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DIGEST

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SB 58 Reengrossed

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 healthcare, 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. Requires that by January 1, 2018, all human services district and authority boards shall comply with the board member expertise requirements provided for in present law and proposed law.

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 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.

Proposed law requires each district and authority to set aside funding in an amount equal to at least 9% of its state general fund appropriation each fiscal year for services for persons with developmental disabilities.

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 (Ch. 14 of Title 28), Florida Parishes Human Services Authority (Ch. 16 of Title 28), Metropolitan Human Services District (Ch. 17 of Title 28), South Central Louisiana Human Services Authority (Ch. 18 of Title 28), Northeast Delta Human Services Authority (Ch. 19 of Title 28), and Capital Area Human Services District (Ch. 20 of Title 28). Proposed law repeals present law to consolidate these districts and authorities into the Statewide Human Services Delivery chapter (Ch. 21 of Title 28) 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. 28:911-918; adds R.S. 28:910 and 913.1-913.7; repeals R.S. 28:831, 851-906, 919, and 920)

Summary of Amendments Adopted by Senate

Committee 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.

Senate Floor Amendments to engrossed bill

1. Makes changes to the governing board for Capital Area Human Services District.
2. Requires every district and authority to set aside at least 10% of its state general fund appropriation each fiscal year for in-home services for the developmentally disabled.
3. Removes the requirement that the judicial branch or correctional facility that a district or authority enters into a contract with the sole source provider.
4. Provides that when necessary, LDH, in consultation with the districts or authorities, shall submit certain data and information to the legislature prior to making any recommendation of funds adjustment for the subsequent fiscal year.
5. Makes technical amendments.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill:

1. Reorganize and recodify present law and proposed law relative to the membership and qualifications of human services district and authority board members and their means of appointment.
2. Require that by January 1, 2018, all human services district and authority boards shall comply with the board member expertise requirements provided for in present law and proposed law.
3. Provide that members serving on a human services district or authority board prior to January 1, 2018 who satisfy one of the board member expertise requirements shall be considered to have satisfied the conditions of present law and proposed law and shall remain on the board for the duration of their unexpired term; and stipulate that any board member who does not satisfy one of the expertise requirements shall be replaced by January 1, 2018, and the newly appointed member shall begin a new three-year term.
4. Establish that it shall be the responsibility of the executive director of each human services district or authority to ensure that the district's or authority's board satisfies the criteria provided in present law and proposed law, and require the executive director to work with local parish governmental authorities and the governor to ensure compliance with the board requirements provided in present law and proposed law.
5. Delete proposed law requiring each district and authority to set aside at least 10% of its state general fund appropriation each fiscal year for services for persons with developmental disabilities; add in lieu thereof a provision to require the districts and authorities to set aside an amount equal to at least 9% of its state general fund appropriation each fiscal year for such services.
6. Make technical changes.