

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 1236.12(introductory paragraph), 1236.13(C), 1236.14, 1236.22, 1236.24,
11 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3),
12 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C),
13 1299.28, 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(introductory
14 paragraph), and (E), 1299.35.1(introductory paragraph) and (7),
15 1299.35.2(D)(introductory paragraph) and (5), 1299.35.2.1, 1299.35.3(B),
16 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
17 (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory paragraph),
18 (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5),
19 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A),
20 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K),

1 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4),
2 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F),
3 1299.39.6(O)(2), 1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8),
4 (10), (19), (E)(1), (G), and (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5),
5 1299.43(A)(3) through (5) and (D), 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and
6 (e), (C)(5)(b) and (8), and (D)(1)(e) and (2)(b)(ii), (xi), and (xv), 1299.45(A)(2),
7 1299.47(A)(1)(g), (C)(introductory paragraph), and (N)(1)(b)(ii) and (iii),
8 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph), (1), and (4),
9 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C), (E),
10 and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12),
11 1299.58.3(C)(3)(a), 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D),
12 1299.58.8(A) through (C), 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E),
13 1299.62(B)(introductory paragraph) and (2), 1299.63(A)(introductory paragraph)
14 and (2) and (B), 1299.64, 1299.64.1(B), 1299.64.2(introductory paragraph), (2), and
15 (7), 1299.64.3(C) and (D), 1299.64.4(A) through (C), 1299.64.5(A) and (B)(2),
16 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B) and (D), 1299.75,
17 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1), 1299.97.1,
18 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3), 1299.114(1),
19 1299.131(A)(introductory paragraph) and (3) and (C)(3), 1299.182(introductory
20 paragraph), 1299.184(A)(introductory paragraph) and (D),
21 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b),
22 1300.6(A), 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3),
23 1300.51(3)(g), 1300.53(A)(introductory paragraph) and (B)(introductory paragraph),
24 1300.57(A)(4), 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A)
25 and (C), 1300.114, 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A),
26 1300.198(B)(1), 1300.351, 1300.262(A)(1) and (B)(1)(a) and (2)(a), and
27 1300.263(A)(2) and (C), and to recodify Chapter 5 of Title 40 of the Louisiana
28 Revised Statutes of 1950 in its entirety, relative to the organization of certain laws
29 pertaining to health; to direct the Louisiana State Law Institute to redesignate the

1 current provisions of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950
2 into a new format and number scheme, to be comprised of R.S. 40:1061 through
3 1300.37, without changing the text of the provisions except as provided herein; to
4 make technical and conforming changes to reflect the format and number scheme
5 provided herein; to direct the Louisiana State Law Institute to change references to
6 segments of law in existing statutes and codes as necessary to reflect the
7 redesignation of such segments as provided herein; to provide for corrections in
8 names of agencies, offices, institutions, and other entities and for other technical
9 corrections; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:1068, 1098.5, 1102, 1103(A)(introductory paragraph), 1104(1),
12 1105(1), (2), and (5) through (7), 1107, 1108, 1141(B), 1142(E) and (G), 1143, 1146 through
13 1148, 1149(A), 1150, 1151, 1152(C), 1153(A), 1231(introductory paragraph) and (21),
14 1231.2, 1232.3(A)(1), (2), (6), and (8), 1232.4(5), (8), and (9), 1232.5(B), 1232.6(5) and
15 (14), 1232.8, 1232.9(3) through (5), (7), and (8), 1232.10, 1232.11, 1233(A), 1235(A)(2)(b),
16 (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)
17 through (d), 1236, 1236.1(A) and (B), 1236.2(C)(2) and (4)(a)(vi), 1236.4(C)(2),
18 1236.7(B)(1) and (2), 1236.12(introductory paragraph), 1236.13(C), 1236.14, 1236.22,
19 1236.24, 1236.25(A), 1236.26(6), 1236.29, 1296, 1299(A) and (B)(1)(c), 1299.1(A)(3),
20 1299.2, 1299.3, 1299.4.2(C), 1299.24(B) and (C), 1299.25, 1299.27(A) and (C), 1299.28,
21 1299.29, 1299.30.1(G), 1299.34.5(B)(2) and (3), (C), (D)(introductory paragraph), and (E),
22 1299.35.1(introductory paragraph) and (7), 1299.35.2(D)(introductory paragraph) and (5),
23 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),
24 (B)(1) and (3)(a) and (h), (C)(1)(d), (D)(1), (G)(1), and (H)(1), 1299.35.7(A)(introductory
25 paragraph), (B)(introductory paragraph), (C), and (D), 1299.35.8(A)(1) through (5),
26 1299.35.10(A)(18) and (26), 1299.35.11, 1299.35.12, 1299.35.14(A),
27 1299.35.19(introductory paragraph) and (1), 1299.39(E)(1) and (2), (H), and (K),
28 1299.39.1(A)(1)(a) and (C)(1), 1299.39.2(introductory paragraph), (1), and (4),
29 1299.39.3(D)(introductory paragraph) and (7), 1299.39.5(A), (E), and (F), 1299.39.6(O)(2),

1 1299.39.7(A), (B), and (F), 1299.41(A)(1) through (3), (5), (8), (10), (19), (E)(1), (G), and
2 (L), 1299.42(A)(2), (B)(1) and (3)(a), (C), and (D)(5), 1299.43(A)(3) through (5) and (D),
3 1299.44(A)(1)(b), (f), and (7)(a), (B)(2)(d) and (e), (C)(5)(b) and (8), and (D)(1)(e) and
4 (2)(b)(ii), (xi), and (xv), 1299.45(A)(2), 1299.47(A)(1)(g), (C)(introductory paragraph), and
5 (N)(1)(b)(ii) and (iii), 1299.48(A)(introductory paragraph), 1299.49(introductory paragraph),
6 (1), and (4), 1299.50 through 1299.52, 1299.53(D), 1299.54, 1299.55, 1299.57, 1299.58(C),
7 (E), and (F), 1299.58.1(A)(4) and (B), 1299.58.2(4), (5), (7), and (12), 1299.58.3(C)(3)(a),
8 1299.58.5(A)(1), 1299.58.6(C), 1299.58.7(A) through (D), 1299.58.8(A) through (C),
9 1299.58.10(A), (B)(1), (2), and (5), and (C) through (E), 1299.62(B)(introductory paragraph)
10 and (2), 1299.63(A)(introductory paragraph) and (2) and (B), 1299.64, 1299.64.1(B),
11 1299.64.2(introductory paragraph), (2), and (7), 1299.64.3(C) and (D), 1299.64.4(A) through
12 (C), 1299.64.5(A) and (B)(2), 1299.64.6(A), (B)(1), (2), and (5), (C), and (D), 1299.74(B)
13 and (D), 1299.75, 1299.76(A), 1299.77, 1299.80(6), 1299.88(C)(1), 1299.96(B)(1),
14 1299.97.1, 1299.97.3(introductory paragraph), 1299.97.4(B)(3), 1299.113(A)(3),
15 1299.114(1), 1299.131(A)(introductory paragraph) and (3) and (C)(3),
16 1299.182(introductory paragraph), 1299.184(A)(introductory paragraph) and (D),
17 1299.186(B)(3)(introductory paragraph), (E), (F), and (H), 1299.193(4)(b), 1300.6(A),
18 1300.11, 1300.13(E)(1), 1300.14(D), 1300.15(A), (B)(4), and (F)(3), 1300.51(3)(g),
19 1300.53(A)(introductory paragraph) and (B)(introductory paragraph), 1300.57(A)(4),
20 1300.72, 1300.90(A), 1300.112(3) and (8) through (12), 1300.113(A) and (C), 1300.114,
21 1300.131, 1300.132(A)(1), 1300.144(A)(2)(b), 1300.197(A), 1300.198(B)(1), 1300.351,
22 1300.262(A)(1) and (B)(1)(a) and (2)(a), and 1300.263(A)(2) and (C) are hereby amended
23 and reenacted to read as follows:

~~PART XVIII.~~ 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

* * *

1 official, or employee of the state of Louisiana, or of any local political subdivision
2 thereof, whether such funds are made available by the government of the United
3 States, the state of Louisiana, or a local governmental subdivision, or from any other
4 public source, shall be used in any way for, to assist in, or to provide facilities for an
5 abortion, except for any of the following:

6 * * *

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

10 (3) Whenever the abortion is being sought to terminate a pregnancy resulting
11 from an alleged act of incest and all of the requirements of R.S. ~~40:1299.35.7(B)~~
12 40:1061.16(B) are met.

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

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

22 * * *

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

1 ~~§1299.35.0.~~ §1061.7. Legislative intent

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

3 ~~§1299.35.1.~~ §1061.8. Definitions

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

6 * * *

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

9 * * *

10 ~~§1299.35.2.~~ §1061.9. Abortion by physician; determination of viability; ultrasound
11 test required; exceptions; penalties

12 * * *

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

18 * * *

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

22 * * *

23 ~~§1299.35.2.1.~~ §1061.10. Drugs or chemicals used; penalties

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

1 B. Any person who knowingly performs or attempts to perform an abortion
2 without complying with the requirements of this Section shall be subject to penalties
3 pursuant to R.S. ~~40:1299.35.19~~ 40:1061.27. No penalty may be assessed against the
4 woman upon whom the abortion is performed or attempted to be performed.

5 ~~§1299.35.3.~~ §1061.11. Born-Alive Infant Protection Act

6 * * *

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

10 * * *

11 ~~§1299.35.4.~~ §1061.12. Abortion after viability; second attendant physician required;
12 duties

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

14 ~~§1299.35.5.~~ §1061.13. Minors

15 * * *

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

18 * * *

19 (3)

20 * * *

21 (b)

22 * * *

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

1 pregnancy, fetal development, abortion risks and consequences, and abortion
2 alternatives, and should also endeavor to verify that the minor is seeking an abortion
3 of her own free will and is not acting under intimidation, threats, abuse, undue
4 pressure, or extortion by any other persons.

5 * * *

6 ~~§1299.35.5.1.~~ §1061.14. Prevention of forced abortion; signage in abortion facilities

7 * * *

8 B.

9 * * *

10 (2) The sign shall feature the web address of the pregnancy resources
11 website maintained by the department pursuant to R.S. ~~40:1299.35.6~~ 40:1061.15,
12 which shall be shown on the sign in a large, bold font designed to be clearly visible
13 to patients, along with any additional information which is deemed necessary by the
14 department and is in accordance with the provisions of R.S. ~~40:1299.35.6~~
15 40:1061.15.

16 * * *

17 ~~§1299.35.6.~~ §1061.15. Woman's Right To Know

18 A. Legislative findings and purposes. The Legislature of Louisiana finds
19 that:

20 * * *

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

26 * * *

27 (b) The ~~knowledgable~~ knowledgeable exercise of a woman's decision to have
28 an abortion depends on the extent to which the woman receives sufficient

1 information to make an informed choice between two alternatives, giving birth or
2 having an abortion.

3 * * *

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

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

11 * * *

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

15 (a) The name of the physician who meets the requirements of R.S.
16 ~~46:1299.35.2(A)~~ 40:1061.9(A) and who will perform the abortion.

17 * * *

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

22 * * *

23 C.

24 * * *

25 (1) The department shall cause to be published in English, within one
26 hundred twenty days after enactment of this Act, and shall update on an annual basis,
27 or as needed, the following easily comprehensible information on a stable Internet
28 website that shall be developed and maintained by the department to inform the
29 public of the public and private agencies and services available to assist a woman

1 through pregnancy, upon childbirth, and while her child is dependent, including but
2 not limited to the following information that shall indicate the agency's or service's
3 physical address, telephone number, and web address if available:

4 * * *

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

8 * * *

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

12 (1) The signs provided for in the Forced Abortion Prevention Sign Act, R.S.
13 ~~40:1299.35.5.1~~ 40:1061.14.

14 * * *

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

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

23 * * *

24 H.

25 * * *

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

29 * * *

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 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. 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]

25 ~~PART LV~~ V. HEPATITIS C EDUCATION, PREVENTION,
26 SCREENING, AND TREATMENT

27 ~~§1300.161.~~ §1109.1. Short title

28 [Section redesignated from R.S. 40:1300.161]

1 ~~§1300.162.~~ §1109.2. Legislative findings; purpose

2 [Section redesignated from R.S. 40:1300.162]

3 ~~§1300.163.~~ §1109.3. Protocols and guidelines; supply to health care and community

4 service providers; education and prevention program; voluntary testing

5 program; training of counselors

6 [Section redesignated from R.S. 40:1300.163]

7 PART ~~XXXV~~ VI. HUMAN IMMUNODEFICIENCY VIRUS

8 ~~§1299.141.~~ §1111.1. Definitions

9 [Section redesignated from R.S. 40:1299.141]

10 ~~§1299.142.~~ §1111.2. Blood and tissue storage facilities; test for HIV

11 [Section redesignated from R.S. 40:1299.142]

12 ~~§1299.143.~~ §1111.3. Administration of blood, tissue, fluids to patient

13 [Section redesignated from R.S. 40:1299.143]

14 ~~§1299.144.~~ §1111.4. Emergencies

15 [Section redesignated from R.S. 40:1299.144]

16 ~~§1299.145.~~ §1111.5. Penalty

17 [Section redesignated from R.S. 40:1299.145]

18 ~~§1299.146.~~ §1111.6. Rules and regulations

19 [Section redesignated from R.S. 40:1299.146]

20 ~~§1299.147.~~ §1111.7. Autologous donations

21 [Section redesignated from R.S. 40:1299.147]

22 PART ~~VI~~ VII. KIDNEY DISEASE

23 ~~§1181.~~ §1113.1. Clinical laboratories; estimated glomerular filtration rate (eGFR)

24 [Section redesignated from R.S. 40:1181]

25 PART ~~V~~ VIII. TUBERCULOSIS

26 SUBPART A. TUBERCULOSIS - GENERAL

27 ~~§1172.~~ §1115.1. Persons admitted and committed to sanatoria

28 [Section redesignated from R.S. 40:1172]

1 the Louisiana state fire marshal's office, or as a nonprofit organization by the
2 Louisiana secretary of state.

3 ~~§1231.1.~~ §1131.1. Emergency medical services program; cooperation of other state
4 departments

5 [Section redesignated from R.S. 40:1231.1]

6 ~~§1231.2.~~ §1131.2. Immunity from civil damages

7 No parish, specialty, component, or state medical society or organization, or
8 its designee, which is statutorily mandated by this ~~Part~~ Chapter to participate without
9 compensation or gratuitously participates in an emergency services system, nor any
10 committee of such parish, specialty, component, or state medical society or
11 organization, including the individual members of such committee, or its designee,
12 shall be liable for any civil damages as a result of any act or omission in the
13 performance of their administrative duties or donated services with such emergency
14 services system, including, without limitation, advice, instructions, or other duties
15 regarding policy, protocol, administration, and efficiency of the emergency medical
16 services system. The immunity extended to a parish, specialty, component, or state
17 medical society or organization, or any committee thereof, including the individual
18 members of such committee, including their insurers, or its designee, shall not be
19 applicable for willful or wanton acts or omissions. The immunity extended herein
20 shall be applicable only to an action brought by the person damaged as a result of the
21 performance of any administrative duties or donated services rendered pursuant to
22 the provisions of this Section.

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

24 ~~§1232.~~ §1133.1. Emergency medical personnel training; licensure

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

26 ~~§1232.1.~~ §1133.2. Fee schedule; fees for license prohibited

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

1 ~~§1232.2.~~ §1133.3. Louisiana Emergency Medical Services Certification
2 Commission; creation; membership; qualifications; terms; vacancies;
3 meetings; officers; compensation; domicile

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

5 ~~§1232.3.~~ §1133.4. Powers and duties of the commission; exceptions

6 A. The commission shall:

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

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

11 * * *

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

14 * * *

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

17 * * *

18 ~~§1232.4.~~ §1133.5. Powers and duties of the bureau

19 The bureau shall:

20 * * *

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

23 * * *

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

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

29 * * *

1 ~~§1232.9.~~ §1133.10. Violations

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

3 * * *

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

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

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

11 * * *

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

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

18 ~~§1232.10.~~ §1133.11. Prosecution

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

24 B. Whoever is found guilty of violating any provision of R.S. ~~40:1232.9~~
25 40:1133.10 shall, upon a first conviction, be fined not more than five hundred dollars
26 or imprisoned for not more than six months, or both. Upon a second or subsequent
27 conviction, the offender shall be imprisoned with or without hard labor for not more
28 than two years and fined not more than five thousand dollars.

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

6 * * *

7 ~~§1235.1.~~ §1135.2. Qualifications to operate emergency medical response vehicles;
8 vehicle requirements; equipment; penalties

9 * * *

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

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

24 * * *

25 (4) Is not insured in accordance with the provisions of R.S. ~~40:1236.4~~
26 40:1135.9.

27 * * *

28 ~~§1235.2.~~ §1135.3. Ambulance providers; licensure

29 * * *

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

2 * * *

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

5 (a) An inspection of all vehicles to determine that they are in safe and
6 working order and that they are equipped with all of the prescribed medical
7 equipment as required by this Section and R.S. ~~40:1235~~ 40:1135.1 and ~~1235.1~~
8 1135.2. What is safe and working order shall be determined pursuant to provisions
9 of Title 32 of the Louisiana Revised Statutes of 1950 and the Louisiana Motor
10 Vehicle Inspection Manual in addition to the provisions of this Section and R.S.
11 ~~40:1235~~ 40:1135.1 and ~~1235.1~~ 1135.2. Each vehicle successfully completing the
12 inspection shall receive a permit authorizing it to be operated as part of the
13 applicant's service.

14 * * *

15 ~~§1235.3.~~ §1135.4. Ambulance services; fees

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

17 ~~§1235.4.~~ §1135.5. Ambulance services; violations; penalties; fines; notices;
18 hearings; appeals

19 * * *

20 B.(1) Any person or entity violating the provisions of this ~~Part~~ Chapter when
21 such violation poses a threat to the health, safety, rights, or welfare of a patient or
22 client may be liable to civil fines and other penalties, to be assessed by the
23 department, in addition to any criminal action which may be brought under other
24 applicable laws. The department shall adopt rules, in accordance with the
25 Administrative Procedure Act, which define specific classifications of violations,
26 articulate factors in assessing civil fines including mitigating circumstances, and
27 explain the treatment of continuing and repeat deficiencies.

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

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

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

10 * * *

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

13 * * *

14 ~~§1236.4.~~ §1135.9. Required insurance coverage

15 * * *

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

22 * * *

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

25 * * *

26 ~~§1236.5.~~ §1135.10. Emergency medical technician fund

27 [Section redesignated from R.S. 40:1236.5]

28 ~~§1236.6.~~ §1135.11. Air ambulance services; fees

29 [Section redesignated from R.S. 40:1236.6]

1 fine of not more than five hundred dollars for the first violation and not more than
2 one thousand dollars per day for each repeat violation.

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

9 * * *

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

11 ~~§1236.11.~~ §1137.1. Legislative findings

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

13 ~~§1236.12.~~ §1137.2. Definitions

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

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

17 ~~§1236.13.~~ §1137.3. Persons in possession of AEDs; training, testing, and
18 notification requirements; manufacturer responsibility; possession required

19 * * *

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

23 * * *

24 ~~§1236.14.~~ §1137.4. Limitation of liability

25 In addition to the civil immunity provided to persons rendering emergency
26 assistance as provided by law, including R.S. 9:2793, R.S. 37:1731, 1732, and 1735,
27 and R.S. ~~40:1231.2~~ 40:1131.2, any prescribing advanced practice registered nurse
28 or physician who authorizes the purchase of the AED, any physician or advanced
29 practice registered nurse involved in the possessor's program, any individual or entity

1 governing body which subsidized the delivery of services. Any licensed provider of
2 ambulance services shall be eligible to participate in the district. Participation is on
3 a strictly voluntary basis.

4 ~~§1236.25.~~ §1139.5. Ambulance service district commission; qualifications,
5 appointment, vacancies, removal and compensation of members

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

20 * * *

21 ~~§1236.26.~~ §1139.6. Powers and duties of the commission

22 In addition to the duties defined elsewhere, the commission shall have the
23 duty and authority:

24 * * *

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

27 * * *

28 ~~§1236.27.~~ §1139.7. Procedure for organizing the ambulance service district

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

1 ~~§1236.28.~~ §1139.8. Domicile; service of process

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

3 ~~§1236.29.~~ §1139.9. District as a political subdivision; power to incur debt and issue
4 general bonds

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

10 ~~§1236.30.~~ §1139.10. Federal and state aid

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

12 ~~§1236.31.~~ §1139.11. Rules and regulations

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

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

15 ~~§1237.~~ Definitions

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

17 ~~§1238.~~ Legend drug imprint

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

19 ~~§1238.1.~~ Sale, distribution, or possession of legend drug without prescription or
20 order prohibited; exceptions; penalties

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

22 ~~§1238.2.~~ Prescription requirements; penalties

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

24 ~~§1238.3.~~ Obtaining legend drugs by misrepresentation or fraud; penalties

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

26 ~~§1238.4.~~ Prescriptions; electronic questionnaires

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

1 patient or to interfere with medical judgment with respect to the application of
2 medical treatment or life-sustaining procedures.

3 ~~§1299.58.2.~~ §1151.1. Definitions

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

6 * * *

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

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

14 * * *

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

17 * * *

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

20 * * *

21 ~~§1299.58.3.~~ §1151.2. Making of declaration; notification; illustrative form; registry;
22 issuance of do-not-resuscitate identification bracelets

23 * * *

24 C.

25 * * *

26 (3)(a) Any declaration executed prior to January 1, 1992, which does not
27 contain directions regarding life-sustaining procedures in the event that the declarant
28 is in a continual profound comatose state shall not be invalid for that reason. Such

1 declaration shall be applicable to any terminal and irreversible condition, as defined
2 in this ~~Part~~ Subpart, unless it clearly provides to the contrary.

3 * * *

4 ~~§1299.58.4. §1151.3.~~ Revocation of declaration

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

6 ~~§1299.58.5. §1151.4.~~ Procedure for making a declaration for a qualified patient who
7 has not previously made a declaration

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

13 * * *

14 ~~§1299.58.6. §1151.5.~~ Making a declaration for the benefit of a terminally ill minor

15 * * *

16 C. Nothing in this Section shall be construed to require the making of a
17 declaration for a terminally ill minor. The legislature intends that the provisions of
18 this ~~Part~~ Subpart are permissive and voluntary. The legislature further intends that
19 the making of a declaration pursuant to this ~~Part~~ Subpart merely illustrates a means
20 of documenting the decision relative to withholding or withdrawal of medical
21 treatment or life-sustaining procedures on behalf of a minor.

22 ~~§1299.58.7. §1151.6.~~ Physician, health care provider, and licensed emergency
23 medical services practitioner responsibility

24 A. Any attending physician who has been notified of the existence of a
25 declaration made under this ~~Part~~ Subpart or at the request of the proper person as
26 provided in R.S. ~~40:1299.58.5~~ 40:1151.4 or R.S. ~~40:1299.58.6~~ 40:1151.5 upon
27 diagnosis of a terminal and irreversible condition of the patient, or who on his own
28 determines the existence of a declaration on file in the registry, shall take necessary
29 steps to provide for written certification of the patient's terminal and irreversible

1 condition, so that the patient may be deemed to be a qualified patient as defined in
2 R.S. ~~40:1299.58.2~~ 40:1151.1.

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

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

8 D. If the policies of a health care provider preclude compliance with the
9 declaration of a qualified patient under this Part Subpart or preclude compliance with
10 the provisions pertaining to a representative acting on behalf of a qualified patient,
11 then the provider shall take all reasonable steps to transfer the patient to a provider
12 with which the provisions of this Part Subpart can be effectuated.

13 * * *

14 ~~§1299.58.8.~~ §1151.7. Immunity from liability

15 A.(1) Any health care facility, physician, or other person acting under the
16 direction of a physician shall not be subject to criminal prosecution or civil liability
17 or be deemed to have engaged in unprofessional conduct as a result of the
18 withholding or the withdrawal of life-sustaining procedures from a qualified patient
19 who has made a declaration or is wearing a do-not-resuscitate identification bracelet
20 in accordance with the provisions of this Part Subpart.

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

26 B. In instances where a patient diagnosed as having a terminal and
27 irreversible condition or his representative utilized means other than those in
28 accordance with the provisions of this Part Subpart to document or manifest the
29 patient's intention and desire that medical treatment or life-sustaining procedures be

1 withheld or withdrawn, any health care facility, physician, or other person acting
 2 under the direction of a physician shall not be subject to criminal prosecution or civil
 3 liability or be deemed to have engaged in unprofessional conduct as a result of the
 4 withholding or withdrawal of life-sustaining procedures when the health care facility,
 5 physician, or other person acting under the direction of a physician has acted in good
 6 faith reliance on the patient's or his representative's manifestations that medical
 7 treatment or life-sustaining procedures be withheld or withdrawn and the continued
 8 utilization of life-sustaining procedures would, within reasonable medical judgment,
 9 serve only to prolong the dying process.

10 C.(1) Inasmuch as the provisions of this ~~Part~~ Subpart are declared by the
 11 legislature to provide an alternative nonexclusive means by which life-sustaining
 12 procedures may be withheld or withdrawn, the provisions of this Section shall apply
 13 to any case in which life-sustaining procedures are withheld or withdrawn unless it
 14 is shown by a preponderance of the evidence that the person authorizing or
 15 effectuating the withholding or withdrawal of life-sustaining procedures did not, in
 16 good faith, comply with the provisions of this ~~Part~~ Subpart or did not act in good
 17 faith compliance with the intention of the terminal and irreversible patient that
 18 medical treatment or life-sustaining procedures be withheld or withdrawn.

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

21 * * *

22 ~~§1299.58.9.~~ §1151.8. Penalties

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

24 ~~§1299.58.10.~~ §1151.9. General application

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

1 of documenting a decision of a patient relative to withholding or withdrawal of
2 medical treatment or life-sustaining procedures.

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

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

11 ~~§1299.64.2.~~ §1155.2. Definitions

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

14 * * *

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

17 * * *

18 (7) "Life-sustaining procedure" means any medical procedure or intervention
19 which, within reasonable medical judgment, would serve only to prolong the dying
20 process of a qualified patient, including such procedures as the invasive
21 administration of nutrition and hydration and the administration of cardiopulmonary
22 resuscitation when the benefits of the procedure do not outweigh the burdens thereof.
23 A "life-sustaining procedure" shall not include any measure deemed as comfort care.
24 Notwithstanding any other provision of this ~~Part~~ Subpart, the administration of
25 nutrition and hydration, whether orally or by invasive means, shall always occur
26 except in the event another condition arises which is life-limiting and irreversible
27 and in which nutrition and hydration by any means becomes a greater burden than
28 benefit to the qualified patient.

29 * * *

1 withholding or withdrawal of life-sustaining procedures from a patient who has duly
2 executed a LaPOST form in accordance with the provisions of this Part Subpart, or
3 as a result of transferring a patient to a provider with which the provisions of this
4 Part Subpart can be effectuated.

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

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

12 B.

13 * * *

14 (2) A licensed emergency medical services practitioner shall not be subject
15 to criminal prosecution or civil liability for administering life-sustaining procedures
16 to a patient who has duly executed a LaPOST form when there is no reasonable
17 means by which the licensed emergency medical services practitioner could know
18 or should have known that the patient had executed such LaPOST form, or as a result
19 of transferring a patient to a provider with which the provisions of this Part Subpart
20 can be effectuated.

21 ~~§1299.64.6.~~ §1155.6. General application

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

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

1 patient in such circumstances. Such consent shall be presumed to be valid and
2 effective, in the absence of proof that execution of the consent was induced by
3 misrepresentation of material facts.

4 * * *

5 E. Consent to medical treatment may be evidenced according to the
6 provisions of Subsections A and C of this Section or, as an alternative, a physician
7 or other health care provider may choose to avail himself of the lists established by
8 the Louisiana Medical Disclosure Panel pursuant to the provisions of R.S.
9 ~~40:1299.39.6~~ 40:1157.2 as another method by which to evidence a patient's consent
10 to medical treatment.

11 F. Notwithstanding the provisions of Subsection E of this Section, consent
12 for dental treatment rendered by dentists not performing oral and maxillofacial
13 surgery in a hospital setting shall be governed exclusively by the provisions of R.S.
14 ~~40:1299.131~~ 40:1161.1.

15 ~~§1299.39.6~~ §1157.2. Louisiana Medical Disclosure Panel; creation; membership;
16 powers; duties

17 * * *

18 O.

19 * * *

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

24 * * *

25 ~~§1299.39.7~~ §1157.3. Exception to obtaining informed consent; human
26 immunodeficiency virus or other infectious agents

27 A. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any
28 other law to the contrary, whenever it is determined by the hospital infection control
29 committee or equivalent body that an agent or employee of a hospital, or a physician

1 having privileges at the hospital has been exposed to the blood or bodily fluids of a
2 patient, in such a manner as to create any risk that the agent, employee, or physician
3 may become infected with the human immunodeficiency virus or other infectious
4 agent if the patient is infected with the human immunodeficiency virus or other
5 infectious agent, in accordance with the infectious disease exposure guidelines of the
6 Centers for Disease Control or the infectious disease exposure standards of the health
7 care facility where the exposure occurred, the hospital infection control committee
8 may, without the consent of the patient, conduct such tests on blood previously
9 drawn or body fluids previously collected as are necessary to determine whether the
10 patient is, in fact, infected with the virus or other agent believed to cause acquired
11 immune deficiency syndrome or other infectious disease. If no previously drawn
12 blood or collected bodily fluids are available or are suitable, the hospital may order,
13 without the consent of the patient, that blood, bodily fluids, or both be drawn and
14 collected from the patient to conduct the necessary tests.

15 B. Notwithstanding the provisions of R.S. ~~40:1299.39.5~~ 40:1157.1 or any
16 other law to the contrary, whenever it is determined by the infectious disease control
17 officer of any law enforcement, fire service, or emergency medical service agency
18 or organization that an agent or employee of the agency or organization has been
19 exposed to the blood or bodily fluids of a patient while rendering emergency medical
20 services, transporting, or treating an ill or injured patient in such a manner as to
21 create any risk that the agent or employee may become infected with the human
22 immunodeficiency virus or other infectious agent if the patient is infected with the
23 human immunodeficiency virus or other infectious agent, in accordance with the
24 infectious disease exposure guidelines of the Centers for Disease Control or the
25 infectious disease exposure standards of the agency or organization, then the
26 infectious disease control officer of the agency or organization may present the facts
27 to the infection control committee of the hospital or other health care facility to
28 which the patient has been transported. If the hospital infection control committee
29 agrees that there has been a potential exposure to the agency or organization

1 personnel, the hospital infection control committee may, while the patient is in such
2 hospital and without the consent of the patient, conduct such tests as are provided for
3 in this Section.

4 * * *

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

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

8 ~~§1299.50.~~ §1159.1. Short title

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

11 ~~§1299.51.~~ Part §1159.2. Subpart not applicable to abortion and sterilization

12 The provisions of this ~~Part~~ Subpart shall not apply in any manner whatsoever
13 to the subjects of abortion and sterilization, which subjects shall continue to be
14 governed by existing law independently of the terms and provisions of this ~~Part~~
15 Subpart.

16 ~~§1299.52.~~ Part §1159.3. Subpart not applicable to care and treatment of mentally
17 ill; exception

18 Except as provided in R.S. ~~40:1299.58~~ 40:1159.9, the provisions of this ~~Part~~
19 Subpart shall not apply to the care and treatment of the mentally ill, which subject
20 shall continue to be governed by existing law independently of the terms and
21 provisions of this ~~Part~~ Subpart.

22 ~~§1299.53.~~ §1159.4. Persons who may consent to surgical or medical treatment

23 * * *

24 D. Consent to surgical or medical treatment for an individual with a
25 developmental disability will be implied where an emergency, as defined in R.S.
26 ~~40:1299.54~~ 40:1159.5, exists.

27 ~~§1299.54.~~ §1159.5. Emergencies

28 A. In addition to any other instances in which a consent is excused or
29 implied at law, a consent to surgical or medical treatment or procedures suggested,

1 recommended, prescribed, or directed by a duly licensed physician will be implied
2 where an emergency exists. For the purposes hereof, an emergency is defined as a
3 situation wherein: (1) in competent medical judgment, the proposed surgical or
4 medical treatment or procedures are reasonably necessary; and (2) a person
5 authorized to consent under ~~Section 1299.53~~ R.S. 40:1159.4 is not readily available,
6 and any delay in treatment could reasonably be expected to jeopardize the life or
7 health of the person affected, or could reasonably result in disfigurement or impair
8 faculties.

9 B. For purposes of this Section, an emergency is also defined as a situation
10 wherein: (1) a person transported to a hospital from a licensed health care facility is
11 not in a condition to give consent; (2) a person authorized to give consent under
12 ~~1299.53~~ R.S. 40:1159.4 is not readily available; and (3) any delay would be injurious
13 to the health and well being of such person.

14 ~~§1299.55.~~ §1159.6. Construction of ~~Part Subpart~~; general application

15 A. The provisions of this ~~Part Subpart~~ shall be liberally construed, and all
16 relationships set forth herein shall include the marital, adoptive, foster and
17 step-relations as well as the natural whole blood. A consent by one person so
18 authorized and empowered shall be sufficient. Any person acting in good faith shall
19 be justified in relying on the representations of any person purporting to give such
20 a consent, including but not limited to his identity, his age, his marital status, his
21 emancipation, and his relationship to any other person for whom the consent is
22 purportedly given.

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

25 ~~§1299.56.~~ §1159.7. Right of adult to refuse treatment as to his own person not
26 abridged

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

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

13 * * *

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

18 * * *

19 PART III. INFORMATION AND RECORDS

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

21 ~~§1299.40.1.~~ §1163.1. Electronic health care transactions; electronic signature
 22 authentication and identification system

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

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

25 ~~§1299.96.~~ §1165.1. Health care information; records

26 * * *

27 B. As used in this Section:

28 (1) "Health care provider" means a "health care provider" as defined in R.S.
 29 ~~40:1299.41~~ 40:1231.1 or a "state health care provider" as defined in R.S. ~~40:1299.39~~

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PART IV. RIGHTS

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

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

The legislature recognizes that confidentiality protection for information related to human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) is an essential public health measure. In order to retain the full trust and confidence of persons at risk, the state has an interest both in assuring that HIV test results are not improperly disclosed and in having clear and certain rules for the disclosure of such information. By providing additional protection for the confidentiality of HIV test results, the legislature intends to encourage the expansion of voluntary confidential testing for HIV so that individuals may come forward, learn their health status, make decisions regarding the appropriate treatment, and change behaviors that put them and others at risk of infection. The legislature also recognizes that confidentiality protections can limit the risk of discrimination and the harm to an individual's interest in privacy that unauthorized disclosure of HIV test results can cause. It is not the intent of the legislature to create any new right, right of action, or cause of action or eliminate any right, right of action, or cause of action existing under current law. It is further not the intent of the legislature that this Chapter repeal, amend, or in any way affect the provisions of R.S. ~~40:1299.39.7~~ 40:1157.3 relative to the ability of a physician or employee of a hospital who may become infected with the human immunodeficiency virus to test the blood of a patient without the patient's consent. It is the intent of the legislature that in the case of a person applying for or already insured under an insurance policy, who will be or has been the subject of a test to determine infection for human immunodeficiency virus (HIV), all facets of insurers' practices in connection with HIV related testing and HIV test results and all facets of other entities' and individuals' interactions with insurers relating to HIV related testing or HIV test results shall be governed exclusively by Title 22 of the Louisiana Revised

1 Statutes of 1950 and any regulations promulgated pursuant thereto by the
2 commissioner of the Department of Insurance who shall have the authority to
3 promulgate such regulations.

4 ~~§1300.12.~~ §1169.2. Definitions

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

6 ~~§1300.13.~~ §1169.3. HIV-related testing; consent; exceptions

7 * * *

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

10 (1) By a health care provider or health care facility in relation to the
11 procuring, processing, distributing, or use of a human body or human part, including
12 organs, tissues, eyes, bones, arteries, blood, semen, or other body fluids, for use in
13 medical research or therapy, or for transplantation to individuals, as provided in R.S.
14 ~~40:1299.142~~ 40:1111.2.

15 * * *

16 ~~§1300.14.~~ §1169.4. Confidentiality of HIV test result; disclosure

17 * * *

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

23 * * *

24 ~~§1300.15.~~ §1169.5. Court authorization for disclosure of confidential HIV test
25 results

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

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

3 * * *

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

6 * * *

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

8 * * *

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

11 * * *

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

13 CONSUMERS' RIGHT TO KNOW

14 ~~§1300.111~~. §1171.1. Findings

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

16 ~~§1300.112~~. §1171.2. Data collection; powers and duties of the Department of Health
17 and Hospitals

18 The Department of Health and Hospitals, in consultation with the Health Data
19 Panel, shall:

20 * * *

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

23 * * *

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

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

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

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

5 (12) In the event that sufficient funds are not appropriated to implement this
6 ~~Part~~ Subpart, to include the collection, storage, analysis, and dissemination of data
7 to participating agencies, organizations, and the general public, the application and
8 enforcement of this ~~Part~~ Subpart shall be suspended pending the appropriation of
9 sufficient funds, and all accumulated health care data shall be stored with appropriate
10 confidentiality safeguards, destroyed, or transferred to another appropriate agency
11 or organization in accordance with state law.

12 ~~§1300.113.~~ §1171.3. Health Data Panel; advisory council to the secretary of the
13 Department of Health and Hospitals

14 A. The Department of Health and Hospitals shall create the Health Data
15 Panel. The purpose of the Health Data Panel shall be to make recommendations to
16 the secretary of the Department of Health and Hospitals for the implementation of
17 the requirements of this ~~Part~~ Subpart. The Health Data Panel shall consider the
18 provisions set forth in R.S. ~~40:1300.112~~ 40:1171.2.

19 * * *

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

24 * * *

25 ~~§1300.114.~~ §1171.4. Violations; penalties

26 A. All state agencies and health professional licensing, certification, or
27 registration boards and commissions, which collect, maintain, or distribute health
28 data, shall provide to the Department of Health and Hospitals such data as are

1 necessary for the department to carry out its responsibilities as defined in this ~~Part~~
2 Subpart.

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

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

15 D. Any person, firm, corporation, organization, or institution knowingly
16 violating any of the provisions of this ~~Part~~ Subpart or any rules and regulations
17 promulgated thereunder shall be guilty of a misdemeanor and upon a plea of guilty,
18 a plea of nolo contendere or conviction, shall be punished by a fine of not more than
19 one thousand dollars.

20 E. Renewal of state licenses issued by the Department of Health and
21 Hospitals, Department of Insurance, or health professional licensing, certification,
22 or registration boards and commissions shall be predicated in part on compliance
23 with data reporting requirements of this ~~Part~~ Subpart and rules and regulations
24 promulgated thereunder. Prior to relicensing, the secretary of the Department of
25 Health and Hospitals shall confirm compliance with data reporting requirements in
26 writing to the appropriate permitting or licensing authority. The permit, certification,
27 or license of any health care provider, health plan, or facility covered by this ~~Part~~
28 Subpart shall be suspended until such time as the required data is submitted to the
29 Department of Health and Hospitals.

1 reimbursed on a fee schedule are reimbursed in the aggregate at one hundred ten
 2 percent of the reasonable costs or such lesser amounts as approved by CMS, but in
 3 no event less than one hundred percent of their reasonable costs, the department shall
 4 pay an interim rate for cost-based outpatient services at one hundred ten percent of
 5 reasonable cost during the year and for fee-based services paid on a claim-by-claim
 6 basis, and the department shall make quarterly estimates of a supplemental payment
 7 required to bring the hospital's reimbursement for such services up to one hundred
 8 percent of reasonable costs and immediately remit such payments to the hospital and
 9 at final settlement pay such amounts as necessary to ensure that all outpatient
 10 services in the aggregate (cost based and fee schedule) are paid at one hundred ten
 11 percent of reasonable costs.

12 * * *

13 ~~§1300.145.~~ §1181.5. Managed care organizations

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

15 ~~§1300.146.~~ §1181.6. Pilot regulatory, demonstration program

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

17 ~~§1300.147.~~ §1181.7. Authorized activities concerning health care providers and
 18 public rural hospitals

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

20 ~~PART LH. FEDERAL~~ PART II. FEDERALLY QUALIFIED

21 HEALTH CENTER PRESERVATION ACT

22 ~~§1300.131.~~ §1183.1. Short title

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

25 * * *

26 ~~§1300.132.~~ §1183.2. Legislative findings; purpose

27 A. The legislature finds that:

28 (1) ~~Federal~~ Federally Qualified Health Centers (FQHCs) provide most of the
 29 health care services required by a substantial number of low income residents living

1 in the state and therefore constitute an invaluable part of the health care delivery
2 system of the state.

3 * * *

4 ~~§1300.133.~~ §1183.3. Definitions

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

6 ~~§1300.134.~~ §1183.4. Medical assistance programs; FQHC reimbursement

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

8 PART ~~LXXI~~ III. FEDERALLY QUALIFIED HEALTH CENTER
9 AND RURAL HEALTH CLINIC EXPANSION

10 ~~§1300.231.~~ §1185.1. Federally Qualified Health Center and Rural Health Clinic
11 Expansion Act

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

13 ~~§1300.232.~~ §1185.2. Findings

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

15 ~~§1300.233.~~ §1185.3. Definitions

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

17 ~~§1300.234.~~ §1185.4. Authorization

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

19 ~~§1300.235.~~ §1185.5. Required reporting, budget consideration

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

21 ~~§1300.236.~~ §1185.6. Rules and regulations

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

23 PART ~~LXXIV~~ IV. NOTIFICATION TO LAW ENFORCEMENT AGENCY

24 ~~§1300.271.~~ §1187.1. Notification of law enforcement agency prior to discharge of
25 a person issued a summons or arrest warrant and admitted to a hospital

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

1 PART ~~XXXI~~ V. COOPERATIVE ENDEAVOR AGREEMENTS
2 FOR NONSTATE GOVERNMENTAL HOSPITALS

3 ~~§1300.341.~~ §1189.1. Nonstate governmental hospitals; cooperative endeavor
4 agreements

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

6 SUBCHAPTER C. HEALTH CARE PROFESSIONALS

7 PART ~~XLI~~ I. CLINICAL PRECEPTOR NURSE AIDE TRAINING PROGRAM

8 ~~§1300.21.~~ §1201.1. Clinical preceptor nurse aide training program; legislative intent
9 [Section redesignated from R.S. 40:1300.21]

10 ~~§1300.22.~~ §1201.2. Clinical preceptor training program

11 [Section redesignated from R.S. 40:1300.22]

12 PART ~~XLV~~ II. CRIMINAL HISTORY CHECKS ON NONLICENSED PERSONS
13 AND LICENSED AMBULANCE PERSONNEL

14 ~~§1300.51.~~ §1203.1. Definitions

15 For the purposes of this Part:

16 * * *

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

19 * * *

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

21 * * *

22 ~~§1300.52.~~ §1203.2. Employment of nonlicensed persons and licensed ambulance
23 personnel; mandatory criminal history and security checks; temporary
24 employment; notice to applicants

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

26 ~~§1300.53.~~ §1203.3. Refusal to hire or contract; termination of employment;
27 exemption; appeal procedure; waiver

28 A. Except as otherwise provided in R.S. ~~40:1300.52(C)~~ 40:1203.2, no
29 employer shall hire any licensed ambulance personnel or nonlicensed person when

1 the results of a criminal history check reveal that the licensed ambulance personnel
2 or nonlicensed person has been convicted of any of the following offenses:

3 * * *

4 B. Additionally, except as otherwise provided in R.S. ~~40:1300.52(C)~~
5 40:1203.2, no employer who provides care or services to any person under the age
6 of twenty-one shall hire any licensed ambulance personnel or nonlicensed person
7 when the results of the criminal history check reveal that the licensed ambulance
8 personnel or nonlicensed person has been convicted of any of the following offenses:

9 * * *

10 ~~§1300.54.~~ §1203.4. Confidentiality of criminal history records

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

12 ~~§1300.55.~~ §1203.5. Compliance

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

14 ~~§1300.56.~~ §1203.6. Ineligible for unemployment compensation

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

16 ~~§1300.57.~~ §1203.7. Application to be approved as an authorized agency

17 A. An individual or business entity seeking approval as an authorized agency
18 shall submit an application to the Louisiana Bureau of Criminal Identification and
19 Information along with the following documents to prove the individual's or business
20 entity's qualifications:

21 * * *

22 (4) The applicant shall execute a written agreement whereby he agrees to
23 maintain the confidentiality of any and all information provided to it by the
24 Louisiana Bureau of Criminal Identification and Information pursuant to R.S.
25 ~~40:1300.51~~ 40:1203.1 et seq., abide by all applicable laws, rules and regulations
26 pertaining to receipt and use of criminal history information, cooperate in any
27 auditing procedure conducted by the Louisiana Bureau of Criminal Identification and
28 Information, and inform the Louisiana Bureau of Criminal Identification and

1 Information in writing of any known violations regarding the use of criminal history
2 information he receives.

3 * * *

4 PART ~~XL~~ III. HEALTH PROFESSIONAL DEVELOPMENT PROGRAM

5 ~~§1300.1.~~ §1205.1. Health Professional Development Program

6 [Section redesignated from R.S. 40:1300.1]

7 ~~§1300.2.~~ §1205.2. Definitions

8 [Section redesignated from R.S. 40:1300.2]

9 ~~§1300.3.~~ §1205.3. Retention and recruitment program

10 [Section redesignated from R.S. 40:1300.3]

11 ~~§1300.4.~~ §1205.4. Loan repayment program

12 [Section redesignated from R.S. 40:1300.4]

13 ~~§1300.5.~~ §1205.5. Scholarship program

14 [Section redesignated from R.S. 40:1300.5]

15 ~~§1300.6.~~ §1205.6. Loan forgiveness for primary care physicians, pediatricians,
16 surgeons, obstetricians, and gynecologists

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

27 * * *

28 ~~§1300.7.~~ §1205.7. Rules

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

1 PART ~~XL~~^A IV. MEDICAL AND ALLIED HEALTH PROFESSIONAL

2 EDUCATION SCHOLARSHIP AND LOAN PROGRAM

3 ~~§1300.8.1.~~ §1207.1. Scholarship and loan program

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

5 ~~§1300.8.2.~~ §1207.2. Medical and Allied Health Professional Education Scholarship
6 and Loan Fund

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

8 SUBCHAPTER D. HEALTH CARE SERVICES

9 PART ~~LXVIII~~^I. ACCESS TO MAMMOGRAMS ACT

10 ~~§1300.181.~~ §1211.1. Screening mammography permitted

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

12 ~~§1300.182.~~ §1211.2. Notification of results

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

14 ~~§1300.183.~~ §1211.3. Limitation of liability

15 [Section redesignated from R.S. 40:1300.183]

16 PART ~~XXXIX~~^{II}. CHOLESTEROL SCREENING BY

17 MOBILE CHOLESTEROL SCREENING UNITS

18 ~~§1299.191.~~ §1213.1. Purpose

19 [Section redesignated from R.S. 40:1299.191]

20 ~~§1299.192.~~ §1213.2. Definitions

21 [Section redesignated from R.S. 40:1299.192]

22 ~~§1299.193.~~ §1213.3. Cholesterol screening by mobile cholesterol screening units;
23 standards

24 All mobile cholesterol screening units providing cholesterol screening
25 services to the public shall meet the following standards:

26 * * *

27 (4)

28 * * *

1 (b) The provisions of R.S. ~~40:1299.193(4)(a)~~ 40:1213.3(4)(a) shall not apply
2 to a licensed physician or other qualified health care professional.

3 * * *

4 ~~§1299.194.~~ §1213.4. Penalty

5 [Section redesignated from R.S. 40:1299.194]

6 ~~§1299.195.~~ §1213.5. Rules and regulations

7 [Section redesignated from R.S. 40:1299.195]

8 PART ~~XXXVI~~ III. HEALTH CARE ACCESS ACT

9 ~~§1299.151.~~ §1215.1. Short title

10 [Section redesignated from R.S. 40:1299.151]

11 ~~SUBPART A. DEPARTMENTS OF FAMILY MEDICINE~~

12 ~~§1299.152.~~ §1215.2. Departments of family medicine

13 [Section redesignated from R.S. 40:1299.152]

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

15 ~~§1300.81.~~ §1217.1. Short title

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

17 ~~§1300.82.~~ §1217.2. Finding; statement of purpose

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

19 ~~§1300.83.~~ §1217.3. Definitions

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

21 ~~§1300.84.~~ §1217.4. Louisiana Kidney Health Care Program; creation; eligibility

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

23 ~~§1300.85.~~ §1217.5. Services

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

25 ~~§1300.86.~~ §1217.6. Facilities

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

27 ~~§1300.87.~~ §1217.7. Selection of service providers

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

1 ~~§1300.212.~~ §1219.2. Definitions

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

3 ~~§1300.213.~~ §1219.3. Louisiana Senior Rx and Aging and Disability Information

4 Station Programs; legislative findings; creation; eligibility

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

6 ~~§1300.214.~~ §1219.4. Services

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

8 ~~§1300.215.~~ §1219.5. Other sources of funding

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

10 ~~§1300.216.~~ §1219.6. Report

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

12 PART ~~LXVIII~~ VI. LOUISIANA SENIORS

13 PHARMACY ASSISTANCE LAW

14 ~~§1300.191.~~ §1221.1. Short title

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

16 ~~§1300.192.~~ §1221.2. Definitions

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

18 ~~§1300.193.~~ §1221.3. Louisiana Seniors Pharmacy Assistance Program; creation;

19 eligibility

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

21 ~~§1300.194.~~ §1221.4. Services

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

23 ~~§1300.195.~~ §1221.5. Denial, modification, suspension, or termination of services;

24 appeal procedure; judicial review

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

26 ~~§1300.196.~~ §1221.6. Reimbursement

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

1 licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist,
 2 optometrist, podiatrist, chiropractor, physical therapist, occupational therapist,
 3 psychologist, social worker, licensed professional counselor, licensed perfusionist,
 4 licensed respiratory therapist, licensed radiologic technologist, licensed clinical
 5 laboratory scientist, or any nonprofit facility considered tax-exempt under Section
 6 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis
 7 and treatment of cancer or cancer-related diseases, whether or not such a facility is
 8 required to be licensed by this state, or any professional corporation a health care
 9 provider is authorized to form under the provisions of Title 12 of the Louisiana
 10 Revised Statutes of 1950, or any partnership, limited liability partnership, limited
 11 liability company, management company, or corporation whose business is
 12 conducted principally by health care providers, or an officer, employee, partner,
 13 member, shareholder, or agent thereof acting in the course and scope of his
 14 employment.

* * *

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

* * *

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

* * *

28 G. Notwithstanding the provisions of Subsection D, the running of
 29 prescription against a health care provider who is answerable in solido with a

1 qualified health care provider against whom a claim has been filed for review under
2 this Part shall be suspended in accordance with the provisions of R.S.
3 ~~40:1299.47(A)(2)(a)~~ 40:1231.8(A)(2)(a).

4 * * *

5 L. Any cause of action for the unintentional acts or omissions arising from
6 resuscitating a patient who has a declaration concerning life-sustaining procedures
7 executed pursuant to R.S. ~~40:1299.58.1~~ 40:1151 et seq., a Louisiana Physician Order
8 for Scope of Treatment executed pursuant to R.S. ~~40:1299.64.1~~ 40:1155.1 et seq., or
9 a do not resuscitate order issued by a physician licensed in this state shall be
10 governed by the provisions of this Part.

11 ~~§1299.42.~~ §1231.2. Limitation of recovery

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

14 * * *

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

17 * * *

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

22 * * *

23 (3)(a) Any amount due from a judgment or settlement or from a final award
24 in an arbitration proceeding which is in excess of the total liability of all liable health
25 care providers, as provided in Paragraph (2) of this Subsection, shall be paid from
26 the patient's compensation fund pursuant to the provisions of R.S. ~~40:1299.44(C)~~
27 40:1231.4(C).

28 * * *

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

6 D.

7 * * *

8 (5) In the event that a partial settlement is executed between the defendant
9 and/or his insurer with a plaintiff for the sum of one hundred thousand dollars or less,
10 written notice of such settlement shall be sent to the board. Such settlement shall not
11 bar the continuation of the action against the patient's compensation fund for excess
12 sums in which event the court shall reduce any judgment to the plaintiff in the
13 amount of malpractice liability insurance in force as provided for in R.S.
14 ~~40:1299.42(B)(2)~~ 40:1231.2(B)(2).

15 * * *

16 ~~§1299.43.~~ §1231.3. Future medical care and related benefits

17 A.

18 * * *

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

25 (4) If the total amount is for the maximum amount recoverable, including the
26 value of the future medical care and related benefits, the amount of future medical
27 care and related benefits that will be incurred after the date of the response to the
28 special interrogatory by the jury or the court's finding shall be deducted from the
29 total amount and shall be paid from the patient's compensation fund as incurred and

1 presented for payment. The remaining portion of the judgment, including the
2 amount of future medical care and related benefits incurred up to the date of the
3 response to the special interrogatory by the jury or the court's finding shall be paid
4 in accordance with R.S. ~~40:1299.44(A)(7)~~ 40:1231.4(A)(7) and R.S.
5 ~~40:1299.44(B)(2)(a), (b), and (c)~~ 40:1231.4(B)(2)(a), (b), and (c).

6 (5) In all cases where judgment is rendered for a total amount less than the
7 maximum amount recoverable, including any amount awarded on future medical
8 care and related benefits that will be incurred after the date of the response to the
9 special interrogatory by the jury or the court's finding, payment shall be in
10 accordance with R.S. ~~40:1299.44(A)(7)~~ 40:1231.4(A)(7) and R.S.
11 ~~40:1299.44(B)(2)(a), (b), and (c)~~ 40:1231.4(B)(2)(a), (b), and (c).

12 * * *

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

16 * * *

17 ~~§1299.44.~~ §1231.4. Patient's Compensation Fund

18 A.(1)

19 * * *

20 (b) The Patient's Compensation Fund Oversight Board may invest, in
21 accordance with R.S. ~~40:1299.44.†~~ 40:1231.5, any portion of the private monies
22 comprising the corpus of the fund, as determined by the board, while maintaining its
23 ability to timely pay claims, future medical care and related benefits, and other
24 current expenses under this Part. The board may enter into a cooperative endeavor
25 agreement whereby the state treasurer may be authorized to invest, in accordance
26 with R.S. ~~40:1299.44.†~~ 40:1231.5, a portion of the private monies comprising the
27 corpus of the fund, as determined by the board.

28 * * *

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

8 * * *

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

12 * * *

13 B.

14 * * *

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

17 * * *

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

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

23 * * *

24 C.

25 * * *

26 (5)

27 * * *

28 (b) The board shall not be entitled to file a suit or otherwise assert a claim
 29 against any qualified health care provider as defined in R.S. ~~40:1299.41(A)~~

1 acceptable as proof of financial responsibility pursuant to R.S. ~~40:1299.42~~
2 40:1231.2, as a condition to initial and continuing enrollment with the fund.

3 * * *

4 (xi) Defend the fund from all claims arising under R.S.
5 ~~40:1299.44(D)(2)(b)(x)~~ 40:1231.4(D)(2)(b)(x) and obtain indemnity and
6 reimbursement to the fund of all amounts for which anyone other than a qualified
7 health care provider may be held liable. The right of indemnity and reimbursement
8 to the fund shall be limited to that amount that the fund may be cast in judgment.

9 * * *

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

13 * * *

14 ~~§1299.44.1.~~ §1231.5. Investment responsibilities

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

16 ~~§1299.45.~~ §1231.6. Malpractice coverage

17 A.

18 * * *

19 (2) When, and during the period that each shareholder, partner, member,
20 agent, officer, or employee of a corporation, partnership, limited liability partnership,
21 or limited liability company, who is eligible for qualification as a health care
22 provider under this Part, and who is providing health care on behalf of such
23 corporation, partnership, or limited liability company, is qualified as a health care
24 provider under the provisions of R.S. ~~40:1299.42(A)~~ 40:1231.2(A), such corporation,
25 partnership, limited liability partnership, or limited liability company shall, without
26 the payment of an additional surcharge, be deemed concurrently qualified and
27 enrolled as a health care provider under this Part. Any such corporation, partnership,
28 limited liability partnership, or limited liability company which fails to provide proof
29 of financial responsibility upon request of the fund after the filing of a request for

1 review of a claim under R.S. ~~40:1299.47~~ 40:1231.8 or after the filing of a lawsuit
2 alleging medical malpractice, shall not be deemed concurrently qualified and
3 enrolled as a health care provider under this Part.

4 * * *

5 ~~§1299.46.~~ §1231.7. Risk management; authority

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

7 ~~§1299.47.~~ §1231.8. Medical review panel

8 A.(1)

9 * * *

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

16 * * *

17 C. The medical review panel shall consist of three health care providers who
18 hold unlimited licenses to practice their profession in Louisiana and one attorney.
19 The parties may agree on the attorney member of the medical review panel. If no
20 attorney for or representative of any health care provider named in the complaint has
21 made an appearance in the proceedings or made written contact with the attorney for
22 the plaintiff within forty-five days of the date of receipt of the notification to the
23 health care provider and the insurer that the required filing fee has been received by
24 the patient's compensation board as required by R.S. ~~40:1299.47(A)(1)(c)~~
25 40:1231.8(A)(1)(c), the attorney for the plaintiff may appoint the attorney member
26 of the medical review panel for the purpose of convening the panel. Such notice to
27 the health care provider and the insurer shall be sent by registered or certified mail,

1 return receipt requested. If no agreement can be reached, then the attorney member
2 of the medical review panel shall be selected in the following manner:

3 * * *

4 N.(1)

5 * * *

6 (b)

7 * * *

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

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

16 * * *

17 ~~§1299.48.~~ §1231.9. Reporting of claims

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

26 * * *

27 ~~§1299.49.~~ §1231.10. Medical review panel; one panel for state and private claims

28 The following provisions shall apply when, for the same injury to or death
29 of a patient, a malpractice claim alleges liability of both a state health care provider

1 under the provisions of this Part and a health care provider under the provisions of
2 ~~Part XXI-A of this Chapter~~ Part IV of this Subchapter:

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

6 * * *

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

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

11 ~~§1299.37.~~ §1233.1. State hospitals; medical malpractice coverage

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

13 PART ~~XXI~~ III. MALPRACTICE COVERAGE; ~~STATE EMPLOYED~~ STATE-
14 EMPLOYED PHYSICIANS, DENTISTS, AND PROFESSIONAL NURSES

15 ~~§1299.38.~~ §1235.1. State agency may provide malpractice coverage

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

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

18 ~~§1299.39.~~ §1237.1. Definitions and general application

19 * * *

20 E.(1) Unless the medical malpractice claim is first compromised and settled
21 in accordance with Subsection H of this Section or unless the state, through the
22 concurrence of the office of risk management and the legal counsel representing the
23 state against such claim, waive the medical review panel procedure, all medical
24 malpractice claims by their patients or their representatives arising from the right
25 created and granted by Subsections C and D of this Section shall be submitted to
26 administrative review in accordance with this Subsection before such right in
27 individual claims can become sufficiently existent to be susceptible of judicial
28 recognition or adjudication. The medical malpractice claims of prisoners relating to
29 health care rendered in a correctional facility and arising under this Part shall be

1 submitted to correctional administrative review procedures established for
 2 administrative hearings in the correctional environment or established in accordance
 3 with express law, including R.S. 15:1171 et seq., R.S. 49:964, and the administrative
 4 rules and regulations pertaining thereto. All other medical malpractice claims arising
 5 under this Part, including wrongful death and survival actions related to prisoners,
 6 shall be submitted to a medical review panel in accordance with R.S. ~~40:1299.39.1~~
 7 40:1237.2.

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

11 * * *

12 H. Internally within the state government of Louisiana, the office of risk
 13 management shall have the primary responsibility for the administrative management
 14 of medical malpractice claims against the state. Copies of all claims shall be
 15 submitted to the office of risk management by claimants or their attorneys. In the
 16 administration of such claims, the office of risk management shall cause a timely and
 17 thorough investigation of the circumstances surrounding each malpractice claim,
 18 assemble all data relevant thereto, and coordinate with legal counsel for the defense
 19 of such cases. With the approval of such legal counsel, and in accordance with R.S.
 20 39:1535, the office of risk management may compromise and settle any suit or claim
 21 up to the limits set forth in this Part. All malpractice claims not subject to such
 22 compromise or settlement shall be reviewed by a state medical review panel pursuant
 23 to R.S. ~~40:1299.39.1~~ 40:1237.2. In any suit or claim brought pursuant to this Part,
 24 the office of risk management may pay all defense and investigative costs, costs as
 25 established by the state medical review panel law, and any other costs incurred in
 26 connection with the defense of these actions as said costs accrue.

27 * * *

28 K. Any person covered by this Part shall be considered as a named insured.
 29 A health care provider who fails to qualify as a state health care provider under this

1 Part is not covered by the provisions of this Part and is subject to liability under the
 2 private law without regard to the provisions of this Part. If a health care provider
 3 does not so qualify, the patient's remedy will not be affected by the terms and
 4 provisions of this Part, except as provided in this Part with respect to the suspension
 5 and the running of prescription of actions against a health care provider who has not
 6 qualified under this Part when a claim has been filed against the health care provider
 7 for review under this Part. However, the running of prescription against a health care
 8 provider who is answerable in solido with a qualified state health care provider
 9 against whom a claim has been filed for review under this Part shall be suspended
 10 in accordance with the provisions of R.S. ~~40:1299.39.1(A)(2)(a)~~ 40:1237.2(A)(2)(a).

11 * * *

12 ~~§1299.39.1.~~ §1237.2. State medical review panel

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

26 * * *

27 C.(1) The state medical review panel shall consist of one attorney and three
 28 health care providers who hold unlimited licenses to practice their profession in
 29 Louisiana. The parties may agree on the attorney member of the state medical

1 review panel. If no attorney for or a representative of any health care provider
 2 named in the complaint has made an appearance in the proceeding or made written
 3 contact with the attorney for the plaintiff within forty-five days of the date of receipt
 4 of the notification to the health care provider and the insurer that the required filing
 5 fee has been received by the commissioner or the patients compensation board as
 6 required by R.S. ~~40:1299.39.1(A)(1)(c)~~ 40:1237.2(A)(1)(c), the attorney for the
 7 plaintiff may appoint the attorney member of the state medical review panel for the
 8 purpose of convening the panel. Such notice to the health care provider and the
 9 insurer shall be sent by registered or certified mail, return receipt requested. If no
 10 agreement can be reached, then the attorney member of the state medical review
 11 panel shall be selected in the following manner:

12 * * *

13 ~~§1299.39.2.~~ §1237.3. Medical review panel; one panel for state and private claims

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

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

21 * * *

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

25 ~~§1299.39.3.~~ §1237.4. Emergency/Disaster Medicine Review Panel; establishment;
 26 review process

27 * * *

28 D. Emergency/disaster medicine review process;

29 * * *

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

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

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

8 (c) Qualification of physicians/medical personnel shall be the same as R.S.
9 ~~40:1299.39.1(C)(3)(f)~~ 40:1237.2(C)(3)(f).

10 (d) Costs of the panel shall be paid by the division of administration and
11 compensation for panel members shall be the same as R.S. ~~40:1299.39.1(F)(1)~~
12 40:1237.2(I)(1).

13 (e) Evidence to be considered shall be the same as R.S. ~~40:1299.39.1(D)(1);~~
14 ~~(2), (5), and (6)~~ 40:1237.2(D)(1), (2), (5), and (6) except that no depositions may be
15 set or utilized during this process.

16 * * *

17 CHAPTER 5-E. HEALTH PROVISIONS:

18 MEDICAL ASSISTANCE PROGRAM (MEDICAID)

19 PART I. HEALTH SERVICES FINANCING

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

21 REIMBURSEMENT METHODOLOGY

22 ~~§1300.291.~~ §1241. Hospital prospective reimbursement methodology

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

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

25 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

26 ~~§1300.331.~~ §1243.1. Health care providers; upper payment limit

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

1 ~~§1300.332.~~ §1243.2. Upper payment limit mechanism for outpatient behavioral
 2 health services for Medicaid recipients under the age of twenty-one
 3 [Section redesignated from R.S. 40:1300.332]

4 ~~PART LXXVII~~ SUBPART C. INTERGOVERNMENTAL TRANSFERS

5 ~~§1300.301.~~ §1245.1. Authority to accept and use intergovernmental transfers from
 6 local governing bodies
 7 [Section redesignated from R.S. 40:1300.301]

8 ~~PART LXXVIII~~ SUBPART D. PARISH AND MUNICIPAL ENTITIES

9 ~~§1300.351.~~ §1247.1. Funding identification

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

19 ~~PART LXXIX~~ II. THE HOME- AND COMMUNITY-BASED
 20 LONG-TERM CARE ACT

21 ~~§1300.321.~~ §1249.1. Legislative findings; purpose
 22 [Section redesignated from R.S. 40:1300.321]

23 ~~§1300.322.~~ §1249.2. Definitions
 24 [Section redesignated from R.S. 40:1300.322]

25 ~~§1300.323.~~ §1249.3. Medical assistance programs
 26 [Section redesignated from R.S. 40:1300.323]

1 PART ~~XXVI-A~~ III. MEDICAID BUY-IN PROGRAM
2 FOR PERSONS WITH DISABILITIES

3 ~~§1299.78.~~ §1251.1. Title

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

5 ~~§1299.78.1.~~ §1251.2. Purpose

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

7 ~~§1299.78.2.~~ §1251.3. Ticket to Work and Work Incentives Improvement Act
8 Opportunities

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

10 ~~§1299.78.3.~~ §1251.4. Definitions

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

12 ~~§1299.78.4.~~ §1251.5. Buy-In Program Appropriations

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

14 ~~§1299.78.5.~~ §1251.6. Provisions

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

16 PART ~~LXXXIII~~ IV. MEDICAID TRANSPARENCY

17 ~~§1300.361.~~ §1253.1. Legislative intent

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

19 ~~§1300.362.~~ §1253.2. Bayou Health; reporting

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

21 ~~§1300.363.~~ §1253.3. Louisiana Behavioral Health Partnership; reporting

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

23 ~~§1300.364.~~ §1253.4. Department of Health and Hospitals information

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

25 ~~§1300.365.~~ §1253.5. Medicaid state plan amendments

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

1 CHAPTER 5-F. HEALTH PROVISIONS: PUBLIC HEALTH

2 SUBCHAPTER A. PUBLIC HEALTH - GENERAL

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

4 AND HEALTH-RELATED ISSUES

5 ~~§1300.71.~~ §1261. Health report card

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

7 ~~§1300.72.~~ §1261.1. Managed care organization; report

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

12 B. The report required by Subsection A shall contain issues listed in R.S.
13 ~~40:1300.71(A)~~ 40:1261(A).

14 PART ~~XXXIII~~ II. LOUISIANA ORGAN TRANSPLANT ASSISTANCE

15 PROGRAM AND BONE MARROW DONATIONS

16 ~~§1299.121.~~ §1263.1. Definitions

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

18 ~~§1299.122.~~ §1263.2. Louisiana Organ Transplant Assistance Program

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

20 ~~§1299.123.~~ §1263.3. Powers and duties

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

22 ~~§1299.124.~~ §1263.4. Definitions; paid marrow donor leave; prohibition of employer
23 sanctions; relationship to other leave

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

25 ~~§1299.125.~~ §1263.5. Bone marrow donor drive

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

1 PART ~~VII~~ III. MARKET PLACES

2 ~~§1241.~~ §1265.1. Public markets; location, inspection, and operation; exemptions;
3 market zones

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

5 ~~§1242.~~ §1265.2. Private markets; inspection and operation
6 [Section redesignated from R.S. 40:1242]

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

8 ~~§1296.~~ §1267.1. Poison control center; establishment

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

14 PART ~~XI~~ V. RABIES CONTROL

15 ~~§1275.~~ §1269.1. Citation of Part
16 [Section redesignated from R.S. 40:1275]

17 ~~§1276.~~ §1269.2. Definitions
18 [Section redesignated from R.S. 40:1276]

19 ~~§1277.~~ §1269.3. Authority to enact regulations for control of rabies
20 [Section redesignated from R.S. 40:1277]

21 ~~§1278.~~ §1269.4. Penalty
22 [Section redesignated from R.S. 40:1278]

23 PART ~~HB~~ VI. REPORTING OF INFECTIOUS DISEASES

24 ~~§1099.~~ §1271.1. Infectious diseases; notification
25 [Section redesignated from R.S. 40:1099]

26 ~~§1099.1.~~ §1271.2. Mandatory identification of infected corpses
27 [Section redesignated from R.S. 40:1099.1]

1 PART ~~XLVI~~ VII. RIVER REGION CANCER SCREENING

2 AND EARLY DETECTION DISTRICT

3 ~~§1300.61.~~ §1273.1. River Region Cancer Screening and Early Detection District,

4 creation; domicile; board of commissioners, membership, terms

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

6 ~~§1300.62.~~ §1273.2. Objects and purposes of the district

7 [Section redesignated from R.S. 40:1300.62]

8 ~~§1300.63.~~ §1273.3. Board duties and authority

9 [Section redesignated from R.S. 40:1300.63]

10 ~~§1300.64.~~ §1273.4. Board officers; meetings

11 [Section redesignated from R.S. 40:1300.64]

12 ~~§1300.65.~~ §1273.5. Center director

13 [Section redesignated from R.S. 40:1300.65]

14 ~~§1300.66.~~ §1273.6. Duties of director

15 [Section redesignated from R.S. 40:1300.66]

16 ~~§1300.67.~~ §1273.7. Medical staff

17 [Section redesignated from R.S. 40:1300.67]

18 ~~§1300.68.~~ §1273.8. Procedure in organizing board

19 [Section redesignated from R.S. 40:1300.68]

20 PART ~~XXXVII~~ VIII. SEVERE HEAD INJURIES

21 ~~§1299.171.~~ §1275.1. Statement of purpose

22 [Section redesignated from R.S. 40:1299.171]

23 ~~§1299.172.~~ §1275.2. Definitions

24 [Section redesignated from R.S. 40:1299.172]

25 ~~§1299.173.~~ §1275.3. Mandatory reporting requirement

26 [Section redesignated from R.S. 40:1299.173]

27 ~~§1299.174.~~ §1275.4. Rules and regulations

28 [Section redesignated from R.S. 40:1299.174]

1 its financial and operational activities. The committee may use the office of
2 management and finance of the department and may reimburse the department for
3 such services as it may render.

4 * * *

5 ~~§1143.~~ §1281.3. Classification of water and sewerage facilities

6 Within one hundred twenty days of adoption of this ~~Part~~ Subpart, the state
7 health officer will classify all water production facilities, water treatment plants,
8 water distribution systems, sewage collection systems, and sewage treatment plants
9 actually used or intended for use by the public with due regard to the size, type,
10 character of water or wastewater to be treated, and other physical conditions
11 affecting such treatment plants and collection or distribution systems and prescribe
12 the skill, knowledge, and experience that the operator in charge must have to
13 supervise successfully the operation of the facilities so as to protect the public health,
14 prevent unlawful pollution, and protect the water resources of the state.

15 ~~§1144.~~ §1281.4. Responsibility for operator certification

16 [Section redesignated from R.S. 40:1144]

17 ~~§1145.~~ §1281.5. Operator certificates; display; renewal; revocation; termination

18 [Section redesignated from R.S. 40:1145]

19 ~~§1146.~~ §1281.6. Qualification by reciprocity

20 The state health officer, upon application therefor and recommendation of the
21 committee may issue a certificate, without examination, in a comparable
22 classification to any person who holds a certificate in any state, territory or
23 possession of the United States or any country providing the requirements for
24 certification of operators under which the person's certificate was issued do not
25 conflict with the provisions of this ~~part~~ Subpart and are of a standard not lower than
26 that specified by regulations adopted under this ~~part~~ Subpart and providing further
27 that reciprocal privileges are granted by said state, territory, or possession to certified
28 operators of this state.

1 ~~§1147.~~ §1281.7. Certification of present practitioners; temporary certification

2 A. Certificates in appropriate classification will be issued to operators, who
3 on the effective date of this ~~Part~~ Subpart, hold certificates of competency attained by
4 examination under the voluntary certification program now being administered by
5 the Department of Health and Hospitals and the Louisiana Conference on Water
6 Supply, Sewerage, and Industrial Wastes, upon application to the committee within
7 eighteen months after the effective date of this ~~Part~~ Subpart and payment of the
8 certification fees prescribed by the committee.

9 B. All operators employed in charge of water supply or sewerage systems
10 on the effective date of this ~~Part~~ Subpart, and who do not hold voluntary or other
11 qualifying certificates, and who apply to the committee within twelve months of the
12 effective date of this ~~Part~~ Subpart and pay the prescribed certificate fees, shall be
13 granted an operator's limited certificate, which shall be valid only for the system in
14 which the operator is employed and for the conditions of operation and duties
15 involved on the effective date of this ~~Part~~ Subpart. Limited certificates shall be
16 renewable upon application, provided the requirements for renewal without
17 reexamination for certificate of even grade are satisfied. Persons granted limited
18 certificates and renewals of limited certificates shall pay the same fees as are fixed
19 for regular certificates of like grade.

20 C. Any person appointed to replace or succeed a water supply system or
21 sewage system operator after the effective date of this ~~part~~ Subpart may be issued a
22 temporary certificate upon application to the committee and payment of the same
23 fees as are specified for limited certificates. Any such person shall be required to
24 obtain a regular certificate of the class commensurate with his duties within a period
25 of twenty four months after the date on which a temporary certificate is issued.

26 ~~§1148.~~ §1281.8. Rulemaking authority

27 The secretary of the Department of Health and Hospitals, in accordance with
28 any other appropriate state law, shall make such rules and regulations as are
29 necessary to carry out the intent of this ~~Part~~ Subpart. The rules and regulations shall

1 include, but not be limited to, provisions establishing the bases for classification of
2 water production facilities, water treatment plants, water distribution systems,
3 sewage collection systems, and sewage treatment plants, and prescribing the skill,
4 knowledge, and experience that the operator in charge must have to supervise
5 successfully the operation of such facilities, and such other provisions as may be
6 necessary for the administration of this ~~Part~~ Subpart.

7 ~~§1149. §1281.9.~~ §1281.9. Certified operator required; exceptions

8 A. On or after one year following the effective date of this ~~Part~~ Subpart, it
9 shall be unlawful for any person, firm, or corporation, both municipal and private,
10 operating a water supply system or sewerage system to operate same unless the
11 competency of the operator is duly certified to by the state health officer under the
12 provisions of this ~~Part~~ Subpart. Furthermore, it shall be unlawful for any person to
13 perform the duties of an operator, as defined herein, without being duly certified
14 under the provisions of this ~~Part~~ Subpart.

15 * * *

16 ~~§1150. §1281.10.~~ §1281.10. Penalties

17 Whoever violates any provision of this ~~part~~ Subpart shall be guilty of a
18 misdemeanor and, upon conviction, shall be punished by a fine of one hundred
19 dollars or by imprisonment in the parish jail for not more than ten days, or by both
20 fine and imprisonment, and each day of operation in violation of this ~~part~~ Subpart
21 shall constitute a separate offense.

22 ~~§1151. §1281.11.~~ §1281.11. Exemptions, exceptions, and exclusions

23 The secretary shall provide by rule promulgated in accordance with the
24 provisions of the Administrative Procedure Act for exemptions from the application
25 of this ~~Part~~ Subpart relative to the certification of water supply and sewerage system
26 operators. Such exemptions shall be authorized only if and to the extent that they are
27 in conformity with and are required by federal guidelines pertaining to such
28 operators.

1 persons deemed at risk should not be allowed to reside in said dwelling. Such notice
2 may not be removed until all premises have been found to comply with R.S.
3 ~~40:1299.27~~ 40:1285.7. Unauthorized intentional removal of the notice shall subject
4 the offender to a fine of five hundred dollars.

5 * * *

6 ~~§1299.25.~~ §1285.5. Designation of high-risk areas

7 The Department of Health and Hospitals, after consultation with
8 representatives from the state's medical schools and analysis of childhood blood lead
9 surveillance, housing, and Medicaid data, shall identify geographic areas in the state
10 and establish those areas as high-risk for lead poisoning. Based upon the ~~Department~~
11 ~~of Health and Hospital's~~ analysis of data by the Department of Health and Hospitals,
12 blood lead screening of children of certain ages residing in these identified areas
13 shall be mandated by rules adopted in accordance with the Administrative Procedure
14 Act. The office of public health shall promulgate rules and regulations to implement
15 the specific policies and procedures for mandated childhood blood lead screening.

16 ~~§1299.26.~~ §1285.6. Sale and use of lead-based paint and other similar lead-based
17 surface coating material restricted; penalties

18 [Section redesignated from R.S. 40:1299.26]

19 ~~§1299.27.~~ §1285.7. Safety precautions; procedures for removal and repainting

20 A. Whenever a child or children under six years of age or mentally retarded
21 person resides in any residential premises in which any paint, plaster or other
22 accessible materials contain dangerous levels of lead as defined pursuant to ~~R.S.~~
23 ~~40:1299.24~~ the provisions of this Part, after notification by the state health officer or
24 his representative, the owner shall remove or cover said paint, plaster or other
25 material so as to make it inaccessible to children under six years of age or mentally
26 retarded persons. Whenever any such residential premises containing said dangerous
27 levels of lead undergoes a change of ownership and as a result thereof, a child or
28 children under six years of age or mentally retarded persons will become a resident

1 officer's responsibility with respect to objects sold or placed into commerce in
2 violation of R.S. ~~40:1299.27.1~~ 40:1285.8 is limited to those instances where the state
3 officer or his personnel are notified of such violation.

4 D. Violations of R.S. ~~40:1299.26, 1299.27, and 1299.27.1~~ 40:1285.6, 1285.7,
5 and 1285.8 shall be treated as emergency matters, and shall be given preference by
6 enforcing agencies and speedy hearings by district and appellate courts.

7 ~~§1299.29.~~ §1285.10. Liability of owners of residential property; damages

8 The owner of any residential property shall be liable for all damages caused
9 by his failure to perform the duties required of him pursuant to R.S. ~~40:1299.26 or~~
10 ~~R.S. 40:1299.27~~ 40:1285.6 or 1285.7.

11 PART ~~IX~~ III. SMOKE CONSUMERS

12 ~~§1251.~~ §1287.1. Equipment of steam plants in certain cities; penalty

13 [Section redesignated from R.S. 40:1251]

14 PART ~~XXX~~ IV. TOXIC SUBSTANCES

15 ~~§1299.100.~~ §1289.1. Submission of emergency plan and reporting of toxic
16 substances; penalties

17 [Section redesignated from R.S. 40:1299.100]

18 SUBCHAPTER C. SMOKING

19 PART ~~LXIII~~ I. LOUISIANA SMOKEFREE AIR ACT

20 SUBPART A. GENERAL PROVISIONS

21 ~~§1300.251.~~ §1291.1. Short title

22 [Section redesignated from R.S. 40:1300.251]

23 ~~§1300.252.~~ §1291.2. Purpose

24 [Section redesignated from R.S. 40:1300.252]

25 ~~§1300.253.~~ §1291.3. Definitions

26 [Section redesignated from R.S. 40:1300.253]

27 SUBPART B. PROHIBITIONS AND EXEMPTIONS

28 ~~§1300.256.~~ §1291.11. General smoking prohibitions; exemptions

29 [Section redesignated from R.S. 40:1300.256]

1 SUBPART C. PENALTIES AND RULES AND REGULATIONS

2 ~~§1300.261.~~ §1291.21. Notice of prohibition of smoking

3 [Section redesignated from R.S. 40:1300.261]

4 ~~§1300.262.~~ §1291.22. Enforcement; penalties

5 A.(1) Any violation of any prohibition in R.S. ~~40:1300.256(A)~~
6 40:1291.11(A) may be cited by any law enforcement officer by the issuance of a
7 citation and summons to appear before a court of proper jurisdiction.

8 * * *

9 B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S.
10 ~~40:1300.256(A)(1), (2), and (3)~~ 40:1291.11(A)(1), (2), and (3) shall, upon a first
11 offense, be fined twenty-five dollars.

12 * * *

13 (2)(a) Any employer who is guilty of a violation of the prohibition in R.S.
14 ~~40:1300.256(A)(4)~~ 40:1291.11(A)(4) shall, upon a first offense, be fined one
15 hundred dollars.

16 * * *

17 ~~§1300.263.~~ §1291.23 Development of smoke-free policies

18 A.

19 * * *

20 (2) For the purposes of this Section, "smoke-free" means the prohibition of
21 smoking as defined in R.S. ~~40:1300.253~~ 40:1291.3.

22 * * *

23 C. The provisions of this Section shall not supersede the provisions of R.S.
24 ~~40:1300.256(A)~~ 40:1291.11(A).

25 PART ~~X~~ II. SMOKING REGULATION

26 ~~§1261.~~ §1293.1. Louisiana Superdome; smoking regulation

27 [Section redesignated from R.S. 40:1261]

1 ~~§1262. §1293.2.~~ Senator Nat G. Kiefer University of New Orleans Lakefront Arena;
2 smoking regulation

3 [Section redesignated from R.S. 40:1262]

4 CHAPTER 5-G. MISCELLANEOUS HEALTH PROVISIONS

5 PART ~~XIX~~ I. HUMAN CLONING

6 ~~§1299.36. §1300.~~ Use of public monies for human cloning; prohibition; exceptions
7 [Section redesignated from R.S. 40:1299.36]

8 PART ~~XVI~~ II. MASS MEETINGS

9 ~~§1299.11. §1300.11.~~ Definitions
10 [Section redesignated from R.S. 40:1299.11]

11 ~~§1299.12. §1300.12.~~ Permits
12 [Section redesignated from R.S. 40:1299.12]

13 ~~§1299.13. §1300.13.~~ Application of Part; exceptions
14 [Section redesignated from R.S. 40:1299.13]

15 PART ~~XIV~~ III. RESUSCITATORS AT PUBLIC SWIMMING PLACES

16 ~~§1298. §1300.21.~~ Furnishing and maintaining of resuscitators; penalties
17 [Section redesignated from R.S. 40:1298]

18 PART ~~XXVI~~ IV. UNIFORM DUTIES TO DISABLED PERSONS

19 ~~§1299.71. §1300.31.~~ Title
20 [Section redesignated from R.S. 40:1299.71]

21 ~~§1299.72. §1300.32.~~ Definitions
22 [Section redesignated from R.S. 40:1299.72]

23 ~~§1299.73. §1300.33.~~ Identifying devices for persons having certain conditions
24 [Section redesignated from R.S. 40:1299.73]

25 ~~§1299.74. §1300.34.~~ Duty of law enforcement officer

26 * * *

27 B. In seeking to determine whether a disabled person suffers from an illness,
28 each law enforcement officer shall make a reasonable search for an identifying
29 device and, if the identifying device is found, may make a reasonable search for an

1 identification card of the type described in ~~Section 1299.73(B)~~ R.S. 40:1300.33(B).

2 The law enforcement officer shall not search for an identifying device or an
3 identification card in a manner or to an extent that would appear to a reasonable
4 person in the circumstances to cause an unreasonable risk of worsening the condition
5 of the disabled person.

6 * * *

7 D. There shall be no cause of action against a law enforcement officer for
8 making a reasonable search of a disabled person to locate an identifying device, and
9 if the identifying device is found, for making a reasonable search for an
10 identification card of the type described in ~~Section 1299.73(B)~~ R.S. 40:1300.33(B).

11 * * *

12 ~~§1299.75.~~ §1300.35. Duty of medical practitioners

13 A. Any medical practitioner, in discharging his duty to a disabled person
14 whom he has undertaken to examine or treat, shall make a reasonable search for an
15 identifying device, and, if the identifying device is found, may make a reasonable
16 search for an identification card of the type described in ~~Section 1299.73(B)~~ R.S.
17 40:1300.33(B).

18 B. There shall be no cause of action against a medical practitioner for
19 making a reasonable search of a disabled person to locate an identifying device, and
20 if the identifying device is found, for making a reasonable search for an
21 identification card of the type described in ~~Section 1299.73(B)~~ R.S. 40:1300.33(B).

22 ~~§1299.76.~~ §1300.36. Duty of others

23 A. Any person, other than a law enforcement officer or medical practitioner,
24 who finds a disabled person shall make a reasonable effort to notify a law
25 enforcement officer or medical practitioner. If a law enforcement officer or medical
26 practitioner is not present, any person who finds a disabled person may make a
27 reasonable search for an identifying device, and, if the identifying device is found,
28 may make a reasonable search for an identification card of the type described in
29 ~~Section 1299.73(B)~~ R.S. 40:1300.33(B). If a device or card is located, the person

1 making the search shall attempt promptly to bring its contents to the attention of a
2 law enforcement officer or medical practitioner.

3 * * *

4 ~~§1299.77.~~ §1300.37. Falsifying identification or misrepresenting condition

5 Any person who, with intent to deceive, provides, wears, uses, or possesses
6 a false identifying device or identification card of the type described in ~~Section~~
7 ~~1299.73(B)~~ R.S. 40:1300.33(B) shall be guilty of a misdemeanor and, upon
8 conviction, shall be punished by imprisonment in the parish jail for not more than
9 ninety days, or by a fine of not more than three hundred dollars, or both.

10 Section 2. The Louisiana State Law Institute is hereby directed to redesignate R.S.
11 40:1299.91 as R.S. 13:5108.2.

12 Section 3(A). The Louisiana State Law Institute is hereby directed to redesignate
13 Part VII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
14 R.S. 40:1237 through 1238.4, as Part XVI of Chapter 4 of Title 40 of the Louisiana Revised
15 Statutes of 1950, to be comprised of R.S. 40:1060.11 through 1060.16, and to retain the
16 heading of the Part.

17 (B) The Louisiana State Law Institute is hereby directed to redesignate Part VII-B
18 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1239, as Part XVII of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950,
20 to be comprised of R.S. 40:1060.21, and to retain the heading of the Part.

21 Section 4. The Louisiana State Law Institute is hereby directed to redesignate Part
22 XVIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1299.30 through 1299.35.19, as Chapter 5 of Title 40 of the Louisiana Revised Statutes
24 of 1950, to be entitled "Health Provisions: Abortion" and comprised of R.S. 40:1061 through
25 1061.27, as more specifically provided in Section 1 of this Act.

26 Section 5.(A) The Louisiana State Law Institute is hereby directed to establish
27 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
28 Provisions: Children" and comprised of R.S. 40:1071 through 1087.5, as more specifically
29 provided in Section 1 of this Act and in this Section.

1 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XXXI
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.111 through 1299.117, as Part I of Chapter 5-A of Title 40 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 40:1071 through 1071.6, and to retain the heading
5 of the Part.

6 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XLIX
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1300.101 through 1300.107, as Part II of Chapter 5-A of Title 40 of the Louisiana
9 Revised Statutes of 1950, to be comprised of R.S. 40:1073.1 through 1073.6, and to retain
10 the heading of the Part.

11 (D) The Louisiana State Law Institute is hereby directed to redesignate Part LXVIII
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1300.311 through 1300.313, as Part III of Chapter 5-A of Title 40 of the Louisiana
14 Revised Statutes of 1950, to be comprised of R.S. 40:1075.1 through 1075.3, and to retain
15 the heading of the Part.

16 (E)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I-A
17 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
18 40:1095 through 1098.8, as Part IV of Chapter 5-A of Title 40 of the Louisiana Revised
19 Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.18, as more specifically
20 provided in 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-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
23 R.S. 40:1095 through 1097, as Subpart A of Part IV of Chapter 5-A of Title 40 of the
24 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.1 through 1077.3, 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-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
28 R.S. 40:1098.1 through 1098.8, as Subpart B of Part IV of Chapter 5-A of Title 40 of the

1 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1077.11 through 1077.18,
2 and to retain the heading of the Subpart.

3 (F)(1) The Louisiana State Law Institute is hereby directed to establish Part V of
4 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Newborns"
5 and comprised of R.S. 40:1079.1 through 1083.8, as more specifically provided in Section
6 1 of this Act and in this Subsection.

7 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XV of
8 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299
9 through 1299.6, as Subpart A of Part V of Chapter 5-A of Title 40 of the Louisiana Revised
10 Statutes of 1950, to be comprised of R.S. 40:1079.1 through 1079.9 and entitled "Genetic
11 Conditions and Newborns".

12 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIV
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1300.371 through 1300.373, as Subpart B of Part V of Chapter 5-A of Title 40 of the
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1081.1 through 1081.3 and
16 entitled "Newborn Critical Congenital Heart Disease Screening Program".

17 (4) The Louisiana State Law Institute is hereby directed to redesignate Part II of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1101
19 through 1108, as Subpart C of Part V of Chapter 5-A of Title 40 of the Louisiana Revised
20 Statutes of 1950, to be comprised of R.S. 40:1083.1 through 1083.8 and entitled "Prevention
21 of Blindness from Ophthalmia Neonatorum".

22 (G)(1) The Louisiana State Law Institute is hereby directed to establish Part VI of
23 Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Youth
24 Sports Injury" and comprised of R.S. 40:1085.1 through 1087.5, as more specifically
25 provided in Section 1 of this Act and in this Subsection.

26 (2) The Louisiana State Law Institute is hereby directed to redesignate Part
27 XXXVII-B of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
28 of R.S. 40:1299.186, as Subpart A of Part VI of Chapter 5-A of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1085.1 and entitled "Comprehensive
2 Sports Injury Management Program".

3 (3) The Louisiana State Law Institute is hereby directed to redesignate Part
4 XXXVII-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
5 of R.S. 40:1299.181 through 1299.185, as Subpart B of Part VI of Chapter 5-A of Title 40
6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1087.1 through 1087.5
7 and entitled "Louisiana Youth Concussion Act".

8 Section 6.(A) The Louisiana State Law Institute is hereby directed to establish
9 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
10 Provisions: Diseases" and comprised of R.S. 40:1101 through 1119.24, as more specifically
11 provided in Section 1 of this Act and in this Section.

12 (B) The Louisiana State Law Institute is hereby directed to redesignate Part LI of
13 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1300.121 through 1300.125, as Part I of Chapter 5-B of Title 40 of the Louisiana Revised
15 Statutes of 1950, to be comprised of R.S. 40:1101 through 1101.4, and to retain the heading
16 of the Part.

17 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LIV of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 40:1300.151 through 1300.154, as Part II of Chapter 5-B of Title 40 of the Louisiana
20 Revised Statutes of 1950, to be comprised of R.S. 40:1103.1 through 1103.4 and entitled
21 "Breast Cancer: Oral and Written Summary of Treatment Alternatives".

22 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVII
23 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
24 40:1299.80 through 1299.90.2, as Part III of Chapter 5-B of Title 40 of the Louisiana
25 Revised Statutes of 1950, to be comprised of R.S. 40:1105.1 through 1105.13, and to retain
26 the heading of the Part.

27 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXXII
28 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
29 40:1299.118 through 1299.120, as Part IV of Chapter 5-B of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1107.1 through 1107.3, and to retain
2 the heading of the Part.

3 (F) The Louisiana State Law Institute is hereby directed to redesignate Part LV of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1300.161 through 1300.363, as Part V of Chapter 5-B of Title 40 of the Louisiana
6 Revised Statutes of 1950, to be comprised of R.S. 40:1109.1 through 1109.3, and to retain
7 the heading of the Part.

8 (G) The Louisiana State Law Institute is hereby directed to redesignate Part XXXV
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1299.141 through 1299.147, as Part VI of Chapter 5-B of Title 40 of the Louisiana
11 Revised Statutes of 1950, to be comprised of R.S. 40:1111.1 through 1111.7, and to retain
12 the heading of the Part.

13 (H) The Louisiana State Law Institute is hereby directed to redesignate Part VI of
14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1181,
15 as Part VII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be
16 comprised of R.S. 40:1113.1, and to retain the heading of the Part.

17 (I)(1) The Louisiana State Law Institute is hereby directed to establish Part VIII of
18 Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
19 "Tuberculosis" and comprised of R.S. 40:1115.1 and 1117.1, as more specifically provided
20 in Section 1 of this Act and in this Subsection.

21 (2) The Louisiana State Law Institute is hereby directed to redesignate Part V of
22 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1172,
23 as Subpart A of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
24 1950, to be comprised of R.S. 40:1115.1 and entitled "Tuberculosis - General".

25 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLIII
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1300.31, as Subpart B of Part VIII of Chapter 5-B of Title 40 of the Louisiana Revised
28 Statutes of 1950, to be comprised of R.S. 40:1117.1 and entitled "Tuberculosis Testing for
29 Admission to Nursing Homes".

1 (J)(1) The Louisiana State Law Institute is hereby directed to redesignate Part I of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1061
3 through 1094, as Part IX of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of
4 1950, to be comprised of R.S. 40:1119.1 through 1119.24, as more specifically provided in
5 Section 1 of this Act and in this Subsection, and to retain the heading of the Part.

6 (2) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
7 of Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
8 R.S. 40:1061 through 1068, as Subpart A of Part IX of Chapter 5-B of Title 40 of the
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1119.1 through 1119.11, and
10 to retain the heading of the Subpart.

11 (3) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
12 Part I of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1091 through 1094, as Subpart B of Part IX of Chapter 5-B of Title 40 of the Louisiana
14 Revised Statutes of 1950, to be comprised of R.S. 40:1119.21 through 1119.24, and to retain
15 the heading of the Subpart.

16 Section 7.(A) The Louisiana State Law Institute is hereby directed to establish
17 Chapter 5-C of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
18 Provisions: Emergency Medical Services" and comprised of R.S. 40:1131 through 1139.11,
19 as more specifically provided in Section 1 of this Act and in this Section.

20 (B) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
21 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
22 R.S. 40:1231 through 1231.2, as Part I of Chapter 5-C of Title 40 of the Louisiana Revised
23 Statutes of 1950, to be comprised of R.S. 40:1131 through 1131.2 and entitled "General
24 Provisions".

25 (C) The Louisiana State Law Institute is hereby directed to redesignate Subpart B
26 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
27 R.S. 40:1232 through 1234.1, as Part II of Chapter 5-C of Title 40 of the Louisiana Revised
28 Statutes of 1950, to be comprised of R.S. 40:1133.1 through 1133.15 and entitled
29 "Emergency Medical Personnel".

1 (D) The Louisiana State Law Institute is hereby directed to redesignate Subpart C
2 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
3 R.S. 40:1235 through 1236.7, as Part III of Chapter 5-C of Title 40 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 40:1135.1 through 1135.12 and entitled
5 "Emergency Medical Transportation".

6 (E) The Louisiana State Law Institute is hereby directed to redesignate Subpart D
7 of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
8 R.S. 40:1236.11 through 1236.14, as Part IV of Chapter 5-C of Title 40 of the Louisiana
9 Revised Statutes of 1950, to be comprised of R.S. 40:1137.1 through 1137.4 and entitled
10 "Automated External Defibrillators".

11 (F) The Louisiana State Law Institute is hereby directed to redesignate Subpart E of
12 Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
13 R.S. 40:1236.21 through 1236.31, as Part V of Chapter 5-C of Title 40 of the Louisiana
14 Revised Statutes of 1950, to be comprised of R.S. 40:1139.1 through 1139.11 and entitled
15 "First Responder Financial Stabilization and Enhancement".

16 Section 8.(A) The Louisiana State Law Institute is hereby directed to establish
17 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
18 Provisions: Health Care" and comprised of R.S. 40:1151 through 1237.4, 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-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
22 "Health Care Consumers" and comprised of R.S. 40:1151 through 1173.1, as more
23 specifically provided in Section 1 of this Act and in this Subsection.

24 (2)(a) The Louisiana State Law Institute is hereby directed to establish Part I of
25 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
26 entitled "Advance Directives and Life-Sustaining Procedures" and comprised of R.S.
27 40:1151 through 1155.6, as more specifically provided in Section 1 of this Act and in this
28 Subsection.

1 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-A
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.58.1 through 1299.58.10, as Subpart A of Part I of Subchapter A of Chapter 5-D of
4 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1151 through
5 1151.9 and entitled "Declarations Concerning Life-Sustaining Procedures".

6 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-B
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1299.60 through 1299.64, as Subpart B of Part I of Subchapter A of Chapter 5-D of Title
9 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1153.1 through
10 1153.5 and entitled "Louisiana Military Advance Medical Directive Act".

11 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV-C
12 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1299.64.1 through 1299.64.6, as Subpart C of Part I of Subchapter A of Chapter 5-D of
14 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1155.1
15 through 1155.6 and entitled "Louisiana Physician Order for Scope of Treatment".

16 (3)(a) The Louisiana State Law Institute is hereby directed to establish Part II of
17 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
18 entitled "Consent" and comprised of R.S. 40:1157.1 through 1161.1, as more specifically
19 provided in Section 1 of this Act and in this Subsection.

20 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII of
21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22 40:1299.39.5 through 1299.39.7, as Subpart A of Part II of Subchapter A of Chapter 5-D of
23 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1157.1
24 through 1157.3 and entitled "Uniform Consent Law".

25 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIV
26 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1299.50 through 1299.58, as Subpart B of Part II of Subchapter A of Chapter 5-D of Title
28 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1159.1 through
29 1159.9 and entitled "Louisiana Medical Consent Law".

1 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIV
2 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.131, as Subpart C of Part II of Subchapter A of Chapter 5-D of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1161.1 and entitled
5 "Informed Consent to Dental Treatment".

6 (4)(a) The Louisiana State Law Institute is hereby directed to establish Part III of
7 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
8 entitled "Information and Records" and comprised of R.S. 40:1163.1 through 1167.4, as
9 more specifically provided in Section 1 of this Act and in this Subsection.

10 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XXII-A
11 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 40:1299.40.1, as Subpart A of Part III of Subchapter A of Chapter 5-D of Title 40 of the
13 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1163.1 and entitled
14 "Electronic Health Care Transactions".

15 (c) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX
16 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
17 40:1299.96 through 1299.97, as Subpart B of Part III of Subchapter A of Chapter 5-D of
18 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1165.1
19 through 1165.3 and entitled "Health Care Information".

20 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXIX-A
21 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22 40:1299.97.1 through 1299.97.4, as Subpart C of Part III of Subchapter A of Chapter 5-D
23 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1167.1
24 through 1167.4 and entitled "Electronic Health Records Loan Program Act".

25 (5)(a) The Louisiana State Law Institute is hereby directed to establish Part IV of
26 Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be
27 entitled "Rights" and comprised of R.S. 40:1169.1 through 1173.1, as more specifically
28 provided in Section 1 of this Act and in this Subsection.

1 (b) The Louisiana State Law Institute is hereby directed to redesignate Part XLI of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1300.11 through 1300.15, as Subpart A of Part IV of Subchapter A of Chapter 5-D of
4 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1169.1
5 through 1169.5 and entitled "Confidentiality of HIV Test Results".

6 (c) The Louisiana State Law Institute is hereby directed to redesignate Part L of
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1300.111 through 1300.114, as Subpart B of Part IV of Subchapter A of Chapter 5-D of
9 Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1171.1
10 through 1171.4 and entitled "Louisiana Health Care Consumers' Right to Know".

11 (d) The Louisiana State Law Institute is hereby directed to redesignate Part XXV of
12 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
13 40:1299.65, as Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of the
14 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1173.1 and entitled "Right
15 to Chiropractic Care".

16 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
17 B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
18 "Health Care Facilities" and comprised of R.S. 40:1181.1 through 1189.1, as more
19 specifically provided in Section 1 of this Act and in this Subsection.

20 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LIII of
21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22 40:1300.141 through 1300.147, as Part I of Subchapter B of Chapter 5-D of Title 40 of the
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1181.1 through 1181.7, and
24 to retain the heading of the Part.

25 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LII of
26 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
27 40:1300.131 through 1300.134, as Part II of Subchapter B of Chapter 5-D of Title 40 of the
28 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1183.1 through 1183.4 and
29 entitled "Federally Qualified Health Center Preservation Act".

1 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXI of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1300.231 through 1300.236, as Part III of Subchapter B of Chapter 5-D of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1185.1 through 1185.6, and
5 to retain the heading of the Part.

6 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXIV
7 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
8 40:1300.271, as Part IV of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
9 Statutes of 1950, to be comprised of R.S. 40:1187.1, and to retain the heading of the Part.

10 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LXXI
11 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 40:1300.341, as Part V of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised
13 Statutes of 1950, to be comprised of R.S. 40:1189.1, and to retain the heading of the Part.

14 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
15 C of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
16 "Health Care Professionals" and comprised of R.S. 40:1201.1 through 1207.2, as more
17 specifically provided in Section 1 of this Act and in this Subsection.

18 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XLII of
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
20 40:1300.21 and 1300.22, as Part I of Subchapter C of Chapter 5-D of Title 40 of the
21 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1201.1 and 1201.2, and to
22 retain the heading of the Part.

23 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XLV of
24 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1300.51 through 1300.57, as Part II of Subchapter C of Chapter 5-D of Title 40 of the
26 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1203.1 through 1203.7, and
27 to retain the heading of the Part.

28 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XL of
29 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.1

1 through 1300.7, as Part III of Subchapter C of Chapter 5-D of Title 40 of the Louisiana
2 Revised Statutes of 1950, to be comprised of R.S. 40:1205.1 through 1205.7, and to retain
3 the heading of the Part.

4 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XL-A
5 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
6 40:1300.8.1 and 1300.8.2, as Part IV of Subchapter C of Chapter 5-D of Title 40 of the
7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1207.1 and 1207.2, and to
8 retain the heading of the Part.

9 (E)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
10 D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
11 "Health Care Services" and comprised of R.S. 40:1211.1 through 1223.1, as more
12 specifically provided in Section 1 of this Act and in this Subsection.

13 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVII of
14 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
15 40:1300.181 through 1300.183, as Part I of Subchapter D of Chapter 5-D of Title 40 of the
16 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1211.1 through 1211.3, and
17 to retain the heading of the Part.

18 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIX
19 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
20 40:1299.191 through 1299.195, as Part II of Subchapter D of Chapter 5-D of Title 40 of the
21 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1213.1 through 1213.5, and
22 to retain the heading of the Part.

23 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVI
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1299.151 and 1299.152, as Part III of Subchapter D of Chapter 5-D of Title 40 of the
26 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1215.1 and 1215.2, and to
27 retain the heading of the Part.

28 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XLVIII
29 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 40:1300.81 through 1300.97, as Part IV of Subchapter D of Chapter 5-D of Title 40 of the
2 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1217.1 through 1217.17, and
3 to retain the heading of the Part.

4 (6) The Louisiana State Law Institute is hereby directed to redesignate Part LIX of
5 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
6 40:1300.211 through 1300.216, as Part V of Subchapter D of Chapter 5-D of Title 40 of the
7 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1219.1 through 1219.6, and
8 to retain the heading of the Part.

9 (7) The Louisiana State Law Institute is hereby directed to redesignate Part LVIII
10 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11 40:1300.191 through 1300.201, as Part VI of Subchapter D of Chapter 5-D of Title 40 of the
12 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1221.1 through 1221.11, and
13 to retain the heading of the Part.

14 (8) The Louisiana State Law Institute is hereby directed to redesignate Part LXV of
15 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
16 40:1300.281, as Part VII of Subchapter D of Chapter 5-D of Title 40 of the Louisiana
17 Revised Statutes of 1950, to be comprised of R.S. 40:1223.1, and to retain the heading of the
18 Part.

19 (F)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
20 E of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
21 "Malpractice" and comprised of R.S. 40:1231.1 through 1237.4, as more specifically
22 provided in Section 1 of this Act and in this Subsection.

23 (2) The Louisiana State Law Institute is hereby directed to redesignate Part XXIII
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1299.41 through 1299.49, as Part I of Subchapter E of Chapter 5-D of Title 40 of the
26 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1231.1 through 1231.10, and
27 to retain the heading of the Part.

28 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XX of
29 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.

1 40:1299.37, as Part II of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised
2 Statutes of 1950, to be comprised of R.S. 40:1233.1, and to retain the heading of the Part.

3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part XXI of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1299.38, as Part III of Subchapter E of Chapter 5-D of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1235.1 and entitled "Malpractice Coverage;
7 State-Employed Physicians, Dentists, and Professional Nurses".

8 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXI-A
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1299.39 through 1299.39.3, as Part IV of Subchapter E of Chapter 5-D of Title 40 of the
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1237.1 through 1237.4, and
12 to retain the heading of the Part.

13 Section 9.(A) The Louisiana State Law Institute is hereby directed to establish
14 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
15 Provisions: Medical Assistance Program (Medicaid)" and comprised of R.S. 40:1241
16 through 1253.5, as more specifically provided in Section 1 of this Act and in this Section.

17 (B)(1) The Louisiana State Law Institute is hereby directed to establish Part I of
18 Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health
19 Services Financing" and comprised of R.S. 40:1241 through 1247.1, as more specifically
20 provided in Section 1 of this Act and in this Subsection.

21 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LXVI
22 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
23 40:1300.291, as Subpart A of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
24 Statutes of 1950, to be comprised of R.S. 40:1241 and entitled "Hospital Prospective
25 Reimbursement Methodology".

26 (3) The Louisiana State Law Institute is hereby directed to redesignate Part LXX of
27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
28 40:1300.331 and 1300.332, as Subpart B of Part I of Chapter 5-E of Title 40 of the Louisiana

1 Revised Statutes of 1950, to be comprised of R.S. 40:1243.1 and 1243.2 and entitled "Health
2 Care Providers Upper Payment Limit Financing Methodology".

3 (4) The Louisiana State Law Institute is hereby directed to redesignate Part LXVII
4 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
5 40:1300.301, as Subpart C of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1245.1 and entitled "Intergovernmental
7 Transfers".

8 (5) The Louisiana State Law Institute is hereby directed to redesignate Part LXXII
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1300.351, as Subpart D of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
11 Statutes of 1950, to be comprised of R.S. 40:1247.1 and entitled "Parish and Municipal
12 Entities".

13 (C) The Louisiana State Law Institute is hereby directed to redesignate Part LXIX
14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
15 40:1300.321 through 1300.323, as Part II of Chapter 5-E of Title 40 of the Louisiana
16 Revised Statutes of 1950, to be comprised of R.S. 40:1249.1 through 1249.3, and to retain
17 the heading of the Part.

18 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI-A
19 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
20 40:1299.78 through 1299.78.5, as Part III of Chapter 5-E of Title 40 of the Louisiana
21 Revised Statutes of 1950, to be comprised of R.S. 40:1251.1 through 1251.6, and to retain
22 the heading of the Part.

23 (E) The Louisiana State Law Institute is hereby directed to redesignate Part LXXIII
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1300.361 through 1300.365, as Part IV of Chapter 5-E of Title 40 of the Louisiana
26 Revised Statutes of 1950, to be comprised of R.S. 40:1253.1 through 1253.5, and to retain
27 the heading of the Part.

28 Section 10.(A) The Louisiana State Law Institute is hereby directed to establish
29 Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Health

1 Provisions: Public Health" and comprised of R.S. 40:1261 through 1293.2, as more
2 specifically provided in Section 1 of this Act and in this Section.

3 (B)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
4 A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled "Public
5 Health - General" and comprised of R.S. 40:1261 through 1281.25, 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 XLVII
8 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
9 40:1300.71 and 1300.72, as Part I of Subchapter A of Chapter 5-F of Title 40 of the
10 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1261 and 1261.1, and to
11 retain the heading of the Part.

12 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XXXIII
13 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1299.121 through 1299.125, as Part II of Subchapter A of Chapter 5-F of Title 40 of the
15 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1263.1 through 1263.5, and
16 to retain the heading of the Part.

17 (4) The Louisiana State Law Institute is hereby directed to redesignate Part VIII of
18 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1241
19 and 1242, as Part III of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
20 Statutes of 1950, to be comprised of R.S. 40:1265.1 and 1265.2, and to retain the heading
21 of the Part.

22 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XIII of
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1296,
24 as Part IV of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
25 1950, to be comprised of R.S. 40:1267.1, and to retain the heading of the Part.

26 (6) The Louisiana State Law Institute is hereby directed to redesignate Part XI of
27 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1275
28 through 1278, as Part V of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised

1 Statutes of 1950, to be comprised of R.S. 40:1269.1 through 1269.4, and to retain the
2 heading of the Part.

3 (7) The Louisiana State Law Institute is hereby directed to redesignate Part I-B of
4 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1099
5 and 1099.1, as Part VI of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised
6 Statutes of 1950, to be comprised of R.S. 40:1271.1 and 1271.2, and to retain the heading
7 of the Part.

8 (8) The Louisiana State Law Institute is hereby directed to redesignate Part XLVI
9 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
10 40:1300.61 through 1300.68, as Part VII of Subchapter A of Chapter 5-F of Title 40 of the
11 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1273.1 through 1273.8, and
12 to retain the heading of the Part.

13 (9) The Louisiana State Law Institute is hereby directed to redesignate Part XXXVII
14 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
15 40:1299.171 through 1299.174, as Part VIII of Subchapter A of Chapter 5-F of Title 40 of
16 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1275.1 through 1275.4,
17 and to retain the heading of the Part.

18 (10) The Louisiana State Law Institute is hereby directed to redesignate Part XII of
19 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1295,
20 as Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
21 1950, to be comprised of R.S. 40:1277.1, and to retain the heading of the Part.

22 (11) The Louisiana State Law Institute is hereby directed to redesignate Part III of
23 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1121,
24 as Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
25 1950, to be comprised of R.S. 40:1279.1, and to retain the heading of the Part.

26 (12)(a) The Louisiana State Law Institute is hereby directed to establish Part XI of
27 Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be
28 entitled "Water and Sewerage" and comprised of R.S. 40:1281.1 through 1281.25, as more
29 specifically provided in Section 1 of this Act and in this Subsection.

1 (b) The Louisiana State Law Institute is hereby directed to redesignate Part IV-A of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1141
3 through 1151, as Subpart A of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
4 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.1 through 1281.11 and
5 entitled "Water Supply and Sewerage Systems".

6 (c) The Louisiana State Law Institute is hereby directed to redesignate Part IV-B of
7 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1152
8 through 1156, as Subpart B of Part XI of Subchapter A of Chapter 5-F of Title 40 of the
9 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1281.21 through 1281.25
10 and entitled "Sewage and Sewerage".

11 (C)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
12 B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
13 "Environmental Health" and comprised of R.S. 40:1283.1 through 1289.1, as more
14 specifically provided in Section 1 of this Act and in this Subsection.

15 (2) The Louisiana State Law Institute is hereby directed to redesignate Part LVI of
16 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
17 40:1300.171 and 1300.172, as Part I of Subchapter B of Chapter 5-F of Title 40 of the
18 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1283.1 and 1283.2, and to
19 retain the heading of the Part.

20 (3) The Louisiana State Law Institute is hereby directed to redesignate Part XVII of
21 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
22 40:1299.21 through 1299.29, as Part II of Subchapter B of Chapter 5-F of Title 40 of the
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1285.1 through 1285.10, and
24 to retain the heading of the Part.

25 (4) The Louisiana State Law Institute is hereby directed to redesignate Part IX of
26 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1251,
27 as Part III of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of
28 1950, to be comprised of R.S. 40:1287.1, and to retain the heading of the Part.

1 (5) The Louisiana State Law Institute is hereby directed to redesignate Part XXX of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
3 40:1299.100, as Part IV of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 40:1289.1, and to retain the heading of the Part.

5 (D)(1) The Louisiana State Law Institute is hereby directed to establish Subchapter
6 C of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
7 "Smoking" and comprised of R.S. 40:1291.1 through 1293.2, as more specifically provided
8 in Section 1 of this Act and in this Subsection.

9 (2)(a) The Louisiana State Law Institute is hereby directed to redesignate Part LXIII
10 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11 40:1300.251 through 1300.263, as Part I of Subchapter C of Chapter 5-F of Title 40 of the
12 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1 through 1291.23, as
13 more specifically provided in Section 1 of this Act and in this Subsection, and to retain the
14 heading of the Part.

15 (b) The Louisiana State Law Institute is hereby directed to redesignate Subpart A
16 of Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised
17 of R.S. 40:1300.251 through 1300.253, as Subpart A of Part I of Subchapter C of Chapter
18 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.1
19 through 1291.3, and to retain the heading of the Subpart.

20 (c) The Louisiana State Law Institute is hereby directed to redesignate Subpart B of
21 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
22 R.S. 40:1300.256, as Subpart B of Part I of Subchapter C of Chapter 5-F of Title 40 of the
23 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.11, and to retain the
24 heading of the Subpart.

25 (d) The Louisiana State Law Institute is hereby directed to redesignate Subpart C of
26 Part LXIII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of
27 R.S. 40:1300.261 through 1300.263, as Subpart C of Part I of Subchapter C of Chapter 5-F
28 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1291.21
29 through 1291.23, and to retain the heading of the Subpart.

1 (3) The Louisiana State Law Institute is hereby directed to redesignate Part X of
2 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1261
3 and 1262, as Part II of Subchapter C of Chapter 5-F of Title 40 of the Louisiana Revised
4 Statutes of 1950, to be comprised of R.S. 40:1293.1 and 1293.2, and to retain the heading
5 of the Part.

6 Section 11.(A) The Louisiana State Law Institute is hereby directed to establish
7 Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be entitled
8 "Miscellaneous Health Provisions" and comprised of R.S. 40:1300 through 1300.37, as more
9 specifically provided in Section 1 of this Act and in this Section.

10 (B) The Louisiana State Law Institute is hereby directed to redesignate Part XIX of
11 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 40:1299.36, as Part I of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950,
13 to be comprised of R.S. 40:1300, and to retain the heading of the Part.

14 (C) The Louisiana State Law Institute is hereby directed to redesignate Part XVI of
15 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
16 40:1299.11 through 1299.13, as Part II of Chapter 5-G of Title 40 of the Louisiana Revised
17 Statutes of 1950, to be comprised of R.S. 40:1300.11 through 1300.13, and to retain the
18 heading of the Part.

19 (D) The Louisiana State Law Institute is hereby directed to redesignate Part XIV of
20 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1298,
21 as Part III of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be
22 comprised of R.S. 40:1300.21, and to retain the heading of the Part.

23 (E) The Louisiana State Law Institute is hereby directed to redesignate Part XXVI
24 of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
25 40:1299.71 through 1299.77, as Part IV of Chapter 5-G of Title 40 of the Louisiana Revised
26 Statutes of 1950, to be comprised of R.S. 40:1300.31 through 1300.37, and to retain the
27 heading of the Part.

28 Section 12. The Louisiana State Law Institute is hereby directed to change any
29 references to Sections, Chapters, Subchapters, Parts, and Subparts in the Titles of the

- 1 Louisiana Revised Statutes of 1950 and the Codes as necessary to reflect the new Sections,
 2 Chapters, Subchapters, Parts, and Subparts provided in this Act.
 3 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), 1236.12(intro. para.), 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))

Summary of Amendments Adopted by House

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

1. Made technical changes.