

Regular Session, 2014

SENATE BILL NO. 498

BY SENATORS HEITMEIER AND ALARIO

HEALTH CARE. Provides for personal care assistance services. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 46:2116.1, 2116.2(B)(2) and (C)(4), 2116.3(A) and (C), and  
3 2116.5(A) and to repeal R.S. 46:2116.5(D), relative to personal care assistance  
4 services; to provide for definitions; to provide for the state personal assistance  
5 services program; to provide for rules; to repeal certain provisions related to  
6 evaluation teams; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:2116.1, 2116.2(B)(2) and (C)(4), 2116.3(A) and (C), and  
9 2116.5(A) are hereby amended and reenacted to read as follows:

10 §2116.1. Definitions

11 As used in this Chapter, the following terms shall have the meaning ascribed  
12 to them in this Section, unless the context clearly requires otherwise:

13 (1) "Department" means the Department of Health and Hospitals.

14 ~~(2) "Evaluation team" means the individuals who determine the eligibility of~~  
15 ~~persons with significant disabilities for state personal assistance services pursuant~~  
16 ~~to this Chapter and shall be designated by the assistant secretary of the office of~~  
17 ~~aging and adult services within the department.~~

1                   ~~(3)~~(2) "State personal assistance services" means **goods and** services which  
2                   are required by a person with significant disabilities ~~between age~~ **age** eighteen ~~and sixty~~  
3                   ~~years of age to achieve greater physical~~ **or older to increase a person's**  
4                   independence and which include but are not limited to services related to: ~~or~~  
5                   **substitute for a person's dependence on human assistance.**

6                   ~~(a) Routine bodily functions, such as bowel or bladder care.~~

7                   ~~(b) Dressing.~~

8                   ~~(c) Preparation and consumption of food.~~

9                   ~~(d) Housecleaning and laundry.~~

10                  ~~(e) Transfers.~~

11                  ~~(f) Routine bathing.~~

12                  ~~(g) Ambulation.~~

13                  ~~(h) Any other similar activity of daily living.~~

14                  ~~(4)~~(3) "Secretary" means the secretary of the Department of Health and  
15                  Hospitals.

16                  ~~(5)~~(4) "Person with significant disabilities" means a person with loss of  
17                  sensory or motor functions interfering with activities of daily living to the extent that  
18                  the person requires assistance with nonmedical personal care needs, domestic or  
19                  cleaning needs, dressing and undressing, moving into and out of bed, ambulation,  
20                  related services including but not limited to meal preparation, laundry, and grocery  
21                  shopping, and other similar activities of daily living.

22                  §2116.2. State Personal Assistance Services Program; creation; eligibility  
23                  requirements; evaluation

24   \*        \*        \*

25                  B. The department shall provide a subsidy for personal assistance services to  
26                  any person who:

27   \*        \*        \*

28                  (2) Is ~~between the ages of~~ **age** eighteen ~~and sixty years~~ **or older** at inception  
29                  of services; ~~a person who begins to receive services between the ages of~~ eighteen and

1           ~~sixty shall continue to receive services after the age of sixty~~, provided that all other  
2           eligibility requirements are met.

3                                   \*       \*       \*

4                   C. The person with significant disabilities shall be responsible for:

5                                   \*       \*       \*

6                   (4) Choosing a qualified provider in the state. ~~The number of qualified~~  
7           ~~providers will be limited to six statewide.~~

8                                   \*       \*       \*

9           §2116.3. Subsidy; eligibility; status

10                   A. The department, by rule, shall establish an eligibility standard **and an**  
11           **evaluation process** which takes into consideration the unique economic and social  
12           needs of persons with significant disabilities.

13                                   \*       \*       \*

14                   C. This program ~~may supplement any other programs for which the person~~  
15           ~~is eligible~~ **shall be considered as a source of last resort for personal assistance**  
16           **services after private and governmental sources have been expended.**

17                                   \*       \*       \*

18           §2116.5. Rules; program retroactive

19                   A.~~(1)~~ The secretary of the department or his designee shall develop and  
20           maintain a state personal assistance policy plan which shall include but not be  
21           limited to the following:

22                   ~~(a)~~**(1)** Criteria for eligibility of a person with significant disabilities for the  
23           services.

24                   ~~(b)~~**(2)** Criteria for determining the ~~number of hours per week of~~ **goods and**  
25           services to be provided to a person with significant disabilities.

26                   ~~(c)~~**(3)** Determination of how program funds will be disbursed.

27                   ~~(d)~~**(4)** Criteria for determining prioritization of the State Personal Assistance  
28           Program waiting list.

29                   ~~(2) In developing and maintaining a state personal assistance policy, the~~

1            ~~secretary shall solicit consultation from an advisory panel, that shall include~~  
2            ~~representatives from the fiscal agents, and consumers.~~

3    \*        \*        \*

4            Section 2. R.S. 46:2116.5(D) is hereby repealed.

5            Section 3. This Act shall become effective upon signature by the governor or, if not  
6 signed by the governor, upon expiration of the time for bills to become law without signature  
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
9 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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DIGEST

Heitmeier (SB 498)

Present law defines "evaluation team" to mean the individuals who determine the eligibility of persons with significant disabilities for state personal assistance services and shall be designated by the assistant secretary of the office of aging and adult services within the Department of Health and Hospitals (the department).

Proposed law amends present law and repeals the definition of "evaluation team".

Present law defines "state personal assistance services" to mean services which are required by a person with significant disabilities between 18 and 60 years of age to achieve greater physical independence and which include but are not limited to services related to:

- (1) Routine bodily functions, such as bowel or bladder care.
- (2) Dressing.
- (3) Preparation and consumption of food.
- (4) Housecleaning and laundry.
- (5) Transfers.
- (6) Routine bathing.
- (7) Ambulation.
- (8) Any other similar activity of daily living.

Proposed law amends present law to define "state personal assistance services" to mean goods and services which are required by a person with significant disabilities age 18 or older to increase a person's independence or substitute for a person's dependence on human assistance.

Present law provides the department shall provide a subsidy for personal assistance services

to any person who is between the ages of 18 and 60 years at inception of services; a person who begins to receive services between the ages of 18 and 60 shall continue to receive services after the age of 60, provided that all other eligibility requirements are met.

Proposed law amends present law to provide that the department shall provide a subsidy for personal assistance services to any person who is age 18 or older at inception of services, provided that all other eligibility requirements are met.

Present law provides that the number of qualified providers will be limited to six statewide.

Proposed law removes this provision.

Present law provides the evaluation team shall determine the eligibility of the person with significant disabilities for personal assistance services and reevaluate the person with significant disabilities annually to determine the person's continuing need for services.

Proposed law removes this provision.

Present law provides the department, by rule, shall establish an eligibility standard which takes into consideration the unique economic and social needs of persons with significant disabilities.

Proposed law amends present law to provide the department, by rule, shall establish an eligibility standard and an evaluation process which takes into consideration the unique economic and social needs of persons with significant disabilities.

Present law provides the State Personal Assistance Services Program may supplement any other programs for which the person is eligible.

Proposed law amends present law to provide the State Personal Assistance Services Program shall be considered as a source of last resort for personal assistance services after private and governmental sources have been expended.

Present law provides the secretary of the department or his designee shall develop and maintain a state personal assistance policy plan which shall include but not be limited to the following:

- (1) Criteria for eligibility of a person with significant disabilities for the services.
- (2) Criteria for determining number of hours per week of services to be provided to a person with significant disabilities.
- (3) Determination of how program funds will be disbursed.
- (4) Criteria for determining prioritization of the State Personal Assistance Program waiting list.

Proposed law amends present law to provide the secretary of the department or his designee shall develop and maintain a state personal assistance policy plan which shall include but not be limited to the following:

- (1) Criteria for eligibility of a person with significant disabilities for the services.
- (2) Criteria for determining the goods and services to be provided to a person with significant disabilities.
- (3) Determination of how program funds will be disbursed.

- (4) Criteria for determining prioritization of the State Personal Assistance Program waiting list.

Present law provides in developing and maintaining a state personal assistance policy, the secretary shall solicit consultation from an advisory panel, that shall include representatives from the fiscal agents, and consumers.

Proposed law removes this provision.

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

(Amends R.S. 46:2116.1, 2116.2(B)(2) and (C)(4), 2116.3(A) and (C), and 2116.5(A); repeals R.S. 46:2116.5(D))