

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 58 by Senator Mills

1 AMENDMENT NO. 1

2 On page 3, delete lines 9 through 29, and on page 4, delete line 1, and insert the following:

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

11 ~~(7)~~**(6)** "Human services district or authority", referred to in this Chapter as
 12 **or "district or authority"**, means ~~an existing or newly created a~~ local governmental
 13 **governing** entity, **as identified in R.S. 28:912(A)**, with local accountability and
 14 management of behavioral health, **intellectual disability**, and developmental
 15 ~~disabilities~~ **disability** services as well as any public health or other services
 16 contracted to the district **or authority** by the department.

17 ~~(8)~~**(7)** "Human services framework", referred to in this Chapter as
 18 "framework", means the requirements specified in the contract between the
 19 department and the district that set forth the organizational structure, ~~operational~~
 20 ~~readiness requirements~~, eligible and priority populations, core and targeted services,
 21 and standards for intake and access to institutional and community services, which
 22 require adherence to the human services accountability plan for a district. The
 23 framework is developed, implemented, and monitored through an ongoing statewide
 24 process performed by the department in consultation with the Human Services
 25 Interagency Council."

26 AMENDMENT NO. 2

27 On page 4, line 14, change "~~(6)~~" to "**(8)**"

28 AMENDMENT NO. 3

29 On page 6, line 26, after "health." delete the remainder of the line and delete lines 27 through
 30 29, and on page 7, delete lines 1 through 5, and insert the following:

31 **"At all times the board composition shall include, at a minimum, one individual**
 32 **in each field with professional expertise in the fields of addictive disorder,**
 33 **developmental disability, and mental health and one individual in each field**
 34 **representing parents, consumers, or advocacy groups in the fields of addictive**
 35 **disorder, developmental disability, and mental health. If board membership**
 36 **does not comply with this requirement on July 1, 2017, it shall immediately**
 37 **expand to accommodate this provision. The board shall be expanded only to the**
 38 **extent that the current members do not satisfy the requirement of this**
 39 **Paragraph and shall be reduced to the number of board members established**
 40 **in this Chapter as board member terms expire.**

41 **(3) Effective with all nominations made after July 1, 2017, and upon**
 42 **satisfaction of the requirements in Paragraph (2) of this Subsection, the**
 43 **governing authority of each parish shall ensure that board member nominees**
 44 **include individuals who represent law enforcement, the judiciary, with**
 45 **particular emphasis on specialty courts, school-based health care, and the**
 46 **coroner's office. Implementation of this provision shall be based on the needs**
 47 **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 AMENDMENT NO. 4

4 On page 7, line 6, delete "(3)" and insert "(4)"

5 AMENDMENT NO. 5

6 On page 9, line 28, after "services." delete the remainder of the line and delete line 29, and
7 on page 10, delete lines 1 through 6, and insert the following:

8 "At all times the board composition shall include, at a minimum, one individual
9 in each field with professional expertise in the fields of addictive disorder,
10 developmental disability, and mental health and one individual in each field
11 representing parents, consumers, or advocacy groups in the fields of addictive
12 disorder, developmental disability, and mental health. If board membership
13 does not comply with this requirement on July 1, 2017, it shall immediately
14 expand to accommodate this provision. The board shall be expanded only to the
15 extent that the current members do not satisfy the requirement of this
16 Paragraph and shall be reduced to the number of board members established
17 in this Chapter as board member terms expire.

18 (4) Effective with all nominations made after July 1, 2017, and upon
19 satisfaction of the requirements in Paragraph (3) of this Subsection, the
20 governing authority of each parish shall ensure that board member nominees
21 include individuals who represent law enforcement, the judiciary, with
22 particular emphasis on specialty courts, school-based health care, and the
23 coroner's office. Implementation of this provision shall be based on the needs
24 of the parishes and shall occur as board positions become vacant. Any current
25 board member who possesses expertise in one of the disciplines provided for in
26 this Paragraph shall be considered to have satisfied this requirement."

27 AMENDMENT NO. 6

28 On page 10, between lines 23 and 24, insert the following:

29 "(2) At all times the board composition shall include, at a minimum, one
30 individual in each field with professional expertise in the fields of addictive
31 disorder, developmental disability, and mental health and one individual in each
32 field representing parents, consumers, or advocacy groups in the fields of
33 addictive disorder, developmental disability, and mental health. If board
34 membership does not comply with this requirement on July 1, 2017, it shall
35 immediately expand to accommodate this provision. The board shall be
36 expanded only to the extent that the current members do not satisfy the
37 requirement of this Paragraph and shall be reduced to the number of board
38 members established in this Chapter as board member terms expire."

39 AMENDMENT NO. 7

40 On page 10, line 24, change "(2)" to "(3)" and after "July 1, 2017," insert "and upon
41 satisfaction of the requirements in Paragraph (2) of this Subsection,"

42 AMENDMENT NO. 8

43 On page 11, line 23, after "services." delete the remainder of the line and delete lines 24
44 through 29, and on page 12, delete line 1, and insert the following:

45 "At all times the board composition shall include, at a minimum, one individual
46 in each field with professional expertise in the fields of addictive disorder,
47 developmental disability, and mental health and one individual in each field
48 representing parents, consumers, or advocacy groups in the fields of addictive
49 disorder, developmental disability, and mental health. If board membership
50 does not comply with this requirement on July 1, 2017, it shall immediately

expand to accommodate this provision. The board shall be expanded only to the extent that the current members do not satisfy the requirement of this Paragraph and shall be reduced to the number of board members established in this Chapter as board member terms expire.

(4) Effective with all nominations made after July 1, 2017, and upon satisfaction of the requirements in Paragraph (3) of this Subsection, the governing authority of each parish shall ensure that board member nominees include individuals who represent law enforcement, the judiciary, with particular emphasis on specialty courts, school-based health care, and the coroner's office. Implementation of this provision shall be based on the needs of the parishes and shall occur as board positions become vacant. Any current board member who possesses expertise in one of the disciplines provided for in this Paragraph shall be considered to have satisfied this requirement."

AMENDMENT NO. 9

On page 12, line 24, after "services." delete the remainder of the line and delete lines 25 through 29, and on page 13, delete lines 1 and 2, and insert the following:

"At all times the board composition shall include, at a minimum, two individuals in each field with professional expertise in the fields of addictive disorder, developmental disability, and mental health and two individuals in each field representing parents, consumers, or advocacy groups in the fields of addictive disorder, developmental disability, and mental health. If board membership does not comply with this requirement on July 1, 2017, it shall immediately expand to accommodate this provision. The board shall be expanded only to the extent that the current members do not satisfy the requirement of this Paragraph and shall be reduced to the number of board members established in this Chapter as board member terms expire.

(4) Effective with all nominations made after July 1, 2017, and upon satisfaction of the requirements in Paragraph (3) of this Subsection, the governing authority of each parish shall ensure that board member nominees include individuals who represent law enforcement, the judiciary, with particular emphasis on specialty courts, school-based health care, and the coroner's office. Implementation of this provision shall be based on the needs of the parishes and shall occur as board positions become vacant. Any current board member who possesses expertise in one of the disciplines provided for in this Paragraph shall be considered to have satisfied this requirement."

AMENDMENT NO. 10

On page 13, line 17, after "disorders." delete the remainder of the line and delete lines 18 through 25, and insert the following:

"At all times the board composition shall include, at a minimum, two individuals in each field with professional expertise in the fields of addictive disorder, developmental disability, and mental health and two individuals in each field representing parents, consumers, or advocacy groups in the fields of addictive disorder, developmental disability, and mental health. If board membership does not comply with this requirement on July 1, 2017, it shall immediately expand to accommodate this provision. The board shall be expanded only to the extent that the current members do not satisfy the requirement of this Paragraph and shall be reduced to the number of board members established in this Chapter as board member terms expire.

(2) Effective with all nominations made after July 1, 2017, and upon satisfaction of the requirements in Paragraph (3) of this Subsection, the governing authority of each parish shall ensure that board member nominees include individuals who represent law enforcement, the judiciary, with particular emphasis on specialty courts, school-based health care, and the coroner's office. Implementation of this provision shall be based on the needs 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 AMENDMENT NO. 11

4 On page 13, line 26, change "(2)" to "(3)"

5 AMENDMENT NO. 12

6 On page 14, line 1, delete "by the governor"

7 AMENDMENT NO. 13

8 On page 15, line 18, after "The" insert "contractual"

9 AMENDMENT NO. 14

10 On page 15, between lines 25 and 26, insert the following:

11 **"(19) The district's responsibility to prioritize and provide for state**
12 **funded services, as established in R.S. 28:821, et seq., in order to meet the needs**
13 **of the individuals in their statutory governance area.**

14 AMENDMENT NO. 15

15 On page 15, line 26, change "(19)" to "(20)"

16 AMENDMENT NO. 16

17 On page 17, line 27, delete "governor" and insert "secretary or his designee"

18 AMENDMENT NO. 17

19 On page 17, between lines 27 and 28, insert the following:

20 **"(9) Provide state funded services, as established in R.S. 28:821, et seq.,**
21 **in an amount to be prioritized by the board to meet the needs of the individuals**
22 **in their statutory governance area.**

23 AMENDMENT NO. 18

24 On page 22, delete lines 10 and 11 and insert the following:

25 **"within the department to provide policy guidance to the department in the**
26 **ongoing operations of the districts. The council** shall be chaired by the secretary
27 of the department or his designee and shall include the assistant secretaries of the
28 office of behavioral health, office for"

29 AMENDMENT NO. 19

30 On page 22, delete lines 18 through 21

31 AMENDMENT NO. 20

32 On page 22, line 22, change "C." to "B."

33 AMENDMENT NO. 21

34 On page 22, line 27, change "D." to "C."

1 AMENDMENT NO. 22

2 On page 23, delete lines 5 through 10, and insert the following:

3 **"D.(1) Beginning February 1, 2018, the secretary shall submit a single**
 4 **comprehensive annual report on the operations of the districts and authorities**
 5 **to the Senate and House committees on health and welfare. The annual report**
 6 **shall include a detailed list of the services provided and populations served by**
 7 **each district or authority, a financial summary of the operations of each district**
 8 **or authority, and other information demonstrating the performance of each**
 9 **district or authority for the previous fiscal year. The report shall include the**
 10 **secretary's assessment and recommendations based on the data in the report.**
 11 **The report shall also include recommendations by the council and**
 12 **recommendations of any individual district or authority in the event that they**
 13 **wish to provide additional information or commentary regarding the data in the**
 14 **report. The report shall also include information on the meetings of the council**
 15 **and recommendations on how to build upon the work of the council.**

16 **(2) Within thirty days of receipt of the justification by the House and**
 17 **Senate committees on health and welfare, either committee may issue notice of**
 18 **intent to convene a hearing separately or jointly for the purpose of conducting**
 19 **a public hearing on the report which was submitted. The department and each**
 20 **human services district or authority may be called collectively or independently**
 21 **to appear before the committee."**

22 AMENDMENT NO. 23

23 On page 23, line 27, after "contract" insert "; monitor; sanction"

24 AMENDMENT NO. 24

25 On page 23, delete line 29 and on page 24, delete line 1, and insert the following:

26 "A. The secretary, **upon consultation with the human services districts**
 27 **and authorities,** shall be responsible for policy, development,"

28 AMENDMENT NO. 25

29 On page 24, line 8, after "B." insert "**(1)**"

30 AMENDMENT NO. 26

31 On page 24, line 14, after "services." delete the remainder of the line and delete lines 15 and
 32 16, and insert the following:

33 **"During the course of any fiscal year, the department shall have the authority**
 34 **to examine utilization rates for services provided and populations served, actual**
 35 **expenditures, and remaining forecasted expenditures for each human service**
 36 **district or authority in order to make appropriate funding determinations.**
 37 **When necessary, the department, in consultation with the human services**
 38 **districts or authorities, may submit such data and information to the legislature**
 39 **for an adjustment of funds during the current fiscal year.**

40 **(2)The contract shall establish performance indicators, quality outcomes,**
 41 **and reporting requirements for the human services districts and authorities, as**
 42 **provided for in this Chapter, as a condition of entering into a contract with the**
 43 **department or as a condition of receiving grant funds or funding from the**
 44 **department. "**

45 AMENDMENT NO. 27

46 On page 25, delete lines 19 through 28, and insert the following:

1 "E. All districts shall participate in surveys to ensure compliance with the
 2 statewide human services system of care, framework, and accountability plan. The
 3 interagency council shall recommend to the secretary a schedule for surveys, with
 4 such surveys beginning within one year after the standards are approved. Each
 5 district shall be surveyed **at least** every two years. The survey team members shall
 6 be selected by the secretary or his designee and shall include a minimum of two
 7 experienced district executives as well as department staff. Each survey shall be
 8 designed to, at a minimum, ensure each district maintains competency standards for
 9 human resources, adequate financial controls, operational and clinical protocols, and
 10 shall be used as an opportunity to share best practices."

11 AMENDMENT NO. 28

12 On page 25, delete line 29, and on page 26, delete line 1, and insert the following:

13 "F. **D.** The contract shall incorporate by reference the provisions of the
 14 framework and accountability plan in the delivery of behavioral health,"

15 AMENDMENT NO. 29

16 On page 26, line 24, delete "assure" and insert "**survey and monitor**"

17 AMENDMENT NO. 30

18 On page 27, line 5, after "**party**" insert "**pursuant to the provisions of Subsection E of this**
 19 **Section**"

20 AMENDMENT NO. 31

21 On page 27, delete lines 6 through 24, and insert the following:

22 "H. **E.(1)(a)** The secretary of the department shall have the authority to issue
 23 sanctions for noncompliance with the terms of the contract. ~~Sanctions may include~~
 24 ~~but are not limited to appointment of temporary management to carry out the~~
 25 ~~provisions of the contract at the expense of the district, monetary penalties, and~~
 26 ~~suspension or termination of the contract.~~ The contracts between the districts **and**
 27 **authorities** and the department shall include a provision for **corrective action or**
 28 termination of the contract if a deficiency continues after such time as the district has
 29 been given the opportunity to correct it. The department shall notify the district in
 30 writing of any deficiency. The district shall have a period of time set forth in the
 31 contract to **submit a corrective action plan to** correct any noticed deficiency. If the
 32 deficiency continues after such period of time, or if the district does not make a good
 33 faith effort to correct the deficiency, the contract shall have a provision for
 34 termination by the department. ~~Written notice providing that the district is in~~
 35 ~~noncompliance and such noncompliance constitutes a threat to public health or well-~~
 36 ~~being shall be provided to the speaker of the House of Representatives, the president~~
 37 ~~of the Senate, and the governor. In the event a contract is terminated under this~~
 38 ~~provision, the department shall assume responsibility and oversight for the provision~~
 39 ~~of services with funds appropriated to the district until such time as the district has~~
 40 ~~met the compliance standards and has successfully completed a new readiness~~
 41 ~~assessment.~~

42 **(b) The department shall submit written notice to the Senate and House**
 43 **committees on health and welfare if a district or authority is in noncompliance**
 44 **with their contract and a corrective action plan has been requested. The**
 45 **department shall inform the committees of the time line for the district or**
 46 **authority to come into compliance with their contract and shall inform the**
 47 **committees when the matter is resolved.**

48 **(2)(a) The contracts between the districts and authorities and the**
 49 **department shall also include a provision authorizing the department to assume**
 50 **temporary management of the district or authority if noncompliance with the**
 51 **contract constitutes a threat to public health or well-being and a corrective**

1 action plan can not sufficiently address the threat to the public health. In the
2 event a contract is terminated under this provision, the department shall
3 assume responsibility and oversight for the provision of services with funds
4 appropriated to the district until such time as the district has met the
5 compliance standards of their contract.

6 (b) The department shall submit written notice to the Senate and House
7 committees on health and welfare if a district or authority is in noncompliance
8 with their contract and the department intends to terminate the contract and
9 assume temporary management of the district or authority. Approval of the
10 Senate and House committees on health and welfare, meeting separately or
11 jointly, is required before imposing the sanction of temporary management by
12 the department.

13 (c) If a district or authority has been placed under temporary
14 management by the department, and subsequently resumes compliance with
15 their contract, the department shall submit written notice to the Senate and
16 House committees on health and welfare of their intent to resume the contract
17 and relinquish temporary management of the district or authority.

18 F. The department shall have the authority to survey and monitor the
19 human services districts and authorities by conducting onsite reviews, desk
20 reviews, data reviews, requiring data submission on grant funds, legislative
21 reporting, federal or state requirements, and budgeting purposes."