

SENATE BILL NO. 498

BY SENATORS HEITMEIER AND ALARIO

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2116.1. Definitions

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

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

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

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

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

~~(b) Dressing.~~

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

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

2 ~~(e) Transfers.~~

3 ~~(f) Routine bathing.~~

4 ~~(g) Ambulation.~~

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

6 ~~(4)~~**(3)** "Secretary" means the secretary of the Department of Health and
7 Hospitals.

8 ~~(5)~~**(4)** "Person with significant disabilities" means a person with loss of
9 sensory or motor functions interfering with activities of daily living to the extent that
10 the person requires assistance with nonmedical personal care needs, domestic or
11 cleaning needs, dressing and undressing, moving into and out of bed, ambulation,
12 related services including but not limited to meal preparation, laundry, and grocery
13 shopping, and other similar activities of daily living.

14 §2116.2. State Personal Assistance Services Program; creation; eligibility
15 requirements; evaluation

16 * * *

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

19 * * *

20 (2) Is ~~between the ages of~~ **age** eighteen ~~and sixty years~~ **or older** at inception
21 of services; ~~a person who begins to receive services between the ages of eighteen and~~
22 sixty ~~shall continue to receive services after the age of sixty~~, provided that all other
23 eligibility requirements are met.

24 * * *

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

26 * * *

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

29 * * *

30 §2116.3. Subsidy; eligibility; status

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

4 * * *

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

8 * * *

9 §2116.5. Rules; program retroactive

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

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

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

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

18 ~~(d)~~**(4)** Criteria for determining prioritization of the State Personal Assistance
 19 **Services** Program waiting list.

20 ~~(2) In developing and maintaining a state personal assistance policy, the~~
 21 ~~secretary shall solicit consultation from an advisory panel, that shall include~~
 22 ~~representatives from the fiscal agents, and consumers.~~

23 * * *

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____