

Regular Session, 2014

HOUSE BILL NO. 1256 (Substitute for House Bill No. 152 by Representative Harrison)

BY REPRESENTATIVE HARRISON

GOVERNMENT ORGANIZATION: Creates the Dept. of Health and Hospitals and Children and Family Services, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS), and creates separate entities within the new department as successors to the abolished departments

1 AN ACT

2 To amend and reenact R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7),

3 (B)(1)(a)(introductory paragraph), and (C), 254.1(A), (B), (C)(introductory

4 paragraph), (2) and (4), 254.2, 255, 256, 257, 258(A) and (F), and 259, to enact R.S.

5 36:258(M), and to repeal R.S. 36:(4)(A)(10), 254(A)(9) through (14), (B)(5) through

6 (7), and (9), and (D), and Chapter 10-A of Title 36 of the Louisiana Revised Statutes

7 of 1950, comprised of R.S. 36:471 through 478, relative to the reorganization of the

8 executive branch of state government; to provide for the Department of Health and

9 Hospitals and Children and Family Services by combining the Departments of

10 Health and Hospitals and the Department of Children and Family Services into one

11 department; to provide that the new department shall be the successor of the two

12 prior departments; to provide for the organization of the department by creating

13 health and hospitals services and children and family services within the department

14 and providing for the powers, duties, and responsibilities of each of such services;

15 to provide for department officers and offices and their powers, duties, and

16 responsibilities; to transfer agencies to the department and provide for their powers,

17 duties, and responsibilities; to provide for implementation; and to provide for related

18 matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7),
3 (B)(1)(a)(introductory paragraph), and (C), 254.1(A), (B), (C)(introductory paragraph), (2)
4 and (4), 254.2, 255, 256, 257, 258(A) and (F), and 259 are hereby amended and reenacted
5 and R.S. 36:258(M) is hereby enacted to read as follows:

6 §4. Structure of executive branch of state government

7 A. In accordance with the provisions of Article IV, Section 1 and Article
8 XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions,
9 agencies, and instrumentalities of the executive branch of state government, whether
10 constitutional or statutory, and/or their functions, powers, duties, and responsibilities
11 shall be allocated, either in the Act by which this Title was created or by legislation
12 enacted subsequent thereto, within the departments listed in this Section, except as
13 provided in Subsections B and C of this Section, and in order to comply with this
14 constitutional mandate, the agencies of the executive branch of state government
15 hereinafter enumerated, whether heretofore created by the constitution or by statute,
16 and/or their functions, powers, duties, and responsibilities are allocated, in the
17 manner hereinafter set forth in this Title, within the following designated
18 departments:

19 * * *

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

21 * * *

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

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

26 A. The Department of Health and Hospitals and Children and Family
27 Services is created and shall be a body corporate with the power to sue and be sued.
28 The domicile of the department shall be in Baton Rouge where it shall maintain its
29 principal offices, but the secretary may maintain branch offices if he deems it in the

1 best interest of the efficient administration of the department; however, the principal
2 offices of the office of public health may be located and maintained in the parish of
3 Orleans.

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

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

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

28 (b) Health and hospitals services shall include the office of management and
29 finance for health and hospitals services, the office of public health, the office of

1 behavioral health, the office for citizens with developmental disabilities, and the
2 office of aging and adult services and shall also include the deputy secretary for
3 health and hospitals services, the undersecretary for the office of management and
4 finance for health and hospitals services, the assistant secretaries of the offices
5 included in health and hospitals services, and personnel necessary to carry out their
6 functions. It shall also include all agencies transferred to the department whose
7 functions are related to health and hospitals services and all functions of abolished
8 agencies transferred to the department that are related to health and hospitals services
9 and all personnel of such agencies and personnel who perform such functions.

10 (c) Children and family services shall include the division of programs, the
11 division of operations, the office of children and family services, the division of
12 management and finance of the office of children and family services, the deputy
13 secretary for children and family services, the assistant deputy secretary of programs,
14 the assistant deputy secretary of operations, the assistant secretary of the office of
15 children and family services, the undersecretary of the division of management and
16 finance of the office of community and family services, and personnel necessary to
17 carry out their functions. It shall also include all agencies transferred to the
18 department whose functions are related to children and family services and all
19 functions of abolished agencies transferred to the department that are related to
20 children and family services and all personnel of such agencies and personnel who
21 perform such functions.

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

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

27 A. The officers of the department shall be the secretary, ~~the undersecretary,~~
28 ~~the deputy secretary if a deputy secretary is appointed, if one is appointed, the deputy~~
29 secretary for health and hospitals services, the undersecretary for the office of

1 management and finance for health and hospitals services, the deputy secretary for
2 children and family services, the assistant deputy secretary of programs, the assistant
3 deputy secretary of operations, the undersecretary of the division of management and
4 finance of the office of children and family services, and assistant secretaries, each
5 of whom shall be selected and shall perform functions as provided in this Title. B.
6 No person serving as ~~a secretary, deputy secretary, undersecretary, or assistant~~
7 ~~secretary~~ an officer of the department shall receive any additional salary from the
8 state other than that salary which he receives by virtue of serving in any one of such
9 offices. Any statewide elected official appointed to serve as ~~a secretary, deputy~~
10 ~~secretary, undersecretary, or assistant secretary~~ an officer of the department shall not
11 receive any additional salary from the state other than that salary which he receives
12 as a statewide elected official.

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

19 §253. Secretary of health and hospitals and children and family services

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

1 and affairs of the department; provided that the secretary shall perform his functions
2 under the general control and supervision of the governor.

3 §254. Powers and duties of the secretary of the Department of Health and Hospitals
4 and Children and Family Services

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

7 * * *

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

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

17 * * *

18 (6)(a) Act as the sole agent of the state or, in necessary cases, designate one
19 of the offices within the department or its assistant secretary to cooperate with the
20 federal government and with other state and local agencies in matters of mutual
21 concern and in the administration of federal funds granted to the state or directly to
22 the department or an office thereof to aid in the furtherance of any function of the
23 department or its offices; ~~including but not limited~~ . For this purpose he may take
24 such actions, in accordance with any applicable state law, necessary to meet such
25 federal standards as are established for the administration and use of such federal
26 funds, except as otherwise specifically provided in this Title or by the constitution
27 and laws of this state.

28 (b) The deputy secretary for health and hospitals services shall be the agent
29 of the state to cooperate with the federal government relative to funding for the

1 Medical Assistance Program, Title XIX of the Social Security Act. For this purpose
2 he may take such actions, in accordance with any applicable state law, necessary to
3 meet such federal standards as are established for the administration and use of such
4 federal funds, except as otherwise specifically provided in this Title or by the
5 constitution and laws of this state.

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

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

29 * * *

1 B. The secretary shall have authority to:

2 (1)(a) Except as otherwise specifically provided in this Chapter and in R.S.
3 36:801 and ~~R.S. 36:803~~:

4 * * *

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

9 * * *

10 §254.1. Power of the deputy secretary of the Department of Health and Hospitals for
11 health and hospital services to issue tax-exempt or taxable debt relative to the
12 Drinking Water Revolving Loan Fund

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

16 B. In connection with such administration, maintenance, and operation, the
17 department through health and hospitals services is authorized to incur debt and issue
18 bonds, notes, or other evidence of indebtedness, and is authorized to pledge the sums
19 in, credited to, or payable to the Drinking Water Revolving Loan Fund as security
20 for the debt of other entities, and is authorized to arrange, provide for, and pay the
21 cost of credit enhancement devices for its debt and the debt of other entities in order
22 to provide funds in connection with the Drinking Water Revolving Loan Fund
23 Program. Any such evidence of indebtedness, guarantee, pledge, or credit
24 enhancement device shall be authorized, executed, and delivered by the deputy
25 secretary for health and hospital services or his designee in accordance with the
26 provisions and subject to the limitations provided in R.S. 40:2821 through 2826 of
27 the Drinking Water Revolving Loan Fund.

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

4 * * *

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

11 * * *

12 (4) The deputy secretary of the Department of Health and Hospitals for
13 health and hospital services on behalf of the Department of Health and Hospitals and
14 Children and Family Services, hereafter the "department", is hereby authorized to
15 issue, incur, and deliver debt evidenced by bonds, notes, or other evidences of
16 indebtedness, payable from or secured by sums deposited in, credited to, or to be
17 received in, including sums received pursuant to letters of credit, by the department
18 in the Drinking Water Revolving Loan Fund as created and established in R.S.
19 40:2821 through 2826. The department is further authorized to undertake and to
20 issue and deliver evidences of its guarantee of the debt of other entities and is
21 authorized to enter and execute pledges of the sums deposited in, credited to, or to
22 be received in the Drinking Water Revolving Loan Fund, including payments
23 pursuant to letters of credit, to secure the debt of other entities. Such bonds, notes,
24 or other evidences of indebtedness, such guarantees, and such pledges issued and
25 delivered pursuant to the authority hereof shall constitute special and limited
26 obligations of the department, and shall not be secured by the full faith and credit of
27 the state of Louisiana, any source of revenue of the state of Louisiana other than
28 those sums on deposit in, credited to, or to be received in the Drinking Water
29 Revolving Loan Fund including payments to be made pursuant to letters of credit.

1 It is hereby found and determined that such bonds, notes, or other evidences of
 2 indebtedness, guarantees, and pledges shall constitute revenue bonds, debts, or
 3 obligations within the meaning of Article VII, Section 6(C) of the Constitution of
 4 Louisiana and shall not constitute the incurring of state debt thereunder.
 5 Withdrawals from the Drinking Water Revolving Loan Fund to pay debt service on
 6 any bond, note, or other evidence of indebtedness, obligation of guarantee of any
 7 debt, or pledge to secure any debt does not constitute and shall not be subject to
 8 annual appropriation by the legislature as provided by Article III, Section 16 of the
 9 Constitution of Louisiana.

* * *

11 §254.2. Hot Wells Rehabilitation Center

12 All rights, title, and interest in the Hot Wells Rehabilitation Center, including
 13 all property, rights to mineral waters, equipment, and facilities, are vested in the
 14 office of the secretary, Department of Health and Hospitals and Children and Family
 15 Services. The deputy secretary for health and hospital services of the Department
 16 of Health and Hospitals and Children and Family Services may engage in
 17 cooperative endeavors, including but not limited to contracts or leases, with any
 18 public or private association, corporation, or individual for the establishment,
 19 maintenance, and operation of the Hot Wells Rehabilitation Center facilities as
 20 public facilities for rehabilitation purposes.

21 §255. Deputy ~~secretary~~ secretaries; assistant deputy secretaries

22 A. ~~There may be a deputy secretary of the department, who shall be~~
 23 ~~appointed by the secretary with consent of the Senate and who shall serve at the~~
 24 ~~pleasure of the secretary at a salary fixed by the secretary, shall be a deputy secretary~~
 25 ~~for health and hospitals services and a deputy secretary for children and family~~
 26 ~~services, each of whom shall be appointed by the governor with consent of the~~
 27 ~~Senate and who shall serve at the pleasure of the governor at a salary fixed by the~~
 28 ~~governor, which salary shall not exceed the amount approved for such position by~~
 29 ~~the legislature while in session. The duties and functions of the deputy secretary~~

1 ~~shall be determined and assigned by the secretary. If appointed, he shall serve as~~
2 ~~acting secretary in the absence of the secretary.~~

3 B.(1) The deputy secretary for health and hospitals services shall serve as the
4 chief administrative officer of health and hospitals services and shall have
5 responsibility for the overall administration, control, and operation of the affairs of
6 health and hospitals services. The deputy secretary for health and hospitals services
7 shall exercise all powers and authority granted to him by law subject to the overall
8 direction and control of the governor and he shall report directly to the governor.
9 The duties and functions of the deputy secretary for health and hospitals services
10 shall be as provided by law and shall not be subject to change by the department
11 secretary, if one is appointed.

12 (2) Health and hospitals services and all of its component entities as
13 provided in R.S. 36:251(C)(1)(b) shall be under the supervision and direction of the
14 deputy secretary for health and hospitals services.

15 (3) The deputy secretary for health and hospitals services shall be an ex
16 officio member of each board and commission in the Department of Health and
17 Hospitals and Children and Family Services which is related to the functions of
18 health and hospitals services. However, the deputy secretary may appoint a designee
19 to be his representative as an ex officio member of each board and commission
20 which is related to the functions of health and hospitals services.

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

24 (5) The deputy secretary for health and hospitals services shall employ,
25 appoint, remove, assign, and promote such personnel as is necessary for the efficient
26 administration of health and hospitals services and for the performance of the
27 powers, duties, functions, and responsibilities of health and hospitals services,
28 including any agencies transferred to the department which are related to the
29 functions of health and hospitals services, except as otherwise provided by this Title.

1 The deputy secretary for health and hospitals services shall be solely responsible for
2 employment, assignment, and removal of all personnel employed for health and
3 hospitals services on a contractual basis. The deputy secretary for health and
4 hospitals services shall be solely responsible for the transfer of all personnel within
5 health and hospitals services, and no personnel shall be transferred to or from health
6 and hospitals services to any other office of the department without his prior
7 approval.

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

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

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

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

26 (d) Adopt and promulgate rules and regulations providing for certification
27 of laboratories providing chemical analysis, analytical results, or other appropriate
28 test data to health and hospitals services which is required as a part of any permit
29 application, required by order of health and hospitals services or any office or agency

1 in health and hospitals services, required to be included on any monitoring reports
2 submitted to health and hospitals services or any such office or agency, or otherwise
3 required by the regulations adopted pursuant to state or federal laws. The regulations
4 shall provide for appropriate fees to be charged to develop and operate the laboratory
5 certification program.

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

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

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

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

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

19 (i) Licensing of health related professionals.

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

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

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

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

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

26 (vii) Certification of emergency medical services.

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

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

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

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

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

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

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

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

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

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

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

11 C.(1)(a)(i) The deputy secretary for health and hospitals services shall direct
12 and be responsible for the Medical Assistance Program, Title XIX of the Social
13 Security Act, including eligibility determination and those health planning and
14 resource development functions as are permissible under provisions of Title XIX of
15 the Social Security Act, Title XXI of the Social Security Act, and R.S. 46:976. Any
16 modification to the Medical Assistance Program approved by waiver by the United
17 States Department of Health and Human Services, Health Care Financing
18 Administration, that provides for a managed care or voucher system shall be
19 implemented by the deputy secretary for health and hospitals services but only after
20 the approved plan and any modifications thereto have been approved by the House
21 and Senate committees on health and welfare and the Joint Legislative Committee
22 on the Budget. Unless approved by such committees as provided in this
23 Subparagraph, modifications to the medical assistance program as provided herein
24 shall not be considered avoidance of a budget deficit in the case of medical
25 assistance programs, shall not be considered a means of securing new or enhanced
26 federal funding in medical assistance programs, and shall not be considered
27 necessary to avoid imminent peril to the public health, safety, or welfare; such
28 modification shall not be promulgated as emergency rules under the provisions of
29 R.S. 49:953(B) unless approved by such committees.

1 (ii) Any state Medicaid plan amendment shall provide assurances that for the
2 provisions of the plan being amended, the state's payment rates for hospital, nursing
3 facility, and institutional services shall be reasonable and adequate to meet the costs
4 that must be incurred by efficiently and economically operated facilities, and any
5 state Medicaid plan amendment shall comply with Section 1902(a)(13)(A) of the
6 Social Security Act, known as the Boren amendment. The requirements of this Item
7 shall not apply to state Medicaid plan amendments to implement a waiver approved
8 by both houses of the legislature in accordance with Item (i) of this Subparagraph.

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

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

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

17 (b) Develop and implement criteria, policies, and procedures concerning the
18 program.

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

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

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

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

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

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

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

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

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

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

18 D.(1) The deputy secretary for children and family services shall serve as the
19 chief administrative officer of children and family services and shall have
20 responsibility for the overall administration, control, and operation of the affairs of
21 children and family services. The deputy secretary for children and family services
22 shall exercise all powers and authority granted to him by law subject to the overall
23 direction and control of the governor and he shall report directly to the governor.
24 The duties and functions of the deputy secretary for children and family services
25 shall be as provided by law and shall not be subject to change by the department
26 secretary.

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

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

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

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

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

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

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

28 (c) Grant rights-of-way, servitudes, and easements across state-owned lands
29 under his jurisdiction to other public bodies, either state or local, for any public

1 purpose. He shall also have authority to grant rights-of-way, servitudes, and
2 easements across state lands under his jurisdiction to any other person or entity for
3 the purpose of laying pipelines, gas lines, water lines and for the transmission of
4 electricity for power and light, and also for telephone and telegraph lines, for railroad
5 lines or tracks, for road construction, and for drainage purposes, and to enter into the
6 necessary contracts therefor, which shall provide for the payment of an adequate
7 consideration. Such payment, in order to be considered as adequate consideration,
8 shall be based on payments made for other comparable contracts in the vicinity,
9 when available, providing compensation for rights-of-way, servitudes, easements,
10 and for damages relative thereto.

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

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

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

23 (ii)(aa) Not later than March 31, 1996, the secretary of the Department of
24 Health and Hospitals shall submit to the legislature a proposal for another welfare
25 reform program in this state. The program shall provide for a replacement, by July
26 1, 1999, of the public assistance program, the Aid to Families with Dependent
27 Children program, and to the extent that recipients of food coupons under the food
28 stamp program also receive Aid to Families with Dependent Children or public
29 assistance, the food stamp program under 7 U.S.C. 2011 to 2029. The program shall

1 provide for the continuation of the food stamp program for food stamp recipients
2 who are not recipients of Aid to Families with Dependent Children or public
3 assistance. The program shall also meet the following requirements:

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

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

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

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

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

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

22 (8)(a) There shall be an assistant deputy secretary of programs and an
23 assistant deputy secretary of operations of children and family services, each of
24 whom shall be appointed by the deputy secretary of children and family services
25 with consent of the Senate and shall serve at the pleasure of the deputy secretary of
26 children and family services at a salary fixed by the deputy secretary of children and
27 family services, which salary shall not exceed the amount approved for the
28 respective position by the legislature while in session. The assistant deputy secretary

1 of programs shall serve as acting deputy secretary of children and family services in
2 the absence of the deputy secretary of children and family services.

3 (b) The assistant deputy secretary of programs shall manage the division of
4 programs and perform the duties and functions of children and family services
5 related to program development and administration and development of rules and
6 policies to govern the various programs of the office of children and family services.

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

11 §256. Undersecretary; functions; office of management and finance for health and
12 hospitals services; division of management and finance of office of children
13 and family services

14 A.(1) There shall be an undersecretary of ~~the Department of Health and~~
15 Hospitals ~~health and hospitals services~~, who shall be appointed by the governor with
16 the consent of the Senate and who shall serve at the pleasure of the governor at a
17 salary fixed by the governor, which salary shall not exceed the amount approved for
18 such position by the legislature while in session. The undersecretary shall be directly
19 responsible to the deputy secretary for health and hospitals services and shall
20 perform his functions under the supervision and control of the deputy secretary for
21 health and hospitals services.

22 B: (2) The undersecretary of health and hospitals services shall direct and be
23 responsible for the functions of the office of management and finance within ~~the~~
24 ~~Department of Health and Hospitals~~ health and hospitals services. In such capacity,
25 he shall be responsible for accounting and budget control, procurement and contract
26 management, data processing, personnel management, and facility construction and
27 consulting services, for ~~the department and all of its offices, including all agencies~~
28 ~~transferred to the Department of Health and Hospitals~~, health and hospitals services,
29 including all agencies in health and hospitals services, except as otherwise provided

1 in this Title. He shall employ, appoint, remove, assign, and promote such personnel
2 as is necessary for the efficient administration of the office of management and
3 finance and the performance of its powers, duties, functions, and responsibilities, in
4 accordance with applicable civil service laws, rules, and regulations, and with
5 policies and rules of ~~the department~~ health and hospitals services, all subject to
6 budgetary control and applicable laws. The undersecretary shall exercise all powers
7 and authority granted to him in this Title subject to the overall direction and control
8 of the deputy secretary for health and hospitals services.

9 ~~C.~~ (3) The duties and functions of the office of management and finance of
10 health and hospitals services and of the undersecretary of health and hospitals
11 services shall be as provided in this ~~Section~~ Subsection and these duties and
12 functions shall not be subject to change by the secretary or the deputy secretary for
13 health and hospitals services, except that the undersecretary shall perform such
14 additional duties and functions as are assigned by the secretary or the deputy
15 secretary for health and hospitals services.

16 B.(1) There shall be an undersecretary of children and family services, who
17 shall be appointed by the governor with the consent of the Senate and who shall
18 serve at the pleasure of the governor at a salary fixed by the governor, which salary
19 shall not exceed the amount approved for such position by the legislature while in
20 session. The undersecretary shall be directly responsible to the deputy secretary for
21 children and family services and shall perform his functions under the supervision
22 and control of the deputy secretary for children and family services.

23 (2) The undersecretary shall direct and be responsible for the functions of the
24 division of management and finance, within the office of children and family
25 services within children and family services of the Department of Health and
26 Hospitals and Children and Family Services. In such capacity, he shall be
27 responsible for accounting and budget control, procurement and contract
28 management, data processing, personnel management, grants management, and
29 facility construction and consulting services for children and family services and all

1 of its component entities as provided in R.S. 36:251(C)(1)(c), except as otherwise
2 specifically provided in this Title. The undersecretary shall exercise all powers and
3 authority granted to him in this Title subject to the overall direction and control of
4 the deputy secretary for children and family services.

5 (3) The duties and functions of the division of management and finance,
6 within the office of children and family services and of the undersecretary shall be
7 as provided in this Subsection, and these duties and functions shall not be subject to
8 change by the secretary nor the deputy secretary for children and family services,
9 except that the undersecretary shall perform such additional duties and functions as
10 are assigned by the secretary or the deputy secretary for children and family services.

11 §257. Assistant secretaries

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

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

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

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

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

20 §259. Transfer of agencies and functions to Department of Health and Hospitals and
21 Children and Family Services

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

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

28 (1) Greenwell Springs Hospital (Greenwell Springs)

29 (9) Southeast Louisiana State Hospital (Mandeville)

- 1 (10) East Louisiana State Hospital (Jackson)
- 2 (11) Jonesboro Charity Hospital (Jonesboro)
- 3 (12) Central Louisiana State Hospital (Pineville)
- 4 (13) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(3); R.S.
5 28:451.4)
- 6 (14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9); R.S.
7 28:451.4)
- 8 (16) The mental health facilities located in New Orleans, Baton Rouge,
9 Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond,
10 Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville,
11 Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland,
12 Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale,
13 and any other state owned or operated facilities as may be hereinafter established
14 (R.S. 28:22.4-22.5)
- 15 (21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6); R.S.
16 28:451.4)
- 17 (23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S.
18 40:2142).
- 19 D. The following agencies, as defined in R.S. 36:3, are placed within the
20 Department of Health and Hospitals and Children and Family Services and shall
21 perform and exercise their powers, duties, functions, and responsibilities as
22 otherwise provided by law:
- 23 (1) Louisiana state office of rural health (R.S. 40:2195.1)
- 24 (3) Louisiana State Child Death Review Panel (R.S. 40:2019)
- 25 (4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104)
26 (Established by the Louisiana Licensed Professional Counselors Board of
27 Examiners).
- 28 (5) Nursing Home Emergency Preparedness Review Committee (R.S.
29 40:2009.25)

- 1 (6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)
- 2 (7) Louisiana Birth Defects Surveillance System Advisory Board (R.S.
3 40:31.41 et seq.)
- 4 (8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et
5 seq.)
- 6 (9) Health Data Panel (R.S. 40:1300.111 et seq.)
- 7 (10) The Louisiana Standards for Water Works Construction, Operation, and
8 Maintenance Committee (R.S. 40:4.13).
- 9 E. The following agencies, as defined in R.S. 36:3, are transferred to and
10 hereafter shall be within the Department of Health and Hospitals and Children and
11 Family Services, as provided in R.S. 36:803:
- 12 (1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)
- 13 (2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)
- 14 (3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)
- 15 (4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)
- 16 (5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et
17 seq.)
- 18 (6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)
- 19 (7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)
- 20 (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611
21 et seq.; R.S. 37:1261 et seq.)
- 22 (9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831
23 et seq.)
- 24 (10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)
- 25 (11) Louisiana Board of Examiners for Speech-Language Pathology and
26 Audiology (R.S. 37:2650 et seq.)
- 27 (12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)
- 28 (13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501
29 et seq.)

1 (14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)

2 (16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)

3 (17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)

4 (20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)

5 (21) The Louisiana Licensed Professional Vocational Rehabilitation
6 Counselors Board of Examiners (R.S. 37:3441 et seq.)

7 (23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).

8 (25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)

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

14 (1) Louisiana Health and Human Resources Administration (~~R.S. 46:1751-~~
15 ~~46:1767,~~ and generally, Chapters 1 and 11 of Title 40 and all of Title 46 of the
16 Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that
17 the cited provisions provide with respect to agencies or functions placed in or
18 transferred to the Department of Health and Hospitals and Children and Family
19 Services.

20 (9) Louisiana State Board of Health and the Louisiana Department of Health
21 and all its subsidiary boards. (Such provisions of Title 40 of the Louisiana Revised
22 Statutes of 1950 as are applicable to the abolished board and department)

23 (10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.)

24 (16) Anatomical Board (R.S. 17:2271 et seq.)

25 (18) Board of Commissioners of the South Louisiana Health Services
26 District (R.S. 28:241 et seq.)

27 (20) Nursing Home Advisory Committee (R.S. 40:2009.1)

28 (21) Hospital Licensing Council (R.S. 40:2108)

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

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

11 I. The following agencies, as defined in R.S. 36:3, are placed within the
12 Department of Health and Hospitals and Children and Family Services and shall
13 exercise and perform their powers, duties, functions, and responsibilities in the
14 manner provided for agencies transferred in accordance with the provisions of R.S.
15 36:802:

16 (3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S.
17 40:2018)

18 (5) Water Supply and Sewerage Systems Certification Committee (R.S.
19 40:1141 et seq.)

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

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

28 K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S.
29 46:153.3) is placed within the Department of Health and Hospitals and Children and

1 Family Services and shall perform and exercise its powers, duties, functions, and
2 responsibilities as provided by law.

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

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

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

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

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

27 Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S.
28 37:3081 et seq.) is placed within the Department of Health and Hospitals and
29 Children and Family Services and shall exercise and perform its powers, duties,

1 functions, and responsibilities in the manner provided for agencies transferred in
2 accordance with R.S. 36:803.

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

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

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

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

23 X. The Advisory Committee on Hospice Care (R.S. 40:2190 et seq.) is
24 placed within the Department of Health and Hospitals and Children and Family
25 Services and shall exercise and perform its powers, duties, functions, and
26 responsibilities in the manner provided for agencies transferred as provided in Part
27 III of Chapter 22 of this Title.

28 BB. The following agencies, as defined in R.S. 36:3, are placed within the
29 Department of Health and Hospitals and Children and Family Services and shall

1 perform and exercise their powers, duties, functions, and responsibilities in the
2 manner provided for agencies transferred in accordance with the provisions of R.S.
3 36:914:

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

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

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

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

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

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

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

28 GG. The Louisiana Emergency Medical Services Certification Commission
29 (R.S. 40:1231 et seq.) is placed within the Department of Health and Hospitals and

1 Children and Family Services and shall perform and exercise its powers, duties,
2 functions, and responsibilities in the manner provided for agencies transferred in
3 accordance with R.S. 36:919.4.

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

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

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

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

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

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

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

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

5 QQ. The Child Poverty Prevention Council for Louisiana (R.S. 46:2801-
6 2802) is transferred to and hereafter placed within the Department of Health and
7 Hospitals and Children and Family Services and shall exercise and perform its
8 powers, duties, functions, and responsibilities in the manner provided for agencies
9 transferred in accordance with the provisions of R.S. 36:801.

10 RR. The Council on the Status of Grandparents Raising Grandchildren (R.S.
11 46:2911 et seq.) is placed within the Department of Health and Hospitals and
12 Children and Family Services and shall exercise and perform its powers, duties,
13 functions, and responsibilities in the manner provided for agencies transferred in
14 accordance with the provisions of R.S. 36:801.

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

19 Section 2. R.S. 36:4(A)(10), 254(A)(9) through (14), (B)(5) through (7), and (9), and
20 (D), and Chapter 10-A of Title 36 of the Louisiana Revised Statutes of 1950, comprised of
21 R.S. 36:471 through 478, are hereby repealed in their entirety.

22 Section 3. In accordance with the purposes of the Executive Reorganization Act, it
23 is the purpose of this Act to promote economy and efficiency in the operation and
24 management of the functions of the state relative to health and social services, to strengthen
25 the capacity of the executive branch of state government for effective, efficient, and
26 economic administration while also improving the quality of the functions performed and
27 the programs and services rendered for the citizens of the state, and to eliminate to the fullest
28 practicable extent duplication of effort within the executive branch of state government.
29 This Act is intended to serve these purposes by providing for the reorganization and

1 consolidation of the powers, duties, functions, and responsibilities of state agencies and
2 entities relating to health and social services.

3 Section 4.(A) On August 1, 2014, the Department of Health and Hospitals and the
4 Department of Children and Family Services, hereafter in this Section referred to as the
5 "prior departments" or individually as a "prior department", shall be abolished and the
6 Department of Health and Hospitals and Children and Family Services, hereafter in this
7 Section referred to as the "new department", shall be created. All unfinished business,
8 references in laws and documents, employees, property, obligations, and books and records
9 of the prior departments shall be transferred as provided in this Section. Upon the abolition
10 of the prior departments, any pending or unfinished business of the prior departments shall
11 be taken over and be completed by the new department with the same power and
12 authorization as that of the prior departments, with business of the Department of Health and
13 Hospitals to be taken over and completed by health and hospitals services of the new
14 department and business of the Department of Children and Family Services to be taken
15 over and completed by children and family services of the new department. The new
16 department through health and hospitals services and children and family services shall be
17 the successor in every way to the prior departments for the purpose of completing such
18 business. Any reference in laws and documents to either of the prior departments shall be
19 deemed to apply to the new department and to health and hospitals services or children and
20 family services as the case may be. Any legal proceeding to which either of the prior
21 departments is a party and which is filed, initiated, or pending before any court on the
22 effective date of this Section, and all documents involved in or affected by said legal
23 proceeding, shall retain their effectiveness and shall be continued in the name of the new
24 department through health and hospitals services or children and family services as the case
25 may be. All further legal proceedings and documents in the continuation, disposition, and
26 enforcement of such legal proceeding shall be in the name of the new department through
27 health and hospitals services or children and family services as the case may be, and the new
28 department through health and hospitals services or children and family services as the case
29 may be shall be substituted for the prior departments without necessity for amendment of

1 any document. This Act shall not be construed so as to impair the effectiveness of any rule
2 or policy of either of the prior departments and any such rule or policy shall remain effective
3 as provided therein or until changed in accordance with law. This Act shall not be construed
4 so as to impair the contractual or other obligations of either of the prior departments or of
5 the state of Louisiana. All obligations of the prior departments shall be the obligations of
6 the new department. The new department through health and hospitals services or children
7 and family services as the case may be shall be the successor in every way to the prior
8 departments, including all of their obligations and debts. All appropriations, dedications, and
9 allocations of revenues and sources of revenues heretofore made to or for either of the prior
10 departments shall continue in the same manner, to the same extent, and for the same
11 purposes as were provided prior to the enactment of this Act, unless and until other provision
12 is made therefor. All books, papers, records, money, actions, and other property of every
13 kind, movable and immovable, real and personal, heretofore possessed, controlled, or used
14 by either of the prior departments is hereby transferred to the new department through health
15 and hospitals services or children and family services as the case may be. All employees
16 heretofore engaged in the performance of duties of either of the prior departments, insofar
17 as practicable and necessary, are transferred to the new department through health and
18 hospitals services or children and family services as the case may be and insofar as
19 practicable and necessary shall continue to perform the duties heretofore performed, subject
20 to policies and procedures of the new department through health and hospitals services or
21 children and family services as the case may be, applicable state civil service laws, rules, and
22 regulations, and other applicable laws. Subject to such laws and rules, positions in the
23 unclassified service shall remain in the unclassified service.

24 (B) When the Department of Health and Hospitals and the Department of Children
25 and Family Services are abolished and the Department of Health and Hospitals and Children
26 and Family Services is created, the office of public health, the office of behavioral health,
27 the office for citizens with developmental disabilities, the office of aging and adult services,
28 and the office of children and family services of the prior departments, referred to in this
29 Subsection as prior offices, shall be continued as offices of the new department, referred to

1 in this Subsection as new offices. The office of management and finance for health and
2 hospitals services of the new department, referred to in this Subsection as a new office, shall
3 be the successor of the office of management and finance of the Department of Health and
4 Hospitals, referred to in this Subsection as a prior office. The new offices shall each be the
5 successor of the prior office. The new offices shall have the powers, duties, functions, and
6 responsibilities as provided in this Act. All unfinished business, references in laws and
7 documents, property, and obligations of the prior offices shall be transferred as provided in
8 this Subsection. Upon the effective date of this Act, any pending or unfinished business of
9 a prior office shall be taken over and be completed by the successor office with the same
10 power and authorization as that of the prior office and the new office shall be the successor
11 in every way to the prior office for the purpose of completing such business. Any reference
12 in laws and documents to any prior office shall be deemed to apply to the new office. Any
13 legal proceeding to which a prior office is a party and which is filed, initiated, or pending
14 before any court on the effective date of this Act, and all documents involved in or affected
15 by said legal proceeding, shall retain their effectiveness and shall be continued in the name
16 of the new office. All further legal proceedings and documents in the continuation,
17 disposition, and enforcement of such legal proceeding shall be in the name of the new office,
18 and the new office shall be substituted for the prior office or offices without necessity for
19 amendment of any document. This Act shall not be construed so as to impair the
20 effectiveness of any rule or policy of either of the prior offices and any such rule or policy
21 shall remain effective as provided therein or until changed in accordance with law. This Act
22 shall not be construed so as to impair the contractual or other obligations of a prior office or
23 of the state of Louisiana. All obligations of a prior office shall be the obligations of the
24 respective successor office. The new office shall be the successor in every way to the prior
25 office, including all of its obligations and debts. All dedications and allocations of revenues
26 and sources of revenues heretofore made to or for any prior office shall continue in the same
27 manner, to the same extent, and for the same purposes as were provided prior to the
28 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

1 Services". The Louisiana State Law Institute shall change all references to the Department
 2 of Health and Hospitals, the Department of Children and Family Services, or to both
 3 departments that remain in such bodies of law from the Department of Health and Hospitals,
 4 the Department of Children and Family Services, or both to the Department of Health and
 5 Hospitals and Children and Family Services, except historic references to such departments
 6 in provisions having no prospective application.

7 (F) The Louisiana State Law Institute shall change references in such provisions to
 8 the secretary of health and hospitals to the deputy secretary for health and hospitals and
 9 references in such provisions to the secretary of children and family services to the deputy
 10 secretary for children and family services and shall make appropriate changes in references
 11 to other offices and officers of the former departments to the appropriate offices and officers
 12 of the new department.

13 Section 5. This Act has the effect of abolishing one of the twenty departments in the
 14 executive branch of state government, and pursuant to the provisions of Act No. 384 of the
 15 2013 Regular Session of the Legislature, Sections 1 through 7 of Act No. 384 of the 2013
 16 Regular Session of the Legislature shall become effective on August 1, 2014.

17 Section 6. This Act shall become effective on August 1, 2014.

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)]

Harrison

HB No. 1256

Abstract: Creates the Dept. of Health and Hospitals and Children and Family Services, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS), and provides for health and hospitals services and children and family services as separate, independent entities in the new department as the successors of DHH and DCFS respectively.

Present constitution provides that all offices, agencies, and other instrumentalities of the executive branch of state government and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than 20 departments. Excludes the offices of governor and lieutenant governor from such allocation. Provides that such allocation shall be as provided by law.

Present law provides for the 20 departments and includes within the 20 departments the Dept. of Health and Hospitals (DHH) and Dept. of Children and Family Services (DCFS). Present law provides for department structure, including offices and officers and their

powers and duties. Present law provides for the allocation of agencies and functions of abolished agencies to the departments.

Proposed law abolishes DHH and DCFS and provides for the Dept. of Health and Hospitals and Children and Family Services (DHHCFSS). Gives the new department the responsibilities of the two abolished departments. Provides that the department is composed of the executive office of the secretary, health and hospitals services, children and family services, and such other offices as shall be created by law.

Proposed law provides that there may be a department secretary who, if appointed, is to be appointed by the governor with consent of the Senate to serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. Provides for the secretary's powers and duties. However, these are limited by grants of authority to the deputy secretaries.

Proposed law provides the same components for health and hospitals services as present law provides for DHH. Provides that 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, as well as all agencies transferred to the new 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 related personnel.

Proposed law provides the same components for children and family services as present law provides for DCFS. Provides that 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, and shall also include 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 children and family services, and personnel necessary to carry out their functions, as well as 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 related personnel.

Proposed law provides that the deputy secretary for health and hospitals services and the deputy secretary for children and family services shall be appointed by the governor with Senate consent and serve at the governor's pleasure at a salary set by the governor. They report directly to the governor and are subject to his overall direction and control.

Proposed law grants the deputy secretary for health and hospitals services present law powers of the DHH secretary relative to Medicaid, the State Children's Health Insurance Program, the Drinking Water Revolving Loan Fund. Provides that he is the chief administrative officer of health and hospitals services and has responsibility for the overall administration, control, and operation of the affairs of health and hospitals services. The secretary cannot change his duties and functions. Health and hospitals services and all of its component entities are under the supervision and direction of the deputy secretary for health and hospitals services. He has personnel authority for health and hospitals services. He is granted other specific powers and responsibilities relative to health and hospital services that present law gives the DHH secretary, including rulemaking for health and hospitals services, licensing of health related professionals and facilities, and Medicare and Medicaid certification.

Proposed law provides that the deputy secretary for children and family services shall serve as the chief administrative officer of children and family services and has responsibility for the overall administration, control, and operation of the affairs of children and family services. The secretary cannot change his duties and functions. Children and family services and all of its component entities are under the supervision and direction of the deputy secretary for children and family services. He has personnel authority for children and family services. He is granted other specific powers and responsibilities relative to children and family services that present law gives the DCFS secretary, including rulemaking for children and family services. He is responsible for management and program analysis and policy planning and evaluation. He has responsibility for the state plan for participation in the Child Care and Development Block Grant Program and in the Title IV-A federal program to assist families at risk of welfare dependency.

Present law provides for a deputy secretary for programs and a deputy secretary of operations for DCFS. Proposed law provides instead for assistant deputy secretaries who are appointed by the deputy secretary (present law provides for appointment by the DCFS secretary) with the same responsibilities as in present law.

Present law provides for an office of management and finance in DHH headed by an undersecretary appointed by the governor. Proposed law provides for an office of management and finance of health and hospitals services headed by an undersecretary appointed in the same manner and with the same duties and responsibilities for health and hospitals services as present law provides for DHH. The undersecretary of health and hospitals services is directly responsible to the deputy secretary for health and hospitals services.

Present law provides for an undersecretary for DCFS who heads the division of management and finance, within the office of children and family services in DCFS. He is appointed by the governor. Proposed law provides for an undersecretary for children and family who heads the division of management and finance, within the office of children and family services in children and family services with the same duties and responsibilities for children and family services as provided in present law for DCFS. He is directly responsible to the deputy secretary for children and family services.

Present law and proposed law provide for an assistant secretary for each office except the office of management and finance. Proposed law also excepts the office of children and family services, which shall be under the immediate supervision and direction of the deputy secretary for children and family services. Provides that the duties and functions of each office and its assistant secretary shall be determined by and exercised under the direct supervision and control of the appropriate deputy secretary.

Proposed law transfers the agencies placed by present law in DHH and DCFS into the new department in accordance with the same provisions as provided in present law.

Proposed law provides for implementation and provides that on Aug. 1, 2014, any pending or unfinished business of the prior departments shall be taken over and be completed by the new department with the same power and authorization as that of the prior departments, with business of DHH to be taken over and completed by health and hospitals services and business of DCFS to be taken over and completed by children and family services. Provides that the new department through health and hospitals services and children and family services shall be the successor in every way to the prior departments for the purpose of completing such business. Provides for the transfer of references in laws and documents, employees, property, obligations, and books and records. Provides for the continued effectiveness of rules and policies of the prior departments and offices. Provides for the continuation of pending legal proceedings and the effectiveness of related documents in the name of the new department and new offices. Continues dedications and allocations of revenues and sources of revenues made to or for either of the prior departments or offices in the same manner, to the same extent, and for the same purposes, unless and until other

provision is made therefor. Provides that the Act shall not be construed or applied to prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the U.S. Congress or any regulation providing for federal assistance.

Proposed law provides that the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, the office of aging and adult services, and the office of children and family services of the prior departments shall be continued as offices of the new department. Provides that the office of management and finance for health and hospitals services shall be the successor of the office of management and finance of DHH. Provides that new offices shall each be the successor of the prior office. Also provides that the deputy secretary of health and hospitals services shall be the successor of the DHH secretary and the deputy secretary for children and family services shall be the successor of the DCFS secretary.

Proposed law provides for the Louisiana State Law Institute to change all references in law to the Department of Health and Hospitals, the Department of Children and Family Services, or to both departments to the name of the new department and references to the secretary of health and hospitals to the deputy secretary for health and hospitals and references to the secretary of children and family services to the deputy secretary for children and family services and shall make appropriate changes in references to other offices and officers of the former departments to the appropriate offices and officers of the new department.

Proposed law provides, since the Act has the effect of abolishing one of the twenty departments in the executive branch of state government, that on Aug. 1, 2014, pursuant to Act No. 384 of the 2013 RS, Sections 1 through 7 of Act No. 384 of the 2013 RS (establishing and providing for the Dept. of Elderly Affairs) shall become effective.

Effective on August 1, 2014.

(Amends R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7), (B)(1)(a)(intro. para.), and (C), 254.1(A), (B), and (C)(intro. para.), (2) and (4), 254.2, 255, 256, 257, 258(A) and (F), and 259; Adds R.S. 36:258(M); Repeals R.S. 36:4(A)(10), 254(A)(9) through (14), (B)(5)-(7), and (9), and (D), and 471-478)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removes provisions of proposed law that provided for DCFS to be a state agency and transferred it into DHH subject to provisions (R.S. 36:801.1) making it an independent agency within DHH.
2. Removes present law provisions for DHH and DCFS and provides for the Dept. of Health and Hospitals and Children and Family Services comprised of health and hospital services (as the successor of DHH) and children and family services (as the successor of DCFS). Provides for the component entities of health and hospitals services and children and family services and for their officers. Provides for the deputy secretary of health and hospital services to be the successor of the secretary of DHH and for the deputy secretary of children and family services to be the successor of the secretary of DCFS. Transfers powers and duties of the departments and of the secretaries to their successors.