

2017 Regular Session

SENATE BILL NO. 58

BY SENATOR MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Provides relative to the statewide human services districts and authorities. (gov sig)

AN ACT

To amend and reenact R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918, to enact R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7, and to repeal R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896, Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901 through 906, and R.S. 28:919 and 920, relative to the statewide human services districts and authorities; to provide for legislative intent; to provide for definitions; to provide for board and district identification; to provide for governing board membership; to provide for terms; to provide for education and training for board members; to provide for sole source contracting to specific community partners; to provide for interagency council actions and obligations; to provide for coordination with the Louisiana Department of Health; to repeal expired statutes; to repeal duplicate provisions of law; to provide for an effective date; and

1 to provide for related matters.

2 Be it enacted by the Legislature of Louisiana:

3 Section 1. R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918 are hereby amended
4 and reenacted and R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7 are
5 hereby enacted to read as follows:

6 **§910. Legislative intent and public policy**

7 **A. The legislature finds and declares that state funded behavioral health**
8 **care and care for persons with intellectual disabilities and developmental**
9 **disabilities are better directed at a local level to ensure local accountability,**
10 **responsiveness to the unique needs of the community, and the establishment of**
11 **local partnerships and relationships with other local agencies that serve**
12 **individuals in the community.**

13 **B. The legislature also finds and declares that the statutory creation of**
14 **the ten statewide human services districts and authorities was intended to serve**
15 **this purpose and each has done so since initial inception and completion of the**
16 **readiness assessment enacted by the legislature.**

17 **C. The legislature further finds and declares that it is now time to move**
18 **past the readiness assessment phase of operation of the statewide human**
19 **services districts and authorities through a modernization and consolidation of**
20 **the law established in this Part.**

21 **D. The legislature therefore declares that this Part establishes the**
22 **evolution of the statewide human services districts and authorities to create a**
23 **more robust opportunity for them to excel at their mission of being the**
24 **community director for behavioral health services and services for individuals**
25 **with intellectual disabilities and developmental disabilities.**

26 §911. Definitions

27 As used in this Chapter and unless the context clearly requires otherwise:

28 (1) "Behavioral health services" means community-based mental health and
29 addictive disorders services.

1 (2) "Board" means the governing body of the district **or authority**.

2 (3) "Case records" means medical and treatment records, records and
3 investigations of abuse or neglect of adults, records of public health services
4 including children's special health services, nutrition, and immunization, and other
5 medical, disability, or behavioral health service records related to services provided
6 by the district **or authority** or the department.

7 (4) "Department" means the Louisiana Department of Health.

8 (5) ~~"District" means the human services district or authority.~~

9 (6) ~~"Human services accountability plan", referred to in this Chapter as
10 "accountability plan", means the statewide human services plan developed by the
11 department in consultation with the Human Services Interagency Council which sets
12 forth the criteria, process, timelines, guidelines for service delivery, clinical
13 protocols, evidence-based practices, quality management and monitoring, data
14 collection and reporting, performance outcome measures, information management,
15 and readiness assessment protocols to be followed by the department and the
16 districts.~~

17 (7) ~~"Human services district or authority", referred to in this Chapter as or
18 "district **or authority**", means an existing or newly created **a** local governmental
19 **governing** entity, **as identified in R.S. 28:912(A)**, with local accountability and
20 management of behavioral health, **intellectual disability**, and developmental
21 **disabilities** **disability** services as well as any public health or other services
22 contracted to the district **or authority** by the department.~~

23 (8) ~~"Human services framework", referred to in this Chapter as "framework",
24 means the requirements specified in the contract between the department and the
25 district that set forth the organizational structure, operational readiness requirements,
26 eligible and priority populations, core and targeted services, and standards for intake
27 and access to institutional and community services, which require adherence to the
28 human services accountability plan for a district. The framework is developed,
29 implemented, and monitored through an ongoing statewide process performed by the~~

1 ~~department in consultation with the Human Services Interagency Council.~~

2 ~~(9) "Human Services Interagency Council", referred to in this Chapter as~~
3 ~~"interagency council", means the interagency council established by the department~~
4 ~~to provide policy guidance to the department in the development, implementation,~~
5 ~~and ongoing management of the districts.~~

6 ~~(10) "Readiness assessment" means the process by which a survey team~~
7 ~~reviews all areas of business management of the district to determine operational~~
8 ~~readiness based on a set of uniform criteria. The readiness assessment shall address,~~
9 ~~at a minimum, financial controls, clinical protocols, human resources competency~~
10 ~~and capacity, legal resources, purchasing, contracting, any applicable national or~~
11 ~~accreditation standards, and outcomes measurement capability. The survey team~~
12 ~~shall be composed of at least one representative of the secretary and at least two~~
13 ~~directors of districts that have been in operation for at least two years.~~

14 ~~(11)~~(6) "Secretary" means the secretary of the Louisiana Department of
15 Health.

16 §912. Creation and jurisdiction

17 ~~A.(1) It is the intent of the legislature to create statewide integrated human~~
18 ~~services delivery systems, with local accountability and management, to provide~~
19 ~~behavioral health and developmental disabilities services.~~

20 ~~(2) Upon successful completion of a readiness assessment, execution of a~~
21 ~~contract with the department, and compliance with other applicable criteria as~~
22 ~~provided for in this Chapter, the department may authorize the board to operate and~~
23 ~~manage community-based programs and services related to behavioral health,~~
24 ~~developmental disabilities, selected public health services, and any other services~~
25 ~~contracted to the districts by the department.~~

26 ~~B:~~ The human services districts **and authorities** shall be:

27 (1) ~~The following statutory entities:~~

28 (a) Capital Area Human Services District, **which shall comprise the**
29 **parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe**

1 Coupee, West Baton Rouge, and West Feliciana.

2 ~~(b)(2)~~ Jefferson Parish Human Services Authority, which shall comprise the
3 parish of Jefferson.

4 (a) The governing authority of Jefferson Parish shall continue to provide
5 funds and in-kind contributions for the Jefferson Parish Human Services
6 Authority on at least the level of funding and in-kind contributions in effect
7 during the 1990 fiscal year.

8 (b) The Jefferson Parish Council shall have the authority to levy taxes
9 and issue bonds or other obligations for the provision of services at the
10 Jefferson Parish Human Services Authority.

11 ~~(e)(3)~~ Florida Parishes Human Services Authority, which shall comprise the
12 parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington.

13 ~~(d)(4)~~ Metropolitan Human Services District, which shall comprise the
14 parishes of Orleans, St. Bernard, and Plaquemines.

15 ~~(e)(5)~~ South Central Louisiana Human Services Authority, which shall
16 comprise the parishes of Assumption, Lafourche, St. Charles, St. James, St.
17 John the Baptist, St. Mary, and Terrebonne.

18 ~~(f)(6)~~ Northeast Delta Human Services Authority, which shall comprise the
19 parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison,
20 Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll.

21 ~~(2) The following districts created by this Chapter organized by region:~~

22 ~~(a)(7)~~ Acadiana Area Human Services District, which shall comprise the
23 parishes of Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, and
24 Vermilion.

25 ~~(b)(8)~~ Imperial Calcasieu Human Services Authority, which shall comprise
26 the parishes of Allen, Beauregard, Calcasieu, Cameron, and Jefferson Davis.

27 ~~(e)(9) Region 6 Human Services District, or any name formally adopted by~~
28 ~~the district's board~~ Central Louisiana Human Services District, which shall
29 comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,

1 Vernon, and Winn.

2 ~~(d)(10) Region 7 Human Services District, or any name formally adopted by~~
3 ~~the district's board~~ **Northwest Louisiana Human Services District**, which shall
4 comprise the parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches,
5 Sabine, Red River, and Webster.

6 ~~C. A district may incorporate more than one region, but regions may not be~~
7 ~~split into smaller units.~~

8 **B. The domicile of each human services district or authority shall be**
9 **within the statutory governance area of the district or authority.**

10 **C. No new human services district or authority may be established**
11 **without the express authorization of the legislature.**

12 §913. Governing board **for Acadiana Area Human Services District, Imperial**
13 **Calcasieu Human Services Authority, Central Louisiana Human**
14 **Services District, and Northwest Louisiana Human Services**
15 **District**; membership; appointment; terms; ~~compensation~~

16 A.(1) ~~For districts created pursuant to R.S. 28:912(B)(2), each district~~ **The**
17 **Acadiana Area Human Services District, Imperial Calcasieu Human Services**
18 **Authority, Central Louisiana Human Services District, and Northwest**
19 **Louisiana Human Services District** shall **individually** be governed by a board
20 whose membership consists of residents of the respective regions. The number of
21 members on the board shall consist of one representative from each parish in the
22 region who is appointed by the local governmental authority. The membership shall
23 also include three appointees by the governor.

24 (2) The parish appointees shall be persons with professional experience or
25 parents, consumers, or advocates in the fields of addictive disorders, developmental
26 disabilities, **intellectual disabilities**, mental health, or public health. **Effective with**
27 **all nominations made after July 1, 2017, the governing authority of each parish**
28 **shall ensure that board member nominees include individuals who represent**
29 **law enforcement, the judiciary, with particular emphasis on specialty courts,**

1 school-based health care, and the coroner's office. Implementation of this
2 provision shall be based on the needs of the parishes and shall occur as board
3 positions become vacant. Any current board member who possesses expertise
4 in one of the disciplines provided for in this Paragraph shall be considered to
5 have satisfied this requirement.

6 (3) The governor's three appointees shall be one member with experience in
7 the financial operation of a business enterprise, one member who is a parent,
8 consumer, or caregiver of a consumer of services, and one member who represents
9 one of the following fields: addictive disorders, developmental disabilities,
10 intellectual disabilities, mental health, or public health. The governing authority of
11 each parish may submit three names to the governor for consideration as one of the
12 governor's three appointees.

13 ~~B. The initial terms of office for board members from the first two parishes~~
14 ~~alphabetically shall be one year. The initial terms for board members from the~~
15 ~~second two parishes alphabetically shall be two years. The initial terms for all other~~
16 ~~board members shall be three years. All subsequent appointees Appointees shall~~
17 ~~serve terms of three years. No board member shall serve more than two consecutive~~
18 ~~three-year terms after his initial term.~~

19 ~~C. Each board member shall serve without compensation but shall be~~
20 ~~reimbursed for expenses and mileage at the same rate set by the division of~~
21 ~~administration for state employees for each day in actual attendance at board~~
22 ~~meetings or for representing the board in an official board-approved activity.~~

23 ~~D. The chairman shall be elected by a majority vote of the board. The term~~
24 ~~of the chairman shall be established under the board's bylaws.~~

25 ~~E. The board shall adopt bylaws to provide for the governance of the board~~
26 ~~within ninety days of being established. Such bylaws shall include but not be limited~~
27 ~~to:~~

28 (1) ~~Procedures for the election of board officers, including terms of office and~~
29 ~~methods and grounds for removal. Board officers shall include, at a minimum, a~~

1 chairman, treasurer, and secretary.

2 (2) ~~Procedures and grounds for the removal of any board member. Grounds~~
3 ~~for removal shall include the conviction of a felony and a violation of the provisions~~
4 ~~of R.S. 28:914(2). Grounds for removal may include failure to meet board attendance~~
5 ~~as provided in the bylaws.~~

6 ~~F. All board members and employees of the district shall be subject to the~~
7 ~~Code of Governmental Ethics. No member of the board or of his immediate family~~
8 ~~shall own or have any interest or part in any public or private organization, business,~~
9 ~~company, or entity conducting business of any kind with the district.~~

10 **§913.1. Governing board for Jefferson Parish Human Services Authority;**
11 **membership; appointment; terms**

12 **A.(1) The Jefferson Parish Human Services Authority shall be governed**
13 **by a board of twelve members consisting of residents of Jefferson Parish as**
14 **follows:**

15 **(a) Three members appointed by the governor, one each with experience**
16 **in the fields of mental health, intellectual disabilities, and addictive disorders.**

17 **(b) Nine members appointed by the Jefferson Parish Council to consist**
18 **of the following:**

19 **(i) Three members, one each with experience in the fields of mental**
20 **health, intellectual disabilities, and addictive disorders.**

21 **(ii) Three members representing parents, consumers, or advocacy**
22 **groups, one each in the fields of mental health, intellectual disabilities, and**
23 **addictive disorders.**

24 **(iii) Three members representing professionals in the fields of mental**
25 **health, intellectual disabilities, and addictive disorders.**

26 **(2) Effective with all nominations made after July 1, 2017, the governing**
27 **authority of each parish shall ensure that board member nominees include**
28 **individuals who represent law enforcement, the judiciary, with particular**
29 **emphasis on specialty courts, school-based health care, and the coroner's office.**

1 Implementation of this provision shall be based on the needs of the parishes and
2 shall occur as board positions become vacant. Any current board member who
3 possesses expertise in one of the disciplines provided for in this Paragraph shall
4 be considered to have satisfied this requirement.

5 (3) Each member shall serve for a three-year term. No board member
6 may serve more than two consecutive three-year terms.

7 B. The Jefferson Parish attorney shall be the legal advisor for the
8 authority.

9 §913.2. Governing board for Florida Parishes Human Services Authority;
10 membership; appointment; terms

11 A. The Florida Parishes Human Services Authority shall be governed by
12 a board of nine members. The board shall include three residents from the
13 parish of St. Tammany; two residents each from the parishes of Livingston and
14 Tangipahoa; and one resident each from the parishes of St. Helena and
15 Washington.

16 B.(1) The members shall be appointed by the governing authority of each
17 parish. All appointments shall require ratification by a plurality of the
18 legislative delegation representing the five parishes which are included in the
19 authority.

20 (2) Parishes with two board members shall be represented by one
21 practitioner and one advocate or consumer. Both shall have a history of
22 involvement in one or more of the three areas of service. The advocates shall
23 have demonstrated an active history of support and involvement in one or more
24 of the service areas. Consumers shall have received services in one or more of
25 the three service areas provided by the authority.

26 (3) The appointments shall be professionals or active advocates in the
27 fields of mental health, developmental disabilities, intellectual disabilities, or
28 addictive disorders services. Effective with all nominations made after July 1,
29 2017, the governing authority of each parish shall ensure that board member

1 nominees include individuals who represent law enforcement, the judiciary,
2 with particular emphasis on specialty courts, school-based health care, and the
3 coroner's office. Implementation of this provision shall be based on the needs
4 of the parishes and shall occur as board positions become vacant. Any current
5 board member who possesses expertise in one of the disciplines provided for in
6 this Paragraph shall be considered to have satisfied this requirement.

7 C. Appointees shall serve terms of three years. No board member shall
8 serve more than two consecutive three-year terms after his initial term.

9 §913.3. Governing board for Metropolitan Human Services District;
10 membership; appointment; terms

11 A. The Metropolitan Human Services District shall be governed by a
12 board of thirteen members. The board shall include nine residents from the
13 parish of Orleans and two residents each from the parishes of St. Bernard and
14 Plaquemines.

15 B.(1) The members shall be appointed by the chief executive officer of
16 each parish subject to the approval of the governing authority of each parish.
17 Seven members shall be professionals in the fields of mental health,
18 developmental disabilities, intellectual disabilities, or addictive disorders. Three
19 members shall be advocates with a history of involvement and active in one or
20 more of the three areas of service. Three members shall be consumers who
21 receive or have received services in one or more of the three service areas
22 provided by the district. Board members representing Orleans Parish shall
23 consist of a minimum of seven professionals, one consumer, and one advocate.

24 (2) Effective with all nominations made after July 1, 2017, the governing
25 authority of each parish shall also ensure that board member nominees include
26 individuals who represent law enforcement, the judiciary, with particular
27 emphasis on specialty courts, school-based health care, and the coroner's office.
28 Implementation of this provision shall be based on the needs of the parishes and
29 shall occur as board positions become vacant. Any current board member who

1 possesses expertise in one of the disciplines provided for in this Paragraph shall
2 be considered to have satisfied this requirement.

3 C. Appointees shall serve terms of three years. No board member shall
4 serve more than two consecutive three-year terms after his initial term.

5 §913.4. Governing board for South Central Louisiana Human Services
6 Authority; membership; appointment; terms

7 A. The South Central Louisiana Human Services Authority shall be
8 governed by a board of nine members. The board shall include two residents
9 from the parishes of Lafourche and Terrebonne and one resident each from the
10 parishes of Assumption, St. Charles, St. James, St. John the Baptist, and St.
11 Mary.

12 B.(1) The members shall be appointed by the parish police jury. All
13 appointments shall require ratification by a plurality of the legislative
14 delegation representing the seven parishes which are included in the authority.

15 (2) Parishes with two board members shall be represented by one
16 practitioner and one advocate or consumer. Both shall have a history of
17 involvement in one or more of the three areas of service. The advocates shall
18 have demonstrated an active history of support and involvement in one or more
19 of the service areas. Consumers shall have received services in one or more of
20 the three service areas provided by the authority.

21 (3) The appointments shall be professionals or active advocates in the
22 fields of mental health, developmental disabilities, intellectual disabilities, or
23 addictive disorders services. Effective with all nominations made after July 1,
24 2017, the governing authority of each parish shall ensure that board member
25 nominees include individuals who represent law enforcement, the judiciary,
26 with particular emphasis on specialty courts, school-based health care, and the
27 coroner's office. Implementation of this provision shall be based on the needs
28 of the parishes and shall occur as board positions become vacant. Any current
29 board member who possesses expertise in one of the disciplines provided for in

1 this Paragraph shall be considered to have satisfied this requirement.

2 C. Appointees shall serve terms of three years. No board member shall
3 serve more than two consecutive three-year terms after his initial term.

4 §913.5. Governing board for Northeast Delta Human Services Authority;
5 membership; appointment; terms

6 A. The Northeast Delta Human Services Authority shall be governed by
7 a board of seventeen members. The board shall include four residents from the
8 parish of Ouachita; two residents each from the parishes of Morehouse and
9 Lincoln; and one resident each from the parishes of Caldwell, East Carroll,
10 Franklin, Jackson, Madison, Richland, Tensas, Union, and West Carroll.

11 B.(1) The members shall be appointed by the governing authority of each
12 parish, with the exception of Ouachita Parish, in which they shall be appointed
13 by the Ouachita Council of Government. All appointments shall require
14 ratification by a plurality of the legislative delegation representing the twelve
15 parishes which are included in the authority.

16 (2) Parishes with two or more board members shall be represented by
17 at least one professional and at least one advocate or consumer. Both shall have
18 a history of involvement in one or more of the three areas of service. The
19 advocates shall have demonstrated an active history of support and involvement
20 in one or more of the service areas. Consumers shall have received services in
21 one or more of the three service areas provided by the authority.

22 (3) The appointees shall be professionals or active advocates in the fields
23 of mental health, developmental disabilities, intellectual disabilities, or addictive
24 disorders services. Effective with all nominations made after July 1, 2017, the
25 governing authority of each parish shall ensure that board member nominees
26 include individuals who represent law enforcement, the judiciary, with
27 particular emphasis on specialty courts, school-based health care, and the
28 coroner's office. Implementation of this provision shall be based on the needs
29 of the parishes and shall occur as board positions become vacant. Any current

1 board member who possesses expertise in one of the disciplines provided for in
2 this Paragraph shall be considered to have satisfied this requirement.

3 C. Appointees shall serve terms of three years. No board members shall
4 serve more than two consecutive three-year terms after his initial term.

5 §913.6. Governing board for Capital Area Human Services District;
6 membership; appointment; terms

7 A. The Capital Area Human Services District shall be governed by a
8 board of seventeen members. The board shall include two residents of each of
9 the following parishes: Ascension, East Feliciana, Iberville, Pointe Coupee, West
10 Baton Rouge, and West Feliciana. Five of the members shall be residents of East
11 Baton Rouge Parish.

12 B.(1) The members shall be appointed by the governor from among a list
13 of qualified candidates nominated by the governing authority of each parish in
14 accordance with Paragraph (2) of this Subsection. The appointments shall
15 represent at least six professionals and a balance of professionals and advocates
16 in the fields of community-based public health, mental health, developmental
17 disabilities, intellectual disabilities, and addictive disorders. Effective with all
18 nominations made after July 1, 2017, the governing authority of each parish
19 shall ensure that board member nominees include individuals who represent
20 law enforcement, the judiciary, with particular emphasis on specialty courts,
21 school-based health care, and the coroner's office. Implementation of this
22 provision shall be based on the needs of the parishes and shall occur as board
23 positions become vacant. Any current board member who possesses expertise
24 in one of the disciplines provided for in this Paragraph shall be considered to
25 have satisfied this requirement.

26 (2) The governing authority of each parish, except Ascension Parish,
27 shall submit a list of at least two candidates for each board position available to
28 a resident of that parish to the governor. In Ascension Parish, the list of at least
29 two candidates shall be submitted by the parish president.

1 C. Each appointment by the governor shall be submitted to the Senate
2 for confirmation.

3 §913.7. Governing board; general provisions

4 The following provisions shall apply to all district and authority
5 governing boards:

6 (1) Each board member shall serve without compensation, but shall be
7 reimbursed for expenses and mileage at the same rate set by the division of
8 administration for state employees for each day in actual attendance at board
9 meetings or for representing the board in an official board-approved activity.

10 (2) The chairman shall be selected by a majority vote of the board. The
11 term of the chairman shall be established under the board's bylaws.

12 (3) No member of the board or of his immediate family shall own or have
13 any interest or part in any public or private organization, business, company,
14 or entity conducting business of any kind with the district or authority.

15 (4) The board shall adopt and maintain bylaws to provide for the
16 governance of the board. Such bylaws shall include but not be limited to:

17 (a) Procedures for the election of board officers, including terms of office
18 and methods and grounds for removal.

19 (b) Procedures and grounds for the removal of any board member.
20 Grounds for removal shall include conviction of a felony or may include failure
21 to meet board attendance as provided in the bylaws.

22 (5) Procedures for filling a vacancy created by the removal, resignation,
23 or death of any board member prior to the end of the board member's term
24 shall follow those used for initial appointments.

25 (6) All members of the board and employees of the district or authority
26 shall be subject to the Code of Governmental Ethics.

27 §914. Requirements for districts and authorities; board education and awareness

28 A. The board shall be continually briefed by the executive director on the
29 following issues in the manner deemed appropriate by the executive director:

1 **(1) Mission and purpose of the district or authority.**

2 **(2) How the mission and purpose are practically applied in the**
3 **community.**

4 **(3) Relationships in the community that are crucial to the district or**
5 **authority's success.**

6 **(4) How those relationships are established, maintained, and built upon.**

7 **(5) How each member of the board serves as a delegate to foster those**
8 **crucial community relationships.**

9 **(6) Role of the district or authority in times of disaster.**

10 **(7) Funding for the district or authority, including state and federal**
11 **funding, grant opportunities and other funding sources.**

12 **(8) Billing and collections processes.**

13 **(9) Budgeting and account balances.**

14 **(10) Audits by the legislative auditor's office within the past five years.**

15 **(11) Employees and contractors, and their roles in operating the district**
16 **or authority.**

17 **(12) The option of the board to select a new executive director.**

18 **(13) The relationship with the Louisiana Department of Health.**

19 **(14) Compliance with the Louisiana Code of Governmental Ethics.**

20 **(15) Compliance with the Louisiana Public Records Law.**

21 **(16) Compliance with the Louisiana Open Meetings Law.**

22 **(17) Process for development and ratification of bylaws as required by**
23 **R.S. 28:913(F).**

24 **(18) Discussion of how regularly scheduled board meetings will be**
25 **conducted.**

26 **(19) Any other matter deemed important by the executive director.**

27 **B. The executive director may include representatives from the**
28 **Louisiana Department of Health, office of the Louisiana legislative auditor,**
29 **Louisiana Ethics Administration, office of the Louisiana attorney general or any**

1 other entity that can provide important information to the board members
2 during any board meeting.

3 C. A new board member orientation shall be held upon appointment of
4 any new member and the executive director shall brief the new board member
5 on the issues set forth in Subsection A of this Section.

6 D. Regardless of when created, all ~~All~~ district **and authority** boards shall
7 adopt:

8 (1) ~~A policy statement ensuring recognition that one of the functions of the~~
9 ~~board is to establish a mission, vision, and policies~~ **policy** for the operation of the
10 district **or authority**. The board shall set policy as a body and shall employ an
11 executive director who shall be accountable to the board, as a body, for the
12 implementation of the policies established by the board.

13 (2) Bylaws that specify that the board may act only as a body and not through
14 the individual actions of any individual board member, unless the board member is
15 given explicit authority by a majority vote of the board to carry out a specific
16 function, or the function is reasonably required of a board member serving as an
17 officer of the board. Under penalty of removal, no board member shall, directly or
18 indirectly, provide direction to or interfere with any employee of the district **or**
19 **authority**.

20 §915. Districts **and authorities**; functions, powers, and duties; sole source
21 contracting

22 A. Pursuant to a contract with the department, all human services districts
23 **and authorities** shall:

24 (1) Perform the functions which provide community-based services and
25 continuity of care for the prevention, detection, treatment, rehabilitation, and follow-
26 up care of mental and emotional illness.

27 (2) Be responsible for community-based programs and functions relating to
28 the care, diagnosis, training, treatment, case management, and education of persons
29 with intellectual disabilities, persons with developmental disabilities and persons

1 with autism.

2 (3) Perform community-based functions for the care, diagnosis, training,
3 treatment, and education related to addictive disorders, including but not limited to
4 alcohol, drug abuse, or gambling.

5 (4) Perform community-based functions which provide services and
6 continuity of care for education, prevention, detection, treatment, rehabilitation, and
7 follow-up care relating to personal health, as determined to be feasible by the
8 department.

9 (5) Maintain services specified in Paragraphs (1) through (4) of this
10 Subsection ~~on at least the same level as the state maintains similar programs or as~~
11 stipulated by the contract with the department.

12 (6) Collect or cause to be collected all monies due the district **or authority**
13 for the provision of services pursuant to statutory requirements and any other form
14 of contract or agreement by which the district **or authority** provides services and
15 levies charges.

16 (7) Manage through their governing board the services required by
17 Paragraphs (1) through (4) of this Subsection and operate within the scope of a
18 contract with the department. Each district **or authority** shall be operated in a
19 manner that meets ~~the standards and competencies established by the framework and~~
20 ~~accountability plan, with such standards and competencies addressing~~ **regarding**
21 financial controls, clinical protocols, human resources, legal resources, purchasing,
22 contracting, and outcomes measurement.

23 (8) Participate, as a critical part of Louisiana's health care infrastructure, in
24 all emergency planning, preparedness, response, and recovery efforts ~~as directed by~~
25 ~~the department~~ **within the statutory governance area of the human services**
26 **district or authority and assist on a statewide basis if requested to do so by the**
27 **governor.**

28 B. In addition to the functions as provided in Subsection A of this Section,
29 the district **or authority** shall have the following powers and duties:

1 (1) To enter into contracts of every nature in compliance with this Chapter
2 and other state laws.

3 (a) The districts and authorities may enter into contracts with the
4 judicial branch to be the sole source provider of behavioral health services
5 ordered by the court through any statutorily authorized specialty court
6 program which requires certain behavioral health treatments. Such sole source
7 contract shall be limited to a district court physically located within the
8 statutory governance area of the human services district or authority.

9 (b) The districts and authorities may enter into contracts with a
10 correctional facility to be the sole source provider of behavioral health services
11 if the correctional facility is in need of such services as part of an emergency
12 department diversion program, or upon successful completion of a re-entry
13 program that requires ongoing services. Such sole source contract shall be
14 limited to a correctional facility, emergency department, or residence of an
15 individual completing the re-entry process located within the statutory
16 governance area of the human services district or authority.

17 (2) To acquire movable and immovable property by lease, purchase,
18 donation, or otherwise and to obtain title to same in its own name. The district or
19 authority may lawfully sell or dispose of the ~~movable~~ property.

20 (3) To have possession and operating control, but not title to, all immovable
21 and movable property owned by the state and dedicated to the provision of
22 behavioral health, developmental disabilities or intellectual disabilities, public
23 health, or any other service contracted by the department to the district or authority.
24 The state shall continue to be responsible for the maintenance of those properties
25 which are provided by the state on the effective date of this Chapter.

26 (4) To establish community-based behavioral health, developmental
27 disabilities or intellectual disabilities, public health, and other contracted program
28 policies in conformance with the contract with the department and applicable state
29 and federal laws, rules, and regulations.

1 (5) To establish performance indicators and reporting requirements as
2 outlined in the contract between the district or authority and the department to
3 determine the quality of services delivered by the district or authority and maintain
4 the services at the level of the standards set by the department.

5 (6) To employ an executive director to oversee the operations of the district
6 or authority and who shall be responsible for the administration and management
7 of all aspects of the district or authority.

8 (7) To retain all ~~federal~~, self-generated funds and any funds collected for the
9 provision of services ~~under the Medical Assistance Program, Title XIX of the Social~~
10 ~~Security Act~~, in excess of funds provided through contract with the department.

11 (8) ~~To name the district.~~

12 (9) To carry out responsibilities relative to developmental disabilities and
13 intellectual disabilities services delivery provided in R.S. 28:451.3.

14 C. Each human services district or authority shall constitute a body
15 corporate in law, with all of the powers of a corporation, including the power to sue
16 and be sued. Each district or authority shall also have all the powers and rights
17 conferred by this Chapter and the power to perform any other act in its corporate
18 capacity and in its corporate name which is necessary and proper for effectuating the
19 purposes for which the district or authority was created. Each district or authority
20 shall constitute a special district or authority within the meaning of Article VI,
21 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
22 state, and enjoy all rights, powers, and privileges enjoyed by other political
23 subdivisions of the state under the constitution and laws of the state, excluding the
24 rights to incur long-term debt, issue bonds, ~~and~~ or levy taxes and special
25 assessments.

26 D. The board shall submit any reports or information to the secretary of the
27 department upon request of the secretary. The board shall also submit quarterly
28 reports as outlined in the contract with the department, indicating the services
29 provided, the number of persons served, and the amount spent on such services.

1 E. Notwithstanding any provision of state law to the contrary, the districts
2 and authorities and the department shall share access to each other's client case
3 records of clients for whom they both provide services, to the extent that access is
4 not prohibited by any contrary provision of federal law or regulation.

5 F. The provisions of Subsections A and B of this Section shall not include the
6 following:

7 (1) Operation and management of any inpatient facility under the jurisdiction
8 of the department.

9 (2) Operation, management, and performance of functions and services
10 relating to environmental health, including but not limited to regulatory function as
11 performed by sanitarians and engineers within the office of public health pursuant
12 to R.S. 40:4 through 10, R.S. 40:2701 et seq., Chapter 4 of Title 40 of the Louisiana
13 Revised Statutes of 1950, R.S. 37:2101 et seq., the ~~State~~ state's Sanitary Code, and
14 all other relevant federal and state law, rules, and regulations.

15 (3) Operation, management, and performance of functions and services
16 relating to the Louisiana Vital Records Registry and the collection of vital statistics
17 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
18 44:402, and R.S. 40:~~1299.35.6~~ 1061.17, including the Putative Father Registry and
19 the vital records management information system.

20 (4) Operation, management, and performance of functions and services
21 relating to laboratory analyses by the state division of laboratories with the office of
22 public health in the area of personal and environmental health.

23 (5) Operation, management, and performance of functions and services
24 relating to education provided by or authorized for any state or local education
25 department or agency.

26 §916. ~~Functions; transferred~~

27 ~~A. The boards and the secretary of the department are hereby authorized to~~
28 ~~enter into all contracts necessary for the provision of the functions and funds relative~~
29 ~~to the operation of community-based behavioral health and developmental disability~~

1 ~~services as well as public health or any other services contracted to the districts. As~~
2 ~~part of the contract, the board shall agree to make a good faith effort to use providers~~
3 ~~within the district who have traditionally provided community-based behavioral~~
4 ~~health, developmental disabilities, public health, and any other contracted services~~
5 ~~for the state.~~

6 B. ~~The department shall submit an annual report to the legislature detailing~~
7 ~~the services provided by each district, a financial summary of the operations of each~~
8 ~~district, and other information demonstrating the performance of each district.~~

9 C. ~~The secretary shall be responsible for monitoring the contract and~~
10 ~~promptly reporting failure to comply with any contract to the governor, the Senate~~
11 ~~and House committees on health and welfare, and the Joint Legislative Committee~~
12 ~~on the Budget.~~

13 §917. Employees; transferred

14 A. All employees **of the district or authority** engaged in the performance
15 ~~of duties relating to the functions of the programs and services transferred by~~
16 ~~contract from the department to a district are hereby transferred to the respective~~
17 ~~district to **shall** carry out the functions of the district **or authority** and its programs~~
18 ~~and services and shall continue to perform their duties subject to applicable state~~
19 ~~civil service laws, rules, and regulations.~~

20 B.(1) All employees of the districts **and authorities** shall participate in and
21 be covered by state services, systems, and programs for which provision is made in
22 ~~comprehensive liability, automobile, workers' compensation, and fire and extended~~
23 ~~coverage insurance and medical malpractice liability laws as provided for in R.S.~~
24 ~~39:1527 et seq. and R.S. 40:1299.39 **40:1237.1** et seq.~~

25 **(2) The districts and authorities may participate in and be covered by**
26 **state services, systems, and programs for which provision is made in**
27 **comprehensive liability, automobile, workers' compensation, and fire and**
28 **extended coverage insurance provided for in R.S. 39:1527 et seq.**

29 C. The districts **and authorities**, including their contract service delivery

1 employees, may participate in and be covered by the state program for medical
2 malpractice notwithstanding the prohibition in R.S. 40:~~1299.39~~ **1237.1**(A)(1)(b) and
3 (M) to the contrary, provided that the districts **and authorities** or covered contract
4 service delivery employees have paid the appropriate premium to the office of risk
5 management.

6 D. All employees of the districts **and authorities** shall be members of the
7 state civil service system and the Louisiana State Employees' Retirement System.
8 §~~918~~: **§917**. Human Services Interagency Council; membership and responsibilities

9 **A. There shall be a human services** ~~The~~ interagency council **established**
10 **to include** ~~shall be chaired by~~ the secretary of the department or his designee, ~~and~~
11 ~~shall include~~ the assistant secretaries of the office of behavioral health, office for
12 citizens with developmental disabilities, office of public health, office of aging and
13 adult services, as well as the director of Medicaid or his designee, the executive
14 directors of the districts **and authorities**, and other members as deemed appropriate
15 by ~~the secretary. The interagency council membership shall participate in the~~
16 ~~readiness assessment process and in the monitoring and planning of the framework~~
17 ~~and accountability plan~~ **the council.**

18 **B. The chair of the council shall be selected by majority vote of the**
19 **council members during their first meeting of any calendar year. The chair**
20 **shall serve a one-year term. The Louisiana Department of Health shall provide**
21 **staff support for the council.**

22 **C. The purpose of the council meetings shall be to share information**
23 **between the state and the districts and authorities and among the districts and**
24 **authorities. All council members shall have the opportunity to present**
25 **information, request information, and engage in dialogue regarding any matter**
26 **before the council.**

27 **D. The council shall meet at least once quarterly, but may meet more**
28 **often if called by the chair. The council shall meet at locations that rotate**
29 **throughout the state, as appropriate, to provide ease of travel for the members**

1 of the council. A quorum is not required and council members may participate
2 by phone during any meeting in which a vote of the council members is not
3 being requested, but a quorum shall be required for any vote to be taken on a
4 matter before the council.

5 E. The council shall submit an annual report to the legislature detailing
6 the services provided by each district or authority, a financial summary of the
7 operations of each district or authority, and other information demonstrating
8 the performance of each district or authority. The Louisiana Department of
9 Health shall be responsible for compilation of the report and shall submit it to
10 the legislature on behalf of the council once approved by the council.

11 F. At least once annually, the council shall convene a meeting to include
12 the board chairman or his designee from each of the ten human services
13 districts and authorities. All board members from each of the ten human
14 services districts and authorities shall have the opportunity to participate if they
15 so choose. This meeting shall be hosted by the Louisiana Department of Health
16 at its central office in Baton Rouge. The purpose of this meeting shall include
17 but is not limited to facilitating and fostering the exchange of best practices to
18 ensure that each district or authority throughout the state is maximizing service
19 delivery in their statutory governance area. Each board chairman, or his
20 designee board member, shall give a presentation on the status of service
21 delivery in his district or authority and shall include specifics on practices that
22 are yielding the best results regarding scope of service and client access. All
23 statewide board members shall have the opportunity to learn from the council
24 and other board members and obtain knowledge on best practices through
25 discussion and dialogue at this annual meeting.

26 ~~§919.~~ §918. Louisiana Department of Health; responsibility and authority to
27 contract; ~~readiness assessment; surveys; framework and~~
28 ~~accountability plan; sanctions~~

29 A. The secretary shall be responsible for working in partnership with the

1 human services districts and authorities regarding policy, development,
2 implementation, and monitoring of service provision of the statewide human
3 services system to assure the ~~provision of the~~ appropriate and reasonable delivery
4 of behavioral health, intellectual disability, and developmental ~~disabilities~~
5 disability services funded by appropriations from the state as well as any public
6 health or other human services contracted to the district or authority by the
7 department.

8 B. The secretary of the department shall have the authority to enter into a sole
9 source contract with districts or authorities for the provision of behavioral health,
10 developmental disabilities and intellectual disabilities, and selected public health
11 services, or any other human services which contribute to the integrated continuum
12 of care for the clients served by the district or authority. For any service contracted
13 by the department, the department shall provide the funding appropriate for the
14 adequate delivery of such services. If funding is not adequate to comply with the
15 terms of the contract, the parties shall renegotiate the contract to establish
16 modified service delivery requirements.

17 C. ~~Funding for districts listed in R.S. 28:912(B)(1)(e) and (f) and (2) shall be~~
18 ~~released only at such time as each district has met readiness criteria established~~
19 ~~within this Section and the framework and accountability plan as approved by the~~
20 ~~secretary.~~

21 ~~D.(1) The department shall not contract with a new district until the~~
22 ~~department, in consultation with the interagency council, has determined and~~
23 ~~confirmed in writing to the governor that the department is prepared to contract the~~
24 ~~provision of services to the district, and the district is prepared to accept and be~~
25 ~~accountable for such service provision. In making this determination, the department~~
26 ~~shall conduct a readiness assessment of the district.~~

27 ~~(2) The readiness assessment shall evaluate the operational preparedness of~~
28 ~~the district based on a set of uniform criteria established by the interagency council~~
29 ~~and approved by the secretary.~~

1 ~~(3) The readiness assessment shall be conducted by a survey team pursuant~~
2 ~~to R.S. 28:911(10) whose members have experience in behavioral health,~~
3 ~~developmental disabilities, financial management, human resources, or with~~
4 ~~experience in startup and operation of an existing district. The assessment team shall~~
5 ~~be selected by the secretary or his designee within thirty days of being notified in~~
6 ~~writing by the board chair that the district requests a readiness assessment by the~~
7 ~~department. The department may secure outside audit expertise when deemed~~
8 ~~necessary by the department to assist a readiness assessment team.~~

9 ~~(4) Upon completion of a readiness assessment, the assessment team shall~~
10 ~~conduct an exit conference with the district board. If the assessment team has~~
11 ~~determined the district is prepared to accept responsibility for the provision of~~
12 ~~services, the team shall, within thirty days of the completed exit conference, notify~~
13 ~~the secretary in writing that both the department and the district are prepared to begin~~
14 ~~the provision of services based on the result of the assessment and the exit~~
15 ~~conference. The document of notification must include specific evidence of readiness~~
16 ~~on each element of the readiness instrument utilized by the assessment team, as well~~
17 ~~as a description of each element of readiness needing improvement and strategies~~
18 ~~being implemented to address each one.~~

19 ~~E. All districts shall participate in surveys to ensure compliance with the~~
20 ~~statewide human services system of care, framework, and accountability plan. The~~
21 ~~interagency council shall recommend to the secretary a schedule for surveys, with~~
22 ~~such surveys beginning within one year after the standards are approved. Each~~
23 ~~district shall be surveyed every two years. The survey team members shall be~~
24 ~~selected by the secretary or his designee and shall include a minimum of two~~
25 ~~experienced district executives as well as department staff. Each survey shall be~~
26 ~~designed to, at a minimum, ensure each district maintains competency standards for~~
27 ~~human resources, adequate financial controls, operational and clinical protocols, and~~
28 ~~shall be used as an opportunity to share best practices.~~

29 ~~F. The contract shall incorporate by reference the provisions of the~~

1 ~~framework and accountability plan in~~ **provide for** the delivery of behavioral health,
 2 **intellectual disability** and developmental ~~disabilities~~ **disability** services ~~as well as~~
 3 **and may provide for the delivery of** public health or any other human services
 4 contracted by the department and funded by appropriations. The ~~framework~~ **contract**
 5 shall include but not be limited to:

6 (1) Definitions of eligible and priority populations in accordance with the
 7 department's statewide human services system of care, including behavioral health,
 8 developmental disabilities **and intellectual disabilities**, public health, or any other
 9 contracted services as applicable.

10 (2) Definitions of core and targeted services, including the development of
 11 indicators and a monitoring plan to measure the provision of and access to these
 12 services. Core services are the minimum and essential services available to eligible
 13 populations in all urban and rural areas. Targeted services are mandated specialized
 14 services available to priority populations based on the source and availability of
 15 funds.

16 (3) Standards for intake and access to institutional and community services.
 17 ~~G. The accountability plan shall include but not be limited to:~~

18 ~~(1)(4) Development and implementation of a plan for the provision of~~
 19 ~~statewide monitoring of human services system performance, including the~~
 20 ~~establishment of a minimum~~ **A minimum** required data set of consumer-focused and
 21 systems outcome measurements required for reliable outcome measurement that use
 22 consistent definitions statewide.

23 ~~(2)(5) Development and implementation of a plan for provision of statewide~~
 24 ~~monitoring to~~ **A mechanism to** assure quality of care and protection of consumer
 25 rights through consistent and reliable outcome measurements.

26 ~~(3)(6) Development and implementation of standards~~ **Standards** for
 27 subcontractor agreements funded by appropriations from the state to assure
 28 compliance with ~~the state human services plan and~~ applicable state and federal laws,
 29 rules, regulations, and court orders and to provide remedies for correction of

1 noncompliance and sanctions for failure to comply.

2 ~~(4)(7)~~ Ongoing standards for operational performance, including human
3 resources competency, contracting and procurement, clinical protocols, financial
4 controls, and consumer satisfaction.

5 **(8) Conditions and cause for termination of the contract by either party.**

6 H. ~~The secretary of the department shall have the authority to issue sanctions~~
7 ~~for noncompliance with the terms of the contract. Sanctions may include but are not~~
8 ~~limited to appointment of temporary management to carry out the provisions of the~~
9 ~~contract at the expense of the district, monetary penalties, and suspension or~~
10 ~~termination of the contract. The contracts between the districts and the department~~
11 ~~shall include a provision for termination of the contract if a deficiency continues~~
12 ~~after such time as the district has been given the opportunity to correct it. The~~
13 ~~department shall notify the district in writing of any deficiency. The district shall~~
14 ~~have a period of time set forth in the contract to correct any noticed deficiency. If the~~
15 ~~deficiency continues after such period of time, or if the district does not make a good~~
16 ~~faith effort to correct the deficiency, the contract shall have a provision for~~
17 ~~termination by the department. Written notice providing that the district is in~~
18 ~~noncompliance and such noncompliance constitutes a threat to public health or well-~~
19 ~~being shall be provided to the speaker of the House of Representatives, the president~~
20 ~~of the Senate, and the governor. In the event a contract is terminated under this~~
21 ~~provision, the department shall assume responsibility and oversight for the provision~~
22 ~~of services with funds appropriated to the district until such time as the district has~~
23 ~~met the compliance standards and has successfully completed a new readiness~~
24 ~~assessment.~~

25 Section 2. R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of
26 1950, comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana
27 Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of
28 the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19
29 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896,

1 Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901
2 through 906, and R.S. 28:919 and 920 are hereby repealed.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 58 Original

2017 Regular Session

Mills

Proposed law establishes legislative intent for the modernization of the statutes governing the human services districts and authorities to clarify their purpose in the health delivery spectrum.

Present law provides definitions. Proposed law deletes obsolete definitions to conform with modernization of the statutes regarding human services districts and authorities.

Present law establishes the statutory governance area for each of the human services districts and authorities. Proposed law updates present law to include the districts that have been formally named since the statute was last updated.

Present law provides for composition of the governing boards for the districts and authorities. Proposed law adds expertise in the fields of law enforcement, the judiciary, with particular emphasis on specialty courts, school-based health care, and the coroner's office as the qualifications for the governing authority of the parish shall include when nominating individuals as appointees are replaced due to vacancy.

Present law establishes requirements for the inception and readiness assessment phase of the statewide human services districts. Proposed law updates requirements for board member education and training and affirms the district and authorities role in providing community services in partnership with the local law enforcement and judicial offices, including allowance of sole source contracts to provide services for individuals in those systems.

Present law creates a human services interagency council. Proposed law clarifies the purpose and charge of the council and requires meetings and reporting to the legislature on the services and financial status of the districts and authorities.

Present law includes separate but duplicative Chapters of law for the establishment of the Jefferson Parish Human Services Authority (R.S. 28:831), Florida Parishes Human Services Authority (Ch. 16), Metropolitan Human Services District (Ch. 17), South Central Louisiana Human Services Authority (Ch. 18), Northeast Delta Human Services Authority (Ch. 19), and Capitol Area Human Services District (Ch. 20). Proposed law repeals present law to consolidate these districts and authorities into the Statewide Human Services Delivery (Ch. 21) provisions to establish consistency and cohesiveness while also retaining the autonomy, geographical catchment area, and any unique provisions of each individual district or authority.

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

(Amends R.S. 28:911, 912, 913, 914, 915, 916, 917, and 918; adds R.S. 28:910, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, and 913.7; repeals R.S. 28:831, R.S. 28:851-856, R.S. 28:861-866, R.S. 28:871-876, R.S. 28:891-896, and R.S. 28:901-906, and R.S. 28:919 and 920)