
SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 465 by Senator Barrow

1 AMENDMENT NO. 1

2 On page 1, line 3, change "2162.15" to "2162.16"

3 AMENDMENT NO. 2

4 On page 1, line 7, after "fee;" insert "to provide for a funding formula;"

5 AMENDMENT NO. 3

6 On page 1, line 11, change "2162.15" to "2162.16"

7 AMENDMENT NO. 4

8 On page 2, delete lines 15 through 30 and delete pages 3 through 6 in their entirety and insert
9 the following:

10 **§2162.4. Licensing required**

11 **A. No agency, business, institution, society, corporation, person or**
12 **persons, or any other group shall establish or operate a freestanding emergency**
13 **medical care facility in this state without a license issued by the department**
14 **pursuant to this Part.**

15 **B. A license issued to a freestanding emergency medical care facility shall**
16 **be valid for only one geographic location, and shall be issued only for the person**
17 **and premises named in the license application. Each separate facility shall have**
18 **a separate license.**

19 **C. A license issued under this Part shall be valid for one year from the**
20 **date of issuance, unless revoked or suspended prior to that date.**

21 **D. A license issued under this Part shall expire on the last day of the**
22 **twelfth month after the date of issuance, unless otherwise renewed, or as set**
23 **forth in rules promulgated by the department.**

24 **E. A license issued under this Part shall be on a form prescribed by the**
25 **department.**

26 **F. A license issued under this Part shall not be transferrable or**
27 **assignable.**

28 **G. A license issued to a freestanding emergency medical care facility**
29 **shall be posted in a conspicuous place on the licensed premises.**

30 **H. Notwithstanding the provisions of R.S. 40:2162.5, no facility, person,**
31 **or entity shall hold itself out to the public as a freestanding emergency medical**
32 **care facility or use any similar term that would give the impression that the**
33 **facility or person is providing emergency care unless the facility, person or**
34 **entity holds a license issued pursuant to this Part.**

35 **§2162.5. Exemptions**

36 **The following facilities are not required to be licensed pursuant to this**
37 **Part:**

38 **(1) An office or clinic owned and operated by a manufacturing facility**
39 **solely for the purposes of treating its employees and contractors.**

40 **(2) Temporary emergency clinics in disaster areas.**

41 **(3) An office or clinic of a licensed physician, dentist, optometrist, or**
42 **podiatrist.**

43 **(4) A licensed nursing home.**

44 **(5) A licensed hospital.**

45 **(6) A licensed ambulatory surgical center.**

1 **(7) An urgent care clinic.**

2 **§2162.6. Rules and regulations; licensing standards**

3 **A. The licensing agency of the department is hereby authorized and**
 4 **directed to promulgate rules, regulations, and licensing standards, in**
 5 **accordance with the Administrative Procedure Act, to provide for the licensure**
 6 **of freestanding emergency medical care facilities, and to provide for the health,**
 7 **safety, and welfare of persons receiving services from such facilities or**
 8 **providers, and to provide for the safe operation of such facilities. The rules,**
 9 **regulations, and licensing standards shall become effective upon approval of the**
 10 **secretary of the department in accordance with the Administrative Procedure**
 11 **Act. These rules, regulations, and licensing standards shall have the effect of**
 12 **law.**

13 **B. The licensing agency of the department shall promulgate and publish**
 14 **rules, regulations, and licensing standards to include but not be limited to the**
 15 **following:**

- 16 **(1) Licensing application and renewal application procedures and**
 17 **requirements.**
- 18 **(2) Administration of the facility.**
- 19 **(3) Operational, staffing, and personnel requirements.**
- 20 **(4) Qualifications of required professional staff and other personnel.**
- 21 **(5) Practice standards to assure quality of care.**
- 22 **(6) Practice standards to assure the health, safety, welfare, rights, and**
 23 **comfort of patients, clients, and persons receiving services.**
- 24 **(7) Survey and complaint investigations.**
- 25 **(8) Initial license, renewal of license, full license, and provisional license.**
- 26 **(9) Denial, revocation, suspension, and nonrenewal of licenses, and the**
 27 **appeals therefrom.**
- 28 **(10) Planning, construction, and design of the facility.**
- 29 **(11) Such other regulations and standards as will ensure proper care and**
 30 **treatment of patients, clients, and persons receiving services.**

31 **§2162.7. License issuance; application; on-site inspection**

32 **A. Each application for licensure of a freestanding emergency medical**
 33 **care facility shall be submitted to the department on forms provided by the**
 34 **licensing agency and shall contain such information as the agency may require.**
 35 **Additional information required by the licensing agency shall be provided by**
 36 **the applicant as requested.**

37 **B. Following receipt of the completed application, the licensing agency**
 38 **shall perform an on-site survey and inspection. If, after the on-site survey and**
 39 **inspection, the licensing agency finds that the facility or provider meets the**
 40 **requirements established under this Part and the licensing rules, regulations**
 41 **and standards adopted pursuant to this Part, a license shall be issued.**

42 **C. As a condition for renewal of a license, the licensee shall submit to the**
 43 **department's licensing agency, a completed annual renewal application on**
 44 **forms prescribed by the licensing agency which shall contain such information**
 45 **as required by the agency. Upon receipt of the completed annual renewal**
 46 **application, the licensing agency shall determine if the facility continues to meet**
 47 **the requirements established under this Part and the licensing rules, regulations**
 48 **and standards adopted pursuant to this Part. The licensing agency may perform**
 49 **an on-site survey and inspection upon annual renewal. If the facility continues**
 50 **to meet the requirements established under this Part and the licensing rules,**
 51 **regulations, and standards adopted pursuant to this Part, the license shall be**
 52 **renewed.**

53 **D. The licensing agency may perform on-site inspections as necessary to**
 54 **ensure compliance with the provisions of this Part.**

55 **E. Each licensing application and each licensing renewal application**
 56 **submitted to the department shall be accompanied by a nonrefundable licensing**
 57 **fee in an amount set by the secretary. The secretary shall establish licensing**
 58 **and survey fees in amounts reasonable and necessary to cover the costs of**
 59 **administering this Part.**

1 **§2162.8. Operation without license; penalty**

2 **A. A freestanding emergency medical care facility shall not operate**
3 **without a license issued by the department. Any such facility operating without**
4 **a license shall be guilty of a misdemeanor and upon conviction shall be fined no**
5 **less than five hundred dollars nor more than one thousand dollars. Each day of**
6 **violation shall constitute a separate offense. It shall be the responsibility of the**
7 **department to inform the appropriate district attorney of the alleged violation**
8 **to assure enforcement.**

9 **B. If a freestanding emergency medical care facility is operating without**
10 **a license issued by the department, the department shall have the authority to**
11 **issue an immediate cease and desist order to that facility. Any such facility**
12 **receiving such a cease and desist order from the department shall immediately**
13 **cease operations until such time as that facility is issued a license by the**
14 **department.**

15 **C. The department shall seek an injunction in the Nineteenth Judicial**
16 **District Court against any facility or entity that receives a cease and desist order**
17 **from the department under Subsection B of this Section and that does not cease**
18 **operations immediately. Any such facility or entity against whom an injunction**
19 **is granted shall be liable to the department for attorney fees, costs, and**
20 **damages.**

21 **§2162.9. Facility operation**

22 **A licensed freestanding emergency medical care facility shall be in**
23 **continuous operation twenty-four hours per day, seven days per week.**

24 **§2162.10. Facility care requirements; complaints**

25 **A. All licensed freestanding emergency medical care facilities shall**
26 **comply with current provisions of the Emergency Medical Treatment and**
27 **Active Labor Act (EMTALA).**

28 **B. Before a facility accepts any patient for treatment or diagnosis, the**
29 **facility shall enter into a referral, transmission, or admission agreement with**
30 **a hospital licensed in this state; such licensed hospital shall be within a**
31 **thirty-five mile radius of the facility.**

32 **C. A person may file a complaint with the department against a facility**
33 **licensed pursuant to this Part."**

34 **AMENDMENT NO. 5**

35 On page 11, after line 30, insert the following:

36 **"§2162.16. Funding formula**

37 **A. The Department of Health and Hospitals shall develop a funding**
38 **formula to provide for payment of enhanced reimbursement rates to**
39 **freestanding emergency care facilities. The source of funds for any enhanced**
40 **rates shall be from efficiencies achieved through patient care management of**
41 **the Medicaid Bayou Health plans and savings achieved through reduced**
42 **utilization of hospital based emergency departments.**

43 **B. The department is hereby authorized to promulgate any rules or**
44 **regulations, in accordance with the Administrative Procedures Act, as may be**
45 **necessary to carry out the purpose of this Section."**