

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, **and** information
15 management, ~~and readiness assessment protocols~~ to be followed by the department
16 and the districts.

17 ~~(7)(6)~~ "Human services district or authority", ~~referred to in this Chapter as~~
18 **or "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)(7)~~ "Human services framework", referred to in this Chapter as
24 "framework", means the requirements specified in the contract between the
25 department and the district that set forth the organizational structure, ~~operational~~
26 ~~readiness requirements~~, eligible and priority populations, core and targeted services,
27 and standards for intake and access to institutional and community services, which
28 require adherence to the human services accountability plan for a district. The
29 framework is developed, implemented, and monitored through an ongoing statewide

1 process performed by the department in consultation with the Human Services
2 Interagency Council.

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

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

15 ~~(11)~~**(8)** "Secretary" means the secretary of the Louisiana Department of
16 Health.

17 §912. Creation and jurisdiction

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

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

27 B: The human services districts **and authorities** shall be:

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

29 ~~(a) Capital Area Human Services District,~~ **which shall comprise the**

1 parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe
 2 Coupee, West Baton Rouge, and West Feliciana.

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

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

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

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

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

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

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

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

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

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

28 ~~(c)(9) Region 6 Human Services District, or any name formally adopted by~~
 29 ~~the district's board~~ Central Louisiana Human Services District, which shall

1 comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,
2 Vernon, and Winn.

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

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

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

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

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

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

25 (2) The parish appointees shall be persons with professional experience or
26 parents, consumers, or advocates in the fields of addictive disorders, developmental
27 disabilities, **intellectual disabilities**, mental health, or public health. **At all times the**
28 **board composition shall include, at a minimum, one individual in each field with**
29 **professional expertise in the fields of addictive disorder, developmental**

1 disability, and mental health and one individual in each field representing
2 parents, consumers, or advocacy groups in the fields of addictive disorder,
3 developmental disability, and mental health. If board membership does not
4 comply with this requirement on July 1, 2017, it shall immediately expand to
5 accommodate this provision. The board shall be expanded only to the extent
6 that the current members do not satisfy the requirement of this Paragraph and
7 shall be reduced to the number of board members established in this Chapter
8 as board member terms expire.

9 (3) Effective with all nominations made after July 1, 2017, and upon
10 satisfaction of the requirements in Paragraph (2) of this Subsection, the
11 governing authority of each parish shall ensure that board member nominees
12 include individuals who represent law enforcement, the judiciary, with
13 particular emphasis on specialty courts, school-based health care, and the
14 coroner's office. Implementation of this provision shall be based on the needs
15 of the parishes and shall occur as board positions become vacant. Any current
16 board member who possesses expertise in one of the disciplines provided for in
17 this Paragraph shall be considered to have satisfied this requirement.

18 ~~(3)~~**(4)** The governor's three appointees shall be one member with experience
19 in the financial operation of a business enterprise, one member who is a parent,
20 consumer, or caregiver of a consumer of services, and one member who represents
21 one of the following fields: addictive disorders, developmental disabilities,
22 **intellectual disabilities**, mental health, or public health. The governing authority of
23 each parish may submit three names to the governor for consideration as one of the
24 governor's three appointees.

25 B. ~~The initial terms of office for board members from the first two parishes~~
26 ~~alphabetically shall be one year. The initial terms for board members from the~~
27 ~~second two parishes alphabetically shall be two years. The initial terms for all other~~
28 ~~board members shall be three years. All subsequent appointees~~ **Appointees** shall
29 serve terms of three years. No board member shall serve more than two **consecutive**

1 three-year terms **after his initial term.**

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

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

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

11 ~~(1) Procedures for the election of board officers, including terms of office and~~
 12 ~~methods and grounds for removal. Board officers shall include, at a minimum, a~~
 13 ~~chairman, treasurer, and secretary.~~

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

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

22 **§913.1. Governing board for Jefferson Parish Human Services Authority;**
 23 **membership; appointment; terms**

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

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

29 **(b) Nine members appointed by the Jefferson Parish Council to consist**

1 of the following:

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

4 (ii) Three members representing parents, consumers, or advocacy
5 groups, one each in the fields of mental health, intellectual disabilities, and
6 addictive disorders.

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

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

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

19 B. The Jefferson Parish attorney shall be the legal advisor for the
20 authority.

21 §913.2. Governing board for Florida Parishes Human Services Authority;
22 membership; appointment; terms

23 A. The Florida Parishes Human Services Authority shall be governed by
24 a board of nine members. The board shall include three residents from the
25 parish of St. Tammany; two residents each from the parishes of Livingston and
26 Tangipahoa; and one resident each from the parishes of St. Helena and
27 Washington.

28 B.(1) The members shall be appointed by the governing authority of each
29 parish. All appointments shall require ratification by a plurality of the

1 legislative delegation representing the five parishes which are included in the
2 authority.

3 (2) Parishes with two board members shall be represented by one
4 practitioner and one advocate or consumer. Both shall have a history of
5 involvement in one or more of the three areas of service. The advocates shall
6 have demonstrated an active history of support and involvement in one or more
7 of the service areas. Consumers shall have received services in one or more of
8 the three service areas provided by the authority.

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

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

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

3 **§913.3. Governing board for Metropolitan Human Services District;**
4 **membership; appointment; terms**

5 **A. The Metropolitan Human Services District shall be governed by a**
6 **board of thirteen members. The board shall include nine residents from the**
7 **parish of Orleans and two residents each from the parishes of St. Bernard and**
8 **Plaquemines.**

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

18 **(2) At all times the board composition shall include, at a minimum, one**
19 **individual in each field with professional expertise in the fields of addictive**
20 **disorder, developmental disability, and mental health and one individual in each**
21 **field representing parents, consumers, or advocacy groups in the fields of**
22 **addictive disorder, developmental disability, and mental health. If board**
23 **membership does not comply with this requirement on July 1, 2017, it shall**
24 **immediately expand to accommodate this provision. The board shall be**
25 **expanded only to the extent that the current members do not satisfy the**
26 **requirement of this Paragraph and shall be reduced to the number of board**
27 **members established in this Chapter as board member terms expire.**

28 **(3) Effective with all nominations made after July 1, 2017, and upon**
29 **satisfaction of the requirements in Paragraph (2) of this Subsection, the**

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

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

10 §913.4. Governing board for South Central Louisiana Human Services

11 Authority; membership; appointment; terms

12 A. The South Central Louisiana Human Services Authority shall be
13 governed by a board of nine members. The board shall include two residents
14 from the parishes of Lafourche and Terrebonne and one resident each from the
15 parishes of Assumption, St. Charles, St. James, St. John the Baptist, and St.
16 Mary.

17 B.(1) The members shall be appointed by the parish police jury. All
18 appointments shall require ratification by a plurality of the legislative
19 delegation representing the seven parishes which are included in the 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. At all times the board composition shall include,
29 at a minimum, one individual in each field with professional expertise in the

1 fields of addictive disorder, developmental disability, and mental health and one
2 individual in each field representing parents, consumers, or advocacy groups
3 in the fields of addictive disorder, developmental disability, and mental health.
4 If board membership does not comply with this requirement on July 1, 2017, it
5 shall immediately expand to accommodate this provision. The board shall be
6 expanded only to the extent that the current members do not satisfy the
7 requirement of this Paragraph and shall be reduced to the number of board
8 members established in this Chapter as board member terms expire.

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

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

20 §913.5. Governing board for Northeast Delta Human Services Authority;
21 membership; appointment; terms

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

27 B.(1) The members shall be appointed by the governing authority of each
28 parish, with the exception of Ouachita Parish, in which they shall be appointed
29 by the Ouachita Council of Government. All appointments shall require

1 ratification by a plurality of the legislative delegation representing the twelve
2 parishes which are included in the authority.

3 (2) Parishes with two or more board members shall be represented by
4 at least one professional and at least one advocate or consumer. Both shall have
5 a history of involvement in one or more of the three areas of service. The
6 advocates shall have demonstrated an active history of support and involvement
7 in one or more of the service areas. Consumers shall have received services in
8 one or more of the three service areas provided by the authority.

9 (3) The appointees shall be professionals or active advocates in the fields
10 of mental health, developmental disabilities, intellectual disabilities, or addictive
11 disorders services. At all times the board composition shall include, at a
12 minimum, two individuals in each field with professional expertise in the fields
13 of addictive disorder, developmental disability, and mental health and two
14 individuals in each field representing parents, consumers, or advocacy groups
15 in the fields of addictive disorder, developmental disability, and mental health.
16 If board membership does not comply with this requirement on July 1, 2017, it
17 shall immediately expand to accommodate this provision. The board shall be
18 expanded only to the extent that the current members do not satisfy the
19 requirement of this Paragraph and shall be reduced to the number of board
20 members established in this Chapter as board member terms expire.

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

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

3 **§913.6. Governing board for Capital Area Human Services District;**
4 **membership; appointment; terms**

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

10 **B.(1) The members shall be appointed by the governor from among a list**
11 **of qualified candidates nominated by the governing authority of each parish in**
12 **accordance with Paragraph (2) of this Subsection. The appointments shall**
13 **represent at least six professionals and a balance of professionals and advocates**
14 **in the fields of community-based public health, mental health, developmental**
15 **disabilities, intellectual disabilities, and addictive disorders. At all times the**
16 **board composition shall include, at a minimum, two individuals in each field**
17 **with professional expertise in the fields of addictive disorder, developmental**
18 **disability, and mental health and two individuals in each field representing**
19 **parents, consumers, or advocacy groups in the fields of addictive disorder,**
20 **developmental disability, and mental health. If board membership does not**
21 **comply with this requirement on July 1, 2017, it shall immediately expand to**
22 **accommodate this provision. The board shall be expanded only to the extent**
23 **that the current members do not satisfy the requirement of this Paragraph and**
24 **shall be reduced to the number of board members established in this Chapter**
25 **as board member terms expire.**

26 **(2) Effective with all nominations made after July 1, 2017, and upon**
27 **satisfaction of the requirements in Paragraph (3) of this Subsection, the**
28 **governing authority of each parish shall ensure that board member nominees**
29 **include individuals who represent law enforcement, the judiciary, with**

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

6 (3) The governing authority of each parish, except Ascension Parish,
7 shall submit a list of at least two candidates for each board position available to
8 a resident of that parish to the governor. In Ascension Parish, the list of at least
9 two candidates shall be submitted by the parish president.

10 C. Each appointment shall be submitted to the Senate for confirmation.

11 §913.7. Governing board; general provisions

12 The following provisions shall apply to all district and authority
13 governing boards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **(13) The contractual relationship with the Louisiana Department of**
27 **Health.**

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

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

1 (16) Compliance with the Louisiana Open Meetings Law.

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

4 (18) Discussion of how regularly scheduled board meetings will be
5 conducted.

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

9 (20) Any other matter deemed important by the executive director.

10 B. The executive director may include representatives from the
11 Louisiana Department of Health, office of the Louisiana legislative auditor,
12 Louisiana Ethics Administration, office of the Louisiana attorney general or any
13 other entity that can provide important information to the board members
14 during any board meeting.

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

18 D. Regardless of when created, all ~~All~~ district ~~and authority~~ boards shall
19 adopt:

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

25 (2) Bylaws that specify that the board may act only as a body and not through
26 the individual actions of any individual board member, unless the board member is
27 given explicit authority by a majority vote of the board to carry out a specific
28 function, or the function is reasonably required of a board member serving as an
29 officer of the board. Under penalty of removal, no board member shall, directly or

1 indirectly, provide direction to or interfere with any employee of the district **or**
2 **authority.**

3 §915. Districts **and authorities;** functions, powers, and duties; **sole source**
4 **contracting**

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

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

10 (2) Be responsible for community-based programs and functions relating to
11 the care, diagnosis, training, treatment, case management, and education of persons
12 with intellectual disabilities, persons with developmental disabilities and persons
13 with autism.

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

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

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

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

28 (7) Manage through their governing board the services required by
29 Paragraphs (1) through (4) of this Subsection and operate within the scope of a

1 contract with the department. Each district **or authority** shall be operated in a
2 manner that meets ~~the standards and competencies established by the framework and~~
3 ~~accountability plan, with such standards and competencies addressing~~ **regarding**
4 financial controls, clinical protocols, human resources, legal resources, purchasing,
5 contracting, and outcomes measurement.

6 (8) Participate, as a critical part of Louisiana's health care infrastructure, in
7 all emergency planning, preparedness, response, and recovery efforts ~~as directed by~~
8 ~~the department~~ **within the statutory governance area of the human services**
9 **district or authority and assist on a statewide basis if requested to do so by the**
10 **secretary or his designee.**

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

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

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

18 **(a) The districts and authorities may enter into contracts with the**
19 **judicial branch to be the sole source provider of behavioral health services**
20 **ordered by the court through any statutorily authorized specialty court**
21 **program which requires certain behavioral health treatments. Such sole source**
22 **contracts shall be limited to a district court physically located within the**
23 **statutory governance area of the human services district or authority.**

24 **(b) The districts and authorities may enter into contracts with a**
25 **correctional facility to be the sole source provider of behavioral health services**
26 **if the correctional facility is in need of such services as part of an emergency**
27 **department diversion program, or upon successful completion of a re-entry**
28 **program that requires ongoing services. Such sole source contracts shall be**
29 **limited to a correctional facility, emergency department, or residence of an**

1 individual completing the re-entry process located within the statutory
 2 governance area of the human services district or authority.

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

6 (3) To have possession and operating control, but not title to, all immovable
 7 and movable property owned by the state and dedicated to the provision of
 8 behavioral health, developmental disabilities **or intellectual disabilities**, public
 9 health, or any other service contracted by the department to the district **or authority**.

10 The state shall continue to be responsible for the maintenance of those properties
 11 which are provided by the state on the effective date of this Chapter.

12 (4) To establish community-based behavioral health, developmental
 13 disabilities **or intellectual disabilities**, public health, and other contracted program
 14 policies in conformance with the contract with the department and applicable state
 15 and federal laws, rules, and regulations.

16 (5) To establish performance indicators and reporting requirements as
 17 outlined in the contract between the district **or authority** and the department to
 18 determine the quality of services delivered by the district **or authority** and maintain
 19 the services at the level of the standards set by the department.

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

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

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

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

29 C. Each human services district **or authority** shall constitute a body

1 corporate in law, with all of the powers of a corporation, including the power to sue
2 and be sued. Each district or authority shall also have all the powers and rights
3 conferred by this Chapter and the power to perform any other act in its corporate
4 capacity and in its corporate name which is necessary and proper for effectuating the
5 purposes for which the district or authority was created. Each district or authority
6 shall constitute a special district or authority within the meaning of Article VI,
7 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
8 state, and enjoy all rights, powers, and privileges enjoyed by other political
9 subdivisions of the state under the constitution and laws of the state, excluding the
10 rights to incur long-term debt, issue bonds, ~~and~~ or levy taxes and special
11 assessments.

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

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

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

22 (1) Operation and management of any inpatient facility under the jurisdiction
23 of the department.

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

1 (3) Operation, management, and performance of functions and services
 2 relating to the Louisiana Vital Records Registry and the collection of vital statistics
 3 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
 4 44:402, and R.S. 40:~~1299.35.6~~ **1061.17**, including the Putative Father Registry and
 5 the vital records management information system.

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

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

12 §916. Functions; transferred

13 ~~A. The boards and the secretary of the department are hereby authorized to~~
 14 ~~enter into all contracts necessary for the provision of the functions and funds relative~~
 15 ~~to the operation of community-based behavioral health and developmental disability~~
 16 ~~services as well as public health or any other services contracted to the districts. As~~
 17 ~~part of the contract, the board shall agree to make a good faith effort to use providers~~
 18 ~~within the district who have traditionally provided community-based behavioral~~
 19 ~~health, developmental disabilities, public health, and any other contracted services~~
 20 ~~for the state.~~

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

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

28 §917. Employees; transferred

29 A. All employees **of the district or authority** engaged in the performance

1 of duties relating to the functions of the programs and services transferred by
 2 contract from the department to a district are hereby transferred to the respective
 3 district to **shall** carry out the functions of the district **or authority** and its programs
 4 and services and shall ~~continue to~~ perform their duties subject to applicable state
 5 civil service laws, rules, and regulations.

6 B.**(1)** All employees of the districts **and authorities** shall participate in and
 7 be covered by state services, systems, and programs for which provision is made in
 8 ~~comprehensive liability, automobile, workers' compensation, and fire and extended~~
 9 ~~coverage insurance and medical malpractice liability laws as provided for in R.S.~~
 10 ~~39:1527 et seq. and R.S. 40:1299-39~~ **40:1237.1** et seq.

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

15 C. The districts **and authorities**, including their contract service delivery
 16 employees, may participate in and be covered by the state program for medical
 17 malpractice notwithstanding the prohibition in R.S. 40:~~1299-39~~ **1237.1**(A)(1)(b) and
 18 (M) to the contrary, provided that the districts **and authorities** or covered contract
 19 service delivery employees have paid the appropriate premium to the office of risk
 20 management.

21 D. All employees of the districts **and authorities** shall be members of the
 22 state civil service system and the Louisiana State Employees' Retirement System.
 23 ~~§918:~~ **§917.** Human Services Interagency Council; membership and responsibilities

24 **A. There shall be a human services** The interagency council **established**
 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 citizens with developmental disabilities, office
 29 of public health, office of aging and adult services, as well as the director of

1 Medicaid or his designee, the executive directors of the districts **and authorities**, and
2 other members as deemed appropriate by ~~the secretary~~. The interagency council
3 membership shall participate in the readiness assessment process and in the
4 monitoring and planning of the framework and accountability plan **the council**.

5 **B. The purpose of the council meetings shall be to share information**
6 **between the state and the districts and authorities and among the districts and**
7 **authorities. All council members shall have the opportunity to present**
8 **information, request information, and engage in dialogue regarding any matter**
9 **before the council.**

10 **C. The council shall meet at least once quarterly, but may meet more**
11 **often if called by the chair. The council shall meet at locations that rotate**
12 **throughout the state, as appropriate, to provide ease of travel for the members**
13 **of the council. A quorum is not required and council members may participate**
14 **by phone during any meeting in which a vote of the council members is not**
15 **being requested, but a quorum shall be required for any vote to be taken on a**
16 **matter before the council.**

17 **D.(1) Beginning February 1, 2018, the secretary shall submit a single**
18 **comprehensive annual report on the operations of the districts and authorities**
19 **to the Senate and House committees on health and welfare. The annual report**
20 **shall include a detailed list of the services provided and populations served by**
21 **each district or authority, a financial summary of the operations of each district**
22 **or authority, and other information demonstrating the performance of each**
23 **district or authority for the previous fiscal year. The report shall include the**
24 **secretary's assessment and recommendations based on the data in the report.**
25 **The report shall also include recommendations by the council and**
26 **recommendations of any individual district or authority in the event that they**
27 **wish to provide additional information or commentary regarding the data in the**
28 **report. The report shall also include information on the meetings of the council**
29 **and recommendations on how to build upon the work of the council.**

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

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

22 ~~§919. §918.~~ Louisiana Department of Health; responsibility and authority to
 23 **contract; monitor; sanction;** ~~readiness assessment; surveys;~~
 24 ~~framework and accountability plan; sanctions~~

25 A. The secretary, **upon consultation with the human services districts and**
 26 **authorities,** shall be responsible for policy, development, implementation, and
 27 monitoring **of service provision** of the statewide human services system to assure
 28 the ~~provision of the~~ **appropriate and reasonable** delivery of behavioral health,
 29 **intellectual disability,** and developmental ~~disabilities~~ **disability** services funded by

1 appropriations from the state as well as any public health or other human services
2 contracted to the district or authority by the department.

3 B.(1) The secretary of the department shall have the authority to enter into
4 a sole source contract with districts or authorities for the provision of behavioral
5 health, developmental disabilities and intellectual disabilities, and selected public
6 health services, or any other human services which contribute to the integrated
7 continuum of care for the clients served by the district or authority. For any service
8 contracted by the department, the department shall provide the funding appropriate
9 for the adequate delivery of such services. During the course of any fiscal year, the
10 department shall have the authority to examine utilization rates for services
11 provided and populations served, actual expenditures, and remaining forecasted
12 expenditures for each human service district or authority in order to make
13 appropriate funding determinations. When necessary, the department, in
14 consultation with the human services districts or authorities, may submit such
15 data and information to the legislature for an adjustment of funds during the
16 current fiscal year.

17 (2) The contract shall establish performance indicators, quality
18 outcomes, and reporting requirements for the human services districts and
19 authorities, as provided for in this Chapter, as a condition of entering into a
20 contract with the department or as a condition of receiving grant funds or
21 funding from the department.

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

26 ~~D.(1) The department shall not contract with a new district until the~~
27 ~~department, in consultation with the interagency council, has determined and~~
28 ~~confirmed in writing to the governor that the department is prepared to contract the~~
29 ~~provision of services to the district, and the district is prepared to accept and be~~

1 accountable for such service provision. In making this determination, the department
2 shall ~~conduct a readiness assessment of the district.~~

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

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

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

24 E: All districts shall participate in surveys to ensure compliance with the
25 statewide human services system of care, framework, and accountability plan. The
26 interagency council shall recommend to the secretary a schedule for surveys, with
27 such surveys beginning within one year after the standards are approved. Each
28 district shall be surveyed **at least** every two years. The survey team members shall
29 be selected by the secretary or his designee and shall include a minimum of two

1 experienced district executives as well as department staff. Each survey shall be
 2 designed to, at a minimum, ensure each district maintains competency standards for
 3 human resources, adequate financial controls, operational and clinical protocols, and
 4 shall be used as an opportunity to share best practices.

5 ~~F.D.~~ The contract shall incorporate by reference the provisions of the
 6 framework and accountability plan in the delivery of behavioral health, **intellectual**
 7 **disability** and developmental ~~disabilities~~ **disability** services ~~as well as~~ **and may**
 8 **provide for the delivery of** public health or any other human services contracted by
 9 the department and funded by appropriations. The ~~framework~~ **contract** shall include
 10 but not be limited to:

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

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

21 (3) Standards for intake and access to institutional and community services.

22 ~~G. The accountability plan shall include but not be limited to:~~

23 ~~(4) Development and implementation of a plan for the provision of~~
 24 ~~statewide monitoring of human services system performance, including the~~
 25 ~~establishment of a minimum~~ **A minimum** required data set of consumer-focused and
 26 systems outcome measurements required for reliable outcome measurement that use
 27 consistent definitions statewide.

28 ~~(5) Development and implementation of a plan for provision of statewide~~
 29 ~~monitoring to assure~~ **A mechanism to survey and monitor** quality of care and

1 protection of consumer rights through consistent and reliable outcome
2 measurements.

3 ~~(3)(6) Development and implementation of standards~~ **Standards** for
4 subcontractor agreements funded by appropriations from the state to assure
5 compliance with ~~the state human services plan and~~ applicable state and federal laws,
6 rules, regulations, and court orders and to provide remedies for correction of
7 noncompliance and sanctions for failure to comply.

8 ~~(4)(7) Ongoing standards for operational performance, including human~~
9 resources competency, contracting and procurement, clinical protocols, financial
10 controls, and consumer satisfaction.

11 **(8) Conditions and cause for termination of the contract by either party**
12 **pursuant to the provisions of Subsection E of this Section.**

13 H. **E.(1)(a)** The secretary of the department shall have the authority to issue
14 sanctions for noncompliance with the terms of the contract. ~~Sanctions may include~~
15 ~~but are not limited to appointment of temporary management to carry out the~~
16 ~~provisions of the contract at the expense of the district, monetary penalties, and~~
17 ~~suspension or termination of the contract.~~ The contracts between the districts **and**
18 **authorities** and the department shall include a provision for **corrective action or**
19 termination of the contract if a deficiency continues after such time as the district has
20 been given the opportunity to correct it. The department shall notify the district in
21 writing of any deficiency. The district shall have a period of time set forth in the
22 contract to **submit a corrective action plan to** correct any noticed deficiency. If the
23 deficiency continues after such period of time, or if the district does not make a good
24 faith effort to correct the deficiency, the contract shall have a provision for
25 termination by the department. ~~Written notice providing that the district is in~~
26 ~~noncompliance and such noncompliance constitutes a threat to public health or well-~~
27 ~~being shall be provided to the speaker of the House of Representatives, the president~~
28 ~~of the Senate, and the governor. In the event a contract is terminated under this~~
29 provision, the department shall assume responsibility and oversight for the provision

1 of services with funds appropriated to the district until such time as the district has
2 met the compliance standards and has successfully completed a new readiness
3 assessment.

4 (b) The department shall submit written notice to the Senate and House
5 committees on health and welfare if a district or authority is in noncompliance
6 with their contract and a corrective action plan has been requested. The
7 department shall inform the committees of the time line for the district or
8 authority to come into compliance with their contract and shall inform the
9 committees when the matter is resolved.

10 (2)(a) The contracts between the districts and authorities and the
11 department shall also include a provision authorizing the department to assume
12 temporary management of the district or authority if noncompliance with the
13 contract constitutes a threat to public health or well-being and a corrective
14 action plan can not sufficiently address the threat to the public health. In the
15 event a contract is terminated under this provision, the department shall
16 assume responsibility and oversight for the provision of services with funds
17 appropriated to the district until such time as the district has met the
18 compliance standards of their contract.

19 (b) The department shall submit written notice to the Senate and House
20 committees on health and welfare if a district or authority is in noncompliance
21 with their contract and the department intends to terminate the contract and
22 assume temporary management of the district or authority. Approval of the
23 Senate and House committees on health and welfare, meeting separately or
24 jointly, is required before imposing the sanction of temporary management by
25 the department.

26 (c) If a district or authority has been placed under temporary
27 management by the department, and subsequently resumes compliance with
28 their contract, the department shall submit written notice to the Senate and
29 House committees on health and welfare of their intent to resume the contract

1 **and relinquish temporary management of the district or authority.**

2 **F. The department shall have the authority to survey and monitor the**
 3 **human services districts and authorities by conducting onsite reviews, desk**
 4 **reviews, data reviews, requiring data submission on grant funds, legislative**
 5 **reporting, federal or state requirements, and budgeting purposes.**

6 Section 2. R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of
 7 1950, comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana
 8 Revised Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of
 9 the Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19
 10 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896,
 11 Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901
 12 through 906, and R.S. 28:919 and 920 are hereby repealed.

13 Section 3. This Act shall become effective upon signature by the governor or, if not
 14 signed by the governor, upon expiration of the time for bills to become law without signature
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 17 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 Engrossed

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.

Proposed law requires a minimum number of professionals and consumers with experience in the fields of developmental disability, mental health, and addictive disorders on each board. Proposed law adds these members immediately if they are not already represented by current board membership and reduces the total number of board members back to the number established in present law as board member terms expire.

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 discussion of certain operational matters.

Present law requires the department to submit a report to the legislature on the services and financial status of the districts and authorities. Proposed law clarifies the data to be included in the report and provides for an oversight hearing by the Senate and House committees on health and welfare.

Present law requires the department to provide adequate funding appropriate for the delivery of services. Proposed law establishes a funding analysis, to be conducted in consultation with the districts and authorities, based on quality outcomes.

Present law provides for the department to impose sanctions on the districts and authorities for noncompliance with their contract. Proposed law specifies that the sanctions may be requiring a plan of correction or assuming temporary management of the district or authority. If the sanction is a plan of correction, the Senate and House committees on health and welfare must be notified. If the sanction is temporary management, the department must get the approval of the Senate and House committees on health and welfare.

Present law establishes a state funded program for cash subsidies for families with persons with developmental disabilities (R.S. 28:821). Proposed law requires the human services districts and authorities to consider as a board, and in their contract with the department, their responsibilities in implementing this program.

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)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Restores present law regarding the human services accountability plan and the human services framework.
2. Requires a minimum number of professionals and consumers on each human service district and authority board in the fields of developmental disability, addictive disorder, and mental health. Places them on the board immediately upon passage of proposed law and reduces the board the their statutory capacity as current member's terms expire.
3. Requires the human service district and authority boards to prioritize the services established in the Community and Family Support System provisions of law at R.S. 28:821, et seq.
4. Clarifies that the Louisiana Department of Health is responsible for submitting an annual report to the legislature on the operations of the human service districts and authorities and provides for an oversight hearing on the report by the Senate and House committees on health and welfare.
5. Clarifies the funding assessment that the department must conduct regarding the human services districts and authorities and establishes quality outcome and reporting requirements as a condition of contracting with the department or receiving funding.
6. Restores the secretary as the chairman of the Human Services Interagency Council.
7. Restores present law regarding sanctions and clarifies that the department may require a plan of correction and if so, must provide notice to the Senate and House committees on health and welfare. If there is threat to public health or well-being, the department may take temporary management of the district or authority, but can only do so with the approval of the Senate and House committees on health and welfare.
8. Provides for survey and monitoring of the districts and authorities by the department.
9. Makes technical corrections.