1139.1 through 1139.11 and entitled
2 "First Responder Financial Stabilization and Enhancement".

3 Section 8.(A) The Louisiana State Law Institute is hereby directed to establish
4 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
5 Provisions: Health Care" and comprised of R.S. 40:1151 through 1237.4, as more
6 specifically provided in Section 1 of this Act and in this Section.

7 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
8 A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
9 "Health Care Consumers" and comprised of R.S. 40:1151 through 1173.1, as more
10 specifically provided in Section 1 of this Act and in this Subsection.

11 (2)(a) The Louisiana State Law Institute is hereby directed to establish Part I of
12 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
13 entitled "Advance Directives and Life-Sustaining Procedures" and comprised of R.S.
14 40:1151 through 1155.6, as more specifically provided in Section 1 of this Act and in this
15 Subsection.

16 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-A
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 40:1299.58.1 through 1299.58.10, as Subpart A of Part I of Subchapter A of Chapter 5-D of
19 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1151 through
20 1151.9 and entitled "Declarations Concerning Life-Sustaining Procedures".

21 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-B
22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1299.60 through 1299.64, as Subpart B of Part I of Subchapter A of Chapter 5-D of Title
24 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1153.1 through
25 1153.5 and entitled "Louisiana Military Advance Medical Directive Act".

26 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-C
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1299.64.1 through 1299.64.6, as Subpart C of Part I of Subchapter A of Chapter 5-D of

1 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1155.1
2 through 1155.6 and entitled "Louisiana Military Advance Medical Directive Act".

3 (3)(a) The Louisiana State Law Institute is hereby directed to establish Part II of
4 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
5 entitled "Consent" and comprised of R.S. 40:1157.1 through 1161.1, as more specifically
6 provided in Section 1 of this Act and in this Subsection.

7 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII of
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
9 40:1299.39.5 through 1299.39.7, as Subpart A of Part II of Subchapter A of Chapter 5-D of
10 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1157.1
11 through 1157.3 and entitled "Uniform Consent Law".

12 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1299.50 through 1299.58, as Subpart B of Part II of Subchapter A of Chapter 5-D of Title
15 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1159.1 through
16 1159.9 and entitled "Uniform Consent Law".

17 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIV
18 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1299.131, as Subpart C of Part II of Subchapter A of Chapter 5-D of Title 40 of the
20 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1161.1 and entitled
21 "Informed Consent to Dental Treatment".

22 (4)(a) The Louisiana State Law Institute is hereby directed to establish Part III of
23 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
24 entitled "Information and Records" and comprised of R.S. 40:1163.1 through 1167.4, as
25 more specifically provided in Section 1 of this Act and in this Subsection.

26 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII-A
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1299.40.1, as Subpart A of Part III of Subchapter A of Chapter 5-D of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1163.1 and entitled
2 "Electronic Health Care Transactions".

3 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1299.96 through 1299.97, as Subpart B of Part III of Subchapter A of Chapter 5-D of
6 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1165.1
7 through 1165.3 and entitled "Health Care Information".

8 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX-A
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1299.97.1 through 1299.97.4, as Subpart C of Part III of Subchapter A of Chapter 5-D
11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1167.1
12 through 1167.4 and entitled "Electronic Health Records Loan Program Act".

13 (5)(a) The Louisiana State Law Institute is hereby directed to establish Part IV of
14 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
15 entitled "Rights" and comprised of R.S. 40:1169.1 through 1173.1, as more specifically
16 provided in Section 1 of this Act and in this Subsection.

17 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XLI of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1300.11 through 1300.15, as Subpart A of Part IV of Subchapter A of Chapter 5-D of
20 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1169.1
21 through 1169.5 and entitled "Confidentiality of HIV Test Results".

22 (c) The Louisiana State Law Institute is hereby directed to redesignate Part L of
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
24 40:1300.111 through 1300.114, as Subpart B of Part IV of Subchapter A of Chapter 5-D of
25 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1171.1
26 through 1171.4 and entitled "Louisiana Health Care Consumers' Right to Know".

27 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXV of
28 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
29 40:1299.65, as Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1173.1 and entitled "Right
2 to Chiropractic Care".

3 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
4 B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
5 "Health Care Facilities" and comprised of R.S. 40:1181.1 through 1189.1, as more
6 specifically provided in Section 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LIII of
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
9 40:1300.141 through 1300.147, as Part I of Subchapter B of Chapter 5-D of Title 40 of the
10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1181.1 through 1181.7, and
11 to retain the heading of the Part.

12 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LII of
13 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1300.131 through 1300.134, as Part II of Subchapter B of Chapter 5-D of Title 40 of the
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1183.1 through 1183.4 and
16 entitled "Federally Qualified Health Center Preservation Act".

17 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXI of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1300.231 through 1300.236, as Part III of Subchapter B of Chapter 5-D of Title 40 of the
20 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1185.1 through 1185.6, and
21 to retain the heading of the Part.

22 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXIV
23 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
24 40:1300.271, as Part IV of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
25 Statutes of 1950, to be comprised of R.S. 40:1187.1, and to retain the heading of the Part.

26 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LXXI
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1300.341, as Part V of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
29 Statutes of 1950, to be comprised of R.S. 40:1189.1, and to retain the heading of the Part.

1 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
2 C of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
3 "Health Care Professionals" and comprised of R.S. 40:1201.1 through 1207.2, as more
4 specifically provided in Section 1 of this Act and in this Subsection.

5 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLII of
6 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
7 40:1300.21 and 1300.22, as Part I of Subchapter C of Chapter 5-D of Title 40 of the
8 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1201.1 and 1201.2, and to
9 retain the heading of the Part.

10 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLV of
11 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 40:1300.51 through 1300.57, as Part II of Subchapter C of Chapter 5-D of Title 40 of the
13 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1203.1 through 1203.7, and
14 to retain the heading of the Part.

15 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XL of
16 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.1
17 through 1300.7, as Part III of Subchapter C of Chapter 5-D of Title 40 of the Louisiana
18 Revised Statutes of 1950, to be comprised of R.S. 40:1205.1 through 1205.7, and to retain
19 the heading of the Part.

20 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XL-A
21 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22 40:1300.8.1 and 1300.8.2, as Part IV of Subchapter C of Chapter 5-D of Title 40 of the
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1207.1 and 1207.2, and to
24 retain the heading of the Part.

25 (E)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
26 D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
27 "Health Care Services" and comprised of R.S. 40:1211.1 through 1223.1, as more
28 specifically provided in Section 1 of this Act and in this Subsection.

1 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVII of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1300.181 through 1300.183, as Part I of Subchapter D of Chapter 5-D of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1211.1 through 1211.3, and
5 to retain the heading of the Part.

6 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIX
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1299.191 through 1299.195, as Part II of Subchapter D of Chapter 5-D of Title 40 of the
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1213.1 through 1213.5, and
10 to retain the heading of the Part.

11 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVI
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1299.151 and 1299.152, as Part III of Subchapter D of Chapter 5-D of Title 40 of the
14 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1215.1 and 1215.2, and to
15 retain the heading of the Part.

16 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XLVIII
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 40:1300.81 through 1300.97, as Part IV of Subchapter D of Chapter 5-D of Title 40 of the
19 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1217.1 through 1217.17, and
20 to retain the heading of the Part.

21 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LIX of
22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1300.211 through 1300.216, as Part V of Subchapter D of Chapter 5-D of Title 40 of the
24 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1219.1 through 1219.6, and
25 to retain the heading of the Part.

26 (7) The Louisiana State Law Institute is hereby directed to redesignate Part LVIII
27 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1300.191 through 1300.201, as Part VI of Subchapter D of Chapter 5-D of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1221.1 through 1221.11, and
2 to retain the heading of the Part.

3 (8) The Louisiana State Law Institute is hereby directed to redesignate Part LXV of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1300.281, as Part VII of Subchapter D of Chapter 5-D of Title 40 of the Louisiana
6 Revised Statutes of 1950, to be comprised of R.S. 40:1223.1, and to retain the heading of the
7 Part.

8 (F)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
9 E of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
10 "Malpractice" and comprised of R.S. 40:1231.1 through 1237.4, as more specifically
11 provided in Section 1 of this Act and in this Subsection.

12 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XXIII
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1299.41 through 1299.49, as Part I of Subchapter E of Chapter 5-D of Title 40 of the
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1231.1 through 1231.10, and
16 to retain the heading of the Part.

17 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XX of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1299.37, as Part II of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised
20 Statutes of 1950, to be comprised of R.S. 40:1233.1, and to retain the heading of the Part.

21 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXI of
22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1299.38, as Part III of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised
24 Statutes of 1950, to be comprised of R.S. 40:1235.1, and to retain the heading of the Part.

25 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXI-A
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1299.39 through 1299.39.3, as Part IV of Subchapter E of Chapter 5-D of Title 40 of the
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1237.1 through 1237.4, and
29 to retain the heading of the Part.

1 Section 9.(A) The Louisiana State Law Institute is hereby directed to establish
2 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
3 Provisions: Medical Assistance Program (Medicaid)" and comprised of R.S. 40:1241
4 through 1253.5, as more specifically provided in Section 1 of this Act and in this Section.

5 (B)(1) The Louisiana State Law Institute is hereby directed to establish Part I of
6 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
7 Services Financing" and comprised of R.S. 40:1241 through 1247.1, as more specifically
8 provided in Section 1 of this Act and in this Subsection.

9 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LXVI
10 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11 40:1300.291, as Subpart A of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
12 Statutes of 1950, to be comprised of R.S. 40:1241 and entitled "Hospital Prospective
13 Reimbursement Methodology".

14 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXX of
15 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
16 40:1300.331 and 1300.332, as Subpart B of Part I of Chapter 5-E of Title 40 of the Louisiana
17 Revised Statutes of 1950, to be comprised of R.S. 40:1243.1 and 1243.2 and entitled "Health
18 Care Providers Upper Payment Limit Methodology".

19 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXVII
20 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
21 40:1300.301, as Subpart C of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
22 Statutes of 1950, to be comprised of R.S. 40:1245.1 and entitled "Intergovernmental
23 Transfers".

24 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXXII
25 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
26 40:1300.351, as Subpart D of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
27 Statutes of 1950, to be comprised of R.S. 40:1247.1 and entitled "Parish and Municipal
28 Entities".

1 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LXIX
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1300.321 through 1300.323, as Part II of Chapter 5-E of Title 40 of the Louisiana
4 Revised Statutes of 1950, to be comprised of R.S. 40:1249.1 through 1249.3, and to retain
5 the heading of the Part.

6 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI-A
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1299.78 through 1299.78.5, as Part III of Chapter 5-E of Title 40 of the Louisiana
9 Revised Statutes of 1950, to be comprised of R.S. 40:1251.1 through 1251.6, and to retain
10 the heading of the Part.

11 (E) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIII
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1300.361 through 1300.365, as Part IV of Chapter 5-E of Title 40 of the Louisiana
14 Revised Statutes of 1950, to be comprised of R.S. 40:1253.1 through 1253.5, and to retain
15 the heading of the Part.

16 Section 10.(A) The Louisiana State Law Institute is hereby directed to establish
17 Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
18 Provisions: Public Health" and comprised of R.S. 40:1261 through 1293.2, as more
19 specifically provided in Section 1 of this Act and in this Section.

20 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
21 A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Public
22 Health - General" and comprised of R.S. 40:1261 through 1281.25, as more specifically
23 provided in Section 1 of this Act and in this Subsection.

24 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLVII
25 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
26 40:1300.71 and 1300.72, as Part I of Subchapter A of Chapter 5-F of Title 40 of the
27 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1261 and 1261.1, and to
28 retain the heading of the Part.

1 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIII
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.121 through 1299.125, as Part II of Subchapter A of Chapter 5-F of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1263.1 through 1263.5, and
5 to retain the heading of the Part.

6 (4) The Louisiana State Law Institute is hereby directed to redesignate Part VIII of
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1241
8 and 1242, as Part III of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
9 Statutes of 1950, to be comprised of R.S. 40:1265.1 and 1265.2, and to retain the heading
10 of the Part.

11 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XIII of
12 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1296,
13 as Part IV of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
14 1950, to be comprised of R.S. 40:1267.1, and to retain the heading of the Part.

15 (6) The Louisiana State Law Institute is hereby directed to redesignate Part XI of
16 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1275
17 through 1278, as Part V of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
18 Statutes of 1950, to be comprised of R.S. 40:1269.1 through 1269.4, and to retain the
19 heading of the Part.

20 (7) The Louisiana State Law Institute is hereby directed to redesignate Part I-B of
21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1099
22 and 1099.1, as Part VI of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
23 Statutes of 1950, to be comprised of R.S. 40:1271.1 and 1271.2, and to retain the heading
24 of the Part.

25 (8) The Louisiana State Law Institute is hereby directed to redesignate Part XLVI
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1300.61 through 1300.68, as Part VII of Subchapter A of Chapter 5-F of Title 40 of the
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1273.1 through 1273.8, and
29 to retain the heading of the Part.

1 (9) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVII
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.171 through 1299.174, as Part VIII of Subchapter A of Chapter 5-F of Title 40 of
4 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1275.1 through 1275.4,
5 and to retain the heading of the Part.

6 (10) The Louisiana State Law Institute is hereby directed to redesignate Part XII of
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1295,
8 as Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
9 1950, to be comprised of R.S. 40:1277.1, and to retain the heading of the Part.

10 (11) The Louisiana State Law Institute is hereby directed to redesignate Part III of
11 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1121,
12 as Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
13 1950, to be comprised of R.S. 40:1279.1, and to retain the heading of the Part.

14 (12)(a) The Louisiana State Law Institute is hereby directed to establish Part XI of
15 Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be
16 entitled "Water and Sewerage" and comprised of R.S. 40:1281.1 through 1281.25, as more
17 specifically provided in Section 1 of this Act and in this Subsection.

18 (b) The Louisiana State Law Institute is hereby directed to redesignate Part IV-A of
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1141
20 through 1151, as Subpart A of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
21 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.1 through 1281.11 and
22 entitled "Water Supply and Sewerage Systems".

23 (c) The Louisiana State Law Institute is hereby directed to redesignate Part IV-B of
24 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1152
25 through 1156, as Subpart B of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
26 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.21 through 1281.25
27 and entitled "Sewage and Sewerage".

28 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
29 B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled

1 "Environmental Health" and comprised of R.S. 40:1283.1 through 1289.1, as more
2 specifically provided in Section 1 of this Act and in this Subsection.

3 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVI of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1300.171 and 1300.172, as Part I of Subchapter B of Chapter 5-F of Title 40 of the
6 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1283.1 and 1283.2, and to
7 retain the heading of the Part.

8 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XVII of
9 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1299.21 through 1299.29, as Part II of Subchapter B of Chapter 5-F of Title 40 of the
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1285.1 through 1285.10, and
12 to retain the heading of the Part.

13 (4) The Louisiana State Law Institute is hereby directed to redesignate Part IX of
14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1251,
15 as Part III of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
16 1950, to be comprised of R.S. 40:1287.1, and to retain the heading of the Part.

17 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXX of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1299.100, as Part IV of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised
20 Statutes of 1950, to be comprised of R.S. 40:1289.1, and to retain the heading of the Part.

21 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
22 C of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
23 "Smoking" and comprised of R.S. 40:1291.1 through 1293.2, as more specifically provided
24 in Section 1 of this Act and in this Subsection.

25 (2)(a) The Louisiana State Law Institute is hereby directed to redesignate Part LXIII
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1300.251 through 1300.263, as Part I of Subchapter C of Chapter 5-F of Title 40 of the
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1 through 1291.23, as

1 more specifically provided in Section 1 of this Act and in this Subsection, and to retain the
2 heading of the Part.

3 (b) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
4 of Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
5 of R.S. 40:1300.251 through 1300.253, as Subpart A of Part I of Subchapter C of Chapter
6 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1
7 through 1291.3, and to retain the heading of the Subpart.

8 (c) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
9 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
10 R.S. 40:1300.256, as Subpart B of Part I of Subchapter C of Chapter 5-F of Title 40 of the
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.11, and to retain the
12 heading of the Subpart.

13 (d) The Louisiana State Law Institute is hereby directed to redesignate Subpart C of
14 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
15 R.S. 40:1300.261 through 1300.263, as Subpart C of Part I of Subchapter C of Chapter 5-F
16 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.21
17 through 1291.23, and to retain the heading of the Subpart.

18 (3) The Louisiana State Law Institute is hereby directed to redesignate Part X of
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1261
20 and 1262, as Part II of Subchapter C of Chapter 5-F of Title 40 of the Louisiana Revised
21 Statutes of 1950, to be comprised of R.S. 40:1293.1 and 1293.2, and to retain the heading
22 of the Part.

23 Section 11.(A) The Louisiana State Law Institute is hereby directed to establish
24 Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
25 "Miscellaneous Health Provisions" and comprised of R.S. 40:1300 through 1300.37, as more
26 specifically provided in Section 1 of this Act and in this Section.

27 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XIX of
28 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 40:1299.36, as Part I of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950,
2 to be comprised of R.S. 40:1300, and to retain the heading of the Part.

3 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XVI of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1299.11 through 1299.13, as Part II of Chapter 5-G of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1300.11 through 1300.13, and to retain the
7 heading of the Part.

8 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XIV of
9 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1298,
10 as Part III of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be
11 comprised of R.S. 40:1300.21, and to retain the heading of the Part.

12 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1299.71 through 1299.77, as Part IV of Chapter 5-G of Title 40 of the Louisiana Revised
15 Statutes of 1950, to be comprised of R.S. 40:1300.31 through 1300.37, and to retain the
16 heading of the Part.

17 Section 12. The Louisiana State Law Institute is hereby directed to change any
18 references to Sections, Chapters, Subchapters, Parts, and Subparts in the Titles of the
19 Louisiana Revised Statutes of 1950 and the Codes as necessary to reflect the new Sections,
20 Chapters, Subchapters, Parts, and Subparts provided in this Act.

21 Section 13. This Act shall become effective on January 1, 2015.

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)]

Simon

HB No. 667

Abstract: Reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 (Public Health and Safety) of the La. Revised Statutes of 1950.

Proposed law reorganizes and recodifies the Miscellaneous Health Provisions chapter of Title 40 (Public Health and Safety) of present law.

Proposed law directs the La. State Law Institute to take the following actions:

- (1) Redesignate provisions of present law into a new format and number scheme as provided in proposed law without changing the text of the provisions except as provided in proposed law.
- (2) Change references to Sections, Chapters, Subchapters, Parts, and Subparts throughout present law as necessary to reflect the new Sections, Chapters, Subchapters, Parts, and Subparts provided for in proposed law.

Proposed law creates eight chapters from the provisions of the single Miscellaneous Health Provisions chapter of present law, to be numbered, entitled, and comprised as follows:

- Chapter 5. Health Provisions: Abortion
Comprising R.S. 40:1061 through 1061.27 of proposed law.
- Chapter 5-A. Health Provisions: Children
Comprising R.S. 40:1071 through 1087.5 of proposed law.
- Chapter 5-B. Health Provisions: Diseases
Comprising R.S. 40:1101 through 1119.24 of proposed law.
- Chapter 5-C. Health Provisions: Emergency Medical Services
Comprising R.S. 40:1131 through 1139.11 of proposed law.
- Chapter 5-D. Health Provisions: Health Care
Comprising R.S. 40:1151 through 1237.4 of proposed law.
- Chapter 5-E. Health Provisions: Medical Assistance Program (Medicaid)
Comprising R.S. 40:1241 through 1253.5 of proposed law.
- Chapter 5-F. Health Provisions: Public Health
Comprising R.S. 40:1261 through 1293.2 of proposed law.
- Chapter 5-G. Miscellaneous Health Provisions
Comprising R.S. 40:1300 through 1300.37 of proposed law.

Proposed law adds the following Section numbers and redesignates to these numbers provisions of present law:

R.S. 13:5108.2, R.S. 40:1060.11-1060.21, 1061.1-1061.27, 1071-1087.5, 1101.1-1101.4, 1103.1-1103.4, 1105.1-1105.13, 1107.1-1107.3, 1109.1-1119.24, 1131-1139.11, 1151.1-1151.9, 1153.1-1153.5, 1155.1-1155.6, 1157.1-1171.4, 1173.1, 1181.1-1223.1, 1231.3-1231.10, 1233.1, 1237.1-1237.4, 1243.1-1249.3, 1251.1-1253.5, 1261.1, 1263.1-1273.8, 1275.1-1275.4, 1277.1, 1279.1-1293.1, 1300, and 1300.32-1300.37.

Proposed law deletes the following Section numbers from which provisions of present law are redesignated:

R.S. 40:1062-1068, 1091-1099.1, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1121, 1141-1150, 1152, 1153, 1154, 1155, 1156, 1172, 1181, 1231, 1232-1233, 1234-1235, 1235.2-1237, 1238-1239, 1242, 1251, 1262, 1275, 1276, 1277, 1278, 1295-1299.195, 1300.1-1300.8.2, 1300.14, 1300.15, 1300.22, and 1300.51-1300.373.

Effective January 1, 2015.

(Amends R.S. 40:1068, 1098.5, 1102, 1103(A)(intro. para.), 1104(1), 1105(1), (2), and (5)-(7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146-1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(intro. para.) and (21), 1231.2, 1232.3(A)(1), (2), (6), and (8),

1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and (14), 1232.8, 1232.9(3)-(5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b), (3)(a), (B)(2), and (D)(1)(e), 1235.1(B)(1) and (4), 1235.2(C)(3)(a), 1235.4(B)(1) and (2)(a)-(d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2), 1236.7(B)(1) and (2), 1236.13(C), 1236.14, 1236.22, 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3), 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(intro. para.), and (E), 1299.35.1(intro. para.) and (7), 1299.35.2(D)(intro. para.) and (5), 1299.35.2.1, 1299.35.3(B), 1299.35.5(B)(3)(b)(ii), 1299.35.5.1(B)(2), 1299.35.6(A)(4)(b), (B)(1) and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(intro. para.), (B)(intro. para.), (C), and (D), 1299.35.8(A)(1)-(5), 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A), 1299.35.19(intro. para.) and (1), 1299.39(E)(1) and (2), (H), and (K), 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(intro. para.), (1), and (4), 1299.39.3(D)(intro. para.) and (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1)-(3), (5), (8), (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 1299.43(A)(3)-(5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 1299.47(A)(1)(g), (C)(intro. para.), and (N)(1)(b)(ii) and (iii), 1299.48(A)(intro. para.), 1299.49(intro. para.), (1), and (4), 1299.50-1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E), and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A)-(D), 1299.58.8(A)-(C), 1299.58.10(A), (B)(1), (2), and (5), and (C)-(E), 1299.62(B)(intro. para.) and (2), 1299.63(A)(intro. para.) and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(intro. para.), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A)-(C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1, 1299.97.3(intro. para.), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1), 1299.131(A)(intro. para.) and (3) and (C)(3), 1299.182(intro. para.), 1299.184(A)(intro. para.) and (D), 1299.186(B)(3)(intro. para.), (E), (F), and (H), 1299.193(4)(b), 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g), 1300.53(A)(intro. para.) and (B)(intro. para.), 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8)-(12), 1300.113(A) and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C)