

SENATE BILL NO. 58

BY SENATOR MILLS

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

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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 Chapter 14 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of 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 to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

1 CHAPTER 21. STATEWIDE HUMAN SERVICES DELIVERY

2 PART I. HUMAN SERVICES DISTRICTS AND AUTHORITIES:

3 GENERAL PROVISIONS

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

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

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

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

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

24 §911. Definitions

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

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

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

29 (3) "Case records" means medical and treatment records, records and
 30 investigations of abuse or neglect of adults, records of public health services

1 including children's special health services, nutrition, and immunization, and other
 2 medical, disability, or behavioral health service records related to services provided
 3 by the district **or authority** or the department.

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

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

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

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

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

29 (9) ~~"Human Services Interagency Council", referred to in this Chapter as~~
 30 ~~"interagency council"~~, means the interagency council established by the department

1 to provide policy guidance to the department in the development, implementation,
2 and ongoing management of the districts.

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

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

13 §912. Creation and jurisdiction

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

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

23 B. The human services districts **and authorities** shall be:

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

25 ~~(a) Capital Area Human Services District,~~ **which shall comprise the**
26 **parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe**
27 **Coupee, West Baton Rouge, and West Feliciana.**

28 ~~(b)~~**(2)(a)** Jefferson Parish Human Services Authority, **which shall comprise**
29 **the parish of Jefferson.**

30 **(b) The governing authority of Jefferson Parish shall continue to provide**

1 funds and in-kind contributions for the Jefferson Parish Human Services
 2 Authority on at least the level of funding and in-kind contributions in effect
 3 during the 1990 fiscal year.

4 (c) The Jefferson Parish Council shall have the authority to levy taxes
 5 and issue bonds or other obligations for the provision of services at the
 6 Jefferson Parish Human Services Authority.

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

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

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

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

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

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

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

23 ~~(e)(9) Region 6 Human Services District, or any name formally adopted by~~
 24 ~~the district's board~~ Central Louisiana Human Services District, which shall
 25 comprise the parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Rapides,
 26 Vernon, and Winn.

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

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

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

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

7 §913. Governing board **for Acadiana Area Human Services District, Imperial**
 8 **Calcasieu Human Services Authority, Central Louisiana Human**
 9 **Services District, and Northwest Louisiana Human Services**
 10 **District**; membership; appointment; terms; compensation

11 ~~A.(1) For districts created pursuant to R.S. 28:912(B)(2), each district shall~~
 12 ~~be governed by a board whose membership consists of residents of the respective~~
 13 ~~regions. The number of members on the board shall consist of one representative~~
 14 ~~from each parish in the region who is appointed by the local governmental authority.~~
 15 ~~The membership shall also include three appointees by the governor.~~

16 ~~(2) The parish appointees shall be persons with professional experience or~~
 17 ~~parents, consumers, or advocates in the fields of addictive disorders, developmental~~
 18 ~~disabilities, mental health, or public health.~~

19 ~~(3) The governor's three appointees shall be one member with experience in~~
 20 ~~the financial operation of a business enterprise, one member who is a parent,~~
 21 ~~consumer, or caregiver of a consumer of services, and one member who represents~~
 22 ~~one of the following fields: addictive disorders, developmental disabilities, mental~~
 23 ~~health, or public health. The governing authority of each parish may submit three~~
 24 ~~names to the governor for consideration as one of the 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 shall serve terms of~~
 29 ~~three years. No board member shall serve more than two three-year terms.~~

30 ~~C. Each board member shall serve without compensation but shall be~~

1 ~~reimbursed for expenses and mileage at the same rate set by the division of~~
 2 ~~administration for state employees for each day in actual attendance at board~~
 3 ~~meetings or for representing the board in an official board-approved activity.~~

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

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

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

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

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

20 ~~**A. The Acadiana Area Human Services District shall be governed by a**~~
 21 ~~**board of ten members who are residents of the seven parishes within the**~~
 22 ~~**statutory governance area of the district. Seven members shall consist of one**~~
 23 ~~**representative from each parish within the statutory governance area of the**~~
 24 ~~**district who is appointed by the local governmental authority of the parish and**~~
 25 ~~**three members shall be appointed by the governor as follows:**~~

26 ~~**(1) One member with professional expertise in the field of mental health.**~~

27 ~~**(2) One member with professional expertise in the field of addictive**~~
 28 ~~**disorders.**~~

29 ~~**(3) One member with professional expertise in the field of**~~
 30 ~~**developmental disabilities.**~~

1 (4) One member with professional expertise in finance, accounting,
2 business enterprise, or auditing.

3 (5) One member who represents the judiciary, with particular emphasis
4 on specialty courts.

5 (6) Two members who represent law enforcement, school-based
6 healthcare, public health, or the coroner's office based on the needs of the
7 respective appointing parishes.

8 (7) One member who is a parent, consumer, or advocate in the field of
9 mental health appointed by the governor.

10 (8) One member who is a parent, consumer, or advocate in the field of
11 addictive disorders appointed by the governor.

12 (9) One member who is a parent, consumer, or advocate in the field of
13 developmental disabilities appointed by the governor.

14 B. The Imperial Calcasieu Human Services Authority shall be governed
15 by a board of eight members who are residents of the five parishes within the
16 statutory governance area of the authority. Five members shall consist of one
17 representative from each parish within the statutory governance area of the
18 authority who is appointed by the local governmental authority of the parish
19 and three members shall be appointed by the governor as follows:

20 (1) One member with professional expertise in the field of mental health.

21 (2) One member with professional expertise in the field of addictive
22 disorders.

23 (3) One member with professional expertise in the field of
24 developmental disabilities.

25 (4) One member with professional expertise in finance, accounting,
26 business enterprise, or auditing.

27 (5) One member who represents either the judiciary, with particular
28 emphasis on specialty courts; or law enforcement, school-based healthcare,
29 public health, or the coroner's office based on the needs of the parishes.

30 (6) One member who is a parent, consumer, or advocate in the field of

1 mental health appointed by the governor.

2 (7) One member who is a parent, consumer, or advocate in the field of
 3 addictive disorders appointed by the governor.

4 (8) One member who is a parent, consumer, or advocate in the field of
 5 developmental disabilities appointed by the governor.

6 C. The Central Louisiana Human Services District shall be governed by
 7 a board of eleven members who are residents of the eight parishes within the
 8 statutory governance area of the district. Eight members shall consist of one
 9 representative from each parish within the statutory governance area of the
 10 district who is appointed by the local governmental authority of the parish and
 11 three members shall be appointed by the governor as follows:

12 (1) One member with professional expertise in the field of mental health.

13 (2) One member with professional expertise in the field of addictive
 14 disorders.

15 (3) One member with professional expertise in the field of
 16 developmental disabilities.

17 (4) One member with professional expertise in finance, accounting,
 18 business enterprise, or auditing.

19 (5) One member who represents the judiciary, with particular emphasis
 20 on specialty courts.

21 (6) Three members who represent law enforcement, school-based
 22 healthcare, public health, or the coroner's office based on the needs of the
 23 respective appointing parishes.

24 (7) One member who is a parent, consumer, or advocate in the field of
 25 mental health appointed by the governor.

26 (8) One member who is a parent, consumer, or advocate in the field of
 27 addictive disorders appointed by the governor.

28 (9) One member who is a parent, consumer, or advocate in the field of
 29 developmental disabilities appointed by the governor.

30 D. The Northwest Louisiana Human Services District shall be governed

1 by a board of twelve members who are residents of the nine parishes within the
2 statutory governance area of the district. Nine members shall consist of one
3 representative from each parish within the statutory governance area of the
4 district who is appointed by the local governmental authority of the parish and
5 three members shall be appointed by the governor as follows:

6 (1) Two members with professional expertise in the field of mental
7 health.

8 (2) Two members with professional expertise in the field of addictive
9 disorders.

10 (3) Two members with professional expertise in the field of
11 developmental disabilities.

12 (4) One member with professional expertise in finance, accounting,
13 business enterprise, or auditing.

14 (5) One member who represents the judiciary, with particular emphasis
15 on specialty courts.

16 (6) One member who represents law enforcement, school-based
17 healthcare, public health, or the coroner's office based on the needs of the
18 parishes.

19 (7) One member who is a parent, consumer, or advocate in the field of
20 mental health appointed by the governor.

21 (8) One member who is a parent, consumer, or advocate in the field of
22 addictive disorders appointed by the governor.

23 (9) One member who is a parent, consumer, or advocate in the field of
24 developmental disabilities appointed by the governor.

25 E. Appointees shall serve terms of three years. No board member shall
26 serve more than three consecutive three-year terms.

27 F. Effective January 1, 2018, all boards established pursuant to this
28 Section shall comply with the enumerated requirements of expertise in this
29 Section. Any board member serving on the board prior to January 1, 2018, who
30 satisfies at least one of the enumerated criteria shall be considered to have

1 satisfied the requirement to serve and shall remain on the board for the
 2 duration of his unexpired term. Any board member who does not satisfy one
 3 of the enumerated criteria shall be replaced by January 1, 2018, and the newly
 4 appointed member shall begin a new three-year term. It shall be the
 5 responsibility of the executive director of each district or authority provided for
 6 in this Section to ensure that the board of the district or authority satisfies the
 7 enumerated criteria herein. The executive director shall work with the local
 8 parish governmental authorities in the district's or authority's statutory
 9 governance area and with the governor to ensure compliance with the board
 10 requirements of this Section.

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

13 A. The Jefferson Parish Human Services Authority shall be governed
 14 by a board of twelve members who are residents of Jefferson Parish. Nine
 15 members shall be appointed by the Jefferson Parish Council and three members
 16 shall be appointed by the governor as follows:

17 (1) Two members with professional expertise in the field of mental
 18 health.

19 (2) Two members with professional expertise in the field of addictive
 20 disorders.

21 (3) Two members with professional expertise in the field of
 22 developmental disabilities.

23 (4) One member with professional expertise in finance, accounting,
 24 business enterprise, or auditing.

25 (5) One member who represents the judiciary, with particular emphasis
 26 on specialty courts.

27 (6) One member who represents law enforcement, school-based
 28 healthcare, public health, or the coroner's office based on the needs of the
 29 parish.

30 (7) One member who is a parent, consumer, or advocate in the field of

1 mental health appointed by the governor.

2 (8) One member who is a parent, consumer, or advocate in the field of
3 addictive disorders appointed by the governor.

4 (9) One member who is a parent, consumer, or advocate in the field of
5 developmental disabilities appointed by the governor.

6 B. Each member shall serve for a three-year term. No board member
7 shall serve more than two consecutive three-year terms.

8 C. Effective January 1, 2018, the board shall comply with the
9 enumerated requirements of expertise in this Section. Any board member
10 -serving on the board prior to January 1, 2018, who satisfies at least one of the
11 enumerated criteria shall be considered to have satisfied the requirement to
12 serve and shall remain on the board for the duration of his unexpired term. Any
13 board member who does not satisfy one of the enumerated criteria shall be
14 replaced by January 1, 2018, and the newly appointed member shall begin a
15 new three-year term. It shall be the responsibility of the executive director to
16 ensure that the board satisfies the enumerated criteria herein. The executive
17 director shall work with the Jefferson Parish Council and the governor to
18 ensure compliance with the board requirements of this Section.

19 D. 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. The members shall be appointed by the governing authority of each
29 parish. All appointments shall require ratification by a plurality of the
30 legislative delegation representing the five parishes which are included in the

1 authority.

2 C. The Florida Parishes Human Services Authority board shall be
3 comprised of the following nine members:

4 (1) One member with professional expertise in the field of mental health.

5 (2) One member with professional expertise in the field of addictive
6 disorders.

7 (3) One member with professional expertise in the field of
8 developmental disabilities.

9 (4) One member with professional expertise in finance, accounting,
10 business enterprise, or auditing.

11 (5) One member who represents the judiciary, with particular emphasis
12 on specialty courts.

13 (6) One member who represents law enforcement, school-based
14 healthcare, public health, or the coroner's office based on the needs of the
15 parish.

16 (7) One member who is a parent, consumer, or advocate in the field of
17 mental health.

18 (8) One member who is a parent, consumer, or advocate in the field of
19 addictive disorders.

20 (9) One member who is a parent, consumer, or advocate in the field of
21 developmental disabilities.

22 D. Each member shall serve for a three-year term. No board member
23 shall serve more than three consecutive three-year terms.

24 E. Effective January 1, 2018, the board shall comply with the
25 enumerated requirements of expertise in this Section. Any board member
26 -serving on the board prior to January 1, 2018, who satisfies at least one of the
27 enumerated criteria shall be considered to have satisfied the requirement to
28 serve and shall remain on the board for the duration of his unexpired term. Any
29 board member who does not satisfy one of the enumerated criteria shall be
30 replaced by January 1, 2018, and the newly appointed member shall begin a

1 new three-year term. It shall be the responsibility of the executive director to
 2 ensure that the board satisfies the enumerated criteria herein. The executive
 3 director shall work with the local parish governmental authorities in the
 4 authority's statutory governance area and with the governor to ensure
 5 compliance with the board requirements of this Section.

6 §913.3. Governing board for Metropolitan Human Services District;
 7 membership; appointment; terms

8 A. The Metropolitan Human Services District shall be governed by a
 9 board of thirteen members. The board shall include nine residents from the
 10 parish of Orleans and two residents each from the parishes of St. Bernard and
 11 Plaquemines who shall be appointed by the chief executive officer of each parish
 12 subject to approval of the governing authority of each parish. The board shall
 13 be comprised of the following thirteen members:

14 (1) Two members with professional expertise in the field of mental
 15 health.

16 (2) Two members with professional expertise in the field of addictive
 17 disorders.

18 (3) Two members with professional expertise in the field of
 19 developmental disabilities.

20 (4) One member with professional expertise in finance, accounting,
 21 business enterprise, or auditing.

22 (5) One member who represents the judiciary, with particular emphasis
 23 on specialty courts.

24 (6) Two members who represent law enforcement, school-based
 25 healthcare, public health, or the coroner's office based on the needs of the
 26 respective appointing parishes.

27 (7) One member who is a parent, consumer, or advocate in the field of
 28 mental health.

29 (8) One member who is a parent, consumer, or advocate in the field of
 30 addictive disorders.

1 (9) One member who is a parent, consumer, or advocate in the field of
2 developmental disabilities.

3 B. Each member shall serve for a three-year term. No board member
4 shall serve more than three consecutive three-year terms.

5 C. Effective January 1, 2018, the board shall comply with the
6 enumerated requirements of expertise in this Section. Any board member
7 serving on the board prior to January 1, 2018, who satisfies at least one of the
8 enumerated criteria shall be considered to have satisfied the requirement to
9 serve and shall remain on the board for the duration of his unexpired term. Any
10 board member who does not satisfy one of the enumerated criteria shall be
11 replaced by January 1, 2018, and the newly appointed member shall begin a
12 new three-year term. It shall be the responsibility of the executive director to
13 ensure that the board satisfies the enumerated criteria herein. The executive
14 director shall work with the local parish governmental authorities in the
15 district's statutory governance area to ensure compliance with the board
16 requirements of this Section.

17 §913.4. Governing board for South Central Louisiana Human Services
18 Authority; membership; appointment; terms

19 A. The South Central Louisiana Human Services Authority shall be
20 governed by a board of nine members. The board shall include two residents
21 from the parishes of Lafourche and Terrebonne and one resident each from the
22 parishes of Assumption, St. Charles, St. James, St. John the Baptist, and St.
23 Mary who shall be appointed by their respective police jury and ratified by a
24 plurality of the legislative delegation representing the seven parishes which are
25 included in the statutory governance area of the authority. The board shall be
26 comprised of the following nine members:

27 (1) One member with professional expertise in the field of mental health.

28 (2) One member with professional expertise in the field of addictive
29 disorders.

30 (3) One member with professional expertise in the field of

1 developmental disabilities.

2 (4) One member with professional expertise in finance, accounting,
 3 business enterprise, or auditing.

4 (5) One member who represents the judiciary, with particular emphasis
 5 on specialty courts.

6 (6) One member who represents law enforcement, school-based
 7 healthcare, public health, or the coroner's office based on the needs of the
 8 parish.

9 (7) One member who is a parent, consumer, or advocate in the field of
 10 mental health appointed by the governor.

11 (8) One member who is a parent, consumer, or advocate in the field of
 12 addictive disorders appointed by the governor.

13 (9) One member who is a parent, consumer, or advocate in the field of
 14 developmental disabilities appointed by the governor.

15 B. Each member shall serve for a three-year term. No board member
 16 shall serve more than three consecutive three-year terms.

17 C. Effective January 1, 2018, the board shall comply with the
 18 enumerated requirements of expertise in this Section. Any board member
 19 serving on the board prior to January 1, 2018, who satisfies at least one of the
 20 enumerated criteria shall be considered to have satisfied the requirement to
 21 serve and shall remain on the board for the duration of his unexpired term. Any
 22 board member who does not satisfy one of the enumerated criteria shall be
 23 replaced by January 1, 2018, and the newly appointed member shall begin a
 24 new three-year term. It shall be the responsibility of the executive director to
 25 ensure that the board satisfies the enumerated criteria herein. The executive
 26 director shall work with the local parish governmental authorities in the
 27 authority's statutory governance area to ensure compliance with the board
 28 requirements of this Section.

29 §913.5. Governing board for Northeast Delta Human Services Authority;
 30 membership; appointment; terms

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

6 **B. The members shall be appointed by the governing authority of each**
7 **parish, with the exception of Ouachita Parish, in which they shall be appointed**
8 **by the Ouachita Council of Government. All appointments shall require**
9 **ratification by a plurality of the legislative delegation representing the twelve**
10 **parishes which are included in the authority.**

11 **C. The seventeen-member board shall be comprised as follows:**

12 **(1) Two members with professional expertise in the field of mental**
13 **health.**

14 **(2) Two members with professional expertise in the field of addictive**
15 **disorders.**

16 **(3) Two members with professional expertise in the field of**
17 **developmental disabilities.**

18 **(4) One member with professional expertise in finance, accounting,**
19 **business enterprise, or auditing.**

20 **(5) One member who represents the judiciary, with particular emphasis**
21 **on specialty courts.**

22 **(6) Three members who represent law enforcement, school-based**
23 **healthcare, public health, or the coroner's office based on the needs of the**
24 **respective appointing parishes.**

25 **(7) Two members who are parents, consumers, or advocates in the field**
26 **of mental health.**

27 **(8) Two members who are parents, consumers, or advocates in the field**
28 **of addictive disorders.**

29 **(9) Two members who are parents, consumers, or advocates in the field**
30 **of developmental disabilities.**

1 D. Each member shall serve for a three-year term. No board member
 2 shall serve more than three consecutive three-year terms.

3 E. Effective January 1, 2018, the board shall comply with the
 4 enumerated requirements of expertise in this Section. Any board member
 5 serving on the board prior to January 1, 2018, who satisfies at least one of the
 6 enumerated criteria shall be considered to have satisfied the requirement to
 7 serve and shall remain on the board for the duration of his unexpired term. Any
 8 board member who does not satisfy one of the enumerated criteria shall be
 9 replaced by January 1, 2018, and the newly appointed member shall begin a
 10 new three-year term. It shall be the responsibility of the executive director to
 11 ensure that the board satisfies the enumerated criteria herein. The executive
 12 director shall work with the local parish governmental authorities in the
 13 authority's statutory governance area to ensure compliance with the board
 14 requirements of this Section.

15 §913.6. Governing board for Capital Area Human Services District;
 16 membership; appointment; terms

17 A. The Capital Area Human Services District shall be governed by a
 18 board of seventeen members. The board shall include two residents of each of
 19 the following parishes: Ascension, East Feliciana, Iberville, Pointe Coupee, West
 20 Baton Rouge, and West Feliciana. Five of the members shall be residents of East
 21 Baton Rouge Parish. The members shall be appointed by the governor from
 22 among a list of qualified candidates nominated by the governing authority of
 23 each parish. The candidates from Ascension Parish shall be nominated by the
 24 parish president. The seventeen-member board shall be comprised as follows:

25 (1) Two members with professional expertise in the field of mental
 26 health.

27 (2) Two members with professional expertise in the field of addictive
 28 disorders.

29 (3) Two members with professional expertise in the field of
 30 developmental disabilities.

1 (4) One member with professional expertise in finance, accounting,
2 business enterprise, or auditing.

3 (5) One member with professional expertise in the field of public health.

4 (6) One member who represents the judiciary, with particular emphasis
5 on specialty courts.

6 (7) Two members who represent law enforcement, school-based
7 healthcare, public health, or the coroner's office based on the needs of the
8 respective appointing parishes.

9 (8) Two members who are parents, consumers, or advocates in the field
10 of mental health.

11 (9) Two members who are parents, consumers, or advocates in the field
12 of addictive disorders.

13 (10) Two members who are parents, consumers, or advocates in the field
14 of developmental disabilities.

15 B. Each appointment by the governor shall be submitted to the Senate
16 for confirmation.

17 C. Each member shall serve for a three-year term. No board member
18 shall serve more than three consecutive three-year terms.

19 D. Effective January 1, 2018, the board shall comply with the
20 enumerated requirements of expertise in this Section. Any board member
21 serving on the board prior to January 1, 2018, who satisfies at least one of the
22 enumerated criteria shall be considered to have satisfied the requirement to
23 serve and shall remain on the board for the duration of his unexpired term. Any
24 board member who does not satisfy one of the enumerated criteria shall be
25 replaced by January 1, 2018, and the newly appointed member shall begin a
26 new three-year term. It shall be the responsibility of the executive director to
27 ensure that the board satisfies the enumerated criteria herein. The executive
28 director shall work with the local parish governmental authorities in the
29 district's statutory governance area to ensure compliance with the board
30 requirements of this Section.

1 **§913.7. Governing board; general provisions**

2 **The following provisions shall apply to all district and authority**
 3 **governing boards:**

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

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

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

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

15 **(a) Procedures for the election of board officers, including terms of office**
 16 **and methods and grounds for removal.**

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

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

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

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

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

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

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

1 (3) Relationships in the community that are crucial to the district or
 2 authority's success.

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

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

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

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

9 (8) Billing and collections processes.

10 (9) Budgeting and account balances.

11 (10) Audits by the legislative auditor within the past five years.

12 (11) Employees and contractors, and their roles in operating the district
 13 or authority.

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

15 (13) The contractual relationship with the Louisiana Department of
 16 Health.

17 (14) Compliance with the Code of Governmental Ethics.

18 (15) Compliance with the Public Records Law.

19 (16) Compliance with the Open Meetings Law.

20 (17) Process for development and ratification of bylaws.

21 (18) Discussion of how regularly scheduled board meetings will be
 22 conducted.

23 (19) The district or authority's responsibility to prioritize and provide
 24 for state-funded services, as established in R.S. 28:821 et seq., in order to meet
 25 the needs of the individuals in their statutory governance area. Each fiscal year,
 26 every district and authority shall allocate a minimum of an amount equal to
 27 nine percent of its state general fund appropriation for the provision of services
 28 established in R.S. 28:821 et seq. for persons with developmental disabilities and
 29 their families. The state general fund appropriation for which the minimum
 30 nine percent is calculated may be adjusted to align with any budget reductions

1 mandated by the division of administration.

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

3 B. The executive director may include representatives from the
 4 Louisiana Department of Health, office of the Louisiana legislative auditor,
 5 Louisiana Ethics Administration, office of the Louisiana attorney general, or
 6 any other entity that can provide important information to the board members
 7 during any board meeting.

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

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

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

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

25 §915. Districts **and authorities**; functions, powers, and duties; **sole source**
 26 **contracting**

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

29 (1) Perform the functions which provide community-based services and
 30 continuity of care for the prevention, detection, treatment, rehabilitation, and follow-

1 up care of mental and emotional illness.

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

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

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

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

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

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

27 (8) Participate, as a critical part of Louisiana's ~~health care~~ **healthcare**
28 infrastructure, in all emergency planning, preparedness, response, and recovery
29 efforts ~~as directed by the department~~ **within the statutory governance area of the**
30 **human services district or authority and assist on a statewide basis if requested**

1 to do so by the secretary or his designee.

2 (9) Provide state-funded services, as established in R.S. 28:821 et seq., to
 3 meet the needs of the individuals in their statutory governance area. Each fiscal
 4 year, every district and authority shall allocate a minimum of an amount equal
 5 to nine percent of its state general fund appropriation for the provision of
 6 services established in R.S. 28:821, et seq. for persons with developmental
 7 disabilities and their families. The state general fund appropriation for which
 8 the minimum nine percent is calculated may be adjusted to align with any
 9 budget reductions mandated by the division of administration.

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

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

14 (2) To enter into contracts with the judicial branch to be a provider of
 15 behavioral health services ordered by the court through any statutorily
 16 authorized specialty court program which requires certain behavioral health
 17 treatments. Such sole-source contracts shall be limited to a district court
 18 physically located within the statutory governance area of the human services
 19 district or authority.

20 (3) To enter into contracts with a correctional facility to be a provider
 21 of behavioral health services if the correctional facility is in need of such
 22 services as part of an emergency department diversion program, or upon
 23 successful completion of a re-entry program that requires ongoing services.
 24 Such sole-source contracts shall be limited to a correctional facility, emergency
 25 department, or residence of an individual completing the re-entry process
 26 located within the statutory governance area of the human services district or
 27 authority.

28 ~~(2)~~(4) To acquire movable and immovable property by lease, purchase,
 29 donation, or otherwise and to obtain title to same in its own name. The district or
 30 authority may lawfully sell or dispose of the ~~movable~~ property.

1 ~~(3)~~**(5)** To have possession and operating control, but not title to, all
 2 immovable and movable property owned by the state and dedicated to the provision
 3 of behavioral health services, developmental disabilities or intellectual disabilities
 4 services, public health services, or any other service contracted by the department
 5 to the district or authority. The state shall continue to be responsible for the
 6 maintenance of those properties which are provided by the state on the effective date
 7 of this Chapter.

8 ~~(4)~~**(6)** To establish community-based behavioral health, developmental
 9 disabilities or intellectual disabilities, public health, and other contracted program
 10 policies in conformance with the contract with the department and applicable state
 11 and federal laws, rules, and regulations.

12 ~~(5)~~**(7)** To establish performance indicators and reporting requirements as
 13 outlined in the contract between the district or authority and the department to
 14 determine the quality of services delivered by the district or authority and maintain
 15 the services at the level of the standards set by the department.

16 ~~(6)~~**(8)** To employ an executive director to oversee the operations of the
 17 district or authority and who shall be responsible for the administration and
 18 management of all aspects of the district or authority.

19 ~~(7)~~**(9)** To retain all ~~federal~~, self-generated funds and any funds collected for
 20 the provision of services ~~under the Medical Assistance Program, Title XIX of the~~
 21 ~~Social Security Act~~, in excess of funds provided through contract with the
 22 department.

23 ~~(8)~~**(10)** ~~To name the district.~~

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

26 C. Each human services district or authority shall constitute a body
 27 corporate in law, with all of the powers of a corporation, including the power to sue
 28 and be sued. Each district or authority shall also have all the powers and rights
 29 conferred by this Chapter and the power to perform any other act in its corporate
 30 capacity and in its corporate name which is necessary and proper for effectuating the

1 purposes for which the district or authority was created. Each district or authority
 2 shall constitute a special district or authority within the meaning of Article VI,
 3 Section 19 of the Constitution of Louisiana, shall be a political subdivision of the
 4 state, and enjoy all rights, powers, and privileges enjoyed by other political
 5 subdivisions of the state under the constitution and laws of the state, excluding the
 6 rights to incur long-term debt, issue bonds, ~~and~~ or levy taxes and special
 7 assessments.

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

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

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

18 (1) Operation and management of any inpatient facility under the jurisdiction
 19 of the department.

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

26 (3) Operation, management, and performance of functions and services
 27 relating to the Louisiana Vital Records Registry and the collection of vital statistics
 28 within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S.
 29 ~~44:402~~ 44:401 et seq., and R.S. 40:~~1299-35-6~~ 1061.17, including the Putative Father
 30 Registry and the vital records management information system.

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

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

7 §916. Functions; transferred

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

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

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

23 §917. Employees; transferred

24 A. All employees of the district or authority engaged in the performance
 25 of duties relating to the functions of the programs and services transferred by
 26 contract from the department to a district are hereby transferred to the respective
 27 district to **shall** carry out the functions of the district or authority and its programs
 28 and services and shall ~~continue~~ to perform their duties subject to applicable state
 29 civil service laws, rules, and regulations.

30 B.~~(1)~~ All employees of the districts and authorities shall participate in and

1 be covered by state services, systems, and programs for which provision is made in
 2 ~~comprehensive liability, automobile, workers' compensation, and fire and extended~~
 3 ~~coverage insurance and medical malpractice liability laws as provided for in R.S.~~
 4 ~~39:1527 et seq. and R.S. 40:1299.39~~ **40:1237.1** et seq.

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

9 C. The districts **and authorities**, including their contract service delivery
 10 employees, may participate in and be covered by the state program for medical
 11 malpractice notwithstanding the prohibition in R.S. ~~40:1299.39(A)(1)(b)~~
 12 **1237.1(A)(9)(b)** and (M) to the contrary, provided that the districts **and authorities**
 13 or covered contract service delivery employees have paid the appropriate premium
 14 to the office of risk management.

15 D. All employees of the districts **and authorities** shall be members of the
 16 state civil service system and the Louisiana State Employees' Retirement System.
 17 ~~§918.~~ **§917.** Human Services Interagency Council; membership and responsibilities

18 **A. There shall be a human services** ~~The~~ interagency council **established**
 19 **by the department to provide policy guidance to the department in the ongoing**
 20 **operations of the districts and authorities. The council** shall be chaired by the
 21 secretary of the department or his designee and shall include the assistant secretaries
 22 of the office of behavioral health, office for citizens with developmental disabilities,
 23 office of public health, office of aging and adult services, as well as the director of
 24 Medicaid or his designee, the executive directors of the districts **and authorities**, and
 25 other members as deemed appropriate by ~~the secretary.~~ ~~The interagency council~~
 26 ~~membership shall participate in the readiness assessment process and in the~~
 27 ~~monitoring and planning of the framework and accountability plan~~ **the council.**

28 **B. The purpose of the council meetings shall be to share information**
 29 **between the state and the districts and authorities and among the districts and**
 30 **authorities. All council members shall have the opportunity to present**

1 information, request information, and engage in dialogue regarding any matter
2 before the council.

3 C. The council shall meet at least once quarterly, but may meet more
4 often if called by the chair. The council shall meet at locations that rotate
5 throughout the state, as appropriate, to provide ease of travel for the members
6 of the council. A quorum is not required and council members may participate
7 by phone during any meeting in which a vote of the council members is not
8 being requested, but a quorum shall be required for any vote to be taken on a
9 matter before the council.

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

23 (2) Within thirty days of receipt of the report by the House and Senate
24 committees on health and welfare, either committee may issue notice of intent
25 to convene a hearing separately or jointly for the purpose of conducting a public
26 hearing on the report that was submitted. The department and each human
27 services district or authority may be called collectively or independently to
28 appear before the committee.

29 E. At least once annually, the council shall convene a meeting to include
30 the board chairman or his designee from each of the ten human services

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

14 ~~§919.~~ **§918.** Louisiana Department of Health; responsibility and authority to
 15 contract; monitor; sanction; ~~readiness assessment; surveys;~~
 16 ~~framework and accountability plan; sanctions~~

17 A. The secretary, upon consultation with the human services districts and
 18 authorities, shall be responsible for policy, development, implementation, and
 19 monitoring of service provision of the statewide human services system to assure
 20 the ~~provision of the~~ appropriate and reasonable delivery of behavioral health,
 21 intellectual disability, and developmental ~~disabilities~~ disability services funded by
 22 appropriations from the state as well as any public health or other human services
 23 contracted to the district or authority by the department.

24 B.(1) The secretary of the department shall have the authority to enter into
 25 a sole source contract with districts or authorities for the provision of behavioral
 26 health services, developmental disabilities and intellectual disabilities services, and
 27 selected public health services, or any other human services which contribute to the
 28 integrated continuum of care for the clients served by the district or authority. For
 29 any service contracted by the department, the department shall provide the funding
 30 appropriate for the adequate delivery of such services. The department shall have

1 the authority to examine utilization rates for services provided and populations
 2 served, actual expenditures, and remaining forecasted expenditures for each
 3 human service district or authority in order to make appropriate funding
 4 determinations. When necessary, the department, in consultation with the
 5 human services districts or authorities, shall submit such data and information
 6 to the legislature prior to making any recommendation of funds adjustment for
 7 the subsequent fiscal year.

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

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

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

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

26 ~~(3) The readiness assessment shall be conducted by a survey team pursuant~~
 27 ~~to R.S. 28:911(10) whose members have experience in behavioral health,~~
 28 ~~developmental disabilities, financial management, human resources, or with~~
 29 ~~experience in startup and operation of an existing district. The assessment team shall~~
 30 ~~be selected by the secretary or his designee within thirty days of being notified in~~

1 writing by the board chair that the district requests a readiness assessment by the
2 department. The department may secure outside audit expertise when deemed
3 necessary by the department to assist a readiness assessment team.

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

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

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

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

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

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

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

13 ~~(1)(4) Development and implementation of a plan for the provision of~~
 14 ~~statewide monitoring of human services system performance, including the~~
 15 ~~establishment of a minimum~~ **A minimum** required data set of consumer-focused and
 16 systems outcome measurements required for reliable outcome measurement that use
 17 consistent definitions statewide.

18 ~~(2)(5) Development and implementation of a plan for provision of statewide~~
 19 ~~monitoring to assure~~ **A mechanism to survey and monitor** quality of care and
 20 protection of consumer rights through consistent and reliable outcome
 21 measurements.

22 ~~(3)(6) Development and implementation of standards~~ **Standards** for
 23 subcontractor agreements funded by appropriations from the state to assure
 24 compliance with ~~the state human services plan and~~ applicable state and federal laws,
 25 rules, regulations, and court orders and to provide remedies for correction of
 26 noncompliance and sanctions for failure to comply.

27 ~~(4)(7) Ongoing standards for operational performance, including human~~
 28 ~~resources competency, contracting and procurement, clinical protocols, financial~~
 29 ~~controls, and consumer satisfaction.~~

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

1 pursuant to the provisions of Subsection E of this Section.

2 H. E.(1)(a) The secretary of the department shall have the authority to issue
 3 sanctions for noncompliance with the terms of the contract. ~~Sanctions may include~~
 4 ~~but are not limited to appointment of temporary management to carry out the~~
 5 ~~provisions of the contract at the expense of the district, monetary penalties, and~~
 6 ~~suspension or termination of the contract.~~ The contracts between the districts and
 7 authorities and the department shall include a provision for corrective action or
 8 termination of the contract if a deficiency continues after such time as the district or
 9 authority has been given the opportunity to correct it. The department shall notify
 10 the district or authority in writing of any deficiency. The district or authority shall
 11 have a period of time set forth in the contract to submit a corrective action plan to
 12 correct any noticed deficiency. If the deficiency continues after such period of time,
 13 or if the district or authority does not make a good faith effort to correct the
 14 deficiency, the contract shall have a provision for termination by the department.
 15 ~~Written notice providing that the district is in noncompliance and such~~
 16 ~~noncompliance constitutes a threat to public health or well-being shall be provided~~
 17 ~~to the speaker of the House of Representatives, the president of the Senate, and the~~
 18 ~~governor. In the event a contract is terminated under this provision, the department~~
 19 ~~shall assume responsibility and oversight for the provision of services with funds~~
 20 ~~appropriated to the district until such time as the district has met the compliance~~
 21 ~~standards and has successfully completed a new readiness assessment.~~

22 (b) The department shall submit written notice to the Senate and House
 23 committees on health and welfare if a district or authority is in noncompliance
 24 with their contract and a corrective action plan has been requested. The
 25 department shall inform the committees of the time line for the district or
 26 authority to come into compliance with their contract and shall inform the
 27 committees when the matter is resolved.

28 (2)(a) The contracts between the districts and authorities and the
 29 department shall also include a provision authorizing the department to assume
 30 temporary management of the district or authority if noncompliance with the

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

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

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

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

23 Section 2. Chapter 14 of Title 28 of the Louisiana Revised Statutes of 1950,
24 comprised of R.S. 28:831, Chapter 16 of Title 28 of the Louisiana Revised Statutes of 1950,
25 comprised of R.S. 28:851 through 856, Chapter 17 of Title 28 of the Louisiana Revised
26 Statutes of 1950, comprised of R.S. 28:861 through 866, Chapter 18 of Title 28 of the
27 Louisiana Revised Statutes of 1950, comprised of R.S. 28:871 through 876, Chapter 19 of
28 Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:891 through 896,
29 Chapter 20 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:901
30 through 906, and R.S. 28:919 and 920 are hereby repealed.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____