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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Harrison to Engrossed House Bill No. 1256 by Representative Harrison

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 9, and insert in lieu thereof:

4 "R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7), (B)(1)(a)(introductory
5 paragraph) and (C), 254.1(A), (B), (C)(introductory paragraph), (2) and (4), 254.2, 255, 256,
6 257, 258(A) and (F), and 259, to enact R.S. 36:258(M), and to repeal R.S. 36:(4)(A)(10),
7 254(A)(9) through (14), (B)(5) through (7), and (9), and (D), and Chapter 10-A of Title 36
8 of the Louisiana Revised Statutes of 1950, comprised of R.S. 36:471 through 478, relative
9 to the reorganization of the executive branch of state government; to provide for the
10 Department of Health and Hospitals and Children and Family Services by combining the
11 Departments of Health and Hospitals and the Department of Children and Family Services
12 into one department; to provide that the new department shall be the successor of the two
13 prior departments; to provide for the organization of the department by creating health and
14 hospitals services and children and family services within the department and providing for
15 the powers, duties, and responsibilities of each of such services; to provide for department
16 officers and offices and their powers, duties, and responsibilities; to transfer agencies to the
17 department and provide for their powers, duties, and responsibilities; to provide for
18 implementation;"

19 AMENDMENT NO. 2

20 On page 1, line 12, after "Section 1." delete the remainder of the line and delete line 13 and
21 insert in lieu thereof "R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7),
22 (B)(1)(a)(introductory paragraph) and (C), 254.1(A), (B), (C)(introductory paragraph), (2)
23 and (4), 254.2, 255, 256, 257, 258(A) and (F), and 259 are hereby amended and reenacted
24 and R.S. 36:258(M) is hereby enacted to read as follows:"

25 AMENDMENT NO. 3

26 On page 1, delete lines 14 through 20 and delete page 2 and on page 3, delete lines 1 through
27 9 and insert in lieu thereof:

28 "§4. Structure of executive branch of state government
29 A. In accordance with the provisions of Article IV, Section 1 and Article XIV,
30 Section 6 of the Constitution of Louisiana, all offices, boards, commissions, agencies, and
31 instrumentalities of the executive branch of state government, whether constitutional or
32 statutory, and/or their functions, powers, duties, and responsibilities shall be allocated, either
33 in the Act by which this Title was created or by legislation enacted subsequent thereto,
34 within the departments listed in this Section, except as provided in Subsections B and C of
35 this Section, and in order to comply with this constitutional mandate, the agencies of the
36 executive branch of state government hereinafter enumerated, whether heretofore created
37 by the constitution or by statute, and/or their functions, powers, duties, and responsibilities
38 are allocated, in the manner hereinafter set forth in this Title, within the following designated
39 departments:

40 * * *

(5) Department of Health and Hospitals and Children and Family Services

* * *

CHAPTER 6. DEPARTMENT OF HEALTH AND HOSPITALS AND CHILDREN AND FAMILY SERVICES

§251. Department of Health and Hospitals and Children and Family Services; creation; domicile; composition; purpose and functions

A. The Department of Health and Hospitals and Children and Family Services is created and shall be a body corporate with the power to sue and be sued. The domicile of the department shall be in Baton Rouge where it shall maintain its principal offices, but the secretary may maintain branch offices if he deems it in the best interest of the efficient administration of the department; however, the principal offices of the office of public health may be located and maintained in the parish of Orleans.

B.(1) The Department of Health and Hospitals and Children and Family Services, through its offices and officers, shall be responsible for the development and providing of health and medical services for the prevention of disease for the citizens of Louisiana. The Department of Health and Hospitals and Children and Family Services shall provide health and medical services for the uninsured and medically indigent citizens of Louisiana. The secretary and the chancellor of the Louisiana State University Health Sciences Center shall provide for coordination in the delivery of services provided by the Louisiana State University Health Sciences Center with those services provided by the Department of Health and Hospitals and Children and Family Services, local health departments, and federally qualified health centers, including but not limited to services for the mentally ill, for persons with mental retardation and developmental disabilities, for those suffering from addictive disorders, public health services, and services provided under the Medicaid program.

(2) The Department of Health and Hospitals and Children and Family Services, through its office and officers, shall be responsible for the development and providing of social services and the improvement of social conditions for the citizens of Louisiana.

C.(1)(a) The Department of Health and Hospitals and Children and Family Services shall be composed of the executive office of the secretary, ~~the office of management and finance, the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, the office of aging and adult services,~~ health and hospitals services, children and family services, and such other offices as shall be created by law.

(b) Health and hospitals services shall include the office of management and finance for health and hospitals services, the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, and the office of aging and adult services and shall also include the deputy secretary for health and hospitals services, the undersecretary for the office of management and finance for health and hospitals services, the assistant secretaries of the offices included in health and hospitals services, and personnel necessary to carry out their functions. It shall also include all agencies transferred to the department whose functions are related to health and hospitals services and all functions of abolished agencies transferred to the department that are related to health and hospitals services and all personnel of such agencies and personnel who perform such functions.

(c) Children and family services shall include the division of programs, the division of operations, the office of children and family services, the division of management and finance of the office of children and family services, the deputy secretary for children and family services, the assistant deputy secretary of programs, the assistant deputy secretary of operations, the assistant secretary of the office of children and family services, the undersecretary of the division of management and finance of the office of community and family services, and personnel necessary to carry out their functions. It shall also include all agencies transferred to the department whose functions are related to children and family services and all functions of abolished agencies transferred to the department that are related to children and family services and all personnel of such agencies and personnel who perform such functions.

(2) Whenever the secretary determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing offices or establishing new offices, he shall present a plan therefor to the legislature for its approval by statute.

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

1 A. The officers of the department shall be the secretary, ~~the undersecretary, the~~
 2 ~~deputy secretary if a deputy secretary is appointed, if one is appointed, the deputy secretary~~
 3 for health and hospitals services, the undersecretary for the office of management and
 4 finance for health and hospitals services, the deputy secretary for children and family
 5 services, the assistant deputy secretary of programs, the assistant deputy secretary of
 6 operations, the undersecretary of the division of management and finance of the office of
 7 children and family services, and assistant secretaries, each of whom shall be selected and
 8 shall perform functions as provided in this Title.

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

15 C. Notwithstanding any provision herein to the contrary, subject to approval of the
 16 governor, any person, including any statewide elected official, serving or appointed to serve
 17 as a ~~secretary, undersecretary, deputy secretary, or assistant secretary~~ an officer of the
 18 department may receive additional compensation for part-time services rendered as an
 19 instructor in postsecondary educational institutions, or as a member of the National Guard.
 20 §253. Secretary of health and hospitals and children and family services

21 There ~~shall~~ may be a secretary of health and hospitals and children and family
 22 services, who, if there is to be one, shall be appointed by the governor with consent of the
 23 Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor,
 24 which salary shall not exceed the amount approved for such position by the legislature while
 25 in session. ~~The~~ If appointed, the secretary shall serve as the executive head and chief
 26 administrative officer of the Department of Health and Hospitals and Children and Family
 27 Services and shall have the responsibility for the policies of the department, except as
 28 otherwise provided by this Title, and for the administration, control, and operation of the
 29 functions, programs, and affairs of the department; provided that the secretary shall perform
 30 his functions under the general control and supervision of the governor.

31 §254. Powers and duties of the secretary of the Department of Health and Hospitals and
 32 Children and Family Services

33 A. In addition to the functions, powers, and duties otherwise vested in the secretary
 34 by law, he shall:

35 * * *

36 (2) Determine the policies of the department, except as otherwise provided by this
 37 Title. ~~For this purpose, he shall conduct such studies and investigations as are necessary for~~
 38 ~~the formulation of programs, plans, department procedures, rules and regulations, or for the~~
 39 ~~implementation of remedial actions.~~

40 (3) In accordance with the Administrative Procedure Act, make, alter, amend, and
 41 promulgate rules and regulations necessary for the administration of the functions of the
 42 department, except as authorized by this Chapter for the deputy secretary for health and
 43 hospitals services and the deputy secretary for children and family services and as otherwise
 44 provided by this Title.

45 * * *

46 (6)(a) Act as the sole agent of the state or, in necessary cases, designate one of the
 47 offices within the department or its assistant secretary to cooperate with the federal
 48 government and with other state and local agencies in matters of mutual concern and in the
 49 administration of federal funds granted to the state or directly to the department or an office
 50 thereof to aid in the furtherance of any function of the department or its offices, ~~including~~
 51 ~~but not limited~~ . For this purpose he may take such actions, in accordance with any
 52 applicable state law, necessary to meet such federal standards as are established for the
 53 administration and use of such federal funds, except as otherwise specifically provided in
 54 this Title or by the constitution and laws of this state.

55 (b) The deputy secretary for health and hospitals services shall be the agent of the
 56 state to cooperate with the federal government relative to funding for the Medical Assistance
 57 Program, Title XIX of the Social Security Act. For this purpose he may take such actions,
 58 in accordance with any applicable state law, necessary to meet such federal standards as are

1 established for the administration and use of such federal funds, except as otherwise
2 specifically provided in this Title or by the constitution and laws of this state.

3 ~~(b)~~ (c) ~~Act~~ The deputy secretary for health and hospitals services shall act as the sole
4 agent of the state or, in necessary cases, designate one of the offices within the department
5 or its assistant secretary to cooperate with the federal government and with other state and
6 local agencies in the administration of federal funds granted to the state pursuant to the State
7 Children's Health Insurance Program, Title XXI of the Social Security Act. For this purpose
8 he may take such actions, in accordance with any applicable state law, necessary to meet
9 such federal standards as are established for the administration and use of such federal funds,
10 except as otherwise specifically provided in this Title or by the constitution and laws of this
11 state, and provided that if the department or health and hospitals services develops a private
12 health insurance model, the department through health and hospitals services and the
13 Department of Insurance shall jointly promulgate the necessary rules in accordance with the
14 Administrative Procedure Act to establish the private health insurance model. Any rules or
15 regulations promulgated pursuant to the private health insurance model shall be subject to
16 review by the House Committee on Health and Welfare and the Senate Committee on Health
17 and Welfare and the House Committee on Insurance and the Senate Committee on
18 Insurance.

19 (7) ~~Make and publish an annual report to the governor and the legislature concerning~~
20 ~~the operations of the department and submit with each report such recommendations as he~~
21 ~~deems necessary for the more effective internal structure and administration of the~~
22 ~~department, and make other reports and recommendations on his own initiative or upon the~~
23 request of the governor, the legislature, or any committee or member thereof.

24 * * *

25 B. The secretary shall have authority to:

26 (1)(a) Except as otherwise specifically provided in this Chapter and in R.S. 36:801
27 ~~and R.S. 36:803:~~

28 * * *

29 C. The secretary and any deputy secretary shall have no power to buy and sell lands,
30 incur debt or issue bonds, or to lease or mortgage property under his control except as may
31 be provided by the general laws of the state or as hereafter specifically conferred by law
32 upon him.

33 * * *

34 §254.1. Power of the deputy secretary of the Department of Health and Hospitals for health
35 and hospital services to issue tax-exempt or taxable debt relative to the Drinking
36 Water Revolving Loan Fund

37 A. The deputy secretary of the department for health and hospital services is
38 authorized and empowered to administer, maintain, and operate the Drinking Water
39 Revolving Loan Fund as created and provided in R.S. 40:2821 through 2826.

40 B. In connection with such administration, maintenance, and operation, the
41 department through health and hospitals services is authorized to incur debt and issue bonds,
42 notes, or other evidence of indebtedness, and is authorized to pledge the sums in, credited
43 to, or payable to the Drinking Water Revolving Loan Fund as security for the debt of other
44 entities, and is authorized to arrange, provide for, and pay the cost of credit enhancement
45 devices for its debt and the debt of other entities in order to provide funds in connection with
46 the Drinking Water Revolving Loan Fund Program. Any such evidence of indebtedness,
47 guarantee, pledge, or credit enhancement device shall be authorized, executed, and delivered
48 by the deputy secretary for health and hospital services or his designee in accordance with
49 the provisions and subject to the limitations provided in R.S. 40:2821 through 2826 of the
50 Drinking Water Revolving Loan Fund.

51 C. In connection with the above power and duties involving the Drinking Water
52 Revolving Loan Fund, the deputy secretary of the department for health and hospital services
53 is authorized to:

54 * * *

55 (2) To administer the financial aspects of the Drinking Water Revolving Loan Fund
56 as established in R.S. 40:2821 through 2826. The deputy secretary for health and hospital
57 services is also authorized to enter into contracts and other agreements in connection with
58 the operation of the Drinking Water Revolving Loan Fund to the extent necessary or
59 convenient for the implementation of the Drinking Water Revolving Loan Fund Program.

1 Children and Family Services which is related to the functions of health and hospitals
 2 services. However, the deputy secretary may appoint a designee to be his representative as
 3 an ex officio member of each board and commission which is related to the functions of
 4 health and hospitals services.

5 (4) The deputy secretary for health and hospitals services shall serve as acting
 6 secretary in the absence of the secretary over all functions of the department related to health
 7 and hospitals services.

8 (5) The deputy secretary for health and hospitals services shall employ, appoint,
 9 remove, assign, and promote such personnel as is necessary for the efficient administration
 10 of health and hospitals services and for the performance of the powers, duties, functions, and
 11 responsibilities of health and hospitals services, including any agencies transferred to the
 12 department which are related to the functions of health and hospitals services, except as
 13 otherwise provided by this Title. The deputy secretary for health and hospitals services shall
 14 be solely responsible for employment, assignment, and removal of all personnel employed
 15 for health and hospitals services on a contractual basis. The deputy secretary for health and
 16 hospitals services shall be solely responsible for the transfer of all personnel within health
 17 and hospitals services, and no personnel shall be transferred to or from health and hospitals
 18 services to any other office of the department without his prior approval.

19 (6) The deputy secretary for health and hospitals services shall:

20 (a) Conduct such studies and investigations as are necessary for the formulation of
 21 programs, plans, department procedures, rules and regulations, or for the implementation of
 22 remedial actions.

23 (b) Act as legal custodian of any child placed with the health and hospitals services
 24 by a court of law.

25 (c) Grant rights-of-way, servitudes, and easements across state-owned lands under
 26 his jurisdiction to other public bodies, either state or local, for any public purpose. He shall
 27 also have authority to grant rights-of-way, servitudes, and easements across state lands under
 28 his jurisdiction to any other person or entity for the purpose of laying pipelines, gas lines,
 29 water lines and for the transmission of electricity for power and light, and also for telephone
 30 and telegraph lines, for railroad lines or tracks, for road construction, and for drainage
 31 purposes, and to enter into the necessary contracts therefor, which shall provide for the
 32 payment of an adequate consideration. Such payment, in order to be considered as adequate
 33 consideration, shall be based on payments made for other comparable contracts in the
 34 vicinity, when available, providing compensation for rights-of-way, servitudes, easements,
 35 and for damages relative thereto.

36 (d) Adopt and promulgate rules and regulations providing for certification of
 37 laboratories providing chemical analysis, analytical results, or other appropriate test data to
 38 health and hospitals services which is required as a part of any permit application, required
 39 by order of health and hospitals services or any office or agency in health and hospitals
 40 services, required to be included on any monitoring reports submitted to health and hospitals
 41 services or any such office or agency, or otherwise required by the regulations adopted
 42 pursuant to state or federal laws. The regulations shall provide for appropriate fees to be
 43 charged to develop and operate the laboratory certification program.

44 (e) Assign the function of diagnosis and case management of alcohol or drug
 45 abusers, persons with intellectual disabilities, and persons with autism to the appropriate
 46 office of health and hospitals services or the appropriate level of government.

47 (f) In accordance with the Administrative Procedure Act, make, alter, amend, and
 48 promulgate rules and regulations necessary for the administration of the functions of the
 49 health and hospitals services.

50 (g) Do such other things, not inconsistent with law, as are necessary to properly
 51 perform the functions vested in him.

52 (h) Conduct hearings and pass upon complaints that may be made in relation to the
 53 administration of health and hospitals services; however, he may delegate this authority to
 54 one of the offices or agencies of health and hospitals services.

55 (i) Perform the functions of the state relating to all of the following:

56 (i) Licensing of health related professionals.

57 (ii) Licensing of health facilities, including hospitals and nursing homes.

58 (iii) Licensing of institutions for persons with intellectual disabilities.

59 (iv) Licensing of systems of distribution for controlled dangerous substances.

1 (v) Licensing of child care institutions funded under Title XIX of the Social Security
2 Act.

3 (vi) Any required certification for Medicare or Medicaid funding.

4 (vii) Certification of emergency medical services.

5 (viii) Provision of adult protective services to adults with disabilities in accordance
6 with R.S. 15:1501 et seq.

7 (j) Direct and be responsible for grants management, staff development, and policy
8 planning and evaluation for health and hospitals services and all of its offices, including all
9 agencies related to the functions of health and hospitals services that are transferred to the
10 Department of Health and Hospitals and Children and Family Services.

11 (k)(i) Provide targeted health care programs in priority health care zones upon one
12 hundred percent federal funding for such purpose. Such targeted programs shall:

13 (aa) Be intended to lower infant mortality, teenage pregnancy, and substance abuse.

14 (bb) Be of the type determined by the deputy secretary.

15 (cc) Be in addition to programs already in existence or any programs that may have
16 been implemented in these areas by health and hospitals services under normal
17 circumstances.

18 (ii) "Priority health care zone" means any parish or municipality listed as one of the
19 ten parishes or twenty-five municipalities with the highest rates of infant mortality, teenage
20 pregnancy, or substance abuse in Louisiana as of July first of any given year according to
21 statistics compiled by health and hospitals services.

22 (iii) The deputy secretary shall submit annually, to the health and welfare
23 committees of the House of Representatives and Senate, a report detailing actions taken by
24 health and hospitals services in compliance with this Subparagraph.

25 (l)(i) Develop and implement targeted programs, if and when federal funds become
26 available, to enhance basic care facilities as defined in R.S. 40:2175 and comprehensive
27 regional treatment centers that may exist and be located in the ten most populated
28 municipalities in the state, excepting the city of New Orleans.

29 (ii) These targeted programs should be of the type developed by the deputy secretary
30 and be intended to enhance the available and accessible health care of the citizens of the
31 more rural areas of the state.

32 (m) Determine how funding for residency positions, residency supervision, and other
33 medical education resources shall be allocated among institutions which provide medical
34 education at hospitals in the health care services division of the Louisiana State University
35 Health Sciences Center, including the Medical Center of Louisiana at New Orleans, to
36 ensure that there is an equitable distribution among medical education programs providing
37 services in public institutions. In making such determinations, the deputy secretary shall
38 consider advice provided by the Medical Education Commission, the historical distribution
39 of graduate medical education resources, the long-term effects of the allocation of medical
40 education resources to each program, and the clinical workload of each program.

41 C.(1)(a)(i) The deputy secretary for health and hospitals services shall direct and be
42 responsible for the Medical Assistance Program, Title XIX of the Social Security Act,
43 including eligibility determination and those health planning and resource development
44 functions as are permissible under provisions of Title XIX of the Social Security Act, Title
45 XXI of the Social Security Act, and R.S. 46:976. Any modification to the Medical
46 Assistance Program approved by waiver by the United States Department of Health and
47 Human Services, Health Care Financing Administration, that provides for a managed care
48 or voucher system shall be implemented by the deputy secretary for health and hospitals
49 services but only after the approved plan and any modifications thereto have been approved
50 by the House and Senate committees on health and welfare and the Joint Legislative
51 Committee on the Budget. Unless approved by such committees as provided in this
52 Subparagraph, modifications to the medical assistance program as provided herein shall not
53 be considered avoidance of a budget deficit in the case of medical assistance programs, shall
54 not be considered a means of securing new or enhanced federal funding in medical
55 assistance programs, and shall not be considered necessary to avoid imminent peril to the
56 public health, safety, or welfare; such modification shall not be promulgated as emergency
57 rules under the provisions of R.S. 49:953(B) unless approved by such committees.

58 (ii) Any state Medicaid plan amendment shall provide assurances that for the
59 provisions of the plan being amended, the state's payment rates for hospital, nursing facility,

1 and institutional services shall be reasonable and adequate to meet the costs that must be
 2 incurred by efficiently and economically operated facilities, and any state Medicaid plan
 3 amendment shall comply with Section 1902(a)(13)(A) of the Social Security Act, known as
 4 the Boren amendment. The requirements of this Item shall not apply to state Medicaid plan
 5 amendments to implement a waiver approved by both houses of the legislature in accordance
 6 with Item (i) of this Subparagraph.

7 (b) The deputy secretary for health and hospitals services is authorized to enter into
 8 interagency agreements for the performance of eligibility determination services to
 9 determine client eligibility for the Medical Assistance Program.

10 (2) Except as otherwise limited by a specific provision of law, the deputy secretary
 11 for health and hospitals services is authorized to perform all of the following relative to or
 12 concerning the Medical Assistance Program:

13 (a) Adopt and promulgate rules and regulations related to the program in accordance
 14 with the Administrative Procedure Act.

15 (b) Develop and implement criteria, policies, and procedures concerning the
 16 program.

17 (c) Investigate, audit, and impose sanctions and other remedial measures on health
 18 care providers and others concerning the program.

19 (d) File suit on behalf of the Medical Assistance Program and select legal counsel
 20 employed by health and hospitals services and other counsel as permitted by law to represent
 21 the deputy secretary for health and hospitals services and the Medical Assistance Program
 22 in any such actions.

23 (3) The deputy secretary for health and hospitals services may adopt rules and
 24 regulations for health care providers, in accordance with the Administrative Procedure Act
 25 and not inconsistent with state or federal law, governing their participation in the Medical
 26 Assistance Program. Such rules and regulations may include but shall not be limited to the
 27 following:

28 (a) The requirement that any health care provider who wishes to participate in the
 29 state Medical Assistance Program shall:

30 (i) Enter into an agreement with the deputy secretary for health and hospitals
 31 services prior to receipt of any payment or reimbursement for services rendered to persons
 32 eligible for the Medical Assistance Program.

33 (ii) Provide specified information and provide authorization for the deputy secretary
 34 for health and hospitals services to verify such information prior to entering into the
 35 agreement with the deputy secretary for health and hospitals services.

36 (iii) Provide a letter of credit, surety bond, or a combination thereof, not to exceed
 37 fifty thousand dollars.

38 (b) General terms and conditions to which any provider shall agree in order to enter
 39 into a health care provider agreement with the deputy secretary for health and hospitals
 40 services.

41 (c) Terms and conditions for the suspension, denial, or revocation of a health care
 42 provider agreement.

43 (d) Sanctions for violations of federal and state laws and rules applicable to the
 44 Medical Assistance Program.

45 D.(1) The deputy secretary for children and family services shall serve as the chief
 46 administrative officer of children and family services and shall have responsibility for the
 47 overall administration, control, and operation of the affairs of children and family services.
 48 The deputy secretary for children and family services shall exercise all powers and authority
 49 granted to him by law subject to the overall direction and control of the governor and he
 50 shall report directly to the governor. The duties and functions of the deputy secretary for
 51 children and family services shall be as provided by law and shall not be subject to change
 52 by the department secretary.

53 (2) Children and family services and all of its component entities as provided in R.S.
 54 36:251(C)(1)(c) shall be under the supervision and direction of the deputy secretary for
 55 children and family services.

56 (3) The deputy secretary for children and family services shall be an ex officio
 57 member of each board and commission in the Department of Health and Hospitals and
 58 Children and Family Services which is related to the functions of children and family
 59 services. However, the deputy secretary may appoint a designee to be his representative as

1 an ex officio member of each board and commission which is related to the functions of
 2 children and family services.

3 (4) The deputy secretary for children and family services shall serve as acting
 4 secretary in the absence of the secretary over all functions of the department related to
 5 children and family services.

6 (5) The deputy secretary for children and family services shall employ, appoint,
 7 remove, assign, and promote such personnel as is necessary for the efficient administration
 8 of children and family services and for the performance of the powers, duties, functions, and
 9 responsibilities of children and family services, including any agencies transferred to the
 10 department which are related to the functions of children and family services, except as
 11 otherwise provided by this Title. The deputy secretary for children and family services shall
 12 be solely responsible for employment, assignment, and removal of all personnel employed
 13 for children and family services on a contractual basis. The deputy secretary for children
 14 and family services shall be solely responsible for the transfer of all personnel within
 15 children and family services, and no personnel shall be transferred to or from children and
 16 family services to any other office of the department without his prior approval.

17 (6) The deputy secretary for children and family services shall:

18 (a) Conduct such studies and investigations as are necessary for the formulation of
 19 programs, plans, department procedures, rules and regulations, or for the implementation of
 20 remedial actions.

21 (b) Act as legal custodian of any child placed with the children and family services
 22 by a court of law.

23 (c) Grant rights-of-way, servitudes, and easements across state-owned lands under
 24 his jurisdiction to other public bodies, either state or local, for any public purpose. He shall
 25 also have authority to grant rights-of-way, servitudes, and easements across state lands under
 26 his jurisdiction to any other person or entity for the purpose of laying pipelines, gas lines,
 27 water lines and for the transmission of electricity for power and light, and also for telephone
 28 and telegraph lines, for railroad lines or tracks, for road construction, and for drainage
 29 purposes, and to enter into the necessary contracts therefor, which shall provide for the
 30 payment of an adequate consideration. Such payment, in order to be considered as adequate
 31 consideration, shall be based on payments made for other comparable contracts in the
 32 vicinity, when available, providing compensation for rights-of-way, servitudes, easements,
 33 and for damages relative thereto.

34 (d) In accordance with the Administrative Procedure Act, make, alter, amend, and
 35 promulgate rules and regulations necessary for the administration of the functions of the
 36 children and family services.

37 (e) Be responsible for management and program analysis and policy planning and
 38 evaluation for the department and all of its offices, including all agencies transferred to the
 39 department.

40 (f)(i) Prepare and submit a state plan for participation in the Child Care and
 41 Development Block Grant Program and in the Title IV-A federal program to assist families
 42 at risk of welfare dependency. The Joint Committee on Health and Welfare shall serve as
 43 an advisory committee to the deputy secretary to begin developing the state plan. This
 44 Subparagraph shall be subject to provisions of Item (ii) of this Subparagraph.

45 (ii)(aa) Not later than March 31, 1996, the secretary of the Department of Health and
 46 Hospitals shall submit to the legislature a proposal for another welfare reform program in
 47 this state. The program shall provide for a replacement, by July 1, 1999, of the public
 48 assistance program, the Aid to Families with Dependent Children program, and to the extent
 49 that recipients of food coupons under the food stamp program also receive Aid to Families
 50 with Dependent Children or public assistance, the food stamp program under 7 U.S.C. 2011
 51 to 2029. The program shall provide for the continuation of the food stamp program for food
 52 stamp recipients who are not recipients of Aid to Families with Dependent Children or
 53 public assistance. The program shall also meet the following requirements:

54 I. The program shall offer basic income support to low-income persons who cannot
 55 work.

56 II. The program shall offer employment opportunities to low-income persons who
 57 can work, but who cannot find employment. These employment opportunities may not
 58 supplant existing employees.

59 III. The program shall be approved by a majority of both houses of the legislature.

1 (bb) Notwithstanding any provision of law to the contrary, the department and the
 2 state shall not administer public assistance, Aid to Families with Dependent Children, or
 3 food stamps after July 1, 1999, except as provided under a welfare reform program adopted
 4 by the legislature as provided in this Subsection, provided such a program is adopted by the
 5 legislature.

6 (g) Do such other things, not inconsistent with law, as are necessary to properly
 7 perform the functions vested in him.

8 (7) The deputy secretary shall have no power to buy and sell lands, incur debt or
 9 issue bonds, or to lease or mortgage property under his control except as may be provided
 10 by the general laws of the state or as hereafter specifically conferred by law upon him.

11 (8)(a) There shall be an assistant deputy secretary of programs and an assistant
 12 deputy secretary of operations of children and family services, each of whom shall be
 13 appointed by the deputy secretary of children and family services with consent of the Senate
 14 and shall serve at the pleasure of the deputy secretary of children and family services at a
 15 salary fixed by the deputy secretary of children and family services, which salary shall not
 16 exceed the amount approved for the respective position by the legislature while in session.
 17 The assistant deputy secretary of programs shall serve as acting deputy secretary of children
 18 and family services in the absence of the deputy secretary of children and family services.

19 (b) The assistant deputy secretary of programs shall manage the division of
 20 programs and perform the duties and functions of children and family services related to
 21 program development and administration and development of rules and policies to govern
 22 the various programs of the office of children and family services.

23 (c) The assistant deputy secretary of operations shall manage the division of
 24 operations and perform the duties and functions of children and family services related to
 25 program service delivery for the various programs of children and family services.

26 §256. Undersecretary; functions; office of management and finance for health and hospitals
 27 services; division of management and finance of office of children and family
 28 services

29 A.(1) There shall be an undersecretary of the ~~Department of Health and Hospitals~~
 30 health and hospitals services, who shall be appointed by the governor with the consent of the
 31 Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor,
 32 which salary shall not exceed the amount approved for such position by the legislature while
 33 in session. The undersecretary shall be directly responsible to the deputy secretary for health
 34 and hospitals services and shall perform his functions under the supervision and control of
 35 the deputy secretary for health and hospitals services.

36 B. (2) The undersecretary of health and hospitals services shall direct and be
 37 responsible for the functions of the office of management and finance within the ~~Department~~
 38 of ~~Health and Hospitals~~ health and hospitals services. In such capacity, he shall be
 39 responsible for accounting and budget control, procurement and contract management, data
 40 processing, personnel management, and facility construction and consulting services, for the
 41 department and all of its offices, including all agencies transferred to the ~~Department of~~
 42 Health and Hospitals, health and hospitals services, including all agencies in health and
 43 hospitals services, except as otherwise provided in this Title. He shall employ, appoint,
 44 remove, assign, and promote such personnel as is necessary for the efficient administration
 45 of the office of management and finance and the performance of its powers, duties,
 46 functions, and responsibilities, in accordance with applicable civil service laws, rules, and
 47 regulations, and with policies and rules of the ~~department~~ health and hospitals services, all
 48 subject to budgetary control and applicable laws. The undersecretary shall exercise all
 49 powers and authority granted to him in this Title subject to the overall direction and control
 50 of the deputy secretary for health and hospitals services.

51 C. (3) The duties and functions of the office of management and finance of health
 52 and hospitals services and of the undersecretary of health and hospitals services shall be as
 53 provided in this ~~Section~~ Subsection and these duties and functions shall not be subject to
 54 change by the secretary or the deputy secretary for health and hospitals services, except that
 55 the undersecretary shall perform such additional duties and functions as are assigned by the
 56 secretary or the deputy secretary for health and hospitals services.

57 B.(1) There shall be an undersecretary of children and family services, who shall be
 58 appointed by the governor with the consent of the Senate and who shall serve at the pleasure
 59 of the governor at a salary fixed by the governor, which salary shall not exceed the amount

1 approved for such position by the legislature while in session. The undersecretary shall be
 2 directly responsible to the deputy secretary for children and family services and shall
 3 perform his functions under the supervision and control of the deputy secretary for children
 4 and family services.

5 (2) The undersecretary shall direct and be responsible for the functions of the
 6 division of management and finance, within the office of children and family services within
 7 children and family services of the Department of Health and Hospitals and Children and
 8 Family Services. In such capacity, he shall be responsible for accounting and budget
 9 control, procurement and contract management, data processing, personnel management,
 10 grants management, and facility construction and consulting services for children and family
 11 services and all of its component entities as provided in R.S. 36:251(C)(1)(c), except as
 12 otherwise specifically provided in this Title. The undersecretary shall exercise all powers
 13 and authority granted to him in this Title subject to the overall direction and control of the
 14 deputy secretary for children and family services.

15 (3) The duties and functions of the division of management and finance, within the
 16 office of children and family services and of the undersecretary shall be as provided in this
 17 Subsection, and these duties and functions shall not be subject to change by the secretary nor
 18 the deputy secretary for children and family services, except that the undersecretary shall
 19 perform such additional duties and functions as are assigned by the secretary or the deputy
 20 secretary for children and family services.

21 §257. Assistant secretaries

22 A. Each office within the Department of Health and Hospitals and Children and
 23 Family Services, except the office of management and finance and the office of children and
 24 family services, shall be under the immediate supervision and direction of an assistant
 25 secretary, who shall be appointed by the governor with consent of the Senate. Each shall
 26 serve at the pleasure of the governor and shall be paid a salary which shall be fixed by the
 27 governor, which salary shall not exceed the amount approved for such position by the
 28 legislature while in session.

29 B. Except as otherwise expressly provided in this Title, the duties and functions of
 30 each office and its assistant secretary shall be determined by the appropriate deputy
 31 secretary, and all of such duties and functions shall be exercised under the direct supervision
 32 and control of the deputy secretary.

33 C. Except as otherwise provided in R.S. 36:801, each assistant secretary shall
 34 employ, appoint, remove, assign, and promote such personnel as is necessary for the
 35 efficient administration of his office and its programs and the performance of its powers,
 36 duties, functions, and responsibilities, in accordance with applicable civil service laws, rules,
 37 and regulations, and with policies and rules of the department, all subject to budgetary
 38 control and applicable laws.

39 D. Each assistant secretary shall exercise all powers and authority granted to him in
 40 this Title subject to the overall direction and control of the appropriate deputy secretary.

41 §258. Offices; purposes and functions

42 A. The purposes for which the offices of the Department of Health and Hospitals and
 43 Children and Family Services are created shall be set forth in this Section.

44 * * *

45 F. The office of aging and adult services shall be responsible for the programs and
 46 functions of the Department of Health and Hospitals and Children and Family Services
 47 related to the long-term care of the elderly and the protection and long-term care of persons
 48 with adult onset disabilities. It shall administer the residential state-operated nursing homes,
 49 the Villa Feliciana Medical Complex, the protection services program of adults from ages
 50 eighteen to fifty-nine, the department's long-term support and services programs, the State
 51 Personal Assistance Services program, the Community and Family Support Program, the
 52 Traumatic Head and Spinal Cord Injury Trust Fund, as well as other related programs within
 53 the department. The office shall have no responsibility or authority for any programs or
 54 functions assigned by the Louisiana Revised Statutes of 1950 to the Department of Elderly
 55 Affairs.

56 * * *

57 M.(1) The office of children and family services shall be under the immediate
 58 supervision and direction of the deputy secretary for children and family services.

1 (2) The office of children and family services shall perform the services of the state
 2 relating to public assistance programs to provide aid to dependent children and to adults,
 3 who due to age, disability, or infirmity, are unable to adequately meet their basic needs. It
 4 shall also administer the food stamp program, child support programs, establishment of
 5 paternity programs, disaster relief grant programs for individuals and families, and such
 6 other programs as assigned by the secretary. It shall also conduct disability and other client
 7 eligibility determinations, and may conduct medical assistance client eligibility
 8 determinations. The office is authorized to enter into interagency agreements with other
 9 state agencies to conduct eligibility determinations. The office shall provide for the public
 10 child welfare functions of the state including but not limited to prevention services which
 11 promote, facilitate, and support activities to prevent child abuse and neglect; child protective
 12 services; voluntary family strengthening and support services; making permanent plans for
 13 foster children and meeting their daily maintenance needs of food, shelter, clothing,
 14 necessary physical medical services, school supplies, and incidental personal needs; and
 15 adoption placement services for foster children freed for adoption. It shall also perform the
 16 functions of the state relating to the licensing of child care facilities that do not receive
 17 federal funds under Title XIX of the Social Security Act and day care centers and agencies.
 18 The office shall issue and monitor domestic violence services contracts.

19 (3) After July 1, 1999, the office shall not provide for the administration of any
 20 programs related to Aid to Families with Dependent Children, public assistance, or the food
 21 stamp program except as provided under the welfare reform program required in R.S.
 22 36:254(D)(6)(f) if such program is adopted by the legislature.

23 §259. Transfer of agencies and functions to Department of Health and Hospitals and
 24 Children and Family Services

25 B. The Health Education Authority of Louisiana (R.S. 17:3051 et seq.) is transferred
 26 to and hereafter shall be within the Department of Health and Hospitals and Children and
 27 Family Services, as provided in R.S. 36:804.

28 C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter
 29 shall be within the Department of Health and Hospitals and Children and Family Services,
 30 as provided in Part II of Chapter 22 of this Title:

31 (1) Greenwell Springs Hospital (Greenwell Springs)

32 (9) Southeast Louisiana State Hospital (Mandeville)

33 (10) East Louisiana State Hospital (Jackson)

34 (11) Jonesboro Charity Hospital (Jonesboro)

35 (12) Central Louisiana State Hospital (Pineville)

36 (13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(3); R.S. 28:451.4)

37 (14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9); R.S. 28:451.4)

38 (16) The mental health facilities located in New Orleans, Baton Rouge, Shreveport,
 39 Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond, Natchitoches, Ruston,
 40 Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville, Many, New Roads, Covington,
 41 Crowley, Donaldsonville, Plaquemine, Raceland, Leesville, Norco, Mandeville, Ville Platte,
 42 Patterson, Tallulah, Columbia, Oakdale, and any other state owned or operated facilities as
 43 may be hereinafter established (R.S. 28:22.4-22.5)

44 (21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6); R.S. 28:451.4)

45 (23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S. 40:2142).

46 D. The following agencies, as defined in R.S. 36:3, are placed within the Department
 47 of Health and Hospitals and Children and Family Services and shall perform and exercise
 48 their powers, duties, functions, and responsibilities as otherwise provided by law:

49 (1) Louisiana state office of rural health (R.S. 40:2195.1)

50 (3) Louisiana State Child Death Review Panel (R.S. 40:2019)

51 (4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104) (Established
 52 by the Louisiana Licensed Professional Counselors Board of Examiners).

53 (5) Nursing Home Emergency Preparedness Review Committee (R.S. 40:2009.25)

54 (6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)

55 (7) Louisiana Birth Defects Surveillance System Advisory Board (R.S. 40:31.41 et
 56 seq.)

57 (8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.)

58 (9) Health Data Panel (R.S. 40:1300.111 et seq.)

1 (10) The Louisiana Standards for Water Works Construction, Operation, and
2 Maintenance Committee (R.S. 40:4.13).

3 E. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter
4 shall be within the Department of Health and Hospitals and Children and Family Services,
5 as provided in R.S. 36:803:

- 6 (1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)
7 (2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)
8 (3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)
9 (4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)
10 (5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)
11 (6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)
12 (7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)
13 (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611 et seq.;
14 R.S. 37:1261 et seq.)
15 (9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831 et seq.)
16 (10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)
17 (11) Louisiana Board of Examiners for Speech-Language Pathology and Audiology
18 (R.S. 37:2650 et seq.)
19 (12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)
20 (13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501 et seq.)
21 (14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)
22 (16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)
23 (17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)
24 (20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)
25 (21) The Louisiana Licensed Professional Vocational Rehabilitation Counselors
26 Board of Examiners (R.S. 37:3441 et seq.)
27 (23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).
28 (25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)

29 F. The following agencies, as defined in R.S. 36:3, previously abolished by the
30 Executive Reorganization Act, and their powers, duties, functions, and responsibilities are
31 transferred to the secretary of the Department of Health and Hospitals and Children and
32 Family Services and shall be exercised and performed as provided in Part IV of Chapter 22
33 of this Title:

- 34 (1) Louisiana Health and Human Resources Administration (~~R.S. 46:1751-46:1767,~~
35 ~~and~~ generally, Chapters 1 and 11 of Title 40 and all of Title 46 of the Louisiana Revised
36 Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that the cited provisions
37 provide with respect to agencies or functions placed in or transferred to the Department of
38 Health and Hospitals and Children and Family Services.
39 (9) Louisiana State Board of Health and the Louisiana Department of Health and all
40 its subsidiary boards. (Such provisions of Title 40 of the Louisiana Revised Statutes of 1950
41 as are applicable to the abolished board and department)
42 (10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.)
43 (16) Anatomical Board (R.S. 17:2271 et seq.)
44 (18) Board of Commissioners of the South Louisiana Health Services District (R.S.
45 28:241 et seq.)
46 (20) Nursing Home Advisory Committee (R.S. 40:2009.1)
47 (21) Hospital Licensing Council (R.S. 40:2108)

48 G. The State Board of Electrolysis Examiners (R.S. 37:3051 et seq.) is placed within
49 the Department of Health and Hospitals and Children and Family Services and shall exercise
50 and perform its powers, duties, functions, and responsibilities in the manner provided for
51 agencies transferred in accordance with the provisions of R.S. 36:803.

52 H. The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et seq.) is
53 placed within the Department of Health and Hospitals and Children and Family Services and
54 shall exercise and perform its powers, duties, functions, and responsibilities in the manner
55 provided for agencies transferred in accordance with the provisions of R.S. 36:802.

56 I. The following agencies, as defined in R.S. 36:3, are placed within the Department
57 of Health and Hospitals and Children and Family Services and shall exercise and perform
58 their powers, duties, functions, and responsibilities in the manner provided for agencies
59 transferred in accordance with the provisions of R.S. 36:802:

1 (3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.
2 40:2018)

3 (5) Water Supply and Sewerage Systems Certification Committee (R.S. 40:1141 et
4 seq.)

5 J.(1) The Louisiana Emergency Response Network Board (R.S. 40:2841 et seq.) is
6 placed within the Department of Health and Hospitals and Children and Family Services and
7 shall exercise and perform its powers, duties, functions, and responsibilities in the manner
8 provided for agencies transferred in accordance with R.S. 36:801.1.

9 (2) The Louisiana Emergency Response Network Board shall be a separate budget
10 unit within the Department of Health and Hospitals and Children and Family Services.

11 K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S. 46:153.3) is
12 placed within the Department of Health and Hospitals and Children and Family Services and
13 shall perform and exercise its powers, duties, functions, and responsibilities as provided by
14 law.

15 L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.) is
16 placed within the Department of Health and Hospitals and Children and Family Services and
17 shall exercise and perform its powers, duties, functions, and responsibilities in the manner
18 provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The
19 council shall have full appointing authority for all personnel purposes.

20 (2) The regional and state advisory councils for the community and family support
21 system (R.S. 28:824(J)) are placed within the Department of Health and Hospitals and
22 Children and Family Services and shall exercise and perform their powers, duties, functions,
23 and responsibilities as provided by or pursuant to law.

24 N. The advisory council for the program of early identification of hearing impaired
25 infants (R.S. 46:2261 et seq.) is placed within the Department of Health and Hospitals and
26 Children and Family Services and shall exercise and perform its powers, duties, functions,
27 and responsibilities as provided by or pursuant to law.

28 O. The Louisiana Commission on Addictive Disorders (R.S. 46:2500 et seq.) is
29 placed within the Department of Health and Hospitals and Children and Family Services and
30 shall exercise and perform its powers, duties, functions, and responsibilities in the manner
31 provided for agencies transferred in accordance with the provisions of R.S. 36:914.

32 P. The Physician Assistants Advisory Committee (R.S. 37:1270.1) is placed within
33 the Department of Health and Hospitals and Children and Family Services and shall exercise
34 and perform its powers, duties, functions, and responsibilities in the manner provided for
35 agencies transferred in accordance with the provisions of R.S. 36:914.

36 Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S. 37:3081
37 et seq.) is placed within the Department of Health and Hospitals and Children and Family
38 Services and shall exercise and perform its powers, duties, functions, and responsibilities in
39 the manner provided for agencies transferred in accordance with R.S. 36:803.

40 S. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby placed
41 within the Department of Health and Hospitals and Children and Family Services and shall
42 perform and exercise its powers, duties, functions, and responsibilities as provided for
43 agencies transferred as provided in R.S. 36:802.

44 T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S.
45 46:2631 et seq.) is hereby placed within the Department of Health and Hospitals and
46 Children and Family Services and shall exercise and perform its powers, duties, functions,
47 and responsibilities in the manner provided for agencies transferred in accordance with the
48 provisions of R.S. 36:901 et seq.

49 U. The Louisiana Access to Better Care Medicaid Insurance Demonstration Project
50 Oversight Board (R.S. 46:160.1 et seq.) is placed within the Department of Health and
51 Hospitals and Children and Family Services and shall exercise and perform its powers,
52 duties, functions, and responsibilities in the manner provided for agencies transferred in
53 accordance with the provisions of Part III of Chapter 22 of this Title.

54 W. The Louisiana Board of Wholesale Drug Distributors (R.S. 37:3461 et seq.) shall
55 be placed within the Department of Health and Hospitals and Children and Family Services
56 and shall exercise and perform its powers, duties, functions, and responsibilities in the
57 manner provided for agencies transferred in accordance with the provisions of R.S. 36:803.

58 X. The Advisory Committee on Hospice Care (R.S. 40:2190 et seq.) is placed within
59 the Department of Health and Hospitals and Children and Family Services and shall exercise

1 and perform its powers, duties, functions, and responsibilities in the manner provided for
2 agencies transferred as provided in Part III of Chapter 22 of this Title.

3 BB. The following agencies, as defined in R.S. 36:3, are placed within the
4 Department of Health and Hospitals and Children and Family Services and shall perform and
5 exercise their powers, duties, functions, and responsibilities in the manner provided for
6 agencies transferred in accordance with the provisions of R.S. 36:914:

7 (1) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)

8 (2) The Louisiana Advisory Committee on Populations and Geographic Regions
9 With Excessive Cancer Rates (R.S. 40:1299.90.1).

10 (3) The Fluoridation Advisory Board (R.S. 40:5.11(C)-(F)).

11 CC. The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.) is placed
12 within the Department of Health and Hospitals and Children and Family Services and shall
13 exercise and perform its powers, duties, functions, and responsibilities in the manner
14 provided for agencies transferred in accordance with R.S. 36:803.

15 DD. The Clinical Laboratory Personnel Committee (R.S. 37:1311, et seq.) is placed
16 within the Department of Health and Hospitals and Children and Family Services under the
17 jurisdiction of the Louisiana State Board of Medical Examiners and shall perform and
18 exercise its powers, duties, functions, and responsibilities in the manner provided for
19 agencies transferred in accordance with R.S. 36:919.2.

20 EE. The Louisiana Licensed Professional Counselors Board of Examiners, R.S.
21 37:1101 et seq., is hereby placed within the Department of Health and Hospitals and
22 Children and Family Services and shall perform and exercise its powers, duties, functions,
23 and responsibilities in the manner provided for agencies transferred in accordance with the
24 provisions of R.S. 36:803.

25 FF. The Medical Education Commission (R.S. 17:1519.8) is placed within the
26 Department of Health and Hospitals and Children and Family Services and shall exercise
27 and perform its powers, duties, functions, and responsibilities in the manner provided for
28 agencies transferred in accordance with the provisions of Part III of Chapter 22 of this Title.

29 GG. The Louisiana Emergency Medical Services Certification Commission (R.S.
30 40:1231 et seq.) is placed within the Department of Health and Hospitals and Children and
31 Family Services and shall perform and exercise its powers, duties, functions, and
32 responsibilities in the manner provided for agencies transferred in accordance with R.S.
33 36:919.4.

34 MM. The Louisiana Medical Disclosure Panel (R.S. 40:1299.39.6) is placed within
35 the Department of Health and Hospitals and Children and Family Services and shall exercise
36 and perform its powers, duties, functions, and responsibilities in the manner provided for
37 agencies transferred in accordance with the provisions of R.S. 36:802.

38 NN. The Louisiana Sickle Cell Commission (R.S. 40:2018.3) is placed within the
39 Department of Health and Hospitals and Children and Family Services and shall exercise
40 and perform its powers, duties, functions, and responsibilities as provided by or pursuant to
41 law.

42 OO. The Louisiana Children's Trust Fund Board (R.S. 46:2401 et seq.) is placed
43 within the Department of Health and Hospitals and Children and Family Services and shall
44 exercise and perform its powers, duties, functions, and responsibilities in the manner
45 provided by the provisions of R.S. 36:802.9.

46 PP. The following agencies, as defined in R.S. 36:3, previously abolished by the
47 Executive Reorganization Act and their powers, duties, functions, and responsibilities are
48 transferred to the secretary of the Department of Health and Hospitals and Children and
49 Family Services and shall be exercised and performed as provided in Part IV of Chapter 22
50 of this Title:

51 (1) Louisiana Health and Human Resources Administration (Generally Chapters 1
52 and 11 of Title 40 and all of Title 46 of the Louisiana Revised Statutes of 1950, except R.S.
53 46:1601-1608) to the extent that the cited provisions provide with respect to agencies or
54 functions placed in or transferred to the Department of Children and Family Services.

55 (2) State Youth Planning Advisory Commission (Act 430 of the 1975 Regular
56 Session of the Legislature).

57 (3) State Department of Public Welfare (Such provisions of Title 46 of the Louisiana
58 Revised Statutes of 1950 as apply to the abolished department).

59 (4) State Board of Public Welfare (Such provisions of Title 46 of the Louisiana
60 Revised Statutes of 1950 as apply to the abolished board).

1 QQ. The Child Poverty Prevention Council for Louisiana (R.S. 46:2801-2802) is
 2 transferred to and hereafter placed within the Department of Health and Hospitals and
 3 Children and Family Services and shall exercise and perform its powers, duties, functions,
 4 and responsibilities in the manner provided for agencies transferred in accordance with the
 5 provisions of R.S. 36:801.

6 RR. The Council on the Status of Grandparents Raising Grandchildren (R.S. 46:2911
 7 et seq.) is placed within the Department of Health and Hospitals and Children and Family
 8 Services and shall exercise and perform its powers, duties, functions, and responsibilities in
 9 the manner provided for agencies transferred in accordance with the provisions of R.S.
 10 36:801.

11 SS. The Louisiana Advisory Council on Child Care and Early Education is placed
 12 within the Department of Health and Hospitals and Children and Family Services and shall
 13 exercise and perform its powers, duties, functions, and responsibilities as provided in R.S.
 14 46:1401 et seq., particularly R.S. 46:1414.

15 AMENDMENT NO. 4

16 On page 3, line 10, after "R.S. 36:4(A)(10)" delete the remainder of the line and insert in lieu
 17 thereof a comma "," and "254(A)(9) through (14), (B)(5) through (7), and (9), and (D), and
 18 Chapter 10-A of Title 36 of the Louisiana Revised Statutes of 1950, comprised of R.S.
 19 36:471 through 478, are hereby repealed in their entirety."

20 AMENDMENT NO. 5

21 On page 3, delete line 14 and on line 15, delete "Children and Family Services" insert in lieu
 22 thereof "the capacity of the executive branch of state government"

23 AMENDMENT NO. 6

24 On page 3, line 17, delete "by the department"

25 AMENDMENT NO. 7

26 On page 3, between lines 21 and 22, insert:

27 "Section 4.(A) On August 1, 2014, the Department of Health and Hospitals and the
 28 Department of Children and Family Services, hereafter in this Section referred to as the
 29 "prior departments" or individually as a "prior department", shall be abolished and the
 30 Department of Health and Hospitals and Children and Family Services, hereafter in this
 31 Section referred to as the "new department", shall be created. All unfinished business,
 32 references in laws and documents, employees, property, obligations, and books and records
 33 of the prior departments shall be transferred as provided in this Section. Upon the abolition
 34 of the prior departments, any pending or unfinished business of the prior departments shall
 35 be taken over and be completed by the new department with the same power and
 36 authorization as that of the prior departments, with business of the Department of Health and
 37 Hospitals to be taken over and completed by health and hospitals services of the new
 38 department and business of the Department of Children and Family Services to be taken
 39 over and completed by children and family services of the new department. The new
 40 department through health and hospitals services and children and family services shall be
 41 the successor in every way to the prior departments for the purpose of completing such
 42 business. Any reference in laws and documents to either of the prior departments shall be
 43 deemed to apply to the new department and to health and hospitals services or children and
 44 family services as the case may be. Any legal proceeding to which either of the prior
 45 departments is a party and which is filed, initiated, or pending before any court on the
 46 effective date of this Section, and all documents involved in or affected by said legal
 47 proceeding, shall retain their effectiveness and shall be continued in the name of the new
 48 department through health and hospitals services or children and family services as the case
 49 may be. All further legal proceedings and documents in the continuation, disposition, and
 50 enforcement of such legal proceeding shall be in the name of the new department through
 51 health and hospitals services or children and family services as the case may be, and the new

1 department through health and hospitals services or children and family services as the case
2 may be shall be substituted for the prior departments without necessity for amendment of
3 any document. This Act shall not be construed so as to impair the effectiveness of any rule
4 or policy of either of the prior departments and any such rule or policy shall remain effective
5 as provided therein or until changed in accordance with law. This Act shall not be construed
6 so as to impair the contractual or other obligations of either of the prior departments or of
7 the state of Louisiana. All obligations of the prior departments shall be the obligations of
8 the new department. The new department through health and hospitals services or children
9 and family services as the case may be shall be the successor in every way to the prior
10 departments, including all of their obligations and debts. All appropriations, dedications, and
11 allocations of revenues and sources of revenues heretofore made to or for either of the prior
12 departments shall continue in the same manner, to the same extent, and for the same
13 purposes as were provided prior to the enactment of this Act, unless and until other provision
14 is made therefor. All books, papers, records, money, actions, and other property of every
15 kind, movable and immovable, real and personal, heretofore possessed, controlled, or used
16 by either of the prior departments is hereby transferred to the new department through health
17 and hospitals services or children and family services as the case may be. All employees
18 heretofore engaged in the performance of duties of either of the prior departments, insofar
19 as practicable and necessary, are transferred to the new department through health and
20 hospitals services or children and family services as the case may be and insofar as
21 practicable and necessary shall continue to perform the duties heretofore performed, subject
22 to policies and procedures of the new department through health and hospitals services or
23 children and family services as the case may be, applicable state civil service laws, rules, and
24 regulations, and other applicable laws. Subject to such laws and rules, positions in the
25 unclassified service shall remain in the unclassified service.

26 (B) When the Department of Health and Hospitals and the Department of Children
27 and Family Services are abolished and the Department of Health and Hospitals and Children
28 and Family Services is created, the office of public health, the office of behavioral health,
29 the office for citizens with developmental disabilities, the office of aging and adult services,
30 and the office of children and family services of the prior departments, referred to in this
31 Subsection as prior offices, shall be continued as offices of the new department, referred to
32 in this Subsection as new offices. The office of management and finance for health and
33 hospitals services of the new department, referred to in this Subsection as a new office, shall
34 be the successor of the office of management and finance of the Department of Health and
35 Hospitals, referred to in this Subsection as a prior office. The new offices shall each be the
36 successor of the prior office. The new offices shall have the powers, duties, functions, and
37 responsibilities as provided in this Act. All unfinished business, references in laws and
38 documents, property, and obligations of the prior offices shall be transferred as provided in
39 this Subsection. Upon the effective date of this Act, any pending or unfinished business of
40 a prior office shall be taken over and be completed by the successor office with the same
41 power and authorization as that of the prior office and the new office shall be the successor
42 in every way to the prior office for the purpose of completing such business. Any reference
43 in laws and documents to any prior office shall be deemed to apply to the new office. Any
44 legal proceeding to which a prior office is a party and which is filed, initiated, or pending
45 before any court on the effective date of this Act, and all documents involved in or affected
46 by said legal proceeding, shall retain their effectiveness and shall be continued in the name
47 of the new office. All further legal proceedings and documents in the continuation,
48 disposition, and enforcement of such legal proceeding shall be in the name of the new office,
49 and the new office shall be substituted for the prior office or offices without necessity for
50 amendment of any document. This Act shall not be construed so as to impair the
51 effectiveness of any rule or policy of either of the prior offices and any such rule or policy
52 shall remain effective as provided therein or until changed in accordance with law. This Act
53 shall not be construed so as to impair the contractual or other obligations of a prior office or
54 of the state of Louisiana. All obligations of a prior office shall be the obligations of the
55 respective successor office. The new office shall be the successor in every way to the prior
56 office, including all of its obligations and debts. All dedications and allocations of revenues
57 and sources of revenues heretofore made to or for any prior office shall continue in the same
58 manner, to the same extent, and for the same purposes as were provided prior to the
59 enactment of this Act, unless and until other provision is made therefor.

1 (C) The deputy secretary of health and hospitals services shall be the successor of
 2 the secretary of the Department of Health and Hospitals and the deputy secretary for children
 3 and family services shall be the successor of the secretary of the Department of Children and
 4 Family Services. Such deputy secretaries are referred to in this Subsection as the new
 5 officers and such secretaries of the prior departments are referred to in this Subsection as the
 6 prior officers. The new officers shall each be the successor of the respective prior officer.
 7 The new officers shall have the powers, duties, functions, and responsibilities as provided
 8 in this Act. All unfinished business, references in laws and documents, property, and
 9 obligations of the prior officers shall be transferred as provided in this Subsection. Upon the
 10 effective date of this Act, any pending or unfinished business of a prior officer shall be taken
 11 over and be completed by the successor officer with the same power and authorization as
 12 that of the prior officer and the new officer shall be the successor in every way to the prior
 13 officer for the purpose of completing such business. Any reference in laws and documents
 14 to any prior officer shall be deemed to apply to the new officer. Any legal proceeding to
 15 which a prior officer is a party and which is filed, initiated, or pending before any court on
 16 the effective date of this Act, and all documents involved in or affected by said legal
 17 proceeding, shall retain their effectiveness and shall be continued in the name of the new
 18 officer. All further legal proceedings and documents in the continuation, disposition, and
 19 enforcement of such legal proceeding shall be in the name of the new officer, and the new
 20 officer shall be substituted for the prior officer without necessity for amendment of any
 21 document.

22 (D) This Act shall not be construed or applied in any way which will prevent full
 23 compliance by the state, or any department, office, or agency thereof, with the requirements
 24 of any act of the Congress of the United States or any regulation made thereunder by which
 25 federal aid or other federal assistance has been or hereafter is made available.

26 (E) As used in the Louisiana Revised Statutes of 1950 (as amended), the Code of
 27 Civil Procedure, the Code of Criminal Procedure, the Code of Evidence, and the Children's
 28 Code, "Department of Health and Hospitals", or "Department of Children and Family
 29 Services" shall mean the "Department of Health and Hospitals and Children and Family
 30 Services". The Louisiana State Law Institute shall change all references to the Department
 31 of Health and Hospitals, the Department of Children and Family Services, or to both
 32 departments that remain in such bodies of law from the Department of Health and Hospitals,
 33 the Department of Children and Family Services, or both to the Department of Health and
 34 Hospitals and Children and Family Services, except historic references to such departments
 35 in provisions having no prospective application.

36 (F) The Louisiana State Law Institute shall change references in such provisions to
 37 the secretary of health and hospitals to the deputy secretary for health and hospitals and
 38 references in such provisions to the secretary of children and family services to the deputy
 39 secretary for children and family services and shall make appropriate changes in references
 40 to other offices and officers of the former departments to the appropriate offices and officers
 41 of the new department. "

42 AMENDMENT NO. 8

43 On page 3, delete lines 22 through 25, and at the beginning of line 26, change "(B)" to
 44 "Section 5."

45 AMENDMENT NO. 9

46 On page 4, line 1, change "Section 5." to "Section 6."