

2018 Regular Session

HOUSE BILL NO. 326

BY REPRESENTATIVES HENSGENS AND HOFFMANN

LEGISLATION: Makes technical corrections to various provisions of law within the purview of the legislative committees on health and welfare

## 1 AN ACT

2 To amend and reenact R.S. 28:2(16)(introductory paragraph), 52(F), 53(B)(4)(introductory  
3 paragraph), (D), (G)(4) and (7)(a)(introductory paragraph) and (i), (I), (O), and  
4 (P)(1)(a), 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C)  
5 through (E), 70(D) and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C),  
6 215.1, 215.2(3), 215.5(B)(7), 454.5(D)(2) and (3)(introductory paragraph) and (d),  
7 469(C)(1)(a)(introductory paragraph), (i), and (ii), 470(E), 757, 772(D), 823(11),  
8 911(6), 915(A)(2), and 932(B)(2), R.S. 36:254(A)(6)(b) and (10)(a) through (e),  
9 (B)(1) and (6), (D)(1)(a)(i), (E)(1), (F)(1), (H)(1), (I)(1), (J)(1), (K)(1), and (L),  
10 254.1(A) and (C)(introductory paragraph) and (5), 254.3, 258(G) through (L),  
11 259(E)(10), 474(B)(1) and (6), and 477(B)(1), R.S. 37:9, 21(B)(6), 751(A)(2),  
12 757(B), 779(B), 781(E), 790, 796.1(A)(1), 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1)  
13 and (3) through (5), (D), and (E), 1033(A)(3) and (C), 1048(4), (5)(a), (8), (9), and  
14 (12), 1056, 1103(11) and (12), 1164(3), (7), (10), (13)(a), (16), (29), (30), (43), (46),  
15 (57), and (58), 1182(A)(13), (17), and (18) and (B)(1) and (6), 1226.1(B),  
16 1226.2(D)(1), 1277(A)(3), 1281(A)(1)(a), (3)(a)(ii) and (c), and (5), 1307(1), (7), and  
17 (8), 1340(introductory paragraph), 1543(A)(3)(b)(ii) and (5), 1721, 1731(A)(2)(a)  
18 and (d), 1732.1, 1742.1(G)(introductory paragraph) and (5), 1743(C), 1743.1(E),  
19 1744(A), (B), and (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of  
20 Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, R.S. 37:1746,

1 1747, 2111, 2114, 2351, 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C),  
2 2442(2), (4), and (6)(introductory paragraph), (c) through (e), (j), (k), (m), (n), (r),  
3 (u), and (v), 2443, 2446, 2458, 2459, 2465(D)(introductory paragraph) and (1),  
4 2503(Section heading), 2504(A)(1) and (5), 2802(C), 2816(A)(2), (4), (6), (8), (13),  
5 and (15), (B), and (F)(2), 2819(Section heading), 2950(B) and (D)(1)(a)(viii), 3014,  
6 3214(1), 3241(introductory paragraph) and (1), 3258(C), 3302(4)(b)(i) and (iv),  
7 3309.1(A), 3386.1(introductory paragraph), (1), (2), (6), (7), (9), (11), (12), and (16),  
8 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6), 3387.2(A),  
9 (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1),  
10 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7),  
11 3387.11(D)(5) and (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A),  
12 3388.4(A)(7), (10), and (11), 3389(A) and (E), 3390(B) and (D), 3390.2,  
13 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and 3703(B)(7), R.S. 40:1, 3,  
14 3.1(D), 4(A)(1)(a), (2)(b)(i) and (c)(i) and (vii), (3)(a), (6), (8)(a), and (9) through  
15 (13) and (B)(3)(b) and (c), (4), and (5), 4.3, 4.6, 4.10(C)(2)(introductory paragraph),  
16 (3) through (5), and (7), 5.3(E), 5.9(A)(7), 7, 9, 13, 18, 23, 24, 31.1, 31.3(B)(2) and  
17 (4), 31.32(E)(2), 31.36(D), 41(E), 64(9) and (10), 600.34(C), 608.1(B), 625(A) and  
18 (B), 634, 641, 671, 682, 700.1, 700.5(C), 700.6, 700.7(A) and (E), 700.8, 700.9,  
19 700.10(A), 700.12(A), 701(introductory paragraph), 701.1(A) and (D), 701.2 through  
20 701.4, 781(3), 824, 853, 940.51(A), 952(C) and (D), 953, 962(B), (C)(introductory  
21 paragraph) and (8), and (D) through (H), 962.1(A) and (B)(introductory paragraph),  
22 962.1.1(A)(2), 963(introductory paragraph), 964(Schedule III)(F)(1) and (Schedule  
23 V)(E)(3)(b) and (4), 965, 968(A)(introductory paragraph), 969(A)(introductory  
24 paragraph), 970(A)(introductory paragraph), 971.1(B), 972(A) and (B)(introductory  
25 paragraph), 973(A), (B)(1) and (2), (C), (E), (F), and (G)(1) and (2)(a),  
26 974(A)(introductory paragraph) and (C), 975(A) through (E) and (G)(1) and (3), 976,  
27 976.1(H), 978(F)(1)(introductory paragraph) and (d) and (H)(2)(b), 978.1(A)(1)(c),  
28 978.3(B), 980, 982, 984(introductory paragraph), 986(A)(1), (3), and (4) and  
29 (B)(introductory paragraph), (1), (2), (3)(introductory paragraph) and (b), (4), and

1 (5)(introductory paragraph), (a), and (b), 987, 988(A)(introductory paragraph), (B),  
2 and (C), 989.1(F), 989.2(F), 990, 992(A)(introductory paragraph), (B)(introductory  
3 paragraph), and (C) through (E), 993(A), (B), and (D), 995, 996.1(M), 996.3(C),  
4 1003(12) and (14), 1005(Section heading), 1006(E), 1007(B) and (I)(introductory  
5 paragraph), 1046(F), 1049.7(Section heading), 1058, 1071.1(introductory  
6 paragraph), 1079.1(D), 1087.1(A) and (B)(2)(introductory paragraph) and (3),  
7 1089.2(1), 1089.3(C)(2)(b), 1089.4(A)(3), (B), and (C), 1105.3(3), 1105.6(E),  
8 1105.8(F), 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F),  
9 1117.1(B), 1121.11, 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B),  
10 1165.1(C)(2), 1165.3(B), 1171.2, the heading of Subpart C of Part IV of Subchapter  
11 A of Chapter 5-D of the Louisiana Revised Statutes of 1950, R.S. 40:1173.2(1)(a),  
12 1173.3(3) and (8), 1173.4(B), 1173.5(A) through (C), 1173.6(B) and (E),  
13 1183.2(A)(1) and (5), 1183.4(A)(1), 1189.2(A)(1), 1203.1(3)(o) and (5),  
14 1211.4(B)(2), 1217.16, 1219.2(1) and (3), 1219.3(A) and (B),  
15 1219.4(A)(introductory paragraph), 1221.2(2), 1226.1(2)(c), 1231.5(E)(1)(c),  
16 1237.1(J), the heading of Subpart B of Part I of Chapter 5-E of the Louisiana  
17 Revised Statutes of 1950, R.S. 40:1243.1(A), 1243.3(A), 1253.3(A)(9),  
18 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1 through 1281.1, 1285.3,  
19 1285.4(A)(1), 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and (B)(1),  
20 1300.21, 1356(A), 1732(1), 2009.1(D), 2009.2(2), (3)(b) through (d) and (f), and (7),  
21 2009.6(A)(1) through (3) and (B)(1) through (3), 2009.12, 2009.18, 2009.21(Section  
22 heading), 2017.9, 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C), and (D),  
23 2116(D)(1)(c), 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and  
24 (10)(a), 2120.5(E), 2120.44(B)(9), 2120.45(D), 2144(A), (C), (F)(2)(introductory  
25 paragraph), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and (13),  
26 2175.14(E), 2179(D), 2180.11, 2189, 2193.4(9), 2194.2(4) through (6),  
27 2195.1(A)(8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5), 2196.1(4),  
28 2197(A) and (D) through (G), 2199(A)(1) and (5) and (F)(2), 2199.1(A)(introductory  
29 paragraph), 2202(3) and (5)(a) and (e)(i), 2203(C), 2223, 2243, 2253, 2353, 2404(5),

1 2477, 2481, 2530.4(B)(introductory paragraph) and (3), and 2845(A)(6) and (C),  
2 R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 56(A), (B)(1), (F)(4)(b), and (J), 59,  
3 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(introductory  
4 paragraph), 114.3(A), 121(1)(introductory paragraph), 123(D)(3) and (K)(3), 153(C),  
5 153.4(F)(2), 156(A) and (B), 157 through 159, 159.1(C) and (D), 160.1(10),  
6 231.2(A)(1)(introductory paragraph) and (B)(introductory paragraph), 231.4(E), 232,  
7 234, 234.1, 236.1.2(B)(1) and (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2)  
8 and (E), 237(B)(15), 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B)  
9 through (E), 447.2(A)(2), (B)(1) and (3), and (D)(introductory paragraph), (1), and  
10 (2), 450.1(A) and (B)(6), 450.3(B)(introductory paragraph), 460.1, 460.4(D), 465,  
11 923(A) and (B), 924(A) and (B), 932(13)(c) and (14), 936, 972, 975(C)(2),  
12 976(A)(3)(c) and (5)(a) through (c) and (d)(i), (B)(3)(b), (C)(introductory  
13 paragraph), and (E), 977.2, 977.3(3), 977.5(A)(2) and (C)(1), 977.8, 977.9(A) and  
14 (D)(1), 977.10(4), 979.4(H), 1052(introductory paragraph), 1056(A),  
15 1057(introductory paragraph), (10), and (11), the heading of Chapter 10-D of Title  
16 46 of the Louisiana Revised Statutes of 1950, R.S. 46:1194(introductory paragraph)  
17 and (1), 1195(A)(2) and (B) through (D), 1402, 1403.1, 1433(Section heading),  
18 1602(A), (D), and (F)(1)(a)(i) through (iii) and (b), 1906.2, 1953(F), 1954(B),  
19 2121(C), 2125(A), 2127(C), 2135(C), 2136(A)(4)(b) and (c), 2254(F)(2), 2256(B)  
20 and (C), 2352(4), 2402(3) and (5), 2603(A)(4) and (B)(introductory paragraph),  
21 2692(A)(1) and (C), 2702(8) and (9), 2704(B), 2722(B), 2731(B)(2), (C)(3), (D)(3)  
22 and (4), (E), and (F), and 2758.2(C)(1), and Children's Code Articles 1015(4)(i) and  
23 1409(F), to enact R.S. 37:1103(introductory paragraph), 3387.5(G) and (H),  
24 3387.6(H) and (I), and R.S. 40:1081.9(D) and 1221.2(introductory paragraph),  
25 relative to the various provisions of Titles 28, 36, 37, 40, and 46 of the Louisiana  
26 Revised Statutes of 1950 and the Louisiana Children's Code; to make technical  
27 corrections in provisions relative to behavioral health, mental health, human services,  
28 administration of the Louisiana Department of Health, administration of the  
29 Department of Children and Family Services, health professions and occupations,

1 boards and commissions, public health, health care, food and drugs, public welfare  
 2 and assistance, child welfare, and other matters within or relating to the purview of  
 3 the legislative committees on health and welfare; to make corrective changes  
 4 including corrections in legal citations and in names of assistance programs,  
 5 publications, agencies, boards, commissions, offices and officers of departments, and  
 6 other entities; to remove references to agencies, offices, divisions, and programs that  
 7 have been repealed or no longer exist; to designate undesignated statutory  
 8 provisions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 28:2(16)(introductory paragraph), 52(F), 53(B)(4)(introductory  
 11 paragraph), (D), (G)(4) and (7)(a)(introductory paragraph) and (i), (I), (O), and (P)(1)(a),  
 12 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C) through (E), 70(D)  
 13 and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C), 215.1, 215.2(3),  
 14 215.5(B)(7), 454.5(D)(2) and (3)(introductory paragraph) and (d), 469(C)(1)(a)(introductory  
 15 paragraph), (i), and (ii), 470(E), 757, 772(D), 823(11), 911(6), 915(A)(2), and 932(B)(2) are  
 16 hereby amended and reenacted to read as follows:

17 §2. Definitions

18 Whenever used in this Title, the masculine shall include the feminine, the  
 19 singular shall include the plural, and the following definitions shall apply:

20 \* \* \*

21 (16) "Major surgical procedure" means an invasive procedure of a serious  
 22 nature with incision upon the body or parts thereof under general, local, or spinal  
 23 anesthesia, utilizing surgical instruments, for the purpose of diagnosis or treatment  
 24 of a medical condition. Diagnostic procedures, including, but not limited to; the  
 25 following, shall not be considered as major surgical procedures:

26 \* \* \*

27 §52. Voluntary admissions; general provisions

28 \* \* \*

1 F. Every patient admitted on a voluntary admission status shall be informed  
 2 in writing at the time of admission of the procedures for requesting release from the  
 3 treatment facility, the availability of counsel, information about the mental health  
 4 advocacy service, the rights enumerated in R.S. 28:171<sub>2</sub> and rules and regulations  
 5 applicable to or concerning his conduct while a patient in the treatment facility. If  
 6 the person is illiterate or does not read or understand English, appropriate provisions  
 7 ~~should~~ shall be made to supply him this information. In addition, a copy of the  
 8 information listed in this Subsection ~~must~~ shall be posted in any area where patients  
 9 are confined and treated.

10 \* \* \*

11 §53. Admission by emergency certificate; extension; payment for services rendered

12 \* \* \*

13 B.

14 \* \* \*

15 (4) In the case of an emergency certificate issued pursuant to an examination  
 16 conducted by telemedicine pursuant to Paragraph (1) of this Subsection and  
 17 Paragraph (J)(1) of this Section, the licensed ~~health-care~~ healthcare professional  
 18 present during the actual examination shall be responsible for obtaining, recording,  
 19 and attaching to the emergency certificate the following information regarding the  
 20 video conference:

21 \* \* \*

22 D. Prior to or during confinement, under the provisions of this Title, any  
 23 person or his attorney shall have the right to demand a judicial hearing to determine  
 24 if probable cause exists for his continued confinement under an emergency  
 25 certificate. The hearing shall be held within five days of the filing of the petition.  
 26 The petition shall be filed in the court of the jurisdiction in which the patient is  
 27 confined. The hearing shall be held in that court and no other except for good cause  
 28 shown. If the person is confined, the judge of the court where the petition was filed  
 29 may hold the hearing at the treatment facility where the person is confined; if, in the

1 opinion of the director of the treatment facility, it will be detrimental to the patient's  
2 health, welfare, or dignity; to travel to the court where the petition was filed.  
3 Pending the decision of the court, the patient shall remain confined unless the court  
4 orders release or a less restrictive status.

5 \* \* \*

6 G.

7 \* \* \*

8 (4) In making either the initial examination or the second examination, when  
9 the coroner or his deputy examines the person and executes an emergency certificate  
10 and a reexamination of the person and reexecution of a certificate is necessary for  
11 any reason to ~~insure~~ ensure the validity of the certificate, both the first examiner and  
12 the reexaminer shall be entitled to the fee for the service, unless they are one and the  
13 same.

14 \* \* \*

15 (7) As it relates to the parish of St. Tammany, all of the following shall  
16 apply:

17 (a) The coroner or deputy coroner, who is a physician, preferably a  
18 psychiatrist, may conduct an examination and execute an emergency certificate, as  
19 provided in Subparagraph (b) of this Paragraph, by telemedicine utilizing video  
20 conferencing equipment, provided that all of the following are met:

21 (i) A licensed ~~health care~~ healthcare professional, who can adequately and  
22 accurately assist with obtaining any necessary information including but not limited  
23 to that information in Paragraph (B)(4) of this Section and where such ~~health care~~  
24 healthcare professional will be present in the examining room with the patient at the  
25 time of the video conferencing.

26 \* \* \*

27 I. Every patient admitted by emergency certificate shall be informed in  
28 writing at the time of his admission of the procedures of requesting release from the  
29 treatment facility, the availability of counsel, information about the mental health





1 payment for non-behavioral health services or other medical expenses not directly  
2 related to the provision of behavioral health care, treatment, or services with the  
3 exception of usual and customary laboratory services necessary to monitor patient  
4 progress.

5 \* \* \*

6 §53.2. Order for custody; grounds; civil liability; criminal penalty for making a false  
7 statement

8 \* \* \*

9 C. The order for custody shall be in writing, in the name of the state of  
10 Louisiana, signed by the district judge or parish coroner, and shall state the  
11 following:

12 \* \* \*

13 (2) The name of the person to be taken into custody, or, if his name is not  
14 known, a designation of the person by any name or description by which he can be  
15 identified with reasonable certainty.

16 \* \* \*

17 (4) That the person shall be taken to a community mental health center, a  
18 public or private general hospital, a public or private mental hospital, coroner's  
19 office, or a detoxification center.

20 \* \* \*

21 G.(1) If refused or obstructed from admittance, any elected coroner or his  
22 support staff, accompanied by a law enforcement officer, who has announced his  
23 authority and purpose, may apply to a court of competent jurisdiction for an order  
24 to break open an outer or inner door or window of any vehicle, water craft, aircraft,  
25 structure, or dwelling in order to restrain and transport the person subject to a request  
26 and order for protective custody and examination after a mental health professional  
27 has intervened and attempted to counsel the person regarding his voluntary  
28 surrender.

29 \* \* \*





1 qualified, has the right to counsel appointed to represent him by the Mental Health  
2 Advocacy Service, and a right to ~~cross-examine~~ cross-examine witnesses.  
3 Continuances shall be granted only for good cause shown.

4 \* \* \*

5 C. The court shall not order involuntary outpatient treatment unless an  
6 examining physician, psychiatric mental health nurse practitioner<sub>2</sub> or psychologist<sub>2</sub>  
7 who has personally examined the patient within the time period commencing ten  
8 days before the filing of the petition, testifies at the hearing.

9 D. If the patient has refused to be examined by a physician, psychiatric  
10 mental health nurse practitioner<sub>2</sub> or psychologist, the court may request the subject  
11 to consent to an examination by a physician, psychiatric mental health nurse  
12 practitioner<sub>2</sub> or psychologist appointed by the court. If the patient does not consent  
13 and the court finds reasonable cause to believe that the allegations in the petition are  
14 true, the court may order peace officers, police officers<sub>2</sub> or the sheriff's department  
15 to take the patient into custody and transport him to a hospital or emergency  
16 receiving center for examination. Retention of the patient in accordance with the  
17 court order shall not exceed twenty-four hours. The examination of the patient may  
18 be performed by the physician, psychiatric mental health nurse practitioner<sub>2</sub> or  
19 psychologist whose affidavit accompanied the petition pursuant to R.S. 28:68(B), if  
20 he is privileged or otherwise authorized by the hospital or emergency receiving  
21 center. If such examination is performed by another physician, psychiatric mental  
22 health nurse practitioner<sub>2</sub> or psychologist, he shall be authorized to consult with the  
23 physician, psychiatric mental health nurse practitioner<sub>2</sub> or psychologist whose  
24 affidavit accompanied the petition regarding the issues of whether the allegations in  
25 the petition are true and whether the patient meets the criteria for involuntary  
26 outpatient treatment.

27 E. A physician, psychiatric mental health nurse practitioner<sub>2</sub> or psychologist  
28 who testifies pursuant to Subsection C of this Section shall state the facts which  
29 support the allegation that the patient meets each of the criteria for involuntary

1 outpatient treatment, the treatment is the least restrictive alternative, the  
 2 recommended involuntary outpatient treatment, and the rationale. If the  
 3 recommended involuntary outpatient treatment includes medication, the testimony  
 4 of the physician, psychiatric mental health nurse practitioner, or medical  
 5 psychologist shall describe the types or classes of medication which should be  
 6 authorized, the beneficial and detrimental physical and mental effects of such  
 7 medication, and whether the medication should be self-administered or administered  
 8 by authorized personnel.

9 \* \* \*

10 §70. Written treatment plan for involuntary outpatient treatment

11 \* \* \*

12 D. The court shall not order involuntary outpatient treatment unless a  
 13 physician, psychiatric mental health nurse practitioner, or psychologist testifies  
 14 regarding the categories of involuntary outpatient treatment recommended, the  
 15 rationale for each category, facts which establish that such treatment is the least  
 16 restrictive alternative, and, if recommended, the beneficial and detrimental physical  
 17 and mental effects of medication, and whether such medication should be  
 18 self-administered or administered by an authorized professional.

19 E.

20 \* \* \*

21 (2) Services may include, but are not limited to, the following:

22 \* \* \*

23 (b) Laboratory testing to include periodic blood testing for therapeutic  
 24 metabolic effects, toxicology testing, and breath analysis.

25 \* \* \*

26 §72. Application for additional periods of treatment

27 \* \* \*

28 B. The procedure for obtaining an extension shall be the same as for  
 29 obtaining the original order. However, the time periods provided in R.S. 28:66(A)(4)

1 shall not be applicable in determining the appropriateness of the extension. The  
2 court order requiring blood or laboratory testing shall be subject to review after six  
3 months by the physician, psychiatric mental health nurse practitioner, or  
4 psychologist who developed the written treatment plan or who is designated by the  
5 director, and the blood or laboratory testing may be terminated without further action  
6 of the court.

7 \* \* \*

8 §98.2. Immunity of psychiatric hospital and director or administrator

9 Any detentions, confinements, commitments, or discharges made of a patient  
10 who has a mental illness in accordance with this Chapter to any state or private  
11 psychiatric hospital by the director or administrator thereof, acting in good faith,  
12 reasonably and without negligence, are hereby declared to be administrative acts of  
13 the director, administrator, or the hospital, and the director, administrator, and the  
14 hospital are hereby granted immunity from liability for damages to any patient so  
15 detained, confined, or committed for false imprisonment or otherwise; provided,  
16 however, that the director, administrator, or the hospital shall not thereby be exempt  
17 from liability for negligence in the care or treatment of such patient.

18 \* \* \*

19 §171. Enumerations of rights guaranteed

20 \* \* \*

21 F.(1) No patient confined by emergency certificate, judicial commitment, or  
22 ~~non-contested~~ noncontested status shall receive major surgical procedures or  
23 electroshock therapy without the written consent of a court of competent jurisdiction  
24 after a hearing.

25 (2) If the director of the treatment facility, in consultation with two  
26 physicians, determines that the condition of such a patient is of such a critical nature  
27 that it may be ~~life-threatening~~ life-threatening unless major surgical procedures or  
28 electroshock therapy are administered, such emergency measures may be performed

1 without the consent otherwise provided for in this Section. No physician shall be  
2 liable for a good faith determination that a medical emergency exists.

3 G. Every patient shall have the right to wear his own clothes; and to keep  
4 and use his personal possessions, including toilet articles, unless determined by a  
5 physician, medical psychologist, or psychiatric mental health nurse practitioner that  
6 these are medically inappropriate and the reasons therefor are documented in his  
7 medical record. The patient shall also be allowed to spend a reasonable sum of his  
8 own money for canteen expenses and small purchases, and to have access to  
9 individual storage spaces for his private use. If the patient is financially unable to  
10 provide these articles for himself, the treatment facility shall provide a reasonable  
11 supply of clothing and toiletries.

12 \* \* \*

13 K. Every patient shall have the right to engage a private attorney. If a patient  
14 is indigent, he shall be provided an attorney by the mental health advocacy service,  
15 if he so requests. The attorneys provided by the mental health advocacy service or  
16 appointed by a court shall be interested in and qualified by training ~~and/or~~ or  
17 experience in the field of mental health statutes and jurisprudence.

18 \* \* \*

19 §185. Unlicensed counseling

20 \* \* \*

21 C. All persons found to be in violation of this Section; shall be reported to  
22 the Louisiana Department of Health, where a database shall be kept of all violators.

23 \* \* \*

24 §206. Continuum of care for the emotionally and behaviorally disturbed; statement  
25 of policy; determination of need and site

26 \* \* \*

27 C. Any site designated under this ~~section~~ Section shall comply with any  
28 applicable local and state building or zoning ordinances and laws.

29 \* \* \*

1 §215.1. Coroner's Strategic Initiative for a Health Information and Intervention  
2 Program; creation

3 The office of the coroner in the parish of St. Tammany is hereby authorized  
4 to establish within his office a Coroner's Strategic Initiative for a Health Information  
5 and Intervention Program, ~~hereinafter~~ referred to hereafter in this Part as "CSI/HIP".

6 §215.2. Coroner's Strategic Initiative for a Health Information and Intervention  
7 Program; powers and duties

8 Subject to the availability of adequate funding, a CSI/HIP may perform any  
9 of the following functions:

10 \* \* \*

11 (3) Apply for and receive any grants, funds, or monies from any foundation,  
12 nonprofit organization, or state or federal governmental agency or entity.

13 \* \* \*

14 §215.5. Coroner's Strategic Initiative for a Health Information and Intervention  
15 Program; advisory board

16 \* \* \*

17 B. The membership of the advisory board shall be the following:

18 \* \* \*

19 (7) One member appointed by the coroner who is a member of a civic  
20 organization which provides charitable resources or services to ~~low-income~~ low-  
21 income patients in the parish where the CSI/HIP is located.

22 \* \* \*

23 §454.5. Involuntary admission; determination of probable cause

24 \* \* \*

25 D. Upon the filing of the petition, the court shall:

26 \* \* \*

27 (2) ~~Shall assign~~ Assign a place for a hearing upon the petition.





1           §470. Louisiana State Interagency Coordinating Council for Early Steps:  
2                   Louisiana's Early Intervention Program for Infants and Toddlers with  
3                   Disabilities and Their Families

4   \*       \*       \*

5           E.(1) The council shall have the following duties:

6                   ~~(1)~~ (a) To advise and assist the department in the performance of  
7                   responsibilities established pursuant to this Chapter, particularly the identification  
8                   of sources of fiscal and other support for services for early intervention programs,  
9                   assignment of financial responsibility to the appropriate agency, and the promotion  
10                  of interagency agreements.

11                  ~~(2)~~ (b) To advise and assist the department in the preparation of applications  
12                  and amendments thereto.

13                  ~~(3)~~ (c) To advise and assist the department relative to the transition of  
14                  toddlers with disabilities to preschool and other appropriate services.

15                  ~~(4)~~ (d) To prepare and submit an annual report to the governor and to the  
16                  United States Secretary of Education on the status of early intervention programs for  
17                  infants and toddlers with disabilities and their families operated within the state.

18                  ~~(5) The council may advise appropriate agencies in the state with respect to  
19                  the integration of services for infants and toddlers with disabilities and at-risk infants  
20                  and toddlers and their families, regardless of whether at-risk infants and toddlers are  
21                  eligible for early intervention services in the state.~~

22                  ~~(6)~~ (e) To prepare and submit an annual report to the Legislature of  
23                  Louisiana on the status of the early intervention program of this state for infants and  
24                  toddlers with disabilities and their families.

25                  (2) The council may advise appropriate agencies in the state with respect to  
26                  the integration of services for infants and toddlers with disabilities and at-risk infants  
27                  and toddlers and their families, regardless of whether at-risk infants and toddlers are  
28                  eligible for early intervention services in the state.

29   \*       \*       \*

1 §757. Council staffing

2 The council shall have full appointing authority for all personnel purposes  
3 and shall be empowered to hire and supervise sufficient staff to ~~insure~~ ensure the  
4 council's ability to fulfill its responsibilities. Two of these positions shall be  
5 unclassified civil service positions, pursuant to Article X, Section 2(B)(7) of the  
6 Constitution of Louisiana, and the State Civil Service Commission may provide that  
7 others among these positions shall be unclassified positions.

8 \* \* \*

9 §772. Funding of regional addictive disorder services

10 \* \* \*

11 D. In the event that the secretary or assistant secretary of the department  
12 determines that compliance with this Section would jeopardize federal funding, the  
13 secretary or assistant secretary may allocate more or fewer funds to one or more  
14 regions if such action is approved by the House and Senate ~~Committees on Health~~  
15 ~~and Welfare~~ committees on health and welfare.

16 \* \* \*

17 §823. Principles

18 The following ideals shall be the guiding principles for the development of  
19 a Community and Family Support System plan:

20 \* \* \*

21 (11) The system shall be flexible to ~~insure~~ ensure that unanticipated needs  
22 are met and that the provision of supports and services is not limited to the location  
23 and types of existing services.

24 \* \* \*

25 §911. Definitions

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

27 \* \* \*

28 (6) "Human services district or authority" ~~or~~ and "district or authority";  
29 ~~means~~ mean a local governing entity, as identified in R.S. 28:912(A), with local



1 §254. Powers and duties of the secretary of the Louisiana Department of Health

2 A. In addition to the functions, powers, and duties otherwise vested in the  
3 secretary by law, he shall:

4 \* \* \*

5 (6)

6 \* \* \*

7 (b) Act as the sole agent of the state or, in necessary cases, designate one of  
8 the offices within the department or its assistant secretary to cooperate with the  
9 federal government and with other state and local agencies in the administration of  
10 federal funds granted to the state pursuant to the State Children's Health Insurance  
11 Program, Title XXI of the Social Security Act. For this purpose he may take such  
12 actions, in accordance with any applicable state law, necessary to meet such federal  
13 standards as are established for the administration and use of such federal funds,  
14 except as otherwise specifically provided in this Title or by the constitution and laws  
15 of this state, and provided that if the department develops a private health insurance  
16 model, the department and the Department of Insurance shall jointly promulgate the  
17 necessary rules in accordance with the Administrative Procedure Act to establish the  
18 private health insurance model. Any rules or regulations promulgated pursuant to  
19 the private health insurance model shall be subject to review by the House  
20 Committee on Health and Welfare, ~~and~~ the Senate Committee on Health and  
21 Welfare, ~~and~~ the House Committee on Insurance, ~~and~~ the Senate Committee on  
22 Insurance.

23 \* \* \*

24 (10) Perform the functions of the state relating to:

25 (a) Licensing of ~~health-related~~ health-related professionals;

26 (b) Licensing of health facilities, including hospitals and nursing homes;

27 (c) Licensing of institutions for persons with intellectual disabilities;

28 (d) Licensing of systems of distribution for controlled dangerous substances;

1 (e) Licensing of child care institutions funded under Title XIX of the Social  
2 Security Act; ~~and,~~

3 \* \* \*

4 B. The secretary shall have authority to:

5 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 803:

6 (i) Employ, appoint, remove, assign, and promote such personnel as is  
7 necessary for the efficient administration of the executive office of the secretary and  
8 the performance of its powers, duties, functions, and responsibilities and such other  
9 personnel, who are not assigned to an office, as may be necessary for the efficient  
10 administration of the department and for the performance of the responsibilities,  
11 powers, duties, and functions of agencies transferred to it;

12 (ii) Employ, assign, and remove all personnel employed for the department  
13 on a contractual basis; ~~and,~~

14 (iii) Transfer the personnel of the department as necessary for the efficient  
15 administration of the department and its programs.

16 (b) All of the ~~above are to~~ functions provided for in this Paragraph shall be  
17 accomplished in accordance with applicable civil service law, rules, and regulations,  
18 and with policies and rules of the department, and all are subject to budgetary control  
19 and applicable laws.

20 \* \* \*

21 (6) Grant rights of way, servitudes, and easements across state-owned lands  
22 under his jurisdiction to other public bodies, either state or local, for any public  
23 purpose. The secretary shall also have authority to grant rights of way, servitudes,  
24 and easements across state lands under his jurisdiction to any other person or entity  
25 for the purpose of laying pipelines, gas lines, and water lines, and for the  
26 transmission of electricity for power and light, and also for telephone and telegraph  
27 lines, for railroad lines or tracks, for road construction, and for drainage purposes,  
28 and to enter into the necessary contracts therefor, which shall provide for the  
29 payment of an adequate consideration. Such payment, in order to be considered as

1 adequate consideration, shall be based on payments made for other comparable  
2 contracts in the vicinity, when available, providing compensation for rights of way,  
3 servitudes, easements, and for damages relative thereto.

4 \* \* \*

5 D.(1)(a)(i) The secretary shall direct and be responsible for the Medical  
6 Assistance Program, Title XIX of the Social Security Act, including eligibility  
7 determination and those health planning and resource development functions as are  
8 permissible under provisions of Title XIX of the Social Security Act, Title XXI of  
9 the Social Security Act, and R.S. 46:976. Any modification to the Medical  
10 Assistance Program approved by waiver by the United States Department of Health  
11 and Human Services, Health Care Financing Administration or its successor, that  
12 provides for a managed care or voucher system shall be implemented by the  
13 secretary but only after the approved plan and any modifications thereto have been  
14 approved by the House and Senate ~~Committees on Health and Welfare~~ committees  
15 on health and welfare and the Joint Legislative Committee on the Budget. Unless  
16 approved by such committees as provided in this Subparagraph, modifications to the  
17 medical assistance program as provided herein shall not be considered avoidance of  
18 a budget deficit in the case of medical assistance programs, shall not be considered  
19 a means of securing new or enhanced federal funding in medical assistance  
20 programs, and shall not be considered necessary to avoid imminent peril to the public  
21 health, safety, or welfare; such modification shall not be promulgated as emergency  
22 rules under the provisions of R.S. 49:953(B) unless approved by such committees.

23 \* \* \*

24 E.(1) The functions relative to the operation and management of mental  
25 health, intellectual disabilities, and substance abuse services for Jefferson Parish  
26 having been transferred by department rules to the Jefferson Parish Human Services  
27 Authority in accordance with ~~Chapter 14~~ Part I of Chapter 21 of Title 28 of the  
28 Louisiana Revised Statutes of 1950 shall be the responsibility of and shall be

1 performed by the Jefferson Parish Human Services Authority.

2 \* \* \*

3 F.(1) The functions relative to the operation and management of  
4 community-based mental health, developmental disabilities, substance abuse  
5 services, and certain community-based public health services for the parishes of  
6 Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton  
7 Rouge, and West Feliciana transferred in accordance with ~~R.S. 28:901~~ R.S. 28:910  
8 et seq., shall be the responsibility of and shall be performed by the Capital Area  
9 Human Services District. If funds are not appropriated by the legislature for the  
10 district to perform these functions in those parishes, the functions shall be the  
11 responsibility of and shall be performed by the department in those parishes.

12 \* \* \*

13 H.(1) The functions relative to the operation and management of  
14 community-based mental health, developmental disabilities, and addictive disorder  
15 services for the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and  
16 Washington transferred in accordance with ~~R.S. 28:851~~ R.S. 28:910 et seq. shall be  
17 the responsibility of and shall be performed by the Florida Parishes Human Services  
18 Authority. If funds are not appropriated by the legislature for the authority to  
19 perform these functions in those parishes, the functions shall be the responsibility of  
20 and shall be performed by the department in those parishes.

21 \* \* \*

22 I.(1) The functions relative to the operation and management of  
23 community-based mental health, developmental disabilities, and addictive disorder  
24 services for the parishes of Orleans, St. Bernard, and Plaquemines transferred in  
25 accordance with ~~R.S. 28:861~~ R.S. 28:910 et seq. shall be the responsibility of and  
26 shall be performed by the Metropolitan Human Services District. If funds are not  
27 appropriated by the legislature for the district to perform these functions in those  
28 parishes, the functions shall be the responsibility of and shall be performed by the



1 department in those parishes.

2 \* \* \*

3 J.(1) The functions relative to the operation and management of  
4 community-based mental health, developmental disabilities, and addictive disorder  
5 services for the parishes of Assumption, Lafourche, St. Charles, St. James, St. John  
6 the Baptist, St. Mary, and Terrebonne transferred in accordance with ~~R.S. 28:871~~  
7 R.S. 28:910 et seq., shall be the responsibility of and shall be performed by the South  
8 Central Louisiana Human Services District. If funds are not appropriated by the  
9 legislature for the district to perform these functions in those parishes, the functions  
10 shall be the responsibility of and shall be performed by the department in those  
11 parishes.

12 \* \* \*

13 K.(1) The functions relative to the operation and management of  
14 community-based mental health, developmental disabilities, and addictive disorder  
15 services for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln,  
16 Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll  
17 transferred in accordance with ~~R.S. 28:871~~ R.S. 28:910 et seq., shall be the  
18 responsibility of and shall be performed by the Northeast Delta Human Services  
19 Authority. If funds are not appropriated by the legislature for the authority to  
20 perform these functions in those parishes, the functions shall be the responsibility of  
21 and shall be performed by the department in those parishes.

22 \* \* \*

23 L. Any salary adjustment or cost of living adjustment for any employee or  
24 board member of a board, entity, agency, or commission transferred to the Louisiana  
25 Department of Health and enumerated in R.S. 36:259 or any employee of a human  
26 services district or authority established and enumerated in R.S. 28:912 shall not be  
27 granted in any year after a deficit is declared without express written approval of  
28 two-thirds of the members of the respective governing board. The express written

1 approval shall be submitted to the secretary in accordance with the reporting  
2 provided for in R.S. 36:803.

3 §254.1. Power of the secretary of the Louisiana Department of Health to issue tax-  
4 exempt or taxable debt relative to the Drinking Water Revolving Loan Fund

5 A. The secretary of the department is authorized and empowered to  
6 administer, maintain, and operate the Drinking Water Revolving Loan Fund as  
7 created and provided in R.S. 40:2821 through 2826.

8 \* \* \*

9 C. In connection with the ~~above~~ power and duties involving the Drinking  
10 Water Revolving Loan Fund provided in Subsections A and B of this Section, the  
11 secretary of the department is authorized to:

12 \* \* \*

13 (5) The department is hereby authorized to issue, execute, and deliver  
14 refunding bonds, notes, or other evidences of indebtedness for the purpose of  
15 refunding, readjusting, restructuring, refinancing, extending, or unifying in whole or  
16 any part of its outstanding obligations, and further the department is hereby  
17 authorized to issue short-term revenue notes for the purposes of anticipating any  
18 revenues to be received by the department in connection with the Drinking Water  
19 Revolving Loan Fund.

20 \* \* \*

21 §254.3. Criminal history information; access to federal tax information

22 The Department of Health, ~~medicaid~~ Medicaid eligibility section, is  
23 authorized to perform criminal history records checks of current and prospective  
24 employees, contractors, and subcontractors in accordance with the procedures  
25 provided in R.S. 15:587.5. Pursuant to this authorization and to implement the  
26 requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations  
27 with regard to this matter.

28 \* \* \*

1 §258. Offices; purposes and functions

2 \* \* \*

3 G. Notwithstanding the provisions of Subsections C, D, and E of this  
4 Section, the Jefferson Parish Human Services Authority shall be responsible for and  
5 shall perform the functions relative to the operation and management of mental  
6 health, developmental disabilities, and substance abuse services for Jefferson Parish  
7 only, and the department shall not be responsible for nor perform such functions  
8 unless the contract between the department and the authority has been terminated  
9 pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

10 H. Notwithstanding the provisions of Subsections B, C, D, and E of this  
11 Section, the Capital Area Human Services District shall be responsible for and shall  
12 perform the functions relative to the operation and management of community-based  
13 mental health, developmental disabilities, substance abuse services, and certain  
14 community-based public health services for the parishes of Ascension, East Baton  
15 Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West  
16 Feliciana only unless the contract between the department and the authority has been  
17 terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

18 I. Notwithstanding the provisions of Subsections C, D, and E of this Section,  
19 the Florida Parishes Human Services Authority shall be responsible for and shall  
20 perform the functions relative to the operation and management of mental health,  
21 developmental disabilities, and addictive disorder services for the parishes of  
22 Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington, and the  
23 department shall not be responsible for nor perform such functions unless the  
24 contract between the department and the authority has been terminated pursuant to  
25 ~~R.S. 28:919(H)~~ R.S. 28:918(E).

26 J. Notwithstanding the provisions of Subsections C, D, and E of this Section,  
27 the South Central Louisiana Human Services District shall be responsible for and  
28 shall perform the functions relative to the operation and management of mental  
29 health, developmental disabilities, and addictive disorder services for the parishes

1 of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and  
2 Terrebonne, and the department shall not be responsible for nor perform such  
3 functions unless the contract between the department and the authority has been  
4 terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

5 K. Notwithstanding the provisions of Subsections C, D, and E of this  
6 Section, the Metropolitan Human Services District shall be responsible for and shall  
7 perform the functions relative to the operation and management of mental health,  
8 developmental disabilities, and addictive disorder services for the parishes of  
9 Orleans, St. Bernard, and Plaquemines, and the department shall not be responsible  
10 for nor perform such functions unless the contract between the department and the  
11 authority has been terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

12 L. Notwithstanding the provisions of Subsections C, D, and E of this Section,  
13 the Northeast Delta Human Services Authority shall be responsible for and shall  
14 perform the functions relative to the operation and management of mental health,  
15 developmental disabilities, and addictive disorder services for the parishes of  
16 Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,  
17 Richland, Tensas, Union, and West Carroll, and the department shall not be  
18 responsible for nor perform such functions unless the contract between the  
19 department and the authority has been terminated pursuant to ~~R.S. 28:919(H)~~ R.S.  
20 28:918(E).

21 §259. Transfer of agencies and functions to Louisiana Department of Health

22 \* \* \*

23 E. The following agencies, as defined in R.S. 36:3, are transferred to and  
24 hereafter shall be within the Louisiana Department of Health, as provided in R.S.  
25 36:803:

26 \* \* \*

27 (10) Louisiana State Board of Examiners of Psychologists (R.S. 37:2351 et  
28 seq.)

29 \* \* \*

1 §474. Powers and duties of the secretary of the Department of Children and Family  
2 Services

3 \* \* \*

4 B. The secretary shall have authority to:

5 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 802.9:

6 (i) Employ, appoint, remove, assign, and promote such personnel as is  
7 necessary for the efficient administration of the department and the performance of  
8 its powers, duties, functions, and responsibilities and such other personnel as may  
9 be necessary for the efficient administration and the performance of the  
10 responsibilities, powers, duties, and functions of agencies transferred to it;

11 (ii) Employ, assign, and remove all personnel employed for the department  
12 on a contractual basis, ~~and,~~

13 (iii) Transfer the personnel of the department as necessary for the efficient  
14 administration of the department and its programs.

15 (b) All of the ~~above are to~~ functions provided for in this Paragraph shall be  
16 accomplished in accordance with applicable civil service law, rules, and regulations,  
17 and with policies and rules of the Department of Children and Family Services, and  
18 all are subject to budgetary control and applicable laws.

19 \* \* \*

20 (6) Grant rights of way, servitudes, and easements across state-owned lands  
21 under his jurisdiction to other public bodies either state or local, for any public  
22 purpose. The secretary shall also have authority to grant rights of way, servitudes,  
23 and easements across state lands under his jurisdiction to any other person or entity  
24 for the purpose of laying pipelines, gas lines, and water lines, and for the  
25 transmission of electricity for power and light, and also for telephone and telegraph  
26 lines, for railroad lines or tracks, for road construction, and for drainage purposes,  
27 and to enter into the necessary contracts therefor, which shall provide for the  
28 payment of an adequate consideration. Such payment, in order to be considered as  
29 adequate consideration, shall be based on payments made for other comparable

1 contracts in the vicinity, when available, providing compensation for rights of way,  
2 servitudes, and easements, and for damages relative thereto.

3 \* \* \*

4 §477. Office; purposes and functions

5 \* \* \*

6 B.(1) The office of children and family services shall perform the services  
7 of the state relating to public assistance programs to provide aid to dependent  
8 children and to adults, who due to age, disability, or infirmity, are unable to  
9 adequately meet their basic needs. It shall also administer the food stamp program  
10 or its successor, child support programs, establishment of paternity programs,  
11 disaster relief grant programs for individuals and families, and such other programs  
12 as assigned by the secretary. It shall also conduct disability and other client  
13 eligibility determinations, and may conduct medical assistance client eligibility  
14 determinations. The office is authorized to enter into interagency agreements with  
15 other state agencies to conduct eligibility determinations. The office shall provide  
16 for the public child welfare functions of the state including but not limited to  
17 prevention services that promote, facilitate, and support activities to prevent child  
18 abuse and neglect; child protective services; voluntary family strengthening and  
19 support services; making permanent plans for foster children and meeting their daily  
20 maintenance needs of food, shelter, clothing, necessary physical medical services,  
21 school supplies, and incidental personal needs; and adoption placement services for  
22 foster children freed for adoption. It shall also perform the functions of the state  
23 relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the  
24 Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic  
25 violence services contracts.

26 \* \* \*

27 Section 3. R.S. 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1),  
28 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E), 1033(A)(3) and  
29 (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12), 1164(3), (7), (10), (13)(a),

1 (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13), (17), and (18) and (B)(1) and (6),  
 2 1226.1(B), 1226.2(D)(1), 1277(A)(3), 1281(A)(1)(a), (3)(a)(ii) and (c), and (5), 1307(1), (7),  
 3 and (8), 1340(introductory paragraph), 1543(A)(3)(b)(ii) and (5), 1721, 1731(A)(2)(a) and  
 4 (d), 1732.1, 1742.1(G)(introductory paragraph) and (5), 1743(C), 1743.1(E), 1744(A), (B),  
 5 and (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of Chapter 20 of Title 37 of  
 6 the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111, 2114, 2351, 2352(2),  
 7 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and (6)(introductory  
 8 paragraph), (c) through (e), (j), (k), (m), (n), (r), (u), and (v), 2443, 2446, 2458, 2459,  
 9 2465(D)(introductory paragraph) and (1), 2503(Section heading), 2504(A)(1) and (5),  
 10 2802(C), 2816(A)(2), (4), (6), (8), (13), and (15), (B), and (F)(2), 2819(Section heading),  
 11 2950(B) and (D)(1)(a)(viii), 3014, 3214(1), 3241(introductory paragraph) and (1), 3258(C),  
 12 3302(4)(b)(i) and (iv), 3309.1(A), 3386.1(introductory paragraph), (1), (2), (6), (7), (9), (11),  
 13 (12), and (16), 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6),  
 14 3387.2(A), (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1),  
 15 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and  
 16 (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11), 3389(A)  
 17 and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and  
 18 3703(B)(7) are hereby amended and reenacted and R.S. 37:1103(introductory paragraph),  
 19 3387.5(G) and (H), and 3387.6(H) and (I) are hereby enacted to read as follows:

20 §9. Rules and regulations

21 The governor may prescribe such general administrative rules for the conduct  
 22 of the affairs of the administrative departments, not inconsistent with law, as he  
 23 thinks necessary or expedient. The director may prescribe such administrative rules,  
 24 not inconsistent with this ~~chapter~~ Chapter or with the general rules of the governor,  
 25 as he thinks necessary or expedient for the proper conduct of the work of the  
 26 department and for making effective the provisions of law.

27 \* \* \*

1 §21. Limitations on disciplinary proceedings by professional or occupational boards  
2 and commissions

3 \* \* \*

4 B. The provisions of this Section shall not apply to the following:

5 \* \* \*

6 (6) The Louisiana Board of Examiners for ~~Speech~~ Speech-Language  
7 Pathology and Audiology.

8 \* \* \*

9 §751. Definitions; licensure; presumption; short title

10 A. As used in this Chapter:

11 \* \* \*

12 (2) "Another state" means each of the several states, other than Louisiana,  
13 and includes the District of Columbia, the Commonwealth of Puerto Rico, and the  
14 Virgin Islands of the United States.

15 \* \* \*

16 §757. Patient records

17 \* \* \*

18 B. The dentist shall maintain, preserve, and provide copies of the dental  
19 treatment records in conformity with ~~R.S. 40:1299.96~~ R.S. 40:1165.1.

20 \* \* \*

21 §779. Filing of administrative complaint or charge; appointment of committee to  
22 hear charge; quorum

23 \* \* \*

24 B. Where the charge is made by a citizen, he should state to the  
25 secretary-treasurer, or any member of the board, the source of his information and  
26 the grounds of his belief, and the secretary-treasurer, a member, an inspector, or any  
27 agent of the board shall substantiate the charge by determining that the citizen is  
28 informed and has reasonable cause to believe that the charge is true; after which an



1 administrative complaint or charge may be issued, and noticed and docketed for  
2 hearing by the board, as set forth in Subsection A of this Section.

3 \* \* \*

4 §781. Issuance of subpoenas; production of patient records; maintenance of  
5 confidentiality

6 \* \* \*

7 E. Any person or entity charging the board a fee for the production of  
8 documents ordered to be produced by the board under a subpoena or subpoena duces  
9 tecum issued by the board shall conform to those charges set forth in ~~R.S.~~  
10 ~~40:1299.96~~ R.S. 40:1165.1 to reflect reasonable or adequate compensation.

11 \* \* \*

12 §790. Forgery; penalty

13 A. No person shall file or attempt to file, as his own, the diploma or license  
14 of another, or a forged affidavit of identification or qualification.

15 B. Whoever violates this Section shall be fined not more than five thousand  
16 dollars, or imprisoned with or without hard labor for not more than ten years, or both.

17 \* \* \*

18 §796.1. Requirements to provide dental services at mobile dental clinics and  
19 locations other than the dental office; permit; hold harmless

20 A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a  
21 person offering dental services at a mobile dental clinic or a location other than the  
22 dental office shall:

23 (1) Be a dentist licensed in Louisiana who is in good standing with the  
24 Louisiana State Board of Dentistry.

25 \* \* \*

26 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;  
27 hearings

28 A. The board may refuse to grant, refuse to renew, suspend, or revoke any  
29 license, or impose a sanction or fine in keeping with the penalty provision of this Part

1 for any licensee or registrant when he is found guilty of any of the following acts or  
2 omissions:

3 \* \* \*

4 (3)(a) Solicitation which is intimidating, overreaching, fraudulent, or  
5 misleading, that uses undue influence, or that takes advantage of a person's lack of  
6 knowledge or emotional vulnerability, or engaging in any of the following:

7 \* \* \*

8 (iv) Contacting a person suffering ill health or the relatives, caregivers,  
9 acquaintances, ~~health care~~ healthcare providers, or persons having the right to control  
10 the disposition of the remains of an individual whose death is impending or whose  
11 death has recently occurred for the purposes of soliciting preneed funeral contracts  
12 or the sale of funeral goods and services or making funeral or disposition  
13 arrangements for that individual without first having been specifically requested by  
14 that person seeking information about funeral goods or services.

15 \* \* \*

16 §883. Liability; authorizing agent; funeral director, funeral establishment, and  
17 crematory authority; refusal to arrange or perform a cremation; refusal to  
18 release cremated human remains

19 \* \* \*

20 C. There shall be no liability for a funeral director, funeral establishment, or  
21 crematory authority in relying on information provided by the coroner or ~~health care~~  
22 healthcare providers pursuant to R.S. 37:877(B)(1)(b)(iii) and ~~R.S. 40:1099.1~~ R.S.  
23 40:1271.2 or their failure to provide such information.

24 \* \* \*

25 §930. Anesthetics; authority to administer; penalty

26 A. No registered professional nurse shall administer any form of anesthetic  
27 to any person under ~~their~~ his care unless the following conditions are met:

28 (1) The registered nurse has successfully completed the prescribed  
29 educational program in a school of anesthesia which is accredited by a nationally

1 recognized accrediting agency approved by the United States Department of Health,  
2 Education, and Welfare, or its successor.

3 (2) ~~is~~ The registered nurse is a registered nurse anesthetist certified by a  
4 nationally recognized certifying agency for nurse anesthetists following completion  
5 of the educational program referred to in Paragraph (1) of this Subsection and  
6 participates in a continuing education program of a nationally approved accreditation  
7 agency as from time to time required, which program shall be recognized as the  
8 Continuing Education Program for Certified Registered Nurse Anesthetists; ~~and.~~

9 (3) ~~Administers~~ The registered nurse administers anesthetics and ancillary  
10 services under the direction and supervision of a physician or dentist who is licensed  
11 to practice under the laws of the state of Louisiana.

12 B.(1) No registered professional nurse licensed in the state of Louisiana who  
13 has been employed to administer anesthetics for six months prior to October 1, 1976,  
14 shall be required to meet the requirements set forth in Paragraphs (A)(1) and (2) of  
15 ~~Subsection A herein~~ this Section, and such registered professional nurse may  
16 continue to administer anesthetics provided that such employment is continuous in  
17 the state of Louisiana and is not broken for a period of more than one year.  
18 However, any registered professional nurse licensed in this state who is employed  
19 to administer anesthetics after October 1, 1976, shall be required to meet the  
20 requirements of this Section.

21 \* \* \*

22 (3) The requirements set forth in Paragraphs (A)(1) and (2) of ~~Subsection A~~  
23 ~~herein~~, this Section shall not apply to a graduate nurse anesthetist awaiting  
24 certification results, provided that the application for certification is made as soon  
25 as possible upon completion of the prescribed educational program in a school of  
26 anesthesia and provided further that this is the initial attempt for passage of the  
27 certification exam.

1 (4) The requirements set forth in Paragraphs (A)(1) and (2) of ~~Subsection A~~  
2 of this Section shall not apply to an emergency situation as determined by the  
3 appropriate supervising physician or dentist.

4 (5) No registered professional nurse who on and after October 1, 1976,  
5 possesses a permit, a temporary license, or a permanent license to practice nursing  
6 in Louisiana in accordance with the ~~provision~~ provisions of the Nurse Practice Act  
7 and who is duly enrolled as a bona fide student pursuing a course in a nurse  
8 anesthesia school which is approved by a nationally recognized accrediting body and  
9 whose graduates are acceptable for certification by a nationally recognized certifying  
10 body shall be required to meet the requirements set forth in Paragraphs (A)(1) and  
11 (2) of ~~Subsection A~~, herein this Section, insofar as the administering of anesthetics  
12 is confined to the educational requirements of the course and under direct  
13 supervision of a qualified instructor.

14 \* \* \*

15 D. Nothing ~~herein~~ in this Section shall prohibit the injection of local  
16 anesthetic agents under the skin or application of topical anesthetic agents by a  
17 registered nurse when prescribed by a physician or dentist who is licensed to practice  
18 in this state; however, this provision shall not permit a registered nurse to administer  
19 local anesthetics perineurally, peridurally, epidurally, intrathecally, or intravenously.  
20 This Subsection shall not be applicable to certified registered nurse anesthetists  
21 provided for in Subsection A of this Section.

22 E. Nothing ~~herein~~ in this Section shall prohibit the administration of a digital  
23 block or a pudendal block by an advanced practice registered nurse who has been  
24 trained to administer such procedure in accordance with a collaborative practice  
25 agreement.

26 \* \* \*

27 §1033. Required training

28 A. In order to be authorized to perform the procedures specified in R.S.  
29 37:1032, a direct service worker shall be employed by a licensed agency or

1 employed as part of an authorized departmental self-directed program. If the direct  
2 service worker is employed as part of an authorized departmental self-directed  
3 program, the training he will receive shall be developed by the Louisiana Department  
4 of Health in conjunction with the Louisiana State Board of Nursing. If the direct  
5 service worker is employed by a licensed agency he shall receive the following  
6 training:

7 \* \* \*

8 (3) In order to administer noncomplex tasks, complete didactic training, and  
9 demonstration of competency in accordance with guidelines established and  
10 approved by the Louisiana Department of Health and the Louisiana State Board of  
11 Nursing.

12 \* \* \*

13 C. A direct service worker shall undergo an annual competency validation,  
14 specified in rules adopted by the Louisiana State Board of Nursing and the Louisiana  
15 Department of Health, performed by a registered nurse, to determine whether the  
16 direct service worker continues to perform the authorized, person-specific tasks  
17 appropriately. Documentation of the annual competency review provided by the  
18 registered nurse shall be submitted to and maintained by the direct service worker's  
19 employing agency.

20 \* \* \*

21 §1048. Powers of the board

22 The board shall be responsible for the control and regulation of the practice  
23 of optometry and may:

24 \* \* \*

25 (4) Summon witnesses and compel the attendance of witnesses. No  
26 subpoena shall be issued until the party who wishes to subpoena the witness first  
27 deposits with the agency a sum of money sufficient to pay all fees and expenses to  
28 which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.  
29 A summons may order a person to appear ~~and/or~~ at a hearing, or appear and produce

1 at ~~the~~ a hearing, books, papers, documents, or any other tangible things in his  
2 possession or under his control, if a reasonably accurate description thereof is given.

3 (5)(a) Conduct hearings on proceedings, and generally enforce those  
4 provisions of this Chapter, relating to conduct and competence, including but not  
5 limited to revocation, summary suspension, suspension, probation, reprimand, fines,  
6 and warnings, when evidence has been presented showing violation of any of the  
7 provisions of this Chapter.

8 \* \* \*

9 (8) Inspect during hours of operation any licensed, permitted, certified, or  
10 registered person including, but not limited to, pertinent records for the purpose of  
11 determining if any ~~provisions~~ provision of law governing the legal distribution of  
12 drugs or devices or the practice of optometry is being violated.

13 (9) Cooperate with all agencies charged with the enforcement of the laws of  
14 the United States, of this state, and of all other states relating to drugs, devices, or the  
15 practice of optometry.

16 \* \* \*

17 (12) Educate the public and optometrists on issues of public health, safety,  
18 and welfare by sponsoring, promoting, managing, operating, or improving ~~health~~  
19 related health-related education services, programs, or facilities in the state.

20 \* \* \*

21 §1056. Annual renewal of license to practice

22 All licensed optometrists shall annually:

23 1. (1) Pay to the board the annual renewal fee provided in R.S. 37:1058 on  
24 or before the first day of March of each year; ~~and~~.

25 2. (2) Accompany the payment of the annual renewal fee with evidence  
26 satisfactory to the board of attendance and completion of twelve hours of continuing  
27 education pertaining to subjects required for licensing as set forth in R.S. 37:1051  
28 ~~and/or~~ or subjects pertaining to current visual and ~~health care~~ healthcare practices as  
29 are applicable to the practice of optometry. All licensed optometrists who have

1 attained the age of sixty years as of March 1, 1969<sub>2</sub> shall be exempt from this  
2 continuing education requirement.

3 \* \* \*

4 §1103. Definitions

5 As used in this Chapter, the following terms have the meaning ascribed to  
6 them in this Section:

7 \* \* \*

8 (11) "Provisional licensed marriage and family therapist" means any person  
9 who has completed the requirements provided in R.S. 37:1116(C) and in applicable  
10 rules of the board and who has been issued a provisional license pursuant to the  
11 provisions of this Chapter, and such provisional license is in force and not suspended  
12 or revoked. Provisional licensed marriage and family therapists may use the title  
13 "provisional licensed marriage and family therapist" only under the direction and  
14 active supervision of a ~~board-approved~~ board-approved supervisor and only while  
15 obtaining the post-graduate degree experience required for licensure as a marriage  
16 and family therapist. A provisional licensed marriage and family therapist shall not,  
17 under any circumstances, provide or advertise that he is authorized to provide  
18 marriage and family therapy independently.

19 (12) "Provisional licensed professional counselor" means any person who  
20 has completed the requirements provided in R.S. 37:1107(F) and in applicable rules  
21 of the board, and who has been issued a provisional license to provide mental health  
22 counseling services and to practice mental health counseling. Provisional licensed  
23 professional counselors may use the title "provisional licensed professional  
24 counselor" and shall practice mental health counseling only under the direction and  
25 active supervision of a ~~board-approved~~ board-approved supervisor and only while  
26 obtaining the post-graduate degree experience required for licensure as a professional  
27 counselor. A provisional licensed professional counselor shall not, under any  
28 circumstances, practice mental health counseling independently or advertise that he

1 is authorized to practice independently.

2 \* \* \*

3 §1164. Definitions

4 As used in this Chapter, the following terms have the meaning ascribed to  
5 them by this Section:

6 \* \* \*

7 (3)(a) "Automated medication system" includes, but is not limited to, a  
8 mechanical system that perform operations or activities, other than compounding or  
9 administration, relative to the storage, packaging, or delivery of medications, and  
10 which collects, controls, and maintains all transaction information. An automated  
11 medication system may be ~~profile driven~~ profile-driven, ~~non-profile driven~~ non-  
12 profile-driven, or a combination of both.

13 (a) ~~Profile driven~~ (b) A profile-driven system requires that medication  
14 ~~orders/prescriptions~~ orders or prescriptions be reviewed by the pharmacist for  
15 appropriateness, dosage, and contraindications prior to, or concomitantly with, being  
16 entered into the system, and before access is allowed into the system for medication  
17 administration.

18 (b)(i) ~~Non-profile driven~~ (c)(i) A non-profile-driven system does not require  
19 prior or concomitant pharmacist review of medication ~~orders/prescriptions~~ orders or  
20 prescriptions in order to gain access to the system for medication administration. A  
21 ~~non-profile driven~~ non-profile-driven system may include, but is not limited to, a  
22 night drug cabinet, emergency drug kit, or floor ~~stock/first~~ stock or first dose cabinet.

23 (ii) "Floor ~~stock/first~~ stock or first dose cabinet" is a medication storage  
24 device, which shall be used by personnel, authorized by a protocol established by the  
25 pharmacist-in-charge, to gain access to doses as needed and first doses in  
26 patient-care areas. In addition, a floor ~~stock/first~~ stock or first dose cabinet may be  
27 used to store medications in such specialty areas including but not limited to an  
28 emergency room, surgery suite, and endoscopy suite.

29 \* \* \*



1           (7) "Confidential information" means information accessed, maintained by,  
 2           or transmitted to a pharmacist in the patient's records or which is communicated to  
 3           the patient as part of patient counseling, which is privileged and may be released  
 4           only to the patient or; to those practitioners, other authorized ~~health care~~ healthcare  
 5           professionals, and other pharmacists when, in a pharmacist's professional judgment,  
 6           such release is necessary to protect the patient's health and well being; and to such  
 7           other persons or agencies authorized by law to receive such confidential information  
 8           regardless of whether such information is in the form of paper, preserved on  
 9           microfilm, or is stored on electronic media.

\* \* \*

11           (10) "Device" means an instrument, apparatus, implement, machine,  
 12           contrivance, implant, or other similar or related article, including any component part  
 13           or accessory, which is required under federal law to bear the label, "Caution: Federal  
 14           or State law requires dispensing by or on the order of a physician", ~~and/or the label~~  
 15           "Rx Only", or both, or any other designation required under federal law.

\* \* \*

17           (13) "Drug" means:  
 18           (a) Any substance recognized as a drug in the official compendium, or  
 19           supplement thereto, designated by the board for use in the diagnosis, cure,  
 20           mitigation, treatment, or prevention of diseases in humans or other animals.

\* \* \*

22           (16) "Emergency drug kit (~~EDK~~)" for long-term care facilities (~~LTCF~~) or  
 23           other ~~board approved~~ board-approved sites, other than a hospital, means a drug kit  
 24           containing designated drugs which may be required to meet the immediate  
 25           therapeutic emergency needs of a resident or patient.

\* \* \*

27           (29) "Off-site facility" means and refers to the location of a building that  
 28           houses a licensee of the Louisiana Department of Health, but which does not house  
 29           a ~~board permitted~~ board-permitted pharmacy.

1 (30) "On-site facility" means and refers to the location of a building that  
2 houses a ~~board-permitted~~ board-permitted pharmacy.

3 \* \* \*

4 (43) "Practice of pharmacy" or "practice of the profession of pharmacy"  
5 means and includes the compounding, filling, dispensing, exchanging, giving,  
6 offering for sale, or selling, drugs, medicines, or poisons, pursuant to prescriptions  
7 or orders of physicians, dentists, veterinarians, or other licensed practitioners, or any  
8 other act, service, operation, or transaction incidental to or forming a part of any of  
9 the foregoing acts, requiring, involving, or employing the science or art of any  
10 branch of the pharmacy profession, study, or training.

11 \* \* \*

12 (46) "Prescription" or "prescription drug order" means an order from a  
13 practitioner authorized by law to prescribe for a drug or device that is ~~patient specific~~  
14 patient-specific and is communicated by any means to a pharmacist in a permitted  
15 pharmacy, and is to be preserved on file as required by law or regulation.

16 \* \* \*

17 (57) "Wholesale drug distribution" means distribution of legend drugs to a  
18 party other than the consumer or patient, including but not limited to distribution by  
19 manufacturers, repackers, own label distributors, jobbers, and wholesale drug  
20 distributors.

21 (58) "Wholesale drug distributor" means any person who sells legend drugs  
22 to a party other than the consumer or the patient, including but not limited to  
23 manufacturers, repackers, own label distributors, jobbers, brokers, agents, and  
24 pharmacies.

25 \* \* \*

26 §1182. Powers and duties of the board

27 A. The board shall be responsible for the control and regulation of the  
28 practice of pharmacy and shall:

29 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (13) Establish minimum specifications for the physical facilities, technical  
2 equipment, environment, supplies, personnel, and procedures for the storage,  
3 compounding, ~~and/or~~ and dispensing of drugs or devices.

4 \* \* \*

5 (17) Except as otherwise provided to the contrary, ~~the board shall~~ exercise  
6 all of its duties, powers, and authority in accordance with the Administrative  
7 Procedure Act.

8 (18) Make, keep, and preserve all books, registers, and records.

9 \* \* \*

10 B. The board may:

11 (1) Join such professional organizations and associations organized  
12 exclusively to promote the improvement of the standards of the practice of pharmacy  
13 for the protection of the health, safety, and welfare of the public ~~and/or~~ or whose  
14 activities assist and facilitate the work of the board.

15 \* \* \*

16 (6) Employ or contract for inspectors, chemists, agents, clerical help, legal  
17 assistance, and other personnel necessary for the proper operation of the board office  
18 and for any other purpose under this Chapter.

19 \* \* \*

20 §1226.1. Communication to the prescriber

21 \* \* \*

22 B. The required communication included in Subsection A of this Section  
23 may be done by any means.

24 \* \* \*

25 §1226.2. Prescription drug returns, exchanges, and redispensing; donation  
26 requirements; authority to promulgate rules; limitation of liability

27 \* \* \*

28 D.(1) No person, including a drug manufacturer, ~~health care~~ healthcare  
29 facility, or governmental agency who donates prescription drugs to a charitable

1 pharmacy, as well as the charitable pharmacy, any pharmacist who originally  
2 dispensed the donated prescription drugs, any pharmacist dispensing donated  
3 prescription drugs, or the ~~board of pharmacy~~ Louisiana Board of Pharmacy shall be  
4 subject to any professional disciplinary action, criminal prosecution, liability in tort  
5 or other civil action for injury, death, or loss to person or property related to the  
6 donating, accepting, or dispensing of donated prescription drugs.

7 \* \* \*

8 §1277. Louisiana State Board of Medical Examiners; authorization to obtain  
9 criminal history record information

10 A. As used in this Section the following terms shall have the following  
11 meaning:

12 \* \* \*

13 (3) "Applicant" means an individual who has made application to the board  
14 for the issuance, renewal, or reinstatement of any form of health care practitioner  
15 licensure which the board is authorized by law to issue, including but not limited to  
16 licensure as a physician or surgeon pursuant to R.S. 37:1261 ~~through 1291~~ et seq.;  
17 as a podiatrist pursuant to R.S. 37:611 ~~through 628~~ et seq.; as a physician assistant  
18 pursuant to R.S. 37:1360.21 ~~through 1360.38~~ et seq.; as a midwife practitioner  
19 pursuant to R.S. 37:3240 ~~through 3257~~ et seq.; as a respiratory therapist or  
20 respiratory therapy assistant pursuant to R.S. 37:3351 ~~through 3361~~ et seq.; as an  
21 occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001  
22 ~~through 3014~~ et seq.; as a clinical laboratory scientist pursuant to R.S. 37:1311  
23 ~~through 1329~~ et seq.; as a clinical exercise physiologist pursuant to R.S. 37:3421  
24 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S. 37:3301 ~~through 3312~~ et  
25 seq.; as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356  
26 ~~through 1360~~ et seq.; as a private ~~radiological~~ radiologic technologist pursuant to  
27 R.S. 37:1292; or as a dispensing physician pursuant to ~~L.A.C. LAC~~ LAC 46:XLV,6501  
28 ~~through 6561~~ et seq.

29 \* \* \*

1 §1281. Fees and costs

2 A.(1) As used in this Section, the following terms shall have the following  
3 meaning:

4 (a) "Allied health care practitioner" means an individual who holds any form  
5 of health care practitioner licensure that the board is authorized to issue, other than  
6 as a physician, including but not limited to licensure as a podiatrist pursuant to R.S.  
7 37:611 ~~through 628~~ et seq.; as a physician assistant pursuant to R.S. 37:1360.21  
8 ~~through 1360.38~~ et seq.; as a midwife pursuant to R.S. 37:3240 ~~through 3257~~ et seq.;  
9 as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351  
10 ~~through 3361~~ et seq.; as an occupational therapist or occupational therapy assistant  
11 pursuant to R.S. 37:3001 ~~through 3014~~ et seq.; as a clinical laboratory scientist  
12 pursuant to R.S. 37:1311 ~~through 1329~~ et seq.; as a clinical exercise physiologist  
13 pursuant to R.S. 37:3421 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S.  
14 37:3301 ~~through 3312~~ et seq.; as an acupuncturist or acupuncturist's assistant  
15 pursuant to R.S. 37:1356 ~~through 1360~~ et seq.; or as a private ~~radiological~~ radiologic  
16 technologist pursuant to R.S. 37:1292.

17 \* \* \*

18 (3) Notwithstanding the provisions of any other Chapter, the fees and costs  
19 established and collectable by the board for the issuance, renewal, or reinstatement  
20 of any license, certificate, registration, or permit issued to a physician or allied health  
21 care practitioner shall not exceed the following amounts:

22 (a) Physicians:

23 \* \* \*

24 (ii) Any initial restricted, provisional, or temporary license, certificate,  
25 registration, or permit issued by the board to a physician, including but not limited  
26 to an institutional license or permit, graduate education temporary permit, military  
27 physician permit, military intern permit, mini-residency preceptorship permit, post  
28 graduate training registration or permit, dispensing registration, reduced fee license,

1 or visiting physician permit, shall not exceed three hundred dollars.

2 \* \* \*

3 (c) A physician or allied health care practitioner applicant that who has failed  
4 to renew a license, certificate, registration, or permit timely, shall pay a delinquency  
5 fee, in addition to the renewal fee and all other applicable fees and costs, not to  
6 exceed an amount equal to the renewal fee.

7 \* \* \*

8 (5) In the event of a conflict between the provisions of this ~~Chapter~~ Part  
9 respecting fees and costs and those contained elsewhere in ~~any other Chapter~~ this  
10 Title, including but not limited to ~~R.S. 37:611 through 628, R.S. 37:1360.21 through~~  
11 ~~1360.38, R.S. 37:3240 through 3257, R.S. 37:3351 through 3361, R.S. 37:3001~~  
12 ~~through 3014, R.S. 37:1311 through 1329, R.S. 37:3421 through 3433, R.S. 37:3301~~  
13 ~~through 3312, and R.S. 37:1356 through 1360~~ Chapters 7, 39, 46, 48, 49, and 52 of  
14 this Title and Parts II, IV, and V of this Chapter, the provisions of ~~R.S. 37:1281~~ this  
15 Section shall govern.

16 \* \* \*

17 §1307. Definitions

18 As used in this Part, the following terms shall have the following meanings  
19 unless the context requires otherwise:

20 (1) "Commercially reasonable terms and conditions" means those terms and  
21 conditions that would be reasonable to a prudent individual operating a business of  
22 similar type and size as a rural hospital even in the absence of referrals to the rural  
23 hospital or healthcare facility by a physician who owns, or whose immediate family  
24 member owns, an interest in the healthcare facility in which the rural hospital has  
25 been offered the opportunity to participate as an owner. The provisions of 42 ~~USC~~  
26 U.S.C. 1395m, also known as "Stark II"; the regulations promulgated by the Centers  
27 for Medicare and Medicaid Services, its predecessor or successor, to implement  
28 Stark II, and any regulatory guidance issued by the Centers for Medicare and

1 Medicaid Services, its predecessor or successor, shall be considered in determining  
2 whether terms and conditions are commercially reasonable.

3 \* \* \*

4 (7) "Proposing party" means a person or entity that offers to enter into a joint  
5 venture with a rural hospital as well as any person or entity related to the proposing  
6 party by common ownership or control as such terms are defined for purposes of 42  
7 ~~C.F.R.~~ CFR 413.17, or its successor provision.

8 (8) "Rural hospital" shall be defined as provided for in ~~R.S. 40:1300.143~~  
9 R.S. 40:1189.3, as such law existed on April 1, 2006.

10 \* \* \*

11 §1340. Advisory Committee on Perfusion; duties

12 Under the authority of the Louisiana State Board of Medical Examiners, the  
13 committee shall:

14 \* \* \*

15 §1543. Application

16 A. In order to obtain a certificate of approval as a registered veterinary  
17 technician, the applicant shall comply with the following provisions:

18 \* \* \*

19 (3) The applicant shall submit evidence that he:

20 \* \* \*

21 (b)

22 \* \* \*

23 (ii) Has successfully completed a ~~board-approved~~ board-approved program  
24 in veterinary technology at an accredited institution of higher education and has two  
25 years actual experience working in a veterinary practice under the direct supervision  
26 of a licensed veterinarian.

27 \* \* \*

1 (5) The applicant shall have passed any state ~~and/or~~ or national examination  
2 for veterinary technology as named and required in rules prescribed by the board.

3 \* \* \*

4 §1721. Restrictions on advertising reserved to legislature

5 No state board, commission, department, bureau, or similar agency of the  
6 state regulating the practice of a trade or profession and exercising rulemaking  
7 powers shall make any rule or regulation which limits or restricts the right to  
8 advertise, provided that this Section shall not apply to any board, commission,  
9 department, bureau, or similar agency of the state created and regulated under the  
10 rulemaking power of the Supreme Court of Louisiana or to the Louisiana State Board  
11 of Medical Examiners, the Louisiana State Board of Barber Examiners, the  
12 Louisiana State Board of Dentistry, the State Board of Certified Public Accountants  
13 of Louisiana, Louisiana Board of Pharmacy, the Louisiana Board of Chiropractic  
14 Examiners, the Louisiana ~~State~~ Board of Veterinary Medicine ~~Examiners~~, and the  
15 Louisiana State Board of Optometry Examiners, and further provided that nothing  
16 herein contained shall be construed to prevent the prohibition of false or misleading  
17 advertising by any board, commission, department, bureau, or similar agency of the  
18 state. The right to regulate advertising except as herein provided is reserved to the  
19 legislature.

20 §1731. Gratuitous service at scene of emergency; emergency care at hospitals;  
21 limitation of liability

22 A.

23 \* \* \*

24 (2)(a) A physician, on-call physician, or surgeon or oral and maxillofacial  
25 surgeon, or his professional medical or dental corporation or limited liability  
26 company or nurse, licensed or qualified as provided in Paragraph (A)(1) of this  
27 Section, or an intern, or resident of a public or private hospital or other medical  
28 ~~health care~~ healthcare facility licensed in this state, who in good faith responds to an  
29 imminent life-threatening situation or emergency within the hospital or facility and



1 whose actual duty in the hospital or facility did not require a response to an  
2 emergency situation shall not be liable for civil damages resulting from any act or  
3 omission in rendering the emergency care or service or from failure to provide or  
4 arrange for further medical care or treatment of the person involved, unless the  
5 damage or injury was caused by willful or wanton misconduct or gross negligence.

6 \* \* \*

7 (d) For purposes of this Subsection, "on-call physician" means a physician,  
8 or oral and maxillofacial surgeon or his professional medical or dental corporation  
9 or limited liability company, who is not primarily employed or contracted by the  
10 hospital or other licensed medical ~~health care~~ healthcare facility to treat emergency  
11 room or department patients, but whose actual duties may include treating  
12 emergency room or department patients due to the requirements of 42 ~~C.F.R.~~ CFR  
13 489.24 or R.S. 40:2113.4 to respond to the emergency room or department on an  
14 on-call basis and as a condition of the privilege or ability to practice his profession  
15 within the hospital or facility.

16 \* \* \*

17 §1732.1. Immunity from liability for volunteer supervising physicians

18 A. A physician licensed to practice medicine by the Louisiana State Board  
19 of Medical Examiners, who gratuitously volunteers to supervise a licensed ~~health~~  
20 ~~care~~ healthcare professional performing ultrasound procedures at a nonprofit  
21 pregnancy resource center in this state, shall not be liable for any civil damages as  
22 a result of any act or omission in the supervising or performing of the ultrasound  
23 procedure, or the interpretation of the results of the procedure, unless the damage or  
24 injury was caused by willful or wanton misconduct or gross negligence.

25 B. For the purposes of this Section:

26 (1) "~~licensed health care~~ Licensed healthcare professional" means a licensed  
27 ~~health care~~ healthcare professional who is qualified in this state and trained to  
28 perform ultrasound procedures, ~~and~~.

1 (2) "~~nonprofit~~ Nonprofit pregnancy resource center" means an organization  
2 qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue  
3 Code of 1954, as amended, that provides pregnancy information and counseling  
4 services to an individual at no cost.

5 \* \* \*

6 §1742.1. Disclosure

7 \* \* \*

8 G. As used in this Part, "lifestyle modifications" means the broad domain of  
9 traditional or homeopathic ~~health care~~ healthcare practices and other complementary  
10 health practices and services provided by a person who is not licensed, certified, or  
11 registered to perform, and who shall be prohibited from performing any of the  
12 following designated services or practices:

13 \* \* \*

14 (5) Holding out, stating, indicating, advertising, or otherwise implying he is  
15 a health care provider, as defined in ~~R.S. 40:1299.41(A)(1)~~ R.S. 40:1231.1(A), or a  
16 physician, or medical doctor, or in any way licensed to practice medicine pursuant  
17 to Part I of Chapter 15 of this Title ~~37 of the Louisiana Revised Statutes of 1950.~~

18 \* \* \*

19 §1743. Prohibition on direct solicitations

20 \* \* \*

21 C. As used in this Section "health care provider" means any "health care  
22 provider" as defined in ~~R.S. 40:1299.41~~ R.S. 40:1231.1.

23 §1743.1. Use of the title "Doctor" or "Dr." by certain healthcare providers

24 \* \* \*

25 E. The provisions of this Section shall not apply to a physician as defined by  
26 Medicare pursuant to ~~42 USC~~ U.S.C. 1395x(r).

27 §1744. Disclosure of financial interest by referring ~~health care~~ healthcare providers

28 A. For the purposes of this Section, the following terms ~~shall~~ have the  
29 following meanings:

1 (1) "Board" means Louisiana State Board of Medical Examiners, Louisiana  
 2 State Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana  
 3 State Board of Optometry Examiners, Louisiana ~~State Board of Physical Therapy~~  
 4 ~~Examiners Board~~, Louisiana State Board of Examiners ~~for~~ of Psychologists,  
 5 Louisiana State Board of Nursing, Louisiana Licensed Professional Counselors  
 6 Board of Examiners, Louisiana State Board of Practical Nurse Examiners, Louisiana  
 7 Licensed Professional Counselors Board of Examiners, or Louisiana Board of  
 8 Pharmacy.

9 (2) ~~"Health care provider" means a person, partnership, or corporation,~~  
 10 ~~licensed by this state to provide health care or professional services as a physician,~~  
 11 ~~dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, medical~~  
 12 ~~psychologist, licensed professional counselor, registered or licensed practical nurse,~~  
 13 ~~pharmacist, and any officer, employee, or agent thereof acting in the course and~~  
 14 ~~scope of his employment.~~

15 (3) "Financial interest" means a significant ownership or investment interest  
 16 established through debt, equity, or other means and held by a ~~health care~~ healthcare  
 17 provider or a member of a ~~health care~~ healthcare provider's immediate family, or any  
 18 form of direct or indirect remuneration for referral.

19 (3) "Healthcare provider" means a person, partnership, or corporation,  
 20 licensed by this state to provide health care or professional services as a physician,  
 21 dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, medical  
 22 psychologist, licensed professional counselor, registered or licensed practical nurse,  
 23 pharmacist, and any officer, employee, or agent thereof acting in the course and  
 24 scope of his employment.

25 B. No ~~health care~~ healthcare provider shall make referrals outside the same  
 26 group practice as that of the referring ~~health care~~ healthcare provider to any other  
 27 ~~health care~~ healthcare provider, licensed ~~health care~~ healthcare facility, or provider  
 28 of ~~health care~~ healthcare goods and services including but not limited to providers  
 29 of clinical laboratory services, diagnostic services, medicinal suppliers, and

1 therapeutic services when the referring ~~health care~~ healthcare provider has a financial  
2 interest served by such referral, unless in advance of any such referral the referring  
3 ~~health care~~ healthcare provider discloses to the patient, in writing, the existence of  
4 such financial interest.

5 C.

6 \* \* \*

7 (2) Notwithstanding any other law to the contrary, any ~~health care~~ healthcare  
8 provider who violates the provisions of this Section shall refund all such sums  
9 received in payment for the goods and services furnished or rendered without  
10 disclosure of financial interest. Such a refund shall be paid to the individual patient,  
11 third-party payor, or other entity who made the payment.

12 \* \* \*

13 §1745. Prohibition on payment for patient referrals

14 A. For the purposes of this Section, the following terms ~~shall~~ have the  
15 following meanings:

16 (1) "Board" means the Louisiana State Board of Medical Examiners,  
17 Louisiana Board of Chiropractic Examiners, Louisiana State Board of Dentistry,  
18 Louisiana State Board of Optometry Examiners, Louisiana ~~State Board of Physical~~  
19 ~~Therapy Examiners Board~~, Louisiana State Board of Examiners ~~for of~~ Psychologists,  
20 Louisiana State Board of Nursing, Louisiana Licensed Professional ~~Counselor~~  
21 Counselors Board of Examiners, Louisiana State Board of Practical Nurse  
22 Examiners, or Louisiana Board of Pharmacy.

23 (2) "~~Health care~~ Healthcare provider" means a person, partnership, or  
24 corporation licensed by the state to provide health care or professional services as a  
25 physician, chiropractor, dentist, dental hygienist, podiatrist, optometrist, physical  
26 therapist, psychologist, medical psychologist, licensed professional counselor,  
27 registered or licensed practical nurse, pharmacist, and any officer, employee, or  
28 agent thereof acting in the course and scope of his employment.



1 §1747. Hepatitis B or human immunodeficiency carriers; practice requirements;  
2 report procedures; exemptions

3 A. Each board licensing ~~health care~~ healthcare providers shall establish by  
4 rule practice requirements based on applicable guidelines from the ~~Federal~~ federal  
5 Centers for Disease Control and Prevention which will protect the public from the  
6 transmission of the hepatitis B virus or human immunodeficiency virus in the  
7 practice of a profession regulated by the appropriate board.

8 B. The boards shall by rule, based on applicable guidelines from the ~~Federal~~  
9 federal Centers for Disease Control and Prevention, establish requirements and  
10 procedures for a licensee and a licensure applicant to report his status as a carrier of  
11 the hepatitis B virus or human immunodeficiency virus to the board and shall enforce  
12 such requirements and procedures.

13 C. Each report of hepatitis B virus carrier status or human immunodeficiency  
14 virus carrier status filed by a licensee or licensure applicant in compliance with this  
15 Section and each record maintained and meeting held by the boards in the course of  
16 monitoring a licensee for compliance with the practice requirement established by  
17 Subsection A of this Section are confidential and exempt from the public records by  
18 R.S. 44:4(7), (9), and (11), except for the purpose of the investigation or prosecution  
19 of alleged violations of this Part by the boards.

20 \* \* \*

21 §2111. Qualifications of applicants

22 A person aspiring to become a licensed sanitarian in the state of Louisiana  
23 shall be a graduate of an accredited college or university with a bachelor's degree and  
24 concentration of courses in environmental sanitation or the general area of  
25 environmental health. In lieu thereof, a person aspiring to become a licensed  
26 sanitarian shall be a graduate of an accredited college or university with a bachelor's  
27 degree which includes at least thirty semester hours, or the equivalent, of courses in  
28 physical and biological sciences, with a minimum of six hours in the physical  
29 sciences and a minimum of ten hours in the biological sciences. Prior to being issued

1 a license as a sanitarian, all sanitarian trainees shall have completed a minimum of  
 2 one year of field experience, which shall include the successful completion of a  
 3 ~~board approved~~ board-approved training course in environmental sanitation or  
 4 environmental health. The board may, by rule, specify the particular types of  
 5 physical and biological science courses which will be deemed acceptable to fulfill  
 6 the educational requirements of this Section. The board of examiners shall be vested  
 7 with the authority to designate in detail the types and length of the required training  
 8 in environmental sanitation or environmental health and the types of experience  
 9 necessary.

\* \* \*

11 §2114. Grounds for denial, suspension, or revocation of license

12 The state board of examiners shall have the power to refuse to grant, or may  
 13 suspend or revoke, any license or permit issued ~~under~~ pursuant to the provisions of  
 14 this Chapter for causes hereafter enumerated:

- 15 1. (1) Conviction of a crime.
- 16 2. (2) Fraud, deceit, or perjury in obtaining a license or permit.
- 17 3. (3) Habitual drunkenness.
- 18 4. (4) Habitual use of morphine, opium, cocaine, or any drug having a  
 19 similar effect.
- 20 5. (5) Defrauding the public or attempting to do so.
- 21 6. (6) Impersonation of a licensed sanitarian.

\* \* \*

23 §2351. Declaration of purpose

24 It is hereby declared that the creation of a ~~State Board of Examiners of~~  
 25 ~~Psychologists~~ state board of examiners of psychologists is necessary in order to  
 26 safeguard life, health, property, and the public welfare of this state, and in order to  
 27 protect the people of this state against unauthorized, unqualified, and improper  
 28 application of psychology.

1 §2352. Definition of terms

2 As used in this Chapter the following terms mean:

3 \* \* \*

4 (2) "Board" means the Louisiana State Board of Examiners of Psychologists.

5 \* \* \*

6 §2354. Fees

7 A. All monies received by the board ~~under~~ pursuant to this Chapter shall be  
8 paid into the treasury of the Louisiana State Board of Examiners of Psychologists  
9 and may be expended by the board without appropriation for costs of administration  
10 and other expenses, and any surplus at the end of a fiscal year or a biennium may be  
11 retained by the board for future expenditures and the board is not required to pay any  
12 such surplus into the general fund of the state of Louisiana.

13 \* \* \*

14 §2356.2. Provisional licensed psychologist; renewal; continuing education

15 A. The board shall issue a provisional license to each person who files an  
16 application with the board upon a form and in such a manner as the board prescribes,  
17 submits the fee for a provisional license, and furnishes evidence to the board that the  
18 person meets all the following requirements:

19 \* \* \*

20 (6) Has completed a minimum of one year of experience practicing  
21 psychology under the supervision of a licensed psychologist or has completed an  
22 approved predoctoral internship as defined in the rules and regulations of the board.

23 \* \* \*

24 B. If the board reasonably believes that a person applying for a provisional  
25 license or for renewal of a provisional license is not physically or mentally  
26 competent to render psychological services with reasonable skill and safety to his  
27 patients, or is afflicted with a disease or condition, either physical or mental, which  
28 would impair his competency to render psychological services, the board may  
29 request the person to submit to a physical examination by a medical doctor approved



1 by the board or submit to a mental health examination by a psychologist or  
 2 psychiatrist approved by the board. If the person refuses to submit to the  
 3 examination, the board, after a contradictory hearing and upon finding reasonable  
 4 cause, may issue an order requiring the person to submit to the examination. A  
 5 person who is ordered to submit to an examination shall not be eligible for a  
 6 provisional licensure or renewal of a provisional license prior to such examination.  
 7 Proceedings ~~under~~ pursuant to this Subsection shall be conducted in compliance with  
 8 the Administrative Procedure Act.

9 \* \* \*

10 §2371. Definitions

11 As used in this Part, the following terms shall be defined as follows:

12 (1) "Board" shall mean the Louisiana State Board of Examiners of  
 13 Psychologists.

14 \* \* \*

15 §2404. Board meetings; quorum; officers; compensation

16 \* \* \*

17 C. Each board or committee member shall be entitled to a per diem of one  
 18 hundred fifty dollars for attendance at board meetings or other official ~~board~~  
 19 ~~approved~~ board-approved business or activities, plus reimbursement of actual  
 20 expenses reasonably necessary for attending board or committee meetings or for  
 21 representing the board or participating in an official ~~board-approved~~ board-approved  
 22 activity. Board employees shall be entitled to reimbursement of actual expenses  
 23 reasonably necessary for participating in or carrying out an official ~~board-approved~~  
 24 board-approved activity.

25 \* \* \*

26 §2442. Definitions

27 The following words or phrases, when used in this Chapter, shall have the  
 28 following meanings:

29 \* \* \*

1 (2) "Hearing aid" means any wearable instrument or device designed for or  
2 represented as aiding or compensating for defective human hearing and any parts,  
3 attachments, or accessories of such an instrument or device.

4 \* \* \*

5 (4) "Practice of selling and fitting hearing aids" means the necessary  
6 audiometry and other acoustic measurements essential to determine the parameters  
7 needed in amplification, selection, and adaptation of the appropriate hearing  
8 instruments, the making of a proper ear impression for the instrument selected, fitted,  
9 and delivered, the inspection of the ear canal with an otoscope before taking the  
10 impression, and all of the instruction and guidance necessary to maximize use of  
11 amplification.

12 \* \* \*

13 (6) "Unethical conduct" includes but is not limited to the following:

14 \* \* \*

15 (c) Using or causing or prompting the use of any advertising matter,  
16 promotional literature, testimonial, guarantee, warranty label, brand, insignia, or any  
17 other representation, however disseminated or published, which is misleading,  
18 deceiving, improbable, or untruthful.

19 (d) Advertising a particular model, type, or kind of hearing aid for sale when  
20 purchasers or prospective purchasers responding to the advertisement cannot  
21 purchase or are dissuaded from purchasing the advertised model, type, or kind where  
22 it is established that the purpose of the advertisement is to obtain prospects for the  
23 sale of a different model, type, or kind than that advertised.

24 (e) Representing that the professional services or advice of a physician or  
25 audiologist will be used or made available in the selling, fitting, adjustment,  
26 maintenance, or repair of hearing aids when that is not true, or using the words  
27 "doctor", "clinic", "clinical", ~~and/or~~ or "research audiologist", "audiologic", or any  
28 other like words, abbreviations, or symbols which tend to connote audiological or

1 professional services, when such use is not accurate.

2 \* \* \*

3 (j) To display competitive products in his show window, shop, or in his  
4 advertising in such manner as falsely to disparage them;~~or.~~

5 (k) To represent falsely that competitors are unreliable but that the  
6 disparager is not;~~or.~~

7 \* \* \*

8 (m) To imitate or simulate the trademarks, trade names, brands, or labels of  
9 competitors, with the capacity and tendency or effect of misleading or deceiving  
10 purchasers or prospective purchasers;~~or.~~

11 (n) To use in his advertising the name, model name, or trademark of a  
12 particular manufacturer or hearing aids in such manner as to imply a relationship  
13 with the manufacturer that does not exist or otherwise to mislead or deceive  
14 purchasers or prospective purchasers;~~or.~~

15 \* \* \*

16 (r) Sharing of any profits or sharing of any percentage of a licensee's income  
17 with any person, firm, corporation, or other business enterprise other than a person  
18 licensed to fit and sell hearing aids under the provisions of this Chapter who is a  
19 resident of this state and associated with ~~said~~ the licensee in fitting and selling  
20 hearing aids.

21 \* \* \*

22 (u) Stating or implying that the use of any hearing aid will restore or  
23 preserve hearing, or prevent or retard progression of a hearing impairment.

24 (v) To sell a hearing aid intended to be used by a person twelve years of age  
25 or less without an otologic examination by a medical physician licensed in this ~~State~~  
26 state who is acting with audiologic evaluation.

27 §2443. License or certificate required; display

28 No person shall engage in the selling and fitting of hearing aids or display a  
29 sign or in any other way advertise or hold himself out as a person who engages in the

1 selling and fitting of hearing aids unless he holds a current, unsuspended, unrevoked  
2 license issued by the board as provided in this Chapter, or unless he holds a current,  
3 unsuspended, unrevoked certificate of endorsement pursuant to R.S. 37:2448. The  
4 license or certificate required by this ~~section~~ Section shall be kept conspicuously  
5 posted in his office or place of business at all times.

6 \* \* \*

7 §2446. Examination by written and practical tests

8 A. An applicant for a license who is notified by the board that he has  
9 fulfilled the requirements of R.S. 37:2445 shall appear at a time, place, and before  
10 such persons as the ~~Board~~ board may designate, to be examined by written and  
11 practical tests in order to demonstrate that he is qualified to engage in the fitting and  
12 selling of hearing aids.

13 B. The board shall give at least one examination of the type prescribed in this  
14 ~~section~~ Section each year, and such additional examinations as the volume of  
15 applications may make appropriate.

16 \* \* \*

17 §2458. Meetings of board

18 The Louisiana Board ~~of~~ for Hearing Aid Dealers shall meet at least once each  
19 year at a place and time determined by the chairman. The board shall also meet at  
20 such other times and places as are specified by the chairman to carry out the purpose  
21 of this Chapter.

22 §2459. Disposition of fees; expenses

23 All fees and moneys received by the board ~~under~~ pursuant to this ~~chapter~~  
24 Chapter shall be paid into the treasury of the Louisiana Board for Hearing Aid  
25 Dealers and may be expended by the board without appropriation for costs of  
26 administration and other expenses, and any surplus at the end of a fiscal year or a  
27 biennium may be retained by the board for such future expenditures and the board  
28 is not required to pay any such surplus into the general fund of the State of  
29 Louisiana. No member of the board is to receive any compensation for duties

1 performed; provided, that such member of the board shall be reimbursed for all  
2 reasonable and necessary travel expenses in attending any meeting of the board  
3 within this state, or may be reimbursed all reasonable and necessary travel expenses  
4 when incurred by authorization of the board.

5 \* \* \*

6 §2465. Licensing requirements; applicability; exceptions

7 \* \* \*

8 D. This Chapter ~~does~~ shall not apply to any of the following persons:

9 (1) A physician licensed by the Louisiana State Board of Medical  
10 Examiners;~~or,~~

11 \* \* \*

12 §2503. Board of Examiners ~~for~~ of Nursing Facility Administrators

13 \* \* \*

14 §2504. Functions and duties of the board

15 A. It shall be the function and duty of the board to:

16 (1) Develop, impose, and enforce standards which must be met by  
17 individuals in order to receive a license as a nursing facility administrator, which  
18 standards shall be designed to ~~insure~~ ensure that nursing facility administrators will  
19 be individuals who are of good character and are otherwise suitable, and who, by  
20 training or experience in the field of institutional administration, are qualified to  
21 serve as nursing facility administrators.

22 \* \* \*

23 (5) Establish procedures designed to ~~insure~~ ensure that individuals licensed  
24 as nursing facility administrators will, during any period that they serve as such,  
25 comply with the requirements of the board.

26 \* \* \*

27 §2802. Board of chiropractic examiners

28 \* \* \*

1 C. Any vacancy occurring in the membership of the board, except by  
2 expiration of the term, shall be filled for the unexpired term in the manner provided  
3 in Subsection A of this ~~section~~ Section.

4 \* \* \*

5 §2816. Suspension or revocation of license; causes; hearing; advertisement;  
6 reinstatement

7 A. After notice and an opportunity for hearing, the board may suspend or  
8 revoke any license or certificate, or impose probationary or any other restrictions on  
9 any license or certificate, issued to any chiropractor for any of the following causes:

10 \* \* \*

11 (2) Fraud, deceit, or perjury in obtaining a diploma or certificate of licensure.

12 \* \* \*

13 (4) Habitual use of morphine, opium, cocaine, or other drugs having similar  
14 effect.

15 \* \* \*

16 (6) Obtaining or attempting to obtain payment for chiropractic services by  
17 fraud, deceit, or perjury.

18 \* \* \*

19 (8) Intentional violation of federal, state, or municipal laws or regulations  
20 relative to contagious and infectious diseases or other public health matters.

21 \* \* \*

22 (13) Prescribing, dispensing, or administering any medicines or drugs.

23 \* \* \*

24 (15) Using the title "Doctor," "Dr.," or its equivalent, without using the term  
25 "chiropractor," or its equivalent, as a suffix or in connection therewith, under such  
26 circumstances as to induce the belief that the practitioner is entitled to practice any  
27 portion of the healing arts other than chiropractic as defined herein.

28 B. The board may, as a probationary condition, or as a condition of the  
29 reinstatement of any license or certificate suspended or revoked ~~hereunder~~ in

1 accordance with the provisions of this Chapter, require the license holder or  
2 certificate holder to pay all costs of the board proceedings, including investigators',  
3 stenographers', and attorneys' fees, and to pay a fine not to exceed ten thousand  
4 dollars. Failure to pay such costs, fees, or fines may result in refusal of license  
5 renewal by the board as provided in R.S. 37:2810(D).

6 \* \* \*

7 F.

8 \* \* \*

9 (2) The Louisiana Board of Chiropractic Examiners shall make rules  
10 governing advertising consistent with state and federal laws.

11 \* \* \*

12 §2819. Louisiana ~~State~~ Board of Chiropractic Examiners; chiropractic scholarships;  
13 creation

14 \* \* \*

15 §2950. Criminal record effect on trade, occupational, and professional licensing

16 \* \* \*

17 B. Any decision which prohibits an applicant from engaging in the  
18 occupation, trade, or profession for which the license, permit, or certificate is sought,  
19 which is based in whole or in part on conviction of any crime, as described in  
20 Subsection A of this Section, shall explicitly state in writing the reasons for the  
21 decision.

22 \* \* \*

23 D.(1)(a) This Section shall not be applicable to:

24 \* \* \*

25 (viii) The Louisiana ~~State~~ Board of Pharmacy.

26 \* \* \*

27 §3014. False representation of licensure prohibited

28 (~~A~~) A. No person who is not licensed ~~under~~ pursuant to this Chapter as an  
29 occupational therapist or an occupational therapy assistant, or whose license has been

1 suspended or revoked, shall use, in connection with his name or place of business,  
 2 the words "occupational therapy assistant", "occupational therapist", "licensed  
 3 occupational therapist", "occupational therapist, registered", "licensed certified  
 4 occupational therapy assistant", "certified occupational therapy assistant", or the  
 5 letters, "OT", "LOT", "OTA", "LOTA", "LOTR", "OTR", "LCOTA", "COTA", or  
 6 any other words, letters, abbreviations, or insignia indicating or implying that he is  
 7 an occupational therapist or an occupational therapy assistant, or in any way, orally,  
 8 in writing, in print or by sign, directly or by implication, represent himself as an  
 9 occupational therapist or an occupational therapy assistant.

10 ~~(B)~~ B. Whoever violates the provisions of this Section shall be fined not  
 11 more than five hundred dollars or be imprisoned for not more than six months, or  
 12 both.

13 \* \* \*

14 §3214. Licensure; persons exempt

15 The requirements of a license shall not apply to:

16 (1) A student enrolled in and attending a ~~board-approved~~ board-approved  
 17 educational program or college of radiologic technology who applies ionizing  
 18 radiation to humans while under the supervision of a licensed practitioner or a  
 19 licensed radiologic technologist.

20 \* \* \*

21 §3241. Definitions

22 As used in this Chapter, the following ~~terms~~ definitions shall apply unless the  
 23 context clearly states otherwise:

24 (1) "Apprentice permit" means a permit issued by the Louisiana Department  
 25 of Health to authorize a person desiring to become a licensed midwife to obtain  
 26 clinical experience under supervision of a physician, certified nurse midwife,  
 27 certified nurse practitioner specially qualified by the Louisiana State Board of  
 28 Nursing, or licensed midwife.

29 \* \* \*



1 §3258. Professional liability

2 \* \* \*

3 C. No physician or other health care provider as defined in R.S. ~~40:1299.41~~  
4 R.S. 40:1231.1, no hospital as defined in R.S. 40:2102, ~~or~~ and no institution, facility,  
5 or clinic licensed by the department shall be:

6 \* \* \*

7 §3302. Definitions

8 As used in this Chapter, the following words and phrases have the meanings  
9 hereinafter ascribed to them:

10 \* \* \*

11 (4) "Board-approved organization" means one of the following:

12 \* \* \*

13 (b) An organization, whose athletic activity meets one or more of the  
14 following:

15 (i) Has an ~~officially-designated~~ officially designated coach or individual who  
16 has the responsibility for athletic activities of the organization.

17 \* \* \*

18 (iv) Has a policy that requires documentation of having a signed medical  
19 clearance by a licensed physician or other ~~board-authorized health care~~ board-  
20 authorized healthcare provider as a condition for participation for the athletic  
21 activities of the organization.

22 \* \* \*

23 §3309.1. Hearing; consent order

24 A. Denial, refusal to renew, suspension, or revocation of a license, or the  
25 imposition of probationary terms, conditions, or restrictions upon a licensee, may be  
26 ordered by the board in a decision made after a hearing in accordance with  
27 procedures established by the Administrative Procedure Act, R.S. 49:950 et seq., or  
28 by consent of the parties.

29 \* \* \*

1 §3386.1. Definitions

2 As used in this Chapter the following definitions ~~shall~~ apply:

3 (1) "Addiction counselor" means any person who is licensed<sub>2</sub> ~~or certified<sub>2</sub>~~ or  
4 registered in accordance with the provisions of this Chapter and procedures  
5 established by the department and who<sub>2</sub> by means of his special knowledge acquired  
6 through formal education or practical experience<sub>2</sub> is qualified to provide addiction  
7 counseling services to those individuals afflicted with or suffering from an addictive  
8 disorder or certain co-occurring disorders. The counseling services provided shall  
9 be those which utilize ~~KSA's~~ KSA or core functions, as determined by the  
10 department to be appropriate for the addictive disorder or disorders presented.

11 (2) "Addictive disorder" means the repeated pathological use of substances  
12 including but not limited to alcohol, drugs, or tobacco, or repeated pathological  
13 compulsive behaviors including but not limited to gambling<sub>2</sub> which cause physical,  
14 psychological, emotional, economic, legal, social<sub>2</sub> or other harms to the individual  
15 afflicted with the addiction or to others affected by the individual's affliction. As  
16 used ~~herein~~ in this Chapter, "addictive disorder" shall include not only those  
17 instances where withdrawal from or tolerance to the substance or behaviors are  
18 present but also those instances involving use and abuse of substances.

19 \* \* \*

20 (6) "Compulsive gambling counselor" means any person holding a necessary  
21 credential as a licensed, certified<sub>2</sub> or registered addiction counselor, or a necessary  
22 credential as a qualified mental health professional, who is certified by the  
23 department, in accordance with the provisions of this Chapter, as possessing special  
24 knowledge acquired through formal education and clinical experience and thus is  
25 qualified to provide gambling addiction counseling to persons who have a gambling  
26 addiction disorder or who exhibit gambling addictive behaviors.

27 (7) "Co-occurring disorder" means a disorder in which ~~individuals have an~~  
28 individual has at least one psychiatric disorder as well as an addictive disorder.

1 While these disorders may interact differently in any one person, at least one  
2 disorder of each type can be diagnosed independently of the other.

3 \* \* \*

4 (9) "Counselor-in-training" or "CIT" means any person who has not yet met  
5 the qualification to become a licensed, certified, or registered counselor, but who has  
6 made application to the department in accordance with the provisions of this Chapter  
7 and procedures established by the department.

8 \* \* \*

9 (11) ~~"KSA's"~~ "KSA" means the ~~Knowledge, Skills, and Attitudes~~  
10 knowledge, skills, and attitudes designated by the department as being necessary for  
11 effective addiction counseling and required by the department to be utilized by  
12 addictive disorders counselors in providing addiction counseling services.

13 (12) "Prevention" means those activities and services that prevent, reduce,  
14 or stabilize the incidence of addictive disorders and thereby prevent, reduce, or  
15 stabilize the prevalence of addictive disorders. The activities contemplated by this  
16 definition include services to those at risk of developing an addictive disorder as well  
17 as those individuals who, though not necessarily at risk of developing an addictive  
18 disorder, are nonetheless appropriate for services. In addition, prevention shall be  
19 understood to include educational programs and activities that are designed to raise  
20 the awareness of and encourage healthy behaviors.

21 \* \* \*

22 (16) "Substance abuse" means the repeated pathological use of drugs,  
23 including alcohol, which causes physical, psychological, economic, legal, or social  
24 harm to the individual user or to others affected by the user's behavior.

25 §3387. Licensed addiction counselor

26 A. The practice of addiction counseling within the meaning and intent of this  
27 Chapter shall consist of the rendering of professional guidance to individuals  
28 suffering from an addictive disorder to assist them in gaining an understanding of the  
29 nature of their disorder and developing and maintaining a responsible ~~life style~~

1 lifestyle. The licensed addiction counselor may practice autonomously, independent  
2 of any other professional association or supervision. The scope of practice, in  
3 addition to any other applicable provision ~~herein~~ of this Chapter, shall include  
4 making referrals to appropriate professionals, providing counseling to family  
5 members, and, as appropriate, to others affected by the individual's addictive  
6 disorder, and the utilization of KSA and core functions.

7 \* \* \*

8 C. Any person seeking to be recognized by the department as a licensed  
9 addiction counselor shall submit an application to the department on a form and in  
10 a manner as the department shall prescribe. The initial application form shall be  
11 accompanied by an initial application fee as provided for ~~herein~~ in this Chapter.

12 D. Upon investigation of the application, the department shall, not less than  
13 forty-five days prior to any examination, notify each candidate that the application  
14 is satisfactory and accepted or unsatisfactory and ~~unaccepted~~ rejected. If an  
15 application is rejected, the notice shall state the reason for such rejection.

16 E. The department shall recognize as a licensed addiction counselor each  
17 candidate who:

18 \* \* \*

19 (2) Is a legal resident of the United States and at least twenty-one years of  
20 age ~~from~~ on the date the application is received.

21 \* \* \*

22 (6)(a) Demonstrates professional competence by passing a written and oral  
23 examination and making a case presentation;

24 ~~(a)~~ (b) The department shall determine the scope and administration of the  
25 examination.

26 ~~(b)~~ (c) The department may provide for circumstances under which a  
27 candidate who fails either examination, but who meets all other requirements, may  
28 retake the examination.





1 D. Upon investigation of the application, the department shall, not less than  
2 forty-five days prior to any examination, notify each candidate that the application  
3 is satisfactory and accepted or unsatisfactory and ~~unaccepted~~ rejected. If an  
4 application is rejected, the notice shall state the reason for such rejection.

5 E. The department shall recognize as a registered addiction counselor each  
6 candidate who:

7 \* \* \*

8 (5)(a) Demonstrates professional competence by passing a written and oral  
9 examination, and making a case presentation;

10 (a) (b) The department shall determine the scope and administration of the  
11 examinations.

12 (b) (c) The department may provide for circumstances under which a  
13 candidate who fails either examination, but who meets all other requirements, may  
14 retake the examination.

15 (c) (d) The department shall make reasonable accommodations for those  
16 candidates who demonstrate a special need or disability.

17 (d) (e) The department shall prescribe the scope and manner of the case  
18 presentation required ~~herein~~ by the provisions of Subparagraph (a) of this Paragraph.

19 \* \* \*

20 §3387.3. Counselor-in-training

21 A. The practice of addiction counseling within the meaning and intent of this  
22 Chapter shall consist of the rendering of professional guidance to individuals  
23 suffering from an addictive disorder to assist them in gaining an understanding of the  
24 nature of their disorder and developing and maintaining a responsible ~~life style~~  
25 lifestyle. The status of counselor-in-training (CIT) is intended to assist professional  
26 development by providing qualified individuals with supervised clinical counseling  
27 experience. This status is, by its very nature, temporary and it is anticipated that the  
28 individual will progress through the experience to become a licensed, certified, or  
29 registered addiction counselor. The counselor-in-training may not practice

1 independently. The counselor-in-training may only work under the direct  
 2 supervision of a licensed addiction counselor, certified addiction counselor, or  
 3 registered addiction counselor; or in the absence of a licensed, certified, or  
 4 registered; addiction counselor, under the direction of a qualified mental health  
 5 professional. The scope of practice, in addition to any other applicable provision  
 6 herein of this Chapter, shall include making referrals to appropriate professionals,  
 7 providing counseling to family members, and, as appropriate, to others affected by  
 8 the individual's addictive disorder, and the utilization of KSA and core functions.

9 \* \* \*

10 C. Any person seeking to be recognized by the department as a  
 11 counselor-in-training shall submit an application to the department on a form and in  
 12 a manner as the department shall prescribe. The initial application form shall be  
 13 accompanied by an initial application fee as provided for herein in this Chapter.

14 D. Upon investigation of the application, the department shall, within thirty  
 15 days, notify each candidate that the application is satisfactory and accepted or  
 16 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall  
 17 state the reason for such rejection.

18 E. The department shall recognize as a counselor-in-training each candidate  
 19 who:

20 (1) Is a legal resident of the United States and at least eighteen years of age  
 21 ~~from~~ on the date the application is received.

22 \* \* \*

23 §3387.4. Addiction treatment assistant

24 \* \* \*

25 C. Any person seeking to be recognized by the department as an addiction  
 26 treatment assistant shall submit an application to the department on a form and in a  
 27 manner as the department shall prescribe. The initial application form shall be  
 28 accompanied by an initial application fee as provided for herein in this Chapter.



1 D. Upon investigation of the application, the department shall, within thirty  
2 days notify each candidate that the application is satisfactory and accepted or  
3 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall  
4 state the reason for such rejection.

5 E. The department shall recognize as an addiction treatment assistant each  
6 candidate who:

7 (1) Is a legal resident of the United States and at least sixteen years of age  
8 ~~from~~ on the date the application is received.

9 \* \* \*

10 §3387.5. Certified clinical supervisor

11 \* \* \*

12 D. Upon investigation of the application, the department shall, within thirty  
13 days, notify each candidate that the application is satisfactory and accepted or  
14 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall  
15 state the reason for such rejection.

16 E. The department shall recognize as a certified clinical supervisor each  
17 candidate who:

18 (1) Is a licensed, certified, or registered addiction counselor.

19 (2) Is not in violation of any ethical standards subscribed to by the  
20 department.

21 (3) Does not have any pending disciplinary action with the department.

22 (4) Is not a defendant in any pending felony criminal proceedings.

23 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo  
24 contendere to, a felony.

25 ~~(6)~~ F. Each clinical supervisor candidate must sign a form prescribed by the  
26 department authorizing the department to obtain a criminal history or to conduct a  
27 criminal background check.

28 ~~(7)~~ G.(1) Each applicant shall demonstrate professional competence in  
29 clinical supervision by passing a written examination.



1 candidate shall complete the minimum educational hours provided for ~~herein~~ in this  
2 Chapter. Any candidate holding the necessary credential who has completed the  
3 educational hours required may submit an application on a form and in a manner  
4 prescribed by the department. Documentation of the necessary credential and  
5 completion of the required educational hours shall accompany the application. The  
6 application shall also be accompanied by a fee as provided for ~~herein~~ in this Chapter.

7 D. Upon investigation of the application, the department shall, within thirty  
8 days, notify each candidate that the application is satisfactory and accepted or  
9 unsatisfactory and ~~unaccepted~~ rejected. If the application is rejected, the notice shall  
10 state the reason for such rejection.

11 E. The department shall recognize as a certified compulsive gambling  
12 counselor each candidate who:

13 (1) Is a licensed, certified, or registered addiction counselor, or who is a  
14 qualified mental health professional.

15 (2) Is not in violation of any ethical standards subscribed to by the  
16 department.

17 (3) Does not have any pending disciplinary action with the department, or,  
18 in the case of a qualified mental health professional, with the appropriate regulatory  
19 board.

20 (4) Is not a defendant in any pending felony criminal proceedings.

21 (5) Has successfully completed a minimum of sixty educational hours,  
22 approved by the department, specific to addiction.

23 (6) Has successfully completed a minimum of thirty educational hours,  
24 approved by the department, specific to gambling addiction.

25 (7) Has not been convicted of; or entered a plea of guilty or a plea of nolo  
26 contendere to a felony.

27 ~~(8)~~ F. Each compulsive gambling counselor candidate shall sign a form  
28 prescribed by the department authorizing the department to obtain a criminal history  
29 or to conduct a criminal background check.





1 §3387.12. Registered prevention professional

2 \* \* \*

3 D. The department shall recognize as a registered prevention professional  
4 each candidate who:

5 \* \* \*

6 (5)(a) Demonstrates professional competence by passing a written  
7 examination.

8 (a) (b) The department shall determine the scope and administration of the  
9 examination.

10 (b) (c) The department may provide for circumstances under which a  
11 candidate who fails the examination but who meets all other requirements may retake  
12 the examination.

13 (c) (d) The department shall make reasonable accommodations for those  
14 candidates who demonstrate a special need or disability.

15 \* \* \*

16 (7) Documents having successfully completed any training prescribed by the  
17 department. Training as contemplated ~~herein~~ in this Chapter may include  
18 educational as well as experiential components.

19 \* \* \*

20 §3387.13. Prevention services assistant

21 \* \* \*

22 D. Upon investigation of the application, the department shall, within thirty  
23 days, notify each candidate that the application is satisfactory and accepted or  
24 unsatisfactory and ~~unaccepted~~ rejected. If accepted, the status of prevention services  
25 assistant shall be valid for a period of one year. The fee for renewal shall be not less  
26 than twenty-five dollars nor more than one hundred dollars. If an application is  
27 rejected, the notice shall state the reason for such rejection.

28 \* \* \*

1 §3387.14. Certified prevention supervisor

2 A. The legislature finds that prevention is an effective and necessary  
3 component in the continuum of addictive disorder treatment and services. In order  
4 to better provide for the health and welfare of the citizens of this state, the legislature  
5 desires to enhance the profession of prevention by providing for a qualified ~~work~~  
6 ~~force~~ workforce in sufficient numbers to meet the needs of Louisiana and to  
7 contribute to the development of healthy communities within the state. The  
8 legislature finds prevention supervision to be essential for the ongoing development  
9 of a qualified ~~work force~~ workforce sufficient to meet the present and anticipated  
10 public health needs of the state.

11 \* \* \*

12 §3388.4. Powers and duties of the department

13 A. The department shall:

14 \* \* \*

15 (7) Adopt a code of ethics for those holding a credential or status authorized  
16 by this Chapter, which shall be no less stringent than those adopted by other ~~health~~  
17 ~~care~~ healthcare professionals.

18 \* \* \*

19 (10) Adopt and promulgate rules, regulations, and standards for department  
20 approval of institutions providing clinical training or education in areas pertaining  
21 to a credential or status governed by the provisions of this Chapter.

22 (11) Issue subpoenas to require attendance, testimony, and production of  
23 documents in the process of enforcing the provisions of this Chapter and department  
24 rules or in order to secure evidence or testimony pursuant to any investigation  
25 conducted in furtherance of the department's authority or responsibility ~~hereunder~~  
26 as provided in this Chapter.

27 \* \* \*

1 §3389. Transition; Addictive Disorder Regulatory Authority

2 A. The regulation of addictive disorder treatment and prevention  
3 professionals has been undertaken both through a board appointed by the governor  
4 and through an office within the Louisiana Department of Health. In Louisiana, the  
5 practice of most ~~health-care~~ healthcare professions is licensed and regulated by  
6 appointed boards placed within the Louisiana Department of Health. Therefore, the  
7 legislature hereby finds it appropriate that the responsibility and authority to regulate  
8 the practice of addictive disorder treatment and prevention be exercised by a  
9 licensing board created for that purpose.

10 \* \* \*

11 E. Members of the board shall elect a chairman and such other officers as ~~it~~  
12 ~~deems~~ they deem necessary to carry out the duties and functions of the board. The  
13 ADRA may employ persons necessary to carry out the provisions of this Chapter and  
14 may fix their compensation. The ADRA shall employ at least three persons: an  
15 executive director, an assistant director, and an administrative assistant. The  
16 Louisiana Department of Health, office of behavioral health, shall be responsible for  
17 providing staff for the ADRA until June 30, 2009. From July 1, 2009, and thereafter  
18 the board of the ADRA shall resume full responsibility for providing staff for the  
19 ADRA. Employees of the board shall be eligible to participate in the state group  
20 benefits plan and in the state retirement system.

21 \* \* \*

22 §3390. Prohibited practice; injunctive relief

23 \* \* \*

24 B. The credential or status of anyone who fails to timely renew a status or  
25 credential authorized by this Chapter shall be deemed suspended unless and until  
26 renewed or reinstated as provided for by the department. Any person whose status  
27 or credential is suspended shall be prohibited from exercising the scope of practice  
28 provided for ~~herein~~ in this Chapter relative to the suspended credential or status.

29 \* \* \*



1           D. In any suit for injunction, the department may impose on the defendant  
2 a penalty of not less than one hundred dollars nor more than one thousand dollars  
3 and attorney fees and court costs. The judgment for penalty, attorney fees, and costs  
4 may be rendered in the same judgment in which the injunction is made absolute.

5   \*       \*       \*

6           §3390.2. Reciprocity; other states

7           The department may recognize, grant, or issue any credential or status  
8 authorized by this Chapter, and without examination in this state, to any applicant  
9 holding a valid credential or status recognized or issued in another state, provided  
10 the department determines that the credential or status in question is based upon an  
11 examination or other requirements substantially equivalent to the requirements of  
12 this Chapter and such other requirements as may be prescribed by the department in  
13 accordance with the provisions of this Chapter. The department shall have the  
14 authority to determine which status or credential, and corresponding scope of  
15 practice, authorized by this Chapter should be allowed to an individual seeking  
16 reciprocity.

17           §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

18           A. The department shall have the power to deny, revoke, or suspend any  
19 credential, specialty certification, status, or other recognition authorized by this  
20 Chapter. In addition, the department is authorized to impose and collect an  
21 administrative fee not to exceed five hundred dollars per violation or otherwise  
22 discipline any person holding a credential, specialty certification, status, or  
23 recognition authorized by this Chapter who:

24   \*       \*       \*

25           (11) Has been grossly negligent in practice as a licensed, certified, or  
26 registered professional, professional in training, or assistant, as provided for in this  
27 Chapter.

28   \*       \*       \*

1 (13) Has violated any ~~provisions~~ provision of this Chapter.

2 \* \* \*

3 B. The department shall adopt rules and procedures establishing a  
4 disciplinary process which shall, at a minimum, comply with the following:

5 \* \* \*

6 (4) If the department finds that public health, safety, and welfare requires  
7 emergency action and incorporates a finding to that effect in its order, a summary  
8 suspension of a license, certificate, or registration may be ordered pending  
9 proceedings for disciplinary action. Such proceedings shall be promptly instituted  
10 and determined pursuant to rule.

11 \* \* \*

12 D. In addition to the disciplinary action or fines assessed by the department,  
13 the department may assess all costs incurred in connection with the proceedings  
14 including but not limited to investigation, court reporting, attorney fees, and court  
15 costs.

16 \* \* \*

17 §3428. Fees

18 \* \* \*

19 B. In addition to the fees provided in Subsection A of this Section, the board  
20 shall collect an examination fee to be determined by the board but not to exceed the  
21 cost of the examination given by the American College of Sports Medicine if such  
22 examination has not been taken.

23 \* \* \*

24 §3703. Louisiana Behavior Analyst Board

25 \* \* \*

26 B.

27 \* \* \*



1 1173.6(B) and (E), 1183.2(A)(1) and (5), 1183.4(A)(1), 1189.2(A)(1), 1203.1(3)(o) and (5),  
 2 1211.4(B)(2), 1217.16, 1219.2(1) and (3), 1219.3(A) and (B), 1219.4(A)(introductory  
 3 paragraph), 1221.2(2), 1226.1(2)(c), 1231.5(E)(1)(c), 1237.1(J), the heading of Subpart B  
 4 of Part I of Chapter 5-E of the Louisiana Revised Statutes of 1950, R.S. 40:1243.1(A),  
 5 1243.3(A), 1253.3(A)(9), 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1 through  
 6 1281.1, 1285.3, 1285.4(A)(1), 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and  
 7 (B)(1), 1300.21, 1356(A), 1732(1), 2009.1(D), 2009.2(2), (3)(b) through (d) and (f), and (7),  
 8 2009.6(A)(1) through (3) and (B)(1) through (3), 2009.12, 2009.18, 2009.21(Section  
 9 heading), 2017.9, 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C), and (D),  
 10 2116(D)(1)(c), 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and (10)(a),  
 11 2120.5(E), 2120.44(B)(9), 2120.45(D), 2144(A), (C), (F)(2)(introductory paragraph), (G),  
 12 and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and (13), 2175.14(E), 2179(D), 2180.11,  
 13 2189, 2193.4(9), 2194.2(4) through (6), 2195.1(A)(8), (9), and (11) and (C), 2195.2(A)(1),  
 14 (2), (4), and (5), 2196.1(4), 2197(A) and (D) through (G), 2199(A)(1) and (5) and (F)(2),  
 15 2199.1(A)(introductory paragraph), 2202(3) and (5)(a) and (e)(i), 2203(C), 2223, 2243,  
 16 2253, 2353, 2404(5), 2477, 2481, 2530.4(B)(introductory paragraph) and (3), and  
 17 2845(A)(6) and (C) are hereby amended and reenacted and R.S. 40:1081.9(D) and  
 18 1221.2(introductory paragraph) are hereby enacted to read as follows:

19 §1. Assistant secretary

20 The office of ~~health services and environmental quality~~ public health shall  
 21 be administered by an assistant secretary appointed by the governor in accordance  
 22 with the provisions of R.S. 36:257.

23 \* \* \*

24 §3. State health officer; powers

25 The state health officer shall at all times take all necessary steps to execute  
 26 the sanitary laws of the state and to carry out the rules, ordinances, and regulations  
 27 as contained in the state sanitary code. He may issue warrants only to arrest or  
 28 prevent epidemics or to abate any imminent menace to the public health.

1 §3.1. Confidentiality of public health investigations; prohibited disclosure and  
2 discovery; civil penalties

3 \* \* \*

4 D. Any disclosure authorized by Subsection C ~~above~~ of this Section shall  
5 include only the information necessary for the stated purpose of the requested  
6 disclosure, and shall be made only upon written agreement that the information will  
7 be kept confidential and will not be further disclosed without written authorization  
8 of the office of public health.

9 \* \* \*

10 §4. Sanitary Code

11 A. The state health officer acting through the office of public health of the  
12 Louisiana Department of Health shall prepare, promulgate, and enforce rules and  
13 regulations embodied within the state's Sanitary Code covering all matters within his  
14 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary  
15 Code shall be accomplished in strict accordance with the provisions of the  
16 Administrative Procedure Act, and further, in conformity with the following  
17 guidelines and directives:

18 (1)(a) In order to protect the consuming public against food-borne disease,  
19 the rules and regulations contained in the Sanitary Code shall be designed so as to  
20 provide and require that all food products, including milk and milk products, ice,  
21 bottled water, marine and freshwater seafood, animal products, frozen desserts and  
22 toppings, and related similar foods, are produced from a safe and sanitary source, and  
23 are prepared, processed, packaged, handled, stored, and transported in a sanitary  
24 manner which will prevent contamination, spoilage, or adulteration. These food  
25 product rules and regulations shall be further designed so as to provide that all  
26 facilities, material, and equipment that may come into direct contact with any food  
27 or food product must be of nontoxic content to ~~insure~~ ensure a sanitary, wholesome,  
28 and nutritious product.

29 \* \* \*



1 positive tuberculin skin test, or a chest X-ray other than normal, the student or  
 2 volunteer shall complete a course of chemotherapy for tuberculosis prescribed by a  
 3 Louisiana licensed physician, or present a signed statement from a Louisiana  
 4 licensed physician stating that chemotherapy is not indicated. If the student or  
 5 volunteer is known to be infected with the human immunodeficiency virus (HIV) or  
 6 has acquired immunodeficiency syndrome (AIDS), he or she shall be required to  
 7 have a chest X-ray in addition to a skin test for tuberculosis. If the chest X-ray is  
 8 interpreted as showing any disease, then the student or volunteer will complete a  
 9 course of chemotherapy for tuberculosis as prescribed by a Louisiana licensed  
 10 physician or present a signed statement from a Louisiana licensed physician that a  
 11 course of chemotherapy for tuberculosis is not indicated. In any case, the student or  
 12 volunteer shall not be denied access to an institutional learning experience or work  
 13 solely on the basis of being infected with tuberculosis, provided the infection is not  
 14 communicable.

15 \* \* \*

16 (vii)(aa) Requiring ~~the~~ isolation, ~~and/or~~ quarantine, or both for directly  
 17 observed therapy (medication taken in the presence of a ~~health care~~ healthcare  
 18 provider) of any person with tuberculosis in a communicable state who has failed to  
 19 comply with a daily self-administered course of chemotherapy for tuberculosis  
 20 prescribed by a Louisiana licensed physician.

21 (bb) Requiring a more restrictive isolation ~~and/or~~ or quarantine environment  
 22 specified by the state health officer or by court order for any person who fails to  
 23 comply with directly observed therapy under isolation ~~and/or~~ or quarantine as  
 24 provided in Subitem (aa) of this Item.

25 (cc) Requiring that any person who fails to comply with the more restrictive  
 26 isolation ~~and/or~~ or quarantine environment as provided in Subitem (bb) of this Item  
 27 shall be considered to have violated the provisions of the state Sanitary Code and be  
 28 subject to the provisions of R.S. 40:6(B).





1 works facilities shall be submitted to the state health officer or his designee for  
2 review and approval.

3 \* \* \*

4 (9) In order to protect the public against ~~vectorborne~~ vector-borne diseases,  
5 the state health officer shall prepare and promulgate rules and regulations necessary  
6 to ~~insure~~ ensure that disease vectors, including but not limited to mosquitoes and  
7 other biting and nonbiting flies, ticks, mites, lice, fleas, true bugs, and rodents are  
8 monitored and controlled at levels sufficient to prevent or abate outbreaks of  
9 diseases.

10 (10) In order to protect the public health and ~~health-safety~~ safety, the state  
11 health officer shall prepare and promulgate rules and regulations relative to public  
12 and private schools, jails and lockups, public and private buildings, including public  
13 and private hospitals and nursing homes, and similar buildings where people  
14 congregate. In order to assure compliance with promulgated regulations, plans and  
15 specifications for such public and private building structures and facilities shall be  
16 submitted to the state health officer or his designee for review and approval. These  
17 rules and regulations shall apply to new buildings, structures, and facilities, as well  
18 as modifications to existing ones, and shall include space requirements, ventilation,  
19 heating and air conditioning, lighting, waste storage and disposal, and other similar  
20 factors affecting public health.

21 (11) In order to protect the public from disease and injuries associated with  
22 water contact recreation (swimming), the state health officer shall prepare and  
23 promulgate rules and regulations necessary to ~~insure~~ ensure that public swimming  
24 pools and recreational bathing places (natural and artificial) are constructed,  
25 operated, and maintained in a safe and sanitary manner. These rules may require the  
26 submittal of appropriate plans and specifications for review and approval. These  
27 rules and regulations shall ~~insure~~ ensure that the design, construction, and operation  
28 of these facilities is such that the public is protected against the transmission of  
29 disease or injury by the establishment of water quality standards (chemical, physical,

1 and bacterial); by proper arrangement of the physical features of the site or facility;  
2 and by proper procedures for supervision and maintenance of such premises.

3 (12) In order to protect the public health, the state health officer shall prepare  
4 and promulgate rules and regulations relative to new rendering facilities and  
5 modifications to existing facilities. These rules and regulations shall relate to, but not  
6 be limited to, procedures for the review and approval of plans, requirements for  
7 approval by the state health officer or his designee prior to contracting for the  
8 construction of rendering plants, requirements for obtaining a permit to operate a  
9 rendering plant before operation begins, and requirements for closing down a  
10 rendering plant already in operation if any condition occurs which might adversely  
11 affect the health of the community. Factors that shall be regulated include operation,  
12 containment of solid, liquid, or gaseous animal materials and byproducts during  
13 processing, storage, or transportation, odors, cleanliness, utilization of products and  
14 byproducts, and identification marking of products and byproducts.

15 (13) The state health officer, through the office of ~~health services and~~  
16 ~~environmental quality~~ public health, shall be expressly empowered and authorized  
17 to issue emergency rules and orders when necessary and for the purposes of  
18 controlling nuisances dangerous to the public health and communicable, contagious,  
19 and infectious diseases, and any other danger to the public life, ~~and health,~~ and  
20 ~~health-safety~~ safety.

21 B.

22 \* \* \*

23 (3) In instances where such an inspection discloses a violation of the state  
24 Sanitary Code involving pollution of streams, rivers, lakes, bayous, or ditches  
25 located in public rights of way, the business entity or person deemed to be  
26 responsible shall be given an opportunity to correct the noted deficiency, and, if upon  
27 reinspection the previously cited violation is found to still exist, the state health  
28 officer is hereby authorized, after due process in accordance with the Administrative

1 Procedure Act, to impose sanctions as follows:

2 \* \* \*

3 (b) In the case of establishments which operate without a license or permit  
4 issued by the office of public health or where establishments continue to operate  
5 after the license or permit has been suspended or revoked, the state health officer  
6 may issue a civil compliance order directing the business entity or person deemed  
7 responsible for the establishment to correct the violation noted and impose a fine of  
8 one hundred dollars per day for each day the violation has not been corrected up to  
9 a maximum of ten thousand dollars. The fine shall commence on the day following  
10 the date of permit revocation or suspension, or the day following the date specified  
11 for compliance in the civil compliance order issued by the state health officer.

12 (c) All fines imposed ~~under~~ pursuant to this Section shall be payable to the  
13 office of public health of the Louisiana Department of Health ~~which~~ and shall be  
14 deposited into the state general fund.

15 \* \* \*

16 (4) Nothing ~~herein~~ in this Section shall prohibit the state health officer acting  
17 through the office of public health, with the concurrence of the secretary of the  
18 Louisiana Department of Health, from seeking civil injunctive relief from a district  
19 court to assist in enforcing emergency orders; when there exists serious and  
20 imminent danger to the public health. The proceeding before the district court shall  
21 be an adversary proceeding, and each party shall have the power to call witnesses  
22 and subpoena documents and records. In any such proceeding, no district court shall  
23 issue an injunction to enforce any provision which it determines to be physically  
24 beyond the control of the person or business entity to comply with, or in conflict with  
25 other provisions of state or federal law or regulations.

26 (5) Paragraphs (B)(2) and (3) of this Subsection shall not apply to waste  
27 waters and wastes in discharges from industrial facilities which are subject to  
28 permitting under the Louisiana Water Control Law (R.S. 30:2071 et seq.) or the  
29 federal Clean Water Act (~~42 USC §1251~~ 33 U.S.C. 1251 et seq., as amended), nor

1 to waste waters from industrial facilities in ditches upstream of state or federal waste  
2 water discharge points.

3 \* \* \*

4 §4.3. ~~Hard and soft shell~~ Hard- and soft-shell crabs; preparation in traditional  
5 manner for public consumption

6 Notwithstanding any contrary provisions of the state sanitary code or any  
7 contrary provision of any other law or regulation, it shall be lawful to prepare ~~hard~~  
8 ~~and soft shell~~ hard- and soft-shell crabs in the traditional manner for public  
9 consumption at recognized outdoor Louisiana festivals, including preparation in the  
10 open for service to the public at such public gatherings. This Section shall not be  
11 construed to allow the sale or distribution of any unwholesome food.

12 \* \* \*

13 §4.6. Exemption; benefits for zoos

14 Any provision of the Louisiana Department of Health special event food and  
15 beverage preparation regulations that requires any equipment, design, construction,  
16 utensils, supplies, preparation, or services shall not apply to any organization or  
17 corporation directing or operating an event for the benefit of a ~~publicly-owned~~  
18 publicly owned zoo nor to any participant who prepares, serves, or sells any food or  
19 beverage at such an event. This Section shall not be construed to allow the sale or  
20 distribution of any unwholesome food.

21 \* \* \*

22 §4.10. Public notice of infectious medical waste storage by landowner

23 \* \* \*

24 C. This Section shall not apply to the following:

25 \* \* \*

26 (2) Small ~~health care~~ healthcare and medical facilities, being defined as those  
27 facilities generating in any given month, or cumulatively stored in any given month,  
28 infectious medical waste meeting both of the following criteria:

29 \* \* \*

1 (3) An office at a particular location operated by a licensed, registered, or  
2 certified ~~health care~~ healthcare provider actively engaged in the practice of his  
3 profession whose office prominently displays to the public such practice of ~~health~~  
4 ~~care~~ healthcare profession.

5 (4) A "pharmacy" as defined in ~~R.S. 37:1164(36)~~ R.S. 37:1164.

6 (5) A "hospital" as defined in ~~R.S. 40:2102(A)~~ R.S. 40:2102.

7 \* \* \*

8 (7) ~~Post secondary~~ Postsecondary educational institutions, including but not  
9 limited to schools of medicine, pharmacy, dentistry, veterinary science, nursing, and  
10 allied health professions and any related clinical and research programs.

11 \* \* \*

12 §5.3. Molluscan shellfish sanitation requirements; opening and closing of molluscan  
13 shellfish growing areas; adoption of guidelines to regulate molluscan  
14 shellfish industry; authority to collect samples for bacteriological analysis;  
15 testing of oysters; Calcasieu Lake

16 \* \* \*

17 E. The purpose of this Section is to develop guidelines to govern and  
18 regulate the shellfish industry to ~~insure~~ ensure that the final shellfish product is safe  
19 and wholesome. The Louisiana Department of Health shall enforce the requirements  
20 for classification of shellfish growing areas and for certifying, processing, and  
21 distributing shellfish, which requirements are contained in Louisiana Administrative  
22 Code Title 51, Part IX and promulgated under the provisions of R.S. 49:953(B).

23 \* \* \*

24 §5.9. Enforcement of drinking water regulations; administrative compliance orders;  
25 civil actions; receiverships

26 A.

27 \* \* \*



1 sight, view, or personal knowledge. When the violation does not so occur, he may  
2 arrest only in execution of a warrant duly issued in accordance with the provisions  
3 of this Part or by a competent judicial authority.

4 B. All law enforcement officers shall aid in the apprehension of persons  
5 violating the provisions of the sanitary code or any rule or regulation of the state  
6 health office. These officers shall themselves arrest and apprehend all offenders  
7 committing such violations in their view or sight or within their personal knowledge.

8 \* \* \*

9 §13. Expenses of parish health units

10 A. The governing body of each parish shall provide ample means for the  
11 maintenance and operation of its parish health units or departments and for the  
12 promotion and conservation of public health. For the purposes of this Title they shall  
13 be known as parish health units.

14 B. If a municipality encompasses an entire parish, the municipal authorities  
15 shall, for the purposes of this Part, be known as parish authorities.

16 \* \* \*

17 §18. Communicable disease; isolation and report to state health officer; quarantine

18 A. If any case where a communicable disease is reported to or comes to the  
19 knowledge of any local health officer, the local health officer shall immediately  
20 isolate it and communicate the fact as expeditiously as practicable to the state health  
21 officer, together with the information as to what steps have been taken to isolate and  
22 care for the case. The local health officer shall, from time to time, communicate the  
23 progress of the case to the state health officer.

24 B. Upon receipt of notice of the case by the state health officer, or at any  
25 time during the case thereafter, the state health officer, shall, if he thinks the  
26 emergency sufficient, send an expert physician, selected by him, to examine and  
27 diagnose the disease. If, after this examination and diagnosis, the expert declares the  
28 case to be one of an obnoxious or communicable nature, liable to spread or to  
29 become dangerous to the general public health of the state, the state health officer

1 shall instruct the local health officer as to what additional steps, if any, should be  
 2 taken to isolate the case and prevent the spread of the infection any further. The state  
 3 health officer shall require that the local health officer immediately conform to and  
 4 put these instructions in operation. If the local health officer or other local  
 5 authorities connected with the case fail to act immediately on these instructions or  
 6 fail to act in the case in a manner satisfactory to the state health officer, the state  
 7 health officer shall take charge of the case and manage it through his own officers  
 8 or employees.

9 \* \* \*

10 §23. Salaries of parish or district health officers; unclassified

11 A. Each parish shall determine the salary of its health officer and the  
 12 necessary expenses for the conduct of his official duties if ~~said~~ the health officer is  
 13 in the unclassified service or serving on a contractual basis. In the case of an  
 14 unclassified or contractual district health officer, the parishes which jointly employ  
 15 him shall fix his salary and expenses and the proportionate share of each parish.

16 B. The ~~above~~ salaries and expenses provided for in Subsection A of this  
 17 Section shall be paid by the governing bodies of the parish or parishes for which the  
 18 health officer was appointed, except as herein provided.

19 C. Where a parish or group of parishes appoint a full-time health officer  
 20 whose entire time is devoted to health work as such, exclusive of any private  
 21 practice, the state may appropriate and assist in paying the salary of that health  
 22 officer not to exceed twenty percent of the salary if the parish or parishes contract  
 23 with the Louisiana Department of Health for the establishment and maintenance of  
 24 a health unit as hereafter provided.

25 §24. Issuance of warrants by health officer; general duties of officer

26 A. The parish health officer may issue warrants only to arrest or prevent  
 27 epidemics or to abate an imminent menace to the public health in his parish.

28 B. The parish health officer ~~He~~ shall issue all orders and warrants, subject  
 29 to the limitations ~~above~~ provided in Subsection A of this Section, and take all



1 necessary steps to execute the sanitation laws of the state under the state health  
2 officer and to carry out the rules, regulations, and ordinances of the Louisiana  
3 Department of Health.

4 \* \* \*

5 §31.1. Reye's Syndrome disease; mandatory reporting

6 Every physician practicing medicine in the state of Louisiana shall report to  
7 the state health officer, through the health unit of the parish or municipality wherein  
8 such physician practices, any case or suspected case of Reye's Syndrome disease  
9 which he is attending, or has examined, or for which such physician has prescribed.

10 The report shall be made as promptly as possible from the time the physician first  
11 visits, examines or prescribes for the patient and such report shall state the name,  
12 age, sex, race, usual residence, place where the patient is to be found, the nature of  
13 the disease, the date of onset, and any additional information that the state health  
14 officer may require. The state health officer shall send a copy of such report to the  
15 ~~national Center for Disease Control~~ United States Centers for Disease Control and  
16 Prevention, or such information contained therein as may be required by ~~the national~~  
17 ~~center~~ that agency.

18 §31.3. Adolescent school health initiative; health centers in schools

19 \* \* \*

20 B. The office of public health shall:

21 \* \* \*

22 (2) Convene and participate in an intergovernmental coordinating council  
23 which shall be composed of representatives from the departments of education,  
24 ~~social~~ children and family services, health ~~and hospitals~~, and other governmental  
25 entities or programs related to health services to assist in implementation, oversight,  
26 and funding assistance for health centers in schools.

27 \* \* \*

28 (4) Establish procedures for allocation of funds appropriated or otherwise  
29 available to the program in a manner which prioritizes funding according to the

1 urgency and degree of ~~health care~~ healthcare needs among the various middle and  
2 secondary school populations.

3 \* \* \*

4 §31.32. Individual sewage fees

5 \* \* \*

6 E.

7 \* \* \*

8 (2) The provisions of Paragraph ~~(E)(1) of this Section~~ (1) of this Subsection  
9 shall not be effective unless the department complies with the provisions of ~~R.S.~~  
10 ~~40:1154~~ R.S. 40:1281.23.

11 \* \* \*

12 §31.36. Health unit fees

13 \* \* \*

14 D. The provisions of this Section shall not apply to Title XIX recipients,  
15 Title XXI recipients, and those documenting financial status at or below one hundred  
16 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published  
17 in the Federal Register by the United States Department of Health and Human  
18 Services.

19 \* \* \*

20 §41. Disclosure of records

21 \* \* \*

22 E. The registrar shall make available for inspection and copying and shall  
23 forward upon request copies of records of deaths to the Louisiana cancer registry  
24 program established pursuant to ~~R.S. 40:1229.80~~ R.S. 40:1105.1 et seq.

25 \* \* \*

26 §64. Forms for collection of data

27 The state registrar shall prescribe forms for the collection of information and

1 statistics with respect to abortions. Such forms shall require, but not be limited to,  
2 the following information:

3 \* \* \*

4 (9) Other significant conditions of the fetus and mother; ~~and~~.

5 (10) The results of pathological examinations of all aborted fetuses, as  
6 required by ~~R.S. 40:1299.35.4~~ R.S. 40:1061.13.

7 \* \* \*

8 §600.34. Blighted housing property list; creation, maintenance, and challenges  
9 thereto

10 \* \* \*

11 C. Rules and regulations prescribing risk guidelines. The state housing  
12 agency, in conjunction with the state departments of environmental quality and  
13 health ~~and hospitals~~, shall adopt rules and regulations prescribing guidelines and  
14 criteria for assessing and determining if a residential housing property is harmful to  
15 the health or welfare, including the economic welfare, of the residents of the local  
16 governmental subdivision wherein the residential housing property is located, or  
17 unfit for human habitation, occupancy, or use, and whether such property is  
18 undergoing rehabilitation in a timely manner within the meaning of Subsection B of  
19 this Section. The public officer shall apply such standards in conducting any  
20 inventory pursuant to this Section.

21 \* \* \*

22 §608.1. Mislabeling of honey

23 \* \* \*

24 B. Any person violating the provisions of this ~~section~~ Section shall be guilty  
25 of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor  
26 more than five hundred dollars and each such violation shall constitute a separate  
27 offense.

28 \* \* \*

1 §625. False advertisement

2 A. An advertisement of a food, drug, device, or cosmetic is false if it is false  
3 or misleading in any particular regarding the food, drug, device, or cosmetic. Any  
4 representation concerning any effect of a drug or device is false under this  
5 ~~Sub-section~~ Subsection if it is not supported by demonstrable scientific facts or  
6 substantial and reliable medical or scientific opinion.

7 B. Except as provided below, the advertisement of a drug or device  
8 representing it to have any therapeutic effect in the treatment of Bright's disease,  
9 cancer, tuberculosis, poliomyelitis, venereal disease, heart and vascular diseases, or  
10 any other diseases for which no known therapeutic effect has been fully established  
11 is false. No advertisement not in violation of ~~Sub-section~~ Subsection A of this  
12 Section shall be considered false under this ~~Sub-section~~ Subsection, if it is  
13 disseminated only to members of the medical and pharmaceutical professions or  
14 appears only in the scientific periodicals of these professions, or if it is disseminated  
15 only for the purpose of public health education by persons not commercially  
16 interested, directly or indirectly, in the sale of the drugs or devices.

17 \* \* \*

18 §634. Condemnation and sale, or release

19 A. When any article detained or seized ~~under~~ pursuant to R.S. 40:633 has  
20 been found by the department to be subject to seizure and condemnation ~~under~~  
21 pursuant to R.S. 40:632, the department shall petition a court for an order of  
22 condemnation or sale, as the court may direct. The proceeds of the sale minus the  
23 legal costs and charges shall be paid into the state treasury to the credit of the general  
24 fund.

25 B. Upon the payment of the costs of the condemnation proceeding and upon  
26 the execution and delivery of a surety bond to the effect that the goods shall not be  
27 sold or otherwise disposed of contrary to the provisions of this Part, the department  
28 or court may order that the goods be delivered to the owner thereof instead of being  
29 condemned or sold.





1 §700.6. Revocation of permit

2 A. The department may revoke any permit issued pursuant to the provisions  
3 of this ~~Sub-Part~~ Subpart at any time the holder of a permit is found to be in  
4 noncompliance with the provisions of this ~~Sub-Part~~ Subpart or the rules and  
5 regulations established by the department.

6 B. The department may revoke any such permit either temporarily, until  
7 there is compliance with the provisions of this ~~Sub-Part~~ Subpart and with the rules  
8 and regulations as established by the department, or permanently for the unexpired  
9 period of the permit.

10 §700.7. Surety Bond

11 A. Every dealer permitted ~~under~~ pursuant to the provisions of this ~~Sub-Part~~  
12 Subpart shall maintain with the secretary of the Louisiana Department of Health a  
13 surety bond in the amount of ten thousand dollars. Each bond shall be issued by a  
14 surety authorized to do business in Louisiana, and shall be in favor of the state for  
15 the use, benefit, and indemnity of any person who suffers any damage or loss as a  
16 result of the dealer's violation of law or breach of contract. Recovery hereunder shall  
17 in no event exceed the amount of the bond.

18 \* \* \*

19 E. The term of a bond required by this Section shall be continuous. The  
20 surety on ~~said~~ the bond may terminate the bond upon giving a sixty-day written  
21 notice to the secretary and the principal; however, the liability of the surety for the  
22 acts of the principal shall continue during the sixty-day period. The notice shall not  
23 release the surety from liability which accrues before the termination becomes final,  
24 but which is discovered after that date.

25 §700.8. Procedure for reporting violations of Subpart

26 A. Before reporting any violation of this ~~Sub-Part~~ Subpart to any district  
27 attorney for institution of criminal proceedings thereunder, the department shall  
28 afford appropriate notice and opportunity for hearing, in accordance with regulations  
29 prescribed by it, to interested persons upon the question of such violations. The

1 report to the district attorney shall be accompanied by findings of the appropriate  
2 officers and employees.

3 B. The department need not report for prosecution minor violations of this  
4 ~~Sub-Part~~ Subpart when the purposes of the ~~Sub-Part~~ Subpart can best be  
5 accomplished by a suitable written notice or warning.

6 §700.9. Duties of district attorney

7 Each district attorney to whom the department reports any violation for  
8 institution of criminal proceedings or proceedings for an injunction under this ~~Sub-~~  
9 ~~Part~~ Subpart, or to whom any health, food, or drug officer of the state or political  
10 subdivision thereof presents evidence satisfactory to the district attorney of any such  
11 violation shall institute appropriate proceedings in the proper court without delay.

12 §700.10. Penalties

13 A. Whoever violates any provision of this ~~Sub-Part~~ Subpart shall be fined,  
14 for the first offense, not more than five hundred dollars or imprisoned for not more  
15 than six months, or both.

16 \* \* \*

17 §700.12. Reports by department

18 A. The department may have reports published summarizing all judgments,  
19 decrees, and court orders which have been rendered under this ~~Sub-Part~~ Subpart,  
20 including the nature of the charge and the disposition thereof.

21 \* \* \*

22 §701. Definitions

23 As used in this ~~Sub-Part~~ Subpart:

24 \* \* \*

25 §701.1. Permit; application; fees; renewal

26 A. The department shall require each owner or operator of water vending  
27 machines to obtain a permit for each machine prior to the installation of such  
28 machine; however, any machine currently in operation may continue in operation  
29 until permits for such machine can be obtained under the provisions of this ~~Sub-Part~~





1 §781. Definitions

2 As used in this Part, unless the context clearly indicates otherwise, the  
3 following terms shall have the meanings ascribed to them in this Section:

4 \* \* \*

5 (3) "Enrichment", as applied to flour or bread, means the addition thereto of  
6 vitamins and other ingredients of the nature required by this ~~Sub-part~~ Subpart; and  
7 the terms "enriched flour" and "enriched bread", (as defined in the regulations of the  
8 Food and Drug Administration, Federal Security Agency) means flour or bread, as  
9 the case may be, which has been enriched to conform to the requirements of this  
10 ~~Sub-part~~ Subpart.

11 \* \* \*

12 §824. Penalty

13 Whoever violates any of the provisions of this ~~Sub-part~~ Subpart shall be fined  
14 not more than five hundred dollars or imprisoned for not more than six months, or  
15 both.

16 \* \* \*

17 §853. Penalty

18 Whoever violates any provision of this ~~Sub-part~~ Subpart shall be fined not  
19 more than five hundred dollars or imprisoned for not more than six months, or both.

20 \* \* \*

21 §940.51. Exemption of sales to schools; competitive bids for purchase of milk

22 A. The sale of milk or milk products, as described in this ~~part~~ Part, to any  
23 school board or other governing authority of any elementary or secondary school in  
24 this state after July 31, 1974<sub>2</sub> shall be exempt from any minimum price or other price  
25 fixing requirement or regulation contained in this ~~part~~ Part or in any other statute or  
26 regulation of any administrative agency.

27 \* \* \*

28 §952. Caustic alkali and other poisons; label on container; penalty

29 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 C. ~~Who ever~~ Whoever violates this ~~section~~ Section shall be fined not less  
2 than fifty dollars nor more than one hundred dollars or imprisoned for not less than  
3 ten days nor more than thirty days, or both.

4 D. Nothing in this ~~section~~ Section shall apply to the containers of a caustic  
5 alkali and other poisons being used or to be used for industrial purposes only or used  
6 in the transportation of a caustic alkali and other poisons for industrial purposes only.

7 \* \* \*

8 §953. Seizure

9 Any article or product found in violation of the labeling requirements in  
10 ~~Section 952~~ R.S. 40:952 shall be subject to seizure and condemnation by the ~~State~~  
11 ~~Health Officer~~ state health officer or by any duly authorized representative he  
12 designates for that purpose.

13 \* \* \*

14 §962. Authority to control

15 \* \* \*

16 B. The secretary ~~of the Louisiana Department of Health~~ shall add a substance  
17 as a controlled dangerous substance if it is classified as a controlled dangerous  
18 substance by the Drug Enforcement Administration of the United States government.

19 C. The secretary may by rule add to the schedules provided in ~~Section 964~~  
20 ~~of this Part~~ R.S. 40:964 any drug or other substance if he finds that such drug or  
21 other substance has a high potential for abuse, and after such a finding by the  
22 secretary, the drug shall be added in the appropriate schedule under the criteria  
23 provided under ~~Section 963 of this Part~~ R.S. 40:963. In making a finding that a drug  
24 or other substance has a high potential for abuse, the secretary ~~of the Louisiana~~  
25 ~~Department of Health~~ shall consider the following factors with respect to each drug  
26 or other substance proposed to be controlled:

27 \* \* \*

28 (8) Whether the substance is an immediate precursor of a substance already  
29 controlled by this ~~section~~ Section.

1           D. In an adjudication, ~~the secretary of the Louisiana Department of Health~~  
 2           may transfer a controlled substance from one schedule to another schedule upon the  
 3           basis of a finding that the characteristics of the controlled drug or substances are  
 4           such that under the criteria in ~~Section 963 of this Part~~ R.S. 40:963 the controlled  
 5           substances should be transferred or that a transfer of any substance listed under  
 6           ~~Section 964~~ R.S. 40:964 from one schedule to another schedule should be made in  
 7           order to conform with the schedule in which the drug is placed by the Drug  
 8           Enforcement Administration of the United States government.

9           E. If the secretary ~~of the Louisiana Department of Health~~ designates a  
 10          substance as an immediate precursor, substances which are precursors of the  
 11          controlled precursor shall not be subject to control solely because they are precursors  
 12          of the controlled precursor.

13          F. The secretary ~~of the Louisiana Department of Health~~ shall exclude any  
 14          nonnarcotic substance from a schedule if the substance may, under the Federal Food,  
 15          Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter  
 16          without a prescription.

17          G. The reclassification of any controlled dangerous substance or its transfer  
 18          from one schedule to another by the secretary ~~of the Louisiana Department of Health~~  
 19          or the state health officer shall not affect the penalties provided by this Part.

20          H. If the scheduling of a substance in Schedule I is necessary to avoid an  
 21          imminent peril to the public health, safety or welfare, the secretary may adopt an  
 22          emergency rule adding the substance to Schedule I pursuant to R.S. 49:953(B). In  
 23          determining whether the substance poses an imminent peril to the public health,  
 24          safety, or welfare, the secretary shall consider the factors set forth in Paragraphs  
 25          C(4), (5), and (6) of this Section.

26          §962.1. Ephedrine products

27          A. Except as provided in Subsection B of this Section, any product that  
 28          contains any quantity of ephedrine, a salt of ephedrine, ~~a~~ an optical isomer of  
 29          ephedrine, or a salt of an optical isomer of ephedrine; may be dispensed only upon

1 the prescription of a duly licensed practitioner authorized by the laws of the state to  
2 prescribe prescription drugs.

3 B. The following products containing ephedrine shall be exempt from the  
4 provisions of Subsection A of this Section provided that such product may lawfully  
5 be sold over the counter without a prescription under the federal Food, Drug, and  
6 Cosmetic Act, is labeled and marketed in a manner consistent with the pertinent OTC  
7 Tentative Final or Final Monograph, and is manufactured and distributed for  
8 legitimate medicinal use in a manner that reduces or eliminates the likelihood of  
9 abuse:

10 \* \* \*

11 §962.1.1. Possession of twelve grams or more of ephedrine, pseudoephedrine, or  
12 phenylpropanolamine or their salts, optical isomers, and salts of optical  
13 isomers

14 A.

15 \* \* \*

16 (2) It is unlawful for any person to possess ephedrine, pseudoephedrine, or  
17 phenylpropanolamine or their salts, optical isomers, or salts of optical isomers in  
18 powder form unless the weight of the ephedrine, pseudoephedrine, or  
19 phenylpropanolamine or their salts, optical isomers, or salts of optical isomers is less  
20 than twelve grams and the powder is in the manufacturer's original packaging and  
21 may be lawfully sold over the counter without a prescription under the Federal Food,  
22 Drug, and Cosmetic Act, 21 ~~USC §301~~ U.S.C. 301 et seq.

23 \* \* \*

24 §963. Schedules of controlled dangerous substances

25 There are established five schedules of controlled substances, to be known  
26 as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the  
27 substances listed in R.S. 40:964. In determining that a substance is to be added to  
28 these schedules, the secretary of the Louisiana Department of Health shall find the

1 following:

2 \* \* \*

3 §964. Composition of schedules

4 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
5 40:962, consist of the following drugs or other substances, by whatever official  
6 name, common or usual name, chemical name, or brand name designated:

7 \* \* \*

8 SCHEDULE III

9 \* \* \*

10 F.(1) Except as provided in Paragraph (2) of this Subsection, the term  
11 anabolic steroid does not include a substance listed in Subsection E above but which  
12 is expressly intended for administration to livestock or other nonhuman species and  
13 which has been approved by the secretary of ~~health and hospitals~~ for such an  
14 administration.

15 \* \* \*

16 SCHEDULE V

17 \* \* \*

18 E.

19 \* \* \*

20 (3)

21 \* \* \*

22 (b) This limit shall not apply to any quantity of such product, mixture, or  
23 preparation dispensed pursuant to a valid prescription written by a licensed ~~health~~  
24 ~~care~~ healthcare professional having prescriptive authority.

25 (4) Wholesale drug distributors licensed by the Louisiana Board of  
26 ~~Wholesale Drug~~ Drug and Device Distributors and registered with the United States  
27 Drug Enforcement Administration shall be exempt from the storage, reporting,  
28 record keeping, and physical security requirements for controlled dangerous

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 substances for nonprescription products containing ephedrine, pseudoephedrine, and  
2 phenylpropanolamine which are not listed in another schedule.

3 \* \* \*

4 §965. Secretary of health; authority to except

5 A. The secretary ~~of health and hospitals~~ may by regulation except any  
6 material, compound, mixture, or preparation containing any depressant or stimulant  
7 substance listed in Subsection A, B, C, or D of Schedule III or in Schedule IV or V  
8 from the application of all or any part of this Part if the material, compound, mixture,  
9 or preparation contains one or more active medicinal ingredients not having a  
10 depressant or stimulant effect on the central nervous system, provided that such  
11 ingredients are included therein in such combinations, quantity, proportion, or  
12 concentration as to vitiate the potential for abuse of the substances which do have a  
13 depressant or stimulant effect on the central nervous system.

14 B. The secretary ~~of health and hospitals~~, may, by regulation, exempt any  
15 compound, mixture, or preparation containing any anabolic steroids substances listed  
16 in Schedule III(E) of R.S. 40:964 from the application of all or any part of this Part  
17 if, because of its concentration, preparation, mixture, or delivery system, it has no  
18 significant potential for abuse.

19 \* \* \*

20 §968. Prohibited acts--Schedule III; penalties

21 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall  
22 be unlawful for any person knowingly or intentionally:

23 \* \* \*

24 §969. Prohibited acts--Schedule IV; penalties

25 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall  
26 be unlawful for any person knowingly or intentionally:

27 \* \* \*

1 §970. Prohibited acts--Schedule V; penalties

2 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall  
3 be unlawful for any person knowingly or intentionally:

4 \* \* \*

5 §971.1. Prohibited acts; false representation

6 \* \* \*

7 B. The provisions of this Section shall not apply to a law enforcement officer  
8 acting in the course and scope of his employment or to a medical practitioner,  
9 pharmacist, or other person authorized to dispense or administer controlled  
10 dangerous substances pursuant to this Part ~~X of Chapter 4 of Title 40 of the Revised~~  
11 ~~Statutes of 1950.~~

12 \* \* \*

13 §972. Rules and regulations and fees

14 A. The Louisiana Board of Pharmacy is authorized to promulgate rules and  
15 regulations relating to the registration and control of the manufacture, distribution,  
16 and dispensing of controlled dangerous substances within this state.

17 B. The fees collected by the Louisiana Board of Pharmacy for registration  
18 and licensing shall not exceed the following schedule:

19 \* \* \*

20 §973. Licensing requirements

21 A.(1) Every person who conducts research with, manufactures, distributes,  
22 procures, possesses, prescribes, or dispenses any controlled dangerous substance  
23 within this state or who proposes to engage in the research, manufacture,  
24 distribution, procurement, possession, prescribing, or dispensing of any controlled  
25 dangerous substance within this state shall obtain a controlled dangerous substance  
26 license issued by the Louisiana Board of Pharmacy in accordance with the rules and  
27 regulations promulgated by ~~it~~ the board prior to engaging in such activity.

28 (2) Upon initial application or upon renewal of a controlled dangerous  
29 substance license from the Louisiana Board of Pharmacy, a prescribing practitioner



1 shall automatically and without further action be registered as a participant in the  
2 ~~Prescription Monitoring Program~~ prescription monitoring program established in  
3 R.S. 40:1001 et seq. For purposes of this Subsection, ~~practitioner~~ the term  
4 "practitioner" shall include those with prescription authority for controlled  
5 substances in Louisiana, excluding veterinarians.

6 B. The following persons shall not be required to obtain a license and may  
7 lawfully possess controlled dangerous substances under the provisions of this Part:

8 (1) An agent, or an employee thereof, of any registered manufacturer,  
9 distributor, or dispenser of any controlled dangerous substance if such agent is acting  
10 in the usual course of his business or employment;

11 (2) A common or contract carrier or warehouseman, or an employee thereof,  
12 whose possession of any controlled dangerous substance is in the usual course of his  
13 business or employment;

14 \* \* \*

15 C. The Louisiana Board of Pharmacy may, by regulation, waive the  
16 requirement for licensing of certain manufacturers, distributors, or dispensers if it  
17 finds it consistent with the public health and safety.

18 \* \* \*

19 E. The Louisiana Board of Pharmacy is authorized to inspect the  
20 establishment of a licensee or applicant for licensing in accordance with the rules and  
21 regulations promulgated by ~~it~~ the board.

22 F.(1) Any person licensed by the Louisiana Board of Pharmacy to  
23 manufacture, distribute, or dispense controlled dangerous substances shall submit to  
24 the ~~Board of Pharmacy~~ board data on transactions involving the disbursement of  
25 Schedule II controlled dangerous substances to licensed Louisiana registrants except  
26 as provided in R.S. 40:972 and 988(B).

27 (2) The Louisiana Board of Pharmacy is authorized to promulgate rules and  
28 regulations necessary to implement the provisions of this Subsection including but

1 not limited to the scope of such data, the form in which it is to be submitted, and the  
2 time requirements for such submission.

3 G.(1) The Louisiana Board of Pharmacy shall disseminate its findings  
4 concerning possible violations to the respective boards for action in correcting  
5 violations on the part of licensed Louisiana registrants.

6 (2)(a) Such supervisory board shall receive the findings of the Louisiana  
7 Board of Pharmacy concerning possible violations and shall disseminate such  
8 findings to the respective boards for action in correcting violations on the part of  
9 licensed Louisiana registrants.

10 \* \* \*

11 §974. Licensing

12 A. The Louisiana Board of Pharmacy shall license an applicant to  
13 manufacture or distribute controlled dangerous substances included in Schedules I  
14 through V of R.S. 40:964 at such fees as it shall determine to be reasonable, unless  
15 it determines that the issuance of such license is inconsistent with the public interest.  
16 In determining the public interest, the following factors shall be considered:

17 \* \* \*

18 C. A license application by a practitioner who wishes to conduct research  
19 with a controlled substance shall be referred to the Louisiana Board of Pharmacy.  
20 Licensing by the Louisiana Board of Pharmacy for the purpose of bona fide research  
21 with a controlled dangerous substance by a practitioner deemed qualified by the  
22 ~~Board of Pharmacy~~ board may be denied only on a ground specified in R.S.  
23 40:975(A) or on the ground that the applicant's past practice or proposed procedures  
24 furnish grounds for the belief that the applicant will abuse or unlawfully transfer  
25 such substances from legitimate medical or scientific use.

26 §975. Denial, revocation, suspension, or termination of license

27 A. A license pursuant to R.S. 40:974 to manufacture, distribute, or dispense  
28 a controlled dangerous substance may be suspended or revoked by the Louisiana

1 Board of Pharmacy upon a finding that the applicant or licensee meets any of the  
2 following criteria:

3 (1) ~~Has~~ He has materially falsified any application filed pursuant to ~~this Part~~  
4 or required by this Part, ~~or~~.

5 (2) ~~Has~~ He has been convicted of a felony under this Part or any law of the  
6 United States, or of any state, relating to any substances defined ~~herein~~ in this Part  
7 as a controlled dangerous substance, or any felony under any other law of the United  
8 States or of any state within five years of the date of the issuance of the license, ~~or~~.

9 (3) ~~Has had his~~ His federal license has been suspended or revoked by  
10 competent federal authority and he is no longer authorized by federal law to engage  
11 in the manufacturing, distribution, or dispensing of controlled dangerous substances.

12 (4) ~~Has~~ He has manufactured, distributed, or dispensed controlled dangerous  
13 substances in violation of any provision of this Part or any other state or federal laws  
14 pertaining to the manufacture, distribution, or dispensing of controlled dangerous  
15 substances.

16 (5) ~~Has~~ He has repeatedly failed to submit to the Louisiana Board of  
17 Pharmacy data on transactions involving the disbursement of Schedule II controlled  
18 dangerous substances to licensed Louisiana registrants as required by R.S. 40:973(F)  
19 and by rules promulgated pursuant thereto.

20 B. The Louisiana Board of Pharmacy may limit revocation or suspension of  
21 a license to the particular controlled dangerous substance with respect to which  
22 grounds for revocation or suspension exist.

23 C. Before taking action pursuant to this Section or pursuant to a denial of  
24 license under R.S. 40:974, the Louisiana Board of Pharmacy shall serve upon the  
25 applicant or licensee an order to show cause why the license should not be denied,  
26 revoked, or suspended. The order to show cause shall contain a statement of the  
27 basis thereof and shall call upon the applicant or licensee to appear before the  
28 Louisiana Board of Pharmacy at a time and place stated in the order, but in no event  
29 less than thirty days after the date of receipt of the order. Proceedings to deny,

1 revoke, or suspend shall be conducted pursuant to this Section in accordance with  
2 R.S. 49:951 et seq. Such proceedings shall be independent of, and not in lieu of,  
3 criminal prosecutions or other proceedings under this Part or any law of the state.

4 D. The Louisiana Board of Pharmacy may, in its discretion, suspend any  
5 license simultaneously with the institution of proceedings under this Section in cases  
6 where it finds that there is an imminent danger to the public health or safety. Such  
7 suspension shall continue in effect until the conclusion of such proceedings,  
8 including judicial review thereof, unless sooner withdrawn by the Louisiana Board  
9 of Pharmacy or dissolved by a court of competent jurisdiction.

10 E. In the event the Louisiana Board of Pharmacy suspends or revokes a  
11 license granted under R.S. 40:974, all controlled dangerous substances owned or  
12 possessed by the licensee pursuant to such license at the time of suspension or the  
13 effective date of the revocation order, as the case may be, may, in the discretion of  
14 the ~~Board of Pharmacy~~ board, be placed under seal. No disposition may be made of  
15 substances under seal until the time for taking an appeal has elapsed or until all  
16 appeals have been concluded unless a court, upon application therefor, orders the  
17 sale of perishable substances and the deposit of the proceeds of the sale with the  
18 court. Upon a revocation order becoming final, all such controlled dangerous  
19 substances shall be forfeited to the state.

20 \* \* \*

21 G.(1) A license pursuant to R.S. 40:974 to manufacture, distribute, or  
22 dispense a controlled dangerous substance shall be terminated by the Louisiana  
23 Board of Pharmacy if the licensee has failed to timely renew the license and submit  
24 the applicable fee, including the fee for the prescription monitoring program  
25 authorized pursuant to R.S. 40:1013, and thirty days have elapsed since the date of  
26 expiration.

27 \* \* \*

28 (3) The Louisiana Board of Pharmacy shall promulgate rules, regulations,  
29 and standards to implement the provisions of this Subsection. The rules, regulations,

1 and standards shall be promulgated in accordance with the Administrative Procedure  
2 Act.

3 §976. Records of licensees

4 Each licensee manufacturing, distributing, or dispensing controlled dangerous  
5 substances in Schedule I, II, III, IV, or V shall make a complete and accurate record  
6 of all stocks of such dangerous substances on hand. Thereafter, complete and  
7 accurate records of all such dangerous substances shall be maintained until the next  
8 inventory is made for the next two-year period as required by this Section. At each  
9 two-year period after July 29, 1970, at the time of his regular physical inventory,  
10 each licensee manufacturing, distributing, or dispensing controlled dangerous  
11 substances shall prepare an inventory of each dangerous substance in his possession.  
12 Records and inventories shall contain such information as shall be provided by rules  
13 and regulations promulgated by the Louisiana Board of Pharmacy. This Section  
14 shall not apply to practitioners who lawfully prescribe or administer, but do not  
15 otherwise dispense, controlled dangerous substances listed in Schedule I, II, III, IV,  
16 or V of this Part.

17 §976.1. Chemical precursor, recordkeeping requirements

18 \* \* \*

19 H. The provisions of this Section shall not apply to the sale or transfer of a  
20 nonnarcotic product that includes a precursor substance listed in Subsection A of this  
21 Section, if the product may otherwise be sold lawfully with a prescription or over the  
22 counter without a prescription under the Federal Food, Drug, and Cosmetic Act (21  
23 U.S.C. ~~Sec. 301~~, 301 et seq.) or a rule adopted thereunder.

24 \* \* \*

25 §978. Prescriptions

26 \* \* \*

27 F.(1) A prescriber or his delegate shall access and review the patient's record  
28 in the ~~Prescription Monitoring Program~~ prescription monitoring program established  
29 in R.S. 40:1001 et seq. prior to initially prescribing any opioid to a patient, and shall

1 access the ~~Prescription Monitoring Program~~ prescription monitoring program and  
2 review the patient's record at least every ninety days if the patient's course of  
3 treatment continues for more than ninety days. The requirement established in this  
4 Subsection shall not apply in the following instances:

5 \* \* \*

6 (d) The ~~Prescription Monitoring Program~~ prescription monitoring program  
7 is inaccessible or not functioning properly due to an internal or external electronic  
8 issue. However, the prescriber or his delegate shall check the ~~Prescription~~  
9 ~~Monitoring Program~~ prescription monitoring program once electronic accessibility  
10 has been restored and note the cause for the delay in the patient's chart.

11 \* \* \*

12 H.

13 \* \* \*

14 (2)

15 \* \* \*

16 (b) If the dispensed amount is less than the recommended full quantity, the  
17 pharmacist or a designee shall ensure that the actual dispensed amount is accurately  
18 recorded in the ~~Prescription Monitoring Program~~ prescription monitoring program.  
19 The pharmacist or a designee shall also, within seven days, make a notation in the  
20 interoperable electronic health record of the patient if the pharmacist has access to  
21 the record.

22 \* \* \*

23 §978.1. Naloxone; first responder; prescription; administration to third party;  
24 limitation of liability

25 A. For the purposes of this Section, the following definitions apply:

26 (1) "First responder" means any of the following:

27 \* \* \*

28 (c) An EMS practitioner as defined in ~~R.S. 40:1231~~ R.S. 40:1131.

29 \* \* \*

1 §978.3. Continuing education for the prescribing of controlled substances

2 \* \* \*

3 B. Each licensing board that regulates practitioners with prescriptive  
4 authority in Louisiana shall establish continuing education requirements as a  
5 prerequisite to license renewal. Each board shall develop continuing education  
6 criteria, to include drug diversion training, best practice prescribing of controlled  
7 substances, appropriate treatment for addiction, and any other matters regarding the  
8 prescribing of controlled dangerous substances that are deemed appropriate by the  
9 board. Rules and regulations to implement this Section shall be promulgated in  
10 accordance with the Administrative Procedure Act. Such rules shall include all of  
11 the following:

12 (1) Each practitioner with prescriptive authority in Louisiana who holds a  
13 controlled dangerous substance license shall obtain three credit hours of continuing  
14 education as a prerequisite to license renewal with ~~their~~ his professional licensing  
15 board. Successful completion of this requirement once shall satisfy the requirement  
16 in full.

17 (2) A practitioner with prescriptive authority in Louisiana who has a  
18 controlled dangerous substance license shall be exempt from the continuing  
19 education requirements for license renewal established in this Section if he  
20 completes and submits to his licensing board a certification form developed by his  
21 licensing board attesting that he has not prescribed, administered, or dispensed a  
22 controlled dangerous substance during the entire applicable reporting period. The  
23 licensing board shall verify the attestation of the prescriber through the ~~Prescription~~  
24 ~~Monitoring Program~~ prescription monitoring program established in R.S. 40:1001  
25 et seq.

26 \* \* \*

27 §980. Additional penalties

28 Any penalty imposed for violation of this ~~part~~ Part shall be in addition to, and

1 not in lieu of, any civil or administrative penalty or sanction authorized by law.

2 \* \* \*

3 §982. Second or subsequent offenses

4 A. Any person convicted of any offense under this ~~part~~ Part, if the offense  
5 is a second or subsequent offense, shall be sentenced to a term of imprisonment that  
6 is twice that otherwise authorized or to payment of a fine that is twice that otherwise  
7 authorized, or both. If the conviction is for an offense punishable under R.S.  
8 40:966(B), ~~R.S. 40:967(B)~~ 967(B), ~~R.S. 40:968(B)~~ 968(B), or ~~R.S. 40:969(B)~~  
9 969(B), and if it is the offender's second or subsequent offense, the court may  
10 impose, in addition to any term of imprisonment and fine, twice the special parole  
11 term otherwise authorized.

12 B. For purposes of this ~~section~~ Section, an offense shall be considered a  
13 second or subsequent offense; if, prior to the commission of such offense, the  
14 offender had at any time been convicted of any violation of this state, the United  
15 States, any other state of or any foreign country, relating to the unlawful use,  
16 possession, production, manufacturing, distribution, or dispensation of any narcotic  
17 drug, marijuana, depressant, stimulant, or hallucinogenic drugs.

18 \* \* \*

19 §984. Powers of enforcement personnel

20 The Louisiana Board of Pharmacy's authorized employees may:

21 \* \* \*

22 §986. Administrative inspections and warrants

23 A. Issuance and execution of administrative inspection warrants shall be as  
24 follows:

25 (1) Any judge of a state court of record, or any state magistrate of any court  
26 of record may, within his jurisdiction, and upon proper oath or affirmation after  
27 being satisfied there is probable cause to believe that legal grounds exist for the  
28 issuance of such warrant, issue warrants for the purpose of conducting administrative



1 inspections authorized by this ~~part~~ Part or regulations thereunder, and may authorize  
2 seizure of property related to such inspections.

3 \* \* \*

4 (3) A warrant issued pursuant to this ~~section~~ Section ~~must~~ shall be executed  
5 and returned within ten days of its date. If property is seized pursuant to a warrant,  
6 the person executing the warrant shall give to the person from whom or from whose  
7 premises the property was taken a copy of the warrant and a receipt for the property  
8 taken. The return of the warrant shall be made promptly and shall be accompanied  
9 by a written inventory of any property taken. The inventory shall be made in the  
10 presence of the person executing the warrant and of the person from whose  
11 possession or premises the property was taken. The judge or magistrate of any court  
12 of record, upon request, shall deliver a copy of the inventory to the person from  
13 whom or from whose premises the property was taken and to the applicant for the  
14 warrant.

15 (4) The judge or magistrate of any court of record who has issued a warrant  
16 under this ~~section~~ Section shall attach to the warrant a copy of the return and all  
17 papers filed in connection therewith and shall file them with the clerk of the state  
18 court for the judicial district in which the inspection was made.

19 B. The Louisiana Board of Pharmacy is authorized to make administrative  
20 inspections of controlled premises in accordance with the following provisions:

21 (1) For purposes of this ~~section~~ Section only, "controlled premises" means  
22 all of the following:

23 (a) Places where persons licensed or exempted from licensing requirements  
24 under this ~~part~~ Part are required to keep records; ~~and~~.

25 (b) Places including factories, warehouses, establishments, and conveyances  
26 where persons licensed or exempted from licensing requirements under this ~~part~~ Part  
27 are permitted to possess, manufacture, compound, process, sell, deliver, or otherwise  
28 dispose of any controlled dangerous substance.

1 (2) When so authorized by an administrative inspection warrant issued  
2 pursuant to Subsection A of this Section a law enforcement officer or an employee  
3 as designated in R.S. 40:984 ~~hereof~~, upon presenting the warrant and appropriate  
4 credentials to the owner, operator, or agent in charge, shall have the right to enter  
5 controlled premises for the purpose of conducting such an administrative inspection.

6 (3) When so authorized by an administrative inspection warrant, a law  
7 enforcement officer or an employee as designated in R.S. 40:984 ~~hereof~~ shall have  
8 the right:

9 \* \* \*

10 (b) To inspect, within reasonable limits and in a reasonable manner, the  
11 controlled premises and all pertinent equipment, finished and unfinished material,  
12 containers and labeling found therein, and except as provided in Paragraph (B)(5) of  
13 this Section, all other things therein including records, files, papers, processes,  
14 controls, and facilities subject to regulation and control by the provisions of this Part  
15 or by regulations promulgated by the Louisiana Board of Pharmacy.

16 \* \* \*

17 (4) This ~~section~~ Section shall not be construed to prevent the inspection  
18 without a warrant of books and records pursuant to an administrative subpoena  
19 issued in accordance with ~~R.S. 40:986~~ this Section, nor shall this ~~section~~ Section be  
20 construed to prevent entries and administrative inspections including seizures of  
21 property without a warrant:

22 (a) With the written consent of the owner, operator, or agent in charge of the  
23 controlled premises;

24 (b) In situations involving inspection of conveyances where there is probable  
25 cause to believe that the mobility of the conveyance makes it impracticable to obtain  
26 a warrant;

27 (5) Except when the owner, operator, or agent in charge of the controlled  
28 premises so consents in writing, no inspection authorized by this ~~section~~ Section  
29 shall extend to any of the following:

1 (a) Financial data;;

2 (b) Sales data other than shipment data;~~or;~~

3 \* \* \*

4 §987. Injunctions

5 Any district court of this state shall have jurisdiction in proceedings in  
6 accordance with the rules of such courts to enjoin violations of this ~~part~~ Part and in  
7 accordance with the Code of Civil Procedure and other laws of this state.

8 §988. Cooperative arrangements; inspections

9 A. The Louisiana Board of Pharmacy may cooperate with federal and other  
10 state agencies in discharging its responsibilities concerning dangerous substances.

11 To this end, it is authorized to:

12 \* \* \*

13 B.(1) ~~Anything contained in any~~ Any other provision of this Part ~~X~~ of  
14 ~~Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950~~ to the contrary  
15 notwithstanding, the inspections authorized or required by ~~said~~ that law, insofar as  
16 pharmacists and pharmacies registered and licensed under the Louisiana Board of  
17 Pharmacy only are concerned, shall be conducted by the Louisiana Board of  
18 Pharmacy, through its duly authorized officers, members, inspectors, agents, and  
19 representatives, insofar as pharmacists and pharmacies registered and licensed under  
20 the Louisiana Board of Pharmacy are concerned; and compliance with requirements  
21 involving security measures, inventories, records, and reports required by ~~said~~ that  
22 law and/or the regulations promulgated from time to time in connection therewith  
23 shall be administratively determined by the Louisiana Board of Pharmacy, insofar  
24 as pharmacists and pharmacies registered and licensed under the Louisiana Board of  
25 Pharmacy only are concerned.

26 (2) ~~Anything contained in any~~ Any other provision of this Part ~~X~~ of ~~Chapter~~  
27 ~~4 of Title 40 of the Louisiana Revised Statutes of 1950~~ to the contrary  
28 notwithstanding, the inspections authorized or required by ~~said~~ that law, insofar as  
29 physicians licensed to practice medicine by the Louisiana State Board of Medical



1 §989.1. Unlawful production, manufacture, distribution, or possession of  
2 hallucinogenic plants; exceptions

3 \* \* \*

4 F. The provisions of this Section shall not apply to any dosage form which  
5 is labeled as a dietary supplement and is manufactured in compliance with the  
6 requirements of sections 402(g)(2), 415<sub>2</sub> and 761 of the Federal Food, Drug<sub>2</sub> and  
7 Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

8 §989.2. Unlawful production, manufacturing, distribution, or possession of  
9 prohibited plant products; exceptions

10 \* \* \*

11 F. The provisions of this Section shall not apply to any dosage form which  
12 is labeled as a dietary supplement and is manufactured in compliance with the  
13 requirements of sections 402(g)(2), 415<sub>2</sub> and 761 of the Federal Food, Drug<sub>2</sub> and  
14 Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

15 \* \* \*

16 §990. Burden of proof; liabilities

17 A. It shall not be necessary for the state to negate any exemption or  
18 exception set forth in this ~~part~~ Part in any complaint, information, indictment<sub>2</sub> or  
19 other pleading or in any trial, hearing, or other proceeding under this ~~part~~ Part, and  
20 the burden of proof of any such exemption or exception shall be upon the person  
21 claiming its benefit.

22 B. In the absence of proof that a person is the duly authorized holder of an  
23 appropriate registration or order form issued under this ~~part~~ Part, he shall be  
24 presumed not to be the holder of such registration or form, and the burden of proof  
25 shall be upon him to rebut such presumption.

26 C. No liability shall be imposed by virtue of this Part upon any duly  
27 authorized law enforcement officer, the Louisiana Board of Pharmacy or its  
28 employees as provided in R.S. 40:984 engaged in the enforcement of any law,

1 regulation, or municipal ordinance relating to controlled dangerous substances.

2 \* \* \*

3 §992. Education and research

4 A. The Louisiana Board of Pharmacy is authorized to carry out educational  
5 programs designed to prevent and deter misuse and abuse of controlled dangerous  
6 substances. In connection with such programs it is authorized to:

7 \* \* \*

8 B. The Louisiana Board of Pharmacy is authorized to encourage research on  
9 misuse and abuse of controlled dangerous substances. In connection with such  
10 research and in furtherance of the enforcement of this Part, it is authorized to:

11 \* \* \*

12 C. The Louisiana Board of Pharmacy may authorize persons engaged in  
13 research on the use and effects of dangerous substances to withhold the names and  
14 other identifying characteristics of persons who are the subjects of such research.  
15 Persons who obtain this authorization shall not be compelled; in any civil, criminal,  
16 administrative, legislative, or other proceeding to identify the subjects of research for  
17 which authorization was obtained.

18 D. The Louisiana Board of Pharmacy may authorize the possession and  
19 distribution of controlled dangerous substances by persons engaged in research in  
20 accordance with rules promulgated by the department. Persons who obtained this  
21 authorization shall be exempt from state prosecution for possession and distribution  
22 of dangerous substances to the extent authorized by the Louisiana Board of  
23 Pharmacy.

24 E. The Louisiana Board of Pharmacy, with the concurrence and under the  
25 supervision and control of the chief law enforcement officer of the jurisdiction  
26 wherein the program is conducted, may authorize the possession and exhibition for  
27 educational purposes only of controlled dangerous substances by persons employed  
28 by local and state law enforcement agencies engaged in educational programs in  
29 accordance with rules promulgated by the Louisiana Board of Pharmacy. Persons

1 acting pursuant to this authorization shall be exempt from state and local prosecution  
2 for the possession and distribution of dangerous substances to the extent authorized  
3 by the Louisiana Board of Pharmacy. The Louisiana Board of Pharmacy shall  
4 coordinate and evaluate the training programs of the various law enforcement  
5 agencies to ensure compliance with the rules promulgated regulating the possession  
6 and exhibition of controlled dangerous substances for educational purposes.

7 §993. Pending proceedings

8 A. Prosecutions; for any violation of law occurring prior to July 26, 1972,  
9 shall not be affected by this ~~part~~ Part or abated by reason thereof.

10 B. Civil seizures, forfeitures, and injunctive proceedings commenced prior  
11 to July 26, 1972, shall not be affected by this ~~part~~ Part or abated by reason thereof.

12 \* \* \*

13 D. The provisions of this ~~part~~ Part shall be applicable to violations of law,  
14 seizures and forfeiture, injunctive proceedings, administrative proceedings, and  
15 investigations which occur following July 26, 1972.

16 \* \* \*

17 §995. Short title

18 This ~~part~~ Part may be cited as the Uniform Controlled Dangerous Substances  
19 Law.

20 \* \* \*

21 §996.1. Legislative findings

22 \* \* \*

23 M. Louisiana law authorizes the secretary of the Louisiana Department of  
24 Health to add a substance to the schedules of controlled dangerous substances based  
25 upon certain criteria. The provisions of R.S. 40:996.1 through 996.6 are intended to  
26 provide additional options for the secretary ~~of the Louisiana Department of Health~~  
27 to address imminent hazards to the public health, safety, and welfare caused by  
28 dangerous substances.

29 \* \* \*

1 §996.3. Declaration of a dangerous substance of the Louisiana Department of  
2 Health

3 \* \* \*

4 C. If the secretary has considered the factors provided for in Subsection A  
5 of ~~the~~ this Section and has made the determinations required by the provisions of  
6 Subsection B of this Section, a rule pursuant to the provisions of R.S. 40:996.5 may  
7 be adopted declaring the substance a dangerous substance.

8 \* \* \*

9 §1003. Definitions

10 As used in this Part, the following terms shall have the meaning ascribed to  
11 them unless the context clearly indicates otherwise:

12 \* \* \*

13 (12) "Prescriber" means a licensed ~~health care~~ healthcare professional with  
14 prescriptive authority.

15 \* \* \*

16 (14) "Prescription ~~Monitoring Program~~ monitoring program" or "PMP"  
17 means the program established in R.S. 40:1004.

18 \* \* \*

19 §1005. ~~Advisory~~ Prescription monitoring program advisory council

20 \* \* \*

21 §1006. Reporting of prescription monitoring information

22 \* \* \*

23 E. The ~~Prescription Monitoring Program's~~ prescription monitoring program's  
24 agents, a dispenser, or a prescriber may report suspected violations of this Section  
25 or violations of any law to any local, state, out-of-state, or federal law enforcement  
26 agency, or the appropriate prosecutorial agency for further investigation or  
27 prosecution.

28 \* \* \*

29



1 §1007. Access to prescription monitoring information and audit trail information

2 \* \* \*

3 B. The board shall maintain procedures to ensure that the privacy and  
4 confidentiality of patients and patient information collected, recorded, transmitted,  
5 and maintained, as well as audit trail information, is not disclosed to persons or  
6 entities except as ~~in Subsections C, D, E, F, G, H, I, and J~~ authorized or required in  
7 Subsections C through J of this Section.

8 \* \* \*

9 I. The board may provide prescription monitoring information to any of the  
10 following persons in accordance with procedures established by board regulation:

11 \* \* \*

12 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;  
13 Louisiana Board of Pharmacy and the adoption of rules and regulations  
14 relating to the dispensing of recommended marijuana for therapeutic use; the  
15 Department of Agriculture and Forestry and the licensure of a production  
16 facility

17 \* \* \*

18 F. A person who recommends and person who dispenses marijuana,  
19 tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant  
20 to this Section shall review the patient's information in the ~~Prescription Monitoring~~  
21 ~~Program~~ database of the prescription monitoring program established in R.S.  
22 40:1001 et seq. prior to the recommending and dispensing thereof.

23 \* \* \*

24 §1049.7. Board of ~~Pharmacy~~ pharmacy access to information

25 \* \* \*

26 §1058. Serenity House; designation as a program under the Louisiana Department  
27 of Health

28 A. The Serenity House, located in Monroe, Louisiana, is hereby created as  
29 a program under the administration and control of the Louisiana Department of

1 Health; for the education, rehabilitation, and treatment of alcoholics or persons with  
2 an alcohol problem.

3 B. Such a program shall not be established until such time as the necessary  
4 funds are appropriated.

5 \* \* \*

6 §1071.1. Definitions

7 For the purposes of this Part, the following definitions shall apply:

8 \* \* \*

9 §1079.1. Medical treatment

10 \* \* \*

11 D. No hospital and no physician licensed to practice medicine in this state  
12 shall incur civil or criminal liability in connection with any examination, diagnosis  
13 and treatment authorized by this ~~section~~ Section except for negligence.

14 \* \* \*

15 §1081.9. Hemophilia; state treatment program; advisory committee

16 \* \* \*

17 D. Funds shall be made available under this program without regard to race  
18 or age.

19 \* \* \*

20 §1087.1. Comprehensive sports injury management program for student athletics

21 A. Each high school that sponsors or sanctions any athletic activity in this  
22 state, and which requires a participating student to regularly practice or train and  
23 compete, is subject to the terms of the injury management program provided for in  
24 Subsections B through F of this Section.

25 B. The injury management program shall:

26 \* \* \*

27 (2) Require that any coach, game official, on-field licensed ~~health care~~  
28 healthcare provider, or athletic trainer remove a student from practice, training, or

1 competition if any of the following circumstances occur:

2 \* \* \*

3 (3) Ensure that any student who, in accordance with the provisions of this  
4 Subpart, is removed from practice, training, or competition:

5 (a) Shall, as soon as practicable after reporting or exhibiting any sign or  
6 symptom of a serious sports injury, be examined by a health professional duly  
7 licensed in this state to provide ~~health care~~ healthcare services or medical treatment.

8 (b) May be allowed to return to practice, training, or competition only after  
9 the student provides to the coach and an athletic trainer written authorization from  
10 a health professional duly licensed in this state to provide ~~health care~~ healthcare  
11 services or medical treatment.

12 \* \* \*

13 §1089.2. Definitions

14 As used in this Subpart:

15 (1) "~~Health care~~ Healthcare provider" means a physician as defined in R.S.  
16 37:1262(2), a licensed nurse practitioner, a licensed physician assistant, or a licensed  
17 psychologist, which person has received training in neuropsychology or concussion  
18 evaluation and management.

19 \* \* \*

20 §1089.3. Louisiana youth athlete concussion education requirements

21 \* \* \*

22 C.

23 \* \* \*

24 (2)

25 \* \* \*

26 (b) Training ~~material~~ materials made available by the United States Centers  
27 for Disease Control and Prevention "~~CDC~~" (CDC) entitled, "Heads Up: Concussion  
28 in Youth Sports" and any amendments or updates thereto, training ~~material~~ materials  
29 made available by the National Federation of High Schools for the Louisiana High

1 School Athletic Association and any amendments or updates thereto, or other  
2 training materials substantively and substantially similar to the CDC materials, along  
3 with dissemination of a copy of the statutory requirements which must be satisfied  
4 in order for a youth athlete who has or is suspected to have sustained a concussion  
5 to return to play in the athletic activity, shall be deemed to satisfy the education  
6 requirements provided for in this Section.

7 §1089.4. Removal from and return to play

8 A. A coach who is required to complete concussion recognition education  
9 pursuant to this Subpart shall immediately remove any youth athlete from a game,  
10 competition, or practice if any of the following occurs:

11 \* \* \*

12 (3) The coach or official is notified that the youth athlete has reported or  
13 exhibited any defined sign or symptom of a concussion and is reasonably suspected  
14 of sustaining a concussion by any of the following persons:

15 (i) (a) A licensed, registered, or certified medical ~~health care~~ healthcare  
16 provider operating within ~~their respective~~ his scope of practice. The medical ~~health~~  
17 ~~care~~ healthcare provider performing an evaluation, for the purposes of this  
18 Subsection, upon a youth athlete suspected of sustaining a concussion or brain injury  
19 may be a volunteer.

20 (ii) (b) Any other licensed, registered, or certified individual whose scope of  
21 practice includes the recognition of concussion symptoms. The individual  
22 performing an evaluation, for the purposes of this Subsection, upon a youth athlete  
23 suspected of sustaining a concussion or brain injury may be a volunteer.

24 B. If a youth athlete is removed from play pursuant to this Section and the  
25 signs and symptoms cannot be readily explained by a condition other than  
26 concussion, the coach shall notify the athlete's parent or legal guardian and shall not  
27 permit the youth athlete to return to play or participate in any supervised team  
28 activities involving physical exertion, including games, competitions, or practices,  
29 until the youth athlete is evaluated by a ~~health care~~ healthcare provider and receives

1 written clearance from the ~~health care~~ healthcare provider for a full or graduated  
2 return to play.

3 C. After a youth athlete who has sustained a concussion or head injury has  
4 been evaluated and received clearance for a graduated return to play from a ~~health~~  
5 ~~care~~ healthcare provider, an organization or association of which a school or school  
6 district is a member, a private or public school, a private club, a public recreation  
7 facility, or an athletic league may allow a licensed athletic trainer with specific  
8 knowledge of the athlete's condition to manage the athlete's graduated return to play.

9 \* \* \*

10 §1105.3. Powers; duties

11 The president shall:

12 \* \* \*

13 (3) Cooperate with the National Cancer Institute, the United States Centers  
14 for Disease Control and Prevention, and other national and international cancer  
15 surveillance programs designated by the Louisiana Tumor Registry in providing  
16 cancer data.

17 \* \* \*

18 §1105.6. Reports; liability for

19 \* \* \*

20 E. All information regarding ~~case-specific~~ case-specific data, as  
21 distinguished from group, tabular, or aggregate data concerning patients or health  
22 care providers contained in records of interviews, written reports, and statements  
23 procured by the president or by any other person, agency, or organization acting in  
24 connection with cancer morbidity and mortality studies shall be confidential and  
25 privileged and shall be used solely for the purposes of the study. Nothing in this  
26 Section shall prevent the president from publishing compilations relating to  
27 morbidity and mortality studies which do not identify ~~case-specific~~ case-specific data  
28 or sources of information.

29 \* \* \*

1 §1105.8. Disclosure of medical records to cancer registries

2 \* \* \*

3 F. No ~~case specific~~ case-specific data shall be available for subpoena nor  
4 shall it be disclosed, discoverable, or compelled to be produced in any civil, criminal,  
5 administrative, or other proceeding, nor shall such records be deemed admissible as  
6 evidence in any civil, criminal, administrative, or other tribunal or court for any  
7 reason. Nothing in this Section shall supersede the provisions of R.S. 40:3.1(A)  
8 through (H).

9 \* \* \*

10 §1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry  
11 data

12 \* \* \*

13 B.(1) The tumor registry shall collaborate with the National Cancer Institute,  
14 the United States Centers for Disease Control and Prevention, the North American  
15 Association of Central Cancer Registries, the International Agency for Research on  
16 Cancer, and any other national or international cancer surveillance program it may  
17 designate in providing cancer data and participating in cancer studies.

18 \* \* \*

19 F.

20 \* \* \*

21 (3) In collaborating with a requestor as provided in Paragraph (2) of this  
22 Subsection, the research committee shall employ methods for de-identifying  
23 case-specific data as defined by the United States Centers for Disease Control and  
24 Prevention and any other de-identification or statistical methods for disclosure  
25 protection.

26 \* \* \*

27 §1107.1. Purpose

28 The legislature hereby finds and declares that:

1 (1) Cystic fibrosis is a chronic and ~~life-threatening~~ life-threatening genetic  
2 disorder affecting respiratory, digestive, and other bodily functions which requires  
3 medical treatment and care on a continuing basis.

4 \* \* \*

5 §1111.3. Protocols and guidelines; supply to ~~health-care~~ healthcare and community  
6 service providers; education and prevention program; voluntary testing  
7 program; training of counselors

8 \* \* \*

9 B. The guidelines provided in Subsection A of this Section may include but  
10 need not be limited to guidelines for the following:

11 \* \* \*

12 (5) Protocols for public safety and ~~health-care~~ healthcare workers who come  
13 in contact with hepatitis C patients.

14 \* \* \*

15 C. The department shall develop a program to heighten awareness and  
16 enhance knowledge and understanding of hepatitis C. The department shall:

17 \* \* \*

18 (3) Identify to ~~health-care~~ healthcare providers and employers the benefits  
19 of disease awareness and prevention.

20 \* \* \*

21 F. Specifically regarding the increased risk to veterans, the department shall  
22 make available to all veterans, physicians, other ~~health-care~~ healthcare providers, and  
23 other persons at high risk for hepatitis C, educational materials, in written and  
24 electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. Such  
25 materials shall include the recommendations of the United States Centers for Disease  
26 Control and Prevention, United States Department of Health and Human Services,  
27 and any other entity having knowledge on hepatitis C, including the American Liver  
28 Foundation.

29 \* \* \*

1 §1117.1. Persons admitted and committed to sanatoria

2 \* \* \*

3 B. The Louisiana Department of Health shall also admit to any state-  
4 operated hospital any person having tuberculosis who has been sentenced by any  
5 district court in the state for violating those provisions of the state sanitary code  
6 dealing with isolation ~~and/or~~ or quarantine of communicable disease and who at the  
7 discretion of the court has been specifically committed to serve his sentence at ~~said~~  
8 such a hospital. This provision shall not be construed to mean that the Louisiana  
9 Department of Health must provide security measures at ~~said~~ the hospital for  
10 retaining these offenders. Furthermore, if any person committed to a state-operated  
11 hospital by court order for violating those provisions of the sanitary code dealing  
12 with isolation ~~and/or~~ or quarantine of communicable disease creates a grave  
13 disciplinary problem and tends to disrupt the efficient operation of that institution,  
14 or leaves without completing his sentence and without authority, the superintendent  
15 of ~~said~~ the hospital shall petition the court which committed ~~said~~ the person to  
16 transfer that person to the hospital section of the state penitentiary or to order that  
17 person to be apprehended and committed to that institution for the remainder of his  
18 sentence.

19 \* \* \*

20 §1121.11. Penalty

21 Whoever violates any provision of this ~~Sub-part~~ Subpart or any rule or  
22 regulation made hereunder shall, for the first offense, be fined not less than ten  
23 dollars nor more than two hundred dollars. For the second offense, he shall be fined  
24 not less than twenty-five dollars nor more than four hundred dollars. For each  
25 subsequent offense, he shall be fined not less than fifty dollars nor more than five  
26 hundred dollars or imprisoned for not less than ten days nor more than six months,  
27 or both.

28 \* \* \*



1 §1135.13. Ambulance Transport Alternatives Task Force; pilot program; rules and  
2 regulations

3 \* \* \*

4 D. The task force shall study and evaluate all data available to carry out its  
5 duties in anticipation of the pilot program being implemented when fully funded.  
6 The task force shall evaluate and make recommendations on all matters within their  
7 jurisdiction, including but not limited to:

8 \* \* \*

9 (3) Methods for early destination evaluation and advanced assessment to  
10 determine if a 9-1-1 patient could be safely treated at an alternative medical facility,  
11 such as an urgent care clinic, community clinic, medical group office, detoxification  
12 center, mental health hospital, or other appropriate ~~health-care~~ healthcare facility.

13 \* \* \*

14 I. Based upon the recommendation of the task force, the secretary of the  
15 Louisiana Department of Health shall promulgate the necessary rules and regulations  
16 to implement the provisions of this Section in accordance with the Administrative  
17 Procedure Act. Such rules and regulations shall include provisions for the health and  
18 safety of the patients transported to alternative destinations as well as the  
19 reimbursement methodology to cover alternative destination transport by a ground  
20 ambulance service provider to ensure that reimbursement rates are reasonable; and  
21 adequate, and that coverage is available by the patient's payor source.

22 \* \* \*

23 §1155.6. General application

24 \* \* \*

25 D. It is the policy of the state of Louisiana that human life is of the highest  
26 and inestimable value through natural death. When interpreting this Subpart, any  
27 ambiguity shall be interpreted to preserve human life, including the life of an unborn  
28 child if the qualified patient is pregnant and an obstetrician who examines the  
29 woman determines that the probable postfertilization age of the unborn child is

1 twenty or more weeks and the pregnant woman's life can reasonably be maintained  
2 in such a way as to permit the continuing development and live birth of the unborn  
3 child, and such determination is communicated to the relevant classes of family  
4 members and persons designated in ~~R.S. 40:1299.58.5~~ R.S. 40:1151.4.

5 \* \* \*

6 §1157.3. Exception to obtaining informed consent; human immunodeficiency virus  
7 or other infectious agents

8 A. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the  
9 contrary, whenever it is determined by the hospital infection control committee or  
10 equivalent body that an agent or employee of a hospital, or a physician having  
11 privileges at the hospital, has been exposed to the blood or bodily fluids of a patient,  
12 in such a manner as to create any risk that the agent, employee, or physician may  
13 become infected with the human immunodeficiency virus or other infectious agent  
14 if the patient is infected with the human immunodeficiency virus or other infectious  
15 agent, in accordance with the infectious disease exposure guidelines of the United  
16 States Centers for Disease Control and Prevention, or the infectious disease exposure  
17 standards of the ~~health care~~ healthcare facility where the exposure occurred, then the  
18 hospital infection control committee may, without the consent of the patient, conduct  
19 such tests on blood previously drawn or bodily fluids previously collected as are  
20 necessary to determine whether the patient is, in fact, infected with the virus or other  
21 agent believed to cause acquired immune deficiency syndrome or other infectious  
22 disease. If no previously drawn blood or collected bodily fluids are available or are  
23 suitable, the hospital may order, without the consent of the patient, that blood, bodily  
24 fluids, or both be drawn and collected from the patient to conduct the necessary tests.

25 B. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the  
26 contrary, whenever it is determined by the infectious disease control officer of any  
27 law enforcement, fire service, or emergency medical service agency or organization  
28 that an agent or employee of the agency or organization has been exposed to the  
29 blood or bodily fluids of a patient while rendering emergency medical services to,

1 transporting, or treating an ill or injured patient in such a manner as to create any risk  
 2 that the agent or employee may become infected with the human immunodeficiency  
 3 virus or other infectious agent if the patient is infected with the human  
 4 immunodeficiency virus or other infectious agent, in accordance with the infectious  
 5 disease exposure guidelines of the United States Centers for Disease Control and  
 6 Prevention, or the infectious disease exposure standards of the agency or  
 7 organization, then the infectious disease control officer of the agency or organization  
 8 may present the facts to the infection control committee of the hospital or other  
 9 ~~health care~~ healthcare facility to which the patient has been transported. If the  
 10 hospital infection control committee agrees that there has been a potential exposure  
 11 to the agency or organization personnel, the hospital infection control committee  
 12 may, while the patient is in such hospital and without the consent of the patient,  
 13 conduct such tests as are provided for in this Section.

14 \* \* \*

15 §1165.1. ~~Health care~~ Healthcare information; records

16 \* \* \*

17 C.

18 \* \* \*

19 (2) A person or entity otherwise subject to the provisions of this Section who  
 20 provides medical records to a nonprofit organization assisting with ~~social security~~  
 21 Social Security or ~~medicaid~~ Medicaid applications may waive or charge an amount  
 22 less than the maximum charges set forth in Item (A)(2)(b)(i) of this Section.

23 \* \* \*

24 §1165.3. Contact lens prescription; contents; expiration; restrictions on filling;  
 25 release; penalties

26 \* \* \*

27 B. No owner, employer, or agent of any business establishment that buys,  
 28 sells, offers to sell, dispenses, or gives away prescription contact lenses may fill a

1 contact lens prescription unless the information provided in Subsection A of this  
2 Section is included on the prescription or after the expiration date of the prescription.

3 \* \* \*

4 §1171.2. Definitions

5 As used in this Subpart, the following terms have the meaning ascribed in this  
6 Section unless the context clearly indicates otherwise:

7 (1) "Contact" is a sex-sharing or needle-sharing partner, a person who has  
8 had contact with blood or body fluids to which universal precautions apply through  
9 percutaneous inoculation or contact with an open wound, non-intact skin, or mucous  
10 membrane, or a person who has otherwise been exposed to an HIV-infected person  
11 in such a way that infection may have occurred as defined by the Louisiana  
12 Department of Health regulations based upon guidelines of the United States Centers  
13 for Disease Control and Prevention.

14 ~~A.~~ (2) "HIV-related test" is a test which is performed solely to diagnose  
15 infection with ~~Human Immunodeficiency Virus~~ human immunodeficiency virus  
16 (HIV).

17 ~~B.~~ (3) "HIV test result" is the original document, or copy thereof, transmitted  
18 to the medical record from the laboratory or other testing site the result of an  
19 HIV-related test. The term shall not include any other note, notation, diagnosis,  
20 report, or other writing or document.

21 ~~C.~~ ~~"Contact" is a sex-sharing or needle-sharing partner, a person who has had~~  
22 ~~contact with blood or body fluids to which universal precautions apply through~~  
23 ~~percutaneous inoculation or contact with an open wound, non-intact skin, or mucous~~  
24 ~~membrane, or a person who has otherwise been exposed to an HIV infected person~~  
25 ~~in such a way that infection may have occurred as defined by the Louisiana~~  
26 ~~Department of Health regulations based upon Center for Disease Control guidelines.~~

27 \* \* \*

1 SUBPART C. LOUISIANA ~~HEALTH CARE~~ HEALTHCARE

2 CONSUMERS' RIGHT TO KNOW

3 \* \* \*

4 §1173.2. Definitions

5 As used in this Subpart, the following terms have the meaning ascribed to  
6 them in this Section:

7 (1) "Confidential information" means at least one of the following:

8 (a) ~~Patient level~~ Patient-level data elements that could be used alone or in  
9 combination with other available data elements to identify a patient.

10 \* \* \*

11 §1173.3. Data collection; powers and duties of the Louisiana Department of Health

12 The department, through the office of public health and in consultation with  
13 the Health Data Panel, shall:

14 \* \* \*

15 (3) Identify the most practical methods to collect, transmit, and share  
16 required ~~health care~~ healthcare data as described in this Subpart.

17 \* \* \*

18 (8) Include, when appropriate, risk-adjustment measures into the production  
19 of all ~~health care~~ healthcare cost, quality, and performance data issued to account for  
20 variation in facility size, location, and patient acuity levels.

21 \* \* \*

22 §1173.4. Health Data Panel; advisory council to the secretary of the Louisiana

23 Department of Health

24 \* \* \*

25 B. Members of the Health Data Panel shall be appointed by the secretary and  
26 shall represent all interests involved in the collection and publication of ~~provider and~~  
27 ~~health plan specific~~ provider- and health plan-specific cost, quality, and performance  
28 data elements. Members shall include but not be limited to ~~health care~~ purchasers  
29 of health care, hospitals and other service providers, consumer and patient advocacy

1 groups, quality improvement and health information technology groups, physicians,  
2 and any other individuals or groups as deemed necessary by the secretary.

3 \* \* \*

4 §1173.5. Release of information

5 A. To ensure the privacy and protection of Louisianans' health information,  
6 the department shall not release confidential or protected health information  
7 collected from hospitals and other ~~health-care~~ healthcare providers pursuant to this  
8 Subpart. The department shall adhere to and comply fully with appropriate privacy  
9 protection protocols that are at least as stringent as the HIPAA Privacy Rule.

10 B. Notwithstanding Subsection A of this Section, the department may release  
11 data collected pursuant to this Subpart for the purpose of conducting ~~health-care~~  
12 healthcare research which is a systematic investigation, including research  
13 development, testing, and evaluation, designed to develop or contribute to  
14 generalizable knowledge. All requests for data collected pursuant to this Subpart  
15 shall be submitted to the department and reviewed by the department's Institutional  
16 Review Board. The department shall deny any requests for data that it determines  
17 will be utilized for business or commercial purposes, including but not limited to  
18 market analysis and software development. The department shall have one  
19 representative of the provider group whose data is subject to the data release on the  
20 Institutional Review Board.

21 C. Each data request shall state the proposed use of the data requested and  
22 include an affirmation by the recipient that no ~~attempts~~ attempt will be made to  
23 combine ~~patient level~~ patient-level data provided for in the request with other data  
24 to identify patients and that no confidential information shall be released.

25 \* \* \*

26 §1173.6. Violations; penalties

27 \* \* \*

28 B. All ~~health-care~~ healthcare providers licensed by the state, including but  
29 not limited to hospitals, outpatient surgical facilities, and outpatient clinical facilities

1 shall submit information in the manner and form prescribed in rules and regulations  
2 promulgated by the department pursuant to this Subpart.

3 \* \* \*

4 E. Renewal of state licenses issued by the Louisiana Department of Health,  
5 Department of Insurance, or health professional licensing, certification, or  
6 registration boards and commissions shall be predicated in part on compliance with  
7 data reporting requirements of this Subpart and rules and regulations promulgated  
8 thereunder. Prior to relicensing, the secretary shall confirm compliance with data  
9 reporting requirements in writing to the appropriate permitting or licensing authority.  
10 The permit, certification, or license of any ~~health-care~~ healthcare provider, health  
11 plan, or facility covered by this Subpart shall be suspended until such time as the  
12 required data is submitted to the department.

13 \* \* \*

14 §1183.2. Legislative findings; purpose

15 A. The legislature finds that:

16 (1) Federally Qualified Health Centers (FQHCs) provide most of the ~~health~~  
17 ~~care~~ healthcare services required by a substantial number of ~~low income~~ low-income  
18 residents living in the state and therefore constitute an invaluable part of the ~~health~~  
19 ~~care~~ healthcare delivery system of the state.

20 \* \* \*

21 (5) Absent intervention, continued reductions in the Medicare and Medicaid  
22 programs, as well as changes in ~~health-care~~ healthcare reimbursement methodologies  
23 and the continued spread of managed care, may result in the closure of the state's  
24 FQHCs, thereby jeopardizing the very existence of a vital link in the ~~health-care~~  
25 healthcare delivery system for residents residing in medically underserved areas of  
26 the state.

27 \* \* \*

28 §1183.4. Medical assistance programs; FQHC reimbursement

29 A. The department shall adopt regulations that provide the following:

1 (1) A Medicaid cost-based reimbursement methodology that reimburses  
 2 FQHCs for all costs related to patients, utilizing the most recent cost report  
 3 information available to the department. The department shall seek to ~~insure~~ ensure  
 4 that the reimbursement will be available to FQHCs under the Medicaid program,  
 5 either through payments received by FQHCs from managed care organizations  
 6 contracting with the department or its designee, or through supplemental payments  
 7 as necessary from the department based on availability of funds to the extent  
 8 permitted by federal law.

9 \* \* \*

10 §1189.2. Legislative findings; purpose

11 A. The legislature finds that:

12 (1) Small rural hospitals provide most of the health care services required by  
 13 a substantial number of ~~low income~~ low-income rural residents living in the state and  
 14 therefore constitute an invaluable part of the health care delivery system of the state.

15 \* \* \*

16 §1203.1. Definitions

17 For the purposes of this Part:

18 \* \* \*

19 (3) "Employer" means any of the following facilities, agencies, providers,  
 20 or programs:

21 \* \* \*

22 (o) An adult day ~~healthcare~~ health care provider as defined in R.S.  
 23 40:2120.42.

24 \* \* \*

25 (5) "Nonlicensed person" means any person who provides for compensation  
 26 nursing care or other health-related services directly related to patient care to  
 27 residents in or patients of a nursing facility, intermediate care facility for people with  
 28 developmental disabilities, adult residential care facility or provider, pediatric day  
 29 ~~healthcare~~ health care facility, adult day ~~healthcare~~ health care center, psychiatric



1 residential treatment facility, end stage renal disease facility, behavioral health  
 2 services provider, home health agency, hospice agency, provider of ambulance  
 3 services, hospital, adult brain injury facility, crisis receiving center, pain  
 4 management clinic, outpatient abortion facility, rural health clinic, ambulatory  
 5 surgical center, therapeutic group home, forensic supervised transitional residential  
 6 and aftercare facility, case management provider, or home- and community-based  
 7 service provider and who is not a licensed health provider. "Nonlicensed person"  
 8 also means any person who provides such services to individuals in their own homes  
 9 as an employee or contract provider of a home health agency, hospice, or home- and  
 10 community-based service provider. "Nonlicensed person" also means any other  
 11 direct service worker as defined in R.S. 40:2179 and 2179.1.

12 \* \* \*

13 §1211.4. Mammography and ultrasound reports; transmittal to patients required

14 \* \* \*

15 B.

16 \* \* \*

17 (2) A healthcare facility subject to the requirements of this Section may  
 18 transmit mammography and ultrasound reports to patients in any manner that  
 19 comports with the provisions of ~~42~~ 45 CFR Part 164 relative to security and privacy  
 20 of health information.

21 \* \* \*

22 §1217.16. Report

23 The medical center shall prepare and submit an annual report concerning its  
 24 findings, progress, and activities to the governor, the president of the Senate, the  
 25 speaker of the House of Representatives, and the chairmen of the House and Senate  
 26 ~~Committees on Health and Welfare~~ committees on health and welfare at least sixty  
 27 days prior to the legislative session and shall report on the state's total need in the  
 28 area of kidney health care.

29 \* \* \*

1 §1219.2. Definitions

2 As used in this Part, the following terms shall have the following meanings:

3 (1) "Federal poverty guidelines" means the most recent poverty guidelines  
4 as published in the ~~federal register~~ Federal Register by the United States Department  
5 of Health and Human Services.

6 \* \* \*

7 (3) ~~"Office" means the Office of Elderly Affairs within the governor's office.~~  
8 "Office of elderly affairs" and "office" mean the office of elderly affairs within the  
9 office of the governor.

10 \* \* \*

11 §1219.3. Louisiana Senior Rx and Aging and Disability Information Station  
12 Programs; legislative findings; creation; eligibility

13 A. The legislature finds that the pharmaceutical manufacturers, seeing a need  
14 for such programs, have created charitable programs to aid low-income seniors and  
15 persons with adult-onset disabilities with the cost of prescription drugs. The  
16 legislature recognizes that seniors and adults with disabilities need assistance in  
17 locating and accessing available supports and services. The legislature also finds  
18 that many persons are unaware of such programs or do not know how to apply for  
19 or need assistance in applying for such programs. It is the intent of the legislature  
20 that ~~programs be implemented in the Office of Elderly Affairs within the governor's~~  
21 ~~office~~ the office of elderly affairs implement programs to assist seniors and persons  
22 with an adult-onset disability in assessing those programs.

23 B. The Louisiana Senior Rx and Aging and Disability Information Station  
24 Programs are hereby established in the ~~Office of Elderly Affairs within the~~  
25 ~~governor's office~~ office of elderly affairs to help seniors and persons with adult-onset  
26 disabilities in accessing manufacturers' discount cards and pharmaceutical assistance  
27 programs and to assist such persons in applying for those and other supports and  
28 service programs.

29 \* \* \*

1 §1219.4. Services

2 A. Subject to appropriation for the programs, the ~~department~~ office shall  
3 provide assistance to persons determined to be eligible for services authorized by this  
4 Part. The assistance provided by the office shall include:

5 \* \* \*

6 §1221.2. Definitions

7 As used in this Part, the following terms shall have the meaning ascribed in  
8 this Section:

9 \* \* \*

10 (2) "Federal poverty level" means the most recent poverty guidelines as  
11 published in the ~~federal register~~ Federal Register by the United States Department  
12 of Health and Human Services.

13 \* \* \*

14 §1226.1. Definitions

15 As used in this Part, the following terms shall have the meanings ascribed to  
16 them in this Section unless otherwise provided for or unless the context otherwise  
17 indicates:

18 \* \* \*

19 (2) "Caregiver" means an individual who meets all of the following  
20 conditions:

21 \* \* \*

22 (c) Is identified by the patient or, if applicable, the legal guardian of the  
23 patient as a person who is involved with the health care of the patient pursuant to 45  
24 ~~C.F.R.~~ CFR §164.510(b), as it existed on January 1, 2015.

25 \* \* \*

26 §1231.5. Investment responsibilities

27 \* \* \*

28 E.(1) The board shall electronically submit semiannual reports beginning  
29 January 1, 2012, to the House Committee on Civil Law and Procedure and the Senate

1 Committee on Judiciary A. The reports shall be submitted no later than thirty  
2 calendar days after January first and July first of each year and shall contain the  
3 following:

4 \* \* \*

5 (c) The ~~board approved~~ board-approved target asset allocation.

6 \* \* \*

7 §1237.1. Definitions and general application

8 \* \* \*

9 J. The office of risk management, with the concurrence of counsel  
10 designated as provided for in Subsection I of this Section, shall have the authority  
11 to compromise or settle, and pay any suit or claim brought pursuant to this Part up  
12 to twenty-five thousand dollars exclusive of interest and costs. The compromise or  
13 settlement, and payment of any suit or claim of twenty-five thousand dollars or more,  
14 exclusive of interest and costs, shall be governed by the provisions of R.S.  
15 39:1535(B)(6) and (D)(1), as may be applicable.

16 \* \* \*

17 SUBPART B. ~~HEALTH CARE~~ HEALTHCARE PROVIDERS

18 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

19 §1243.1. ~~Health care~~ Healthcare providers; upper payment limit

20 A. Subject to appropriation, the Louisiana Department of Health may  
21 develop and maintain a Medicaid upper payment limit financing methodology which  
22 incorporates any ~~health-care~~ healthcare provider licensed by the Louisiana  
23 Department of Health. The purpose of developing an upper payment limit financing  
24 methodology is to enhance the delivery of ~~health-care~~ healthcare services to the  
25 uninsured and Medicaid patients. Any such upper payment limit financing  
26 methodology shall be in accordance with federal law and subject to approval by the  
27 Centers for Medicare and Medicaid Services.

28 \* \* \*

1 §1243.3. Upper payment limit mechanism for ambulatory surgical centers

2 A. The Louisiana Department of Health is authorized to seek approval from  
3 the ~~Center~~ Centers for Medicare and Medicaid Services of a program designed to  
4 reimburse ambulatory surgical centers that have an agreement with a governmental  
5 entity or entities to provide enhanced Medicaid services.

6 \* \* \*

7 §1253.3. Louisiana Behavioral Health Partnership; reporting

8 A. The Louisiana Department of Health shall submit an annual report for the  
9 Coordinated System of Care and an annual report for the Louisiana Behavioral  
10 Health Partnership to the Senate and House committees on health and welfare. The  
11 report shall be submitted by June thirtieth of each year, and the applicable reporting  
12 period shall be for the previous state fiscal year. The report shall include but not be  
13 limited to the following information:

14 \* \* \*

15 (9) The percentage of clean claims paid for each provider type within thirty  
16 calendar days and the average number of days to pay all claims for each ~~human~~  
17 ~~service district~~ human services district or authority or local government entity.

18 \* \* \*

19 §1261. Health report card

20 A.(1) The Louisiana Department of Health shall annually prepare a health  
21 report card indicating the overall state of health in Louisiana concerning but not  
22 limited to the following issues:

23 \* \* \*

24 (k) An assessment of the state ~~health care~~ healthcare delivery system.

25 \* \* \*

26 (3) Any benefits plan that contracts with the state to provide or coordinate  
27 the provision of ~~health care~~ healthcare services to a Medicaid recipient or other  
28 person whose enrollment costs are paid wholly or in part by the state under a  
29 Medicaid waiver shall submit a report card indicating the overall health of those

1 enrollees whose costs are paid wholly or in part by the state concerning but not  
2 limited to the issues delineated in Paragraph (1) of this Subsection. Such report card  
3 shall be prepared and submitted in accordance with guidelines established by the  
4 department and shall be included in the written report described in Subsection C of  
5 this Section.

6 \* \* \*

7 §1261.1. Managed care organization; report

8 \* \* \*

9 B. The report required by Subsection A of this Section shall contain issues  
10 listed in R.S. 40:1261(A).

11 \* \* \*

12 §1271.1. Infectious diseases; notification

13 \* \* \*

14 B.(1) Whenever a patient is admitted to a hospital or nursing home by a  
15 physician, and that physician has actual knowledge that the patient is infected with  
16 one or more of the conditions described in Subsection A ~~hereof~~ of this Section, and  
17 is aware of the transfer, the physician shall notify the hospital or nursing home of the  
18 patient's condition.

19 (2) Whenever a patient is transferred from a nursing home to a hospital, or  
20 from a hospital to a nursing home, and the transferor's records reflect that patient is  
21 infected with one or more of the conditions described in Subsection A ~~hereof~~ of this  
22 Section, the transferor shall notify the transferee of the patient's condition.

23 (3) Whenever a patient is admitted to or treated at a hospital or nursing home  
24 and the hospital or nursing home has actual knowledge that the patient is infected  
25 with one or more of the conditions described in Subsection A ~~hereof~~ of this Section,  
26 the hospital or nursing home shall notify all ~~health care~~ healthcare providers  
27 involved in the treatment of that patient ~~of the patient's condition~~.

28 \* \* \*

29

1 §1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties

2 A. In order to protect the people of this state from indiscriminate,  
3 unnecessary, and potentially harmful exposure to radiation, the operation or  
4 maintenance of any shoe fitting device or machine which uses fluoroscopic, X-ray,  
5 or radiation principles shall be unlawful in this state, except where such device or  
6 machine is used under the direct supervision of an individual licensed in the use of  
7 diagnostic or therapeutic ionizing radiation in this state.

8 B. Whoever violates any provision of this Section shall be guilty of a  
9 misdemeanor, punishable by a fine of not more than five hundred dollars or  
10 imprisonment for not more than six months, or both, and each act in violation ~~hereof~~  
11 of this Section shall constitute a separate offense.

#### 12 PART X. SPITTING ON FLOOR

13 §1279.1. Spitting on floors or walls of cars, depots, or public buildings prohibited;  
14 penalty

15 A. No person shall spit upon the floor or walls of any passenger car, street  
16 car, depot or waiting room, court house, church house, school house, or any other  
17 public building.

18 B. Whoever violates this Section shall be fined not less than five dollars nor  
19 more than twenty five dollars. In default of payment of fine and costs, the violator  
20 shall be imprisoned for not more than ten days.

#### 21 PART XI. WATER AND SEWERAGE

##### 22 SUBPART A. WATER SUPPLY AND SEWERAGE SYSTEMS

23 §1281.1. Definitions

24 As used in this Subpart, the following terms shall have the meaning ascribed  
25 in this Section:

26 ~~A. Committee--shall be~~ (1) "Committee" means the committee of  
27 certification.

28 ~~B. Certificate--a~~ (2) "Certificate" means a certificate of competency issued  
29 by the state health officer stating that the operator has met the requirements for the

1 specified operator classification as defined by the state health officer under R.S.  
2 40:1281.3.

3 ~~C. Louisiana conference--is~~ (3) "Louisiana conference" means the Louisiana  
4 Conference on Water Supply, Sewerage and Industrial Wastes.

5 ~~D. Operator--shall mean~~ (4) "Operator" means the individual, as determined  
6 by the committee of certification, in attendance on site of a water supply system or  
7 a sewerage system and whose performance, judgment, and direction affects either  
8 the safety, sanitary quality, or quantity of water or sewage treated or delivered.

9 ~~F. Sewage collection system--shall mean~~ (5) "Sewage collection system"  
10 means all components of a sewerage system except for the sewage treatment plant.

11 ~~G. Sewage treatment plant--shall mean~~ (6) "Sewage treatment plant" means  
12 the facility or group of units provided for the treatment of wastewater and for the  
13 reduction and handling of sludge removed from such wastewater.

14 ~~H. Sewerage system--shall mean~~ (7) "Sewerage system" means a system of  
15 piping and appurtenances, including sewage treatment facilities, for collecting and  
16 conveying wastewater from source to discharge.

17 ~~I. State health officer--The~~ (8) "State health officer" means the secretary of  
18 the Louisiana Department of Health, hereinafter referred to as the "department," or  
19 his designee as provided in R.S. 40:2.

20 ~~J. Wastewater--shall mean~~ (9) "Wastewater" means the spent water or  
21 sewage of a community containing the liquid or ~~water-carried~~ water-carried wastes  
22 from residences, commercial buildings, and institutions along with any groundwater,  
23 surface water, or storm water that may be commingled.

24 ~~K. Water distribution system--shall mean~~ (10) "Water distribution system"  
25 means that portion of the water supply system in which water is conveyed from the  
26 water treatment plant or other supply point to the premises of the consumer.

27 ~~L. Water production facility--shall mean~~ (11) "Water production facility"  
28 means the system of water wells, impoundments reservoirs, aqueducts, pumps,



1 pipelines and other appurtenances necessary to produce and deliver the water  
2 necessary for treatment and distribution to a community.

3 ~~M. Water supply system--shall mean~~ (12) "Water supply system" means the  
4 system of pipes, structures and facilities through which water is obtained, treated and  
5 sold, distributed or otherwise offered to the public for household or other uses.

6 ~~N. Water treatment plants--shall mean~~ (13) "Water treatment plant" means  
7 that portion of the water supply system which in some way alters the physical,  
8 chemical, or bacteriological quality of the water.

9 \* \* \*

10 §1285.3. Mandatory reporting of lead poisoning cases required; comprehensive  
11 records

12 A. Any local health officer, health unit supervisor, examining physician,  
13 hospital, public health nurse, or reporting person shall report to the state health  
14 officer or his designee the existence and circumstances of each case of lead  
15 poisoning known to ~~them~~ him and not previously reported. Such reports shall be  
16 made on forms prescribed by the state health officer or his designee. The state health  
17 officer shall by regulation, and in accordance with current technical knowledge and  
18 guidelines of the United States Centers for Disease Control and Prevention, United  
19 States Environmental Protection Agency, and United States Department of Housing  
20 and Urban Development ~~guidelines and current technical knowledge~~, define the  
21 terms "lead poisoning" and "previously reported" and what constitutes hazardous  
22 lead conditions in the environment.

23 B. When the state health officer or his designee is informed of a case of lead  
24 poisoning pursuant to Subsection A of this Section or otherwise, he shall strongly  
25 encourage the examination of all other children under the age of six years, and all  
26 other persons deemed at risk by the state health officer or his designee, residing or  
27 recently residing in the household of the person with lead poisoning. The results of  
28 such examinations shall be reported to the persons or agency reporting the original

1 case pursuant to Subsection A of this Section, and to such other persons or agencies  
2 as the state health officer or his designee deems advisable.

3 §1285.4. Program for detection of lead poisoning sources; voluntary and  
4 compulsory inspections; posting dangerous areas; mandatory physical  
5 examinations

6 A.(1) The state health officer or his designee shall establish a comprehensive  
7 program for detection of sources of lead poisoning. Such program shall attempt, to  
8 the extent permitted by appropriations, to locate all dwellings in which the paint,  
9 plaster, or other accessible substance contains dangerous amounts of lead. The  
10 means of detection and the amount of lead that produces the danger of lead poisoning  
11 shall be determined by regulation by the state health officer in accordance with  
12 current technical knowledge and guidelines of the United States Centers for Disease  
13 Control and Prevention, United States Environmental Protection Agency, and United  
14 States Department of Housing and Urban Development ~~guidelines and current~~  
15 ~~technical knowledge~~.

16 \* \* \*

17 §1285.7. Safety precautions; procedures for removal and repainting

18 \* \* \*

19 D. Every owner of residential premises who violates the provisions of this  
20 ~~section~~ Section shall commence correction of the condition constituting the violation  
21 within fifteen days after notification of the violation, which project shall be  
22 completed within thirty days.

23 \* \* \*

24 §1287.1. Equipment of steam plants in certain cities; penalty

25 A. The owner, manager, director, or agent of all steam plants located within  
26 incorporated cities of fifty thousand or more inhabitants shall provide, for the use of  
27 the steam plant, smoke consumers or other necessary appliances competent to  
28 consume not less than seventy-five per cent of the smoke resulting from the burning  
29 of fuel used in providing motive power for the plant.





1 §2009.1. Rules and regulations; nursing home advisory committee

2 \* \* \*

3 D. It shall be the duty of the nursing home advisory committee to study the  
4 requirements and regulations of the Louisiana Department of Health and the ~~U.S.~~  
5 United States Department of Health, Education and Welfare or its successor, as  
6 published in the Federal Register, in relation to the establishment of minimum  
7 standards of maintenance and operations of nursing homes, and interpret such  
8 regulations as apply to the administration and operation of nursing homes. The  
9 Louisiana Department of Health shall then review such interpretations and submit  
10 proposed rule changes to the committee for review prior to the publication of any  
11 notice of intended action in the Louisiana Register and Louisiana Journal as provided  
12 for in R.S. 49:953(A)(1).

13 \* \* \*

14 §2009.2. Definitions

15 For the purposes of R.S. 40:2009.1 through R.S. 40:2009.19, unless the  
16 context otherwise requires:

17 \* \* \*

18 (2) "Health care facility" means any provider of health services which is  
19 approved to receive ~~medicaid~~ Medicaid payments or which is a licensed nursing  
20 home.

21 (3) "Nursing facility", "nursing home", or "home" means a private home,  
22 institution, building, residence<sub>2</sub>, or other place; serving two or more persons who are  
23 not related by blood or marriage to the operator, whether operated for profit or not,  
24 and including those places operated by a political subdivision of the state of  
25 Louisiana, which undertakes, through its ownership or management, to provide  
26 maintenance, personal care, or nursing for persons who, by reason of illness<sub>2</sub> ~~or~~  
27 physical infirmity<sub>2</sub> or age, are unable to properly care for themselves. The term does  
28 not include the following:

29 \* \* \*

1 (b) A hospital, sanitarium, or other institution whose principal activity or  
2 business is the care and treatment of persons suffering from tuberculosis or from  
3 mental diseases.

4 (c) A hospital, sanitarium, or other medical institution whose principal  
5 activity or business is the diagnosis, care, and treatment of human illness through the  
6 maintenance and operation of organized facilities therefor.

7 (d) Any municipal, parish, or private child welfare agency, maternity  
8 hospital, or lying-in home required by law to be licensed by some other department  
9 or agency.

10 \* \* \*

11 (f) Any nonprofit congregate housing program which promotes independent  
12 living by providing assistance with daily living activities such as cooking, eating,  
13 dressing, getting out of bed, and the like to persons living in a shared group  
14 environment who do not require the medical supervision and nursing assistance  
15 provided by nursing homes. No congregate housing program, except those licensed  
16 or operated by the state of Louisiana, shall do any of the following:

17 ~~(1) use~~ (i) Use the term "nursing home" or any other term implying that it is  
18 a licensed health care facility; ~~or.~~

19 ~~(2) administer~~ (ii) Administer medications or otherwise provide any other  
20 nursing or medical service.

21 \* \* \*

22 (7) "Unit" means the ~~medicaid~~ Medicaid fraud control unit created within the  
23 office of criminal law of the Department of Justice and which is certified by the  
24 secretary of the United States Department of Health, Education and Welfare or its  
25 successor.

26 \* \* \*

27 §2009.6. Denial, revocation, or nonrenewal of license; grounds

28 A. An application for a license may be denied for any of the following  
29 reasons:

1 (1) Failure to meet any of the minimum standards prescribed by the  
2 department under ~~Subsection A of R.S. 40:2009.4;~~ R.S. 40:2009.4(A).

3 (2) Conviction of a felony, as shown by a certified copy of the record of the  
4 court of conviction of the applicant; or, if the applicant is a firm or corporation,  
5 conviction of any of its members or officers of a felony; or conviction of the person  
6 designated to manage or supervise the home of a felony;

7 (3) If the supervisor of the home is not reputable; ~~or~~

8 \* \* \*

9 B. A license may be revoked, or a renewal thereof denied for any of the  
10 following reasons:

11 (1) Cruelty or indifference to the welfare of the residents;

12 (2) Misappropriation or conversion of the property of the residents;

13 (3) Violation of any provision of R.S. 40:2009.1 through R.S. 40:2009.11 or  
14 of minimum standards, rules and regulations, or orders of the department  
15 promulgated thereunder; ~~or~~

16 \* \* \*

17 §2009.12. Sleeping potion, sedatives or injections without prescription; penalties

18 It shall be unlawful for anyone operating a nursing home, or any employee  
19 thereof, to administer any sleeping potion or sedative or any hypodermic injections  
20 without a doctor's prescription to any patron of any such nursing home. Any  
21 violation of this ~~section~~ Section by any employee, operator, or owner of a nursing  
22 home shall be cause for cancellation of license in accordance with the provisions of  
23 this Chapter, and such violator shall also be subject to the criminal penalties imposed  
24 by ~~R.S. 40:981~~ the Uniform Controlled Dangerous Substances Law, Part X of  
25 Chapter 4 of this Title, relating to narcotics or ~~R.S. 40:1046~~ relating to barbiturates  
26 insofar as applicable.

27 \* \* \*

1 §2009.18. Notification of the procedure

2 The Louisiana Department of Health shall prepare and distribute to nursing  
3 homes in quantities appropriate to carry out the intent of this ~~section~~ Section a  
4 booklet setting forth the complaint procedure established by R.S. 40:2009.13 through  
5 ~~40:2009.17~~ 2009.17. This booklet shall include a summary of costs which the Title  
6 XIX nursing home payments cover, a list of most additional kinds of costs which  
7 could be incurred but which Title XIX nursing home payments do not cover, and  
8 other information the department deems necessary to assist the families, and the  
9 individuals admitted, to a better understanding of the adjustments relative to living  
10 in a nursing home. The booklet shall be distributed by all licensed nursing homes  
11 to all current patients and to all new patients on the date of their admission. In  
12 addition, notice of this complaint procedure, complete with the name, address, and  
13 telephone number of the licensing and certification section of the office of  
14 management and finance of the Louisiana Department of Health, shall be posted  
15 conspicuously in the nursing home at places where patients gather, including, but not  
16 limited to, the administrative office, the dining hall, the activity room, and all nurses'  
17 stations.

18 \* \* \*

19 §2009.21. Mandatory screening of nursing home ~~medicaid~~ Medicaid patients with  
20 mental illness or developmental disabilities; implementation, review

21 \* \* \*

22 §2017.9. Medicare; use of information obtained; penalty

23 All files, records, reports, or other papers, or any information obtained at any  
24 time by the Louisiana Department of Health in the course of discharging its duties  
25 under any agreement with the United States of America through the Department of  
26 Health, Education and Welfare or its successor pertaining to Public Law 80-97,  
27 popularly known as the Medicare Act, shall be used solely for the purposes of such  
28 agreement; and it shall be unlawful, except for said purposes, for any person to  
29 solicit, disclose, receive or make use of or to authorize or knowingly permit,



1 participate in or acquiesce in the use of any information obtained by the Louisiana  
2 Department of Health pursuant to, or as a result of, any agreement with the United  
3 States of America as aforementioned. Nothing herein contained shall limit the use  
4 of records, reports, charts, documents or other papers or information as governed by  
5 R.S. 40:2013.3, R.S. 40:2014.1, R.S. 40:2016<sub>2</sub>, or R.S. 44:7.

6 \* \* \*

7 §2102. Definitions

8 As used in this Part:

9 (1) "Department" means the Louisiana Department of Health.

10 ~~Ⓐ~~ (2) "Hospital" means any institution, place, building, or agency, public  
11 or private, whether for profit or not, with facilities for the diagnosis, treatment, or  
12 care of persons who are suffering from illness, injury, infirmity, or deformity or  
13 other physical condition for which obstetrical, medical, or surgical services would  
14 be available and appropriate and which operates or is affiliated with facilities for the  
15 overnight care, observation, or recovery of those persons. The term "hospital" does  
16 not include the following:

17 ~~(1)~~ (a) Physicians' offices or clinics where patients are not regularly kept as  
18 bed patients for twenty-four hours or more.

19 ~~(2)~~ (b) Nursing homes as defined by and regulated under the provisions of  
20 R.S. 40:2009.1 through ~~R.S. 40:2009.12~~ 2009.12.

21 ~~(3)~~ (c) Persons, schools, institutions, or organizations engaged in the care  
22 and treatment of children with intellectual disabilities and which are required to be  
23 licensed by the provisions of the Developmental Disability Law (R.S. 28:451.1 et  
24 seq.).

25 ~~(4)~~ (d) Hospitalization or care facilities maintained by the state at any of its  
26 penal and correctional institutions provided that nothing herein contained shall  
27 prevent a penal or correctional institution from applying for licensure of its  
28 hospitalization or care facility.



1 from a hurricane or substantial structural damage from flooding in accordance with  
2 the Louisiana State Uniform Construction Code. The regulations adopted by the  
3 department shall include but not be limited to:

4 \* \* \*

5 (ii) Provisions for the fair allocation of the Medicaid share of ~~facility-specific~~  
6 facility-specific costs directly incurred by a facility as a result of compliance.

7 \* \* \*

8 (2) Sanitary conditions, practices, and environment and sanitary and  
9 sterilization procedures and practices designed to avoid sources and transmission of  
10 infections, including regulations governing the isolation of patients with  
11 communicable diseases.

12 (3) Diet related to the needs of each patient based on good nutritional  
13 practice and on recommendation of the attending physician; laboratory, X-ray, and  
14 pharmacy facilities or access of the hospital to such facilities; personnel having  
15 responsibility for any part of the care and treatment of patients.

16 (4) Equipment essential to the health, care, and maximum well-being of the  
17 patients of the hospital.

18 (5) Such other regulations or standards as will ~~insure~~ ensure proper care and  
19 treatment of patients as may be deemed necessary for an effective administration of  
20 this Part.

21 (6) Classification of hospitals and variation of standards so as to ~~insure~~  
22 ensure realistic, practical, and uniform standards for the hospitals in each  
23 classification. However, no rule, regulation, policy, or standard adopted by the  
24 secretary shall require a hospital located in a parish with a population of two hundred  
25 fifty thousand people or less to maintain personnel in-house with credentials to  
26 administer obstetric anesthesia on a twenty-four-hour basis in order to qualify for  
27 Medicaid reimbursement for Level III, neonatal, or obstetric medical services, or as  
28 a prerequisite for licensure to provide such services. Personnel with such credentials

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



1 §2116. Facility need review

2 \* \* \*

3 D.(1) In order to accomplish cost effectiveness of beds issued pursuant to a  
4 department waiver, the department may promulgate rules that include but are not  
5 limited to the following:

6 \* \* \*

7 (c) In order to achieve a reduction in long-term care institutional costs, a  
8 program for reduction of certificates of need for nursing facility beds, which may  
9 include a buy-back program, provided such a buy-back program is approved by the  
10 ~~Center~~ Centers for Medicaid and Medicare Services and is eligible for federal funds  
11 participation.

12 \* \* \*

13 §2116.32. Licensing of home health agencies; applications; fees, disposition of fees

14 \* \* \*

15 B. Except as provided in Subsection D of this Section, no license shall be  
16 issued to any home health agency unless that agency meets the minimum standards  
17 for home health agencies promulgated by the secretary and all licensure requirements  
18 as provided in this Part.

19 \* \* \*

20 §2116.34. Minimum standards; rules and regulations

21 \* \* \*

22 B. The secretary shall review annually the published minimum standards and  
23 rules and regulations referred to in Subsection A of this Section and report findings  
24 annually to the ~~Joint Health and Welfare Committee~~ House and Senate committees  
25 on health and welfare no less than sixty days prior to the regular session.

26 \* \* \*

27 §2117.5. Denial, nonrenewal, or revocation of license; grounds; notification; appeal

28 \* \* \*



1 §2120.5. License issuance; application; onsite inspection

2 \* \* \*

3 E. The licensing agency may perform an onsite inspection at reasonable  
4 times as necessary to ~~insure~~ ensure compliance with the provisions of this Part.

5 \* \* \*

6 §2120.44. Rules and regulations; licensing standards

7 \* \* \*

8 B. The department shall prescribe, promulgate, and publish rules,  
9 regulations, and licensing standards relative to adult day health care providers, to  
10 include but not be limited to the following:

11 \* \* \*

12 (9) Planning, construction, and design of the facility to ~~insure~~ ensure the  
13 health, safety, welfare, and comfort of patients, clients, and persons receiving  
14 services.

15 \* \* \*

16 §2120.45. License issuance; application; onsite inspection

17 \* \* \*

18 D. The department may perform an onsite inspection at reasonable times as  
19 necessary to ~~insure~~ ensure compliance with the provisions of this Part.

20 \* \* \*

21 §2144. Hospital Records and Retention Act

22 A. As used in this Section:

23 (1) "~~Health care~~ Healthcare provider" means a hospital, as defined in  
24 ~~Paragraph (3) hereof~~ this Subsection, and means a person, corporation, facility, or  
25 institution licensed by the state to provide health care or professional services as a  
26 physician, hospital, ambulatory surgical center, dentist, registered or licensed  
27 practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist,  
28 or psychologist, ~~and/or~~ or an officer, employee or agent thereof acting in the course  
29 and scope of his employment.







1 following the date an order is transmitted verbally or electronically to provide the  
2 signature or countersignature for such order.

3 \* \* \*

4 §2154. Applicability

5 A. The provisions of this Part shall not apply to the licensing of any of the  
6 following facilities or persons and shall not be construed as requiring any of the  
7 following facilities or persons to seek licensure as a behavioral health services  
8 provider:

9 \* \* \*

10 (6) Federally qualified health ~~care~~ centers certified by the federal  
11 government.

12 \* \* \*

13 (12) School-based health ~~clinics/centers~~ clinics and centers that are certified  
14 by the Louisiana Department of Health, office of public health, and enrolled in the  
15 Louisiana Medicaid ~~Program~~ program.

16 (13) A ~~health-care~~ healthcare provider or entity solely providing case  
17 management or peer support services, or a combination thereof.

18 \* \* \*

19 §2175.14. Department responsibilities

20 \* \* \*

21 E. The department shall report to the House and Senate ~~Committees on~~  
22 ~~Health and Welfare~~ committees on health and welfare within two years from the date  
23 of any licensure of an alternate health care model. The report shall include but not  
24 be limited to whether the alternate health care model improved access to health care,  
25 the quality of health care provided by the alternate health care model, and the cost  
26 and cost-effectiveness to the public, third-party payors, and government of the  
27 alternate health care model.

28 \* \* \*

1 §2179. Establishment of Direct Service Worker Registry

2 \* \* \*

3 D. The provisions of this Part shall not apply to religious nonmedical nursing  
4 personnel providing services through a religious nonmedical health care institution  
5 as defined in 42 ~~USC~~ U.S.C. 1395x.

6 \* \* \*

7 §2180.11. Purpose

8 The purpose of this ~~part~~ Part is to provide for the operation and maintenance  
9 of crisis receiving centers to provide for appropriate crisis identification,  
10 intervention, and stabilization services, including a coordinated system of entry for  
11 people in behavioral emergency rooms.

12 \* \* \*

13 §2189. Operating without or in violation of license; injunctive relief

14 If any hospice operates without a valid license issued by the department or  
15 if any organization or entity uses the term "hospice" in its name or represents itself  
16 as a "hospice" without being licensed as provided herein, the department may cause  
17 a civil suit for injunctive relief to be instituted in a district court in the parish in  
18 which the facility is located, including a temporary restraining order, to restrain the  
19 institution, agency, corporation, person or persons, or any other group operating the  
20 facility from continuing the violation. Nothing in this Section shall be construed to  
21 prohibit the use of the term "hospice" by nonprofit organizations qualifying under  
22 the provisions of 26 ~~C.F.R.~~ CFR 1.501(c)(3)-1, for the express purpose of providing  
23 support to licensed hospices in Louisiana.

24 \* \* \*

25 §2193.4. Department rules; regulations; licensing standards

26 The department shall promulgate rules and regulations in accordance with the  
27 Administrative Procedure Act as may be necessary to carry into effect the provisions  
28 of this Part. Such rules and regulations shall include but not be limited to the

1 following:

2 \* \* \*

3 (9) Construction and design of the facility to ~~insure~~ ensure the health, safety,  
4 welfare, and comfort of patients and clients.

5 \* \* \*

6 §2194.2. Definitions

7 As used in this Part, the following definitions shall apply:

8 \* \* \*

9 (4) "Indigent" means any person whose household income is one hundred  
10 eighty-five percent or less of the ~~federal poverty level~~ applicable federal poverty  
11 guideline as published in the Federal Register by the United States Department of  
12 Health and Human Services and who does not have medical insurance.

13 (5) "~~Low income~~ Low-income person" means any person whose income is  
14 greater than one hundred eighty-five percent of the ~~federal poverty level~~ applicable  
15 federal poverty guideline as published in the Federal Register by the United States  
16 Department of Health and Human Services and who meets the established criteria  
17 for services based on a sliding fee schedule assignment.

18 (6) "Program" means the Community-based Health Care Program for  
19 indigent and ~~low income~~ low-income persons.

20 \* \* \*

21 §2195.1. State Office of Rural Health

22 A. Within the Louisiana Department of Health, the Louisiana state office of  
23 rural health shall:

24 \* \* \*

25 (8) Initiate efforts for recruitment and retention of primary care professionals  
26 through the state loan repayment program as provided in ~~R.S. 40:1300.4~~ R.S.  
27 40:1205.4, and any other similar programs to increase the number of ~~health care~~  
28 healthcare professionals in rural areas.

1           (9) A primary function of this office shall be to increase the supply of  
 2 physicians and other ~~health-care~~ healthcare providers to the underserved areas of this  
 3 state. This office may seek grants and financial inducements to entice medical  
 4 students, nurse practitioners, physician assistants, and nurses to locate in the rural  
 5 area. This office may seek funds for equipment and ~~start-up~~ start-up costs for  
 6 medical providers wishing to locate in ~~under served~~ underserved areas.

\* \* \*

8           (11) Develop and implement a strategic plan for the purposes of maintaining,  
 9 enhancing, and expanding services currently offered by rural ~~health-care~~ healthcare  
 10 providers, including rural hospitals as defined in ~~R.S. 40:1300.143~~ R.S. 40:1189.3,  
 11 to obtain additional grants and funding from any and all public or private entities,  
 12 including but not limited to the United States Department of Health and Human  
 13 Services, the United States Department of Agriculture, and charitable organizations  
 14 and foundations. In developing and implementing a strategic plan pursuant to this  
 15 Paragraph, the secretary of the Louisiana Department of Health shall consult with  
 16 rural ~~health-care~~ healthcare provider organizations. In addition the secretary shall  
 17 submit a report to the legislature at least sixty days prior to the beginning of each  
 18 regular session of the legislature detailing the progress in implementing the strategic  
 19 plan. The report shall also set out the goals and objectives of the strategic plan for  
 20 the next state fiscal session including the level of funding necessary to achieve those  
 21 goals and objectives.

\* \* \*

23           C. The purpose of this Section is to stimulate business and industrial growth  
 24 and provide for a better delivery of health and medical services in these areas of the  
 25 state by the coordination of economic development and ~~health-care~~ healthcare  
 26 resources, whether such resources originate from state or federal plans or programs,  
 27 and to create priority ~~health-care~~ healthcare and economic development zones to  
 28 better serve the citizens of the region.

1 §2195.2. Grants and funding; Community-Based and Rural Health Care Fund

2 A. Subject to the availability of funding, the Louisiana Department of Health  
3 is authorized to provide:

4 (1) Grants to rural hospitals in amounts not to exceed seventy-five thousand  
5 dollars per year in order to increase access to emergency health services to indigent  
6 and ~~low income~~ low-income citizens in rural areas.

7 (2) Start-up funding in amounts not to exceed one hundred fifty thousand  
8 dollars for the purpose of providing initial start-up costs for establishment of primary  
9 care health clinics designed to serve indigent and ~~low income~~ low-income citizens.

10 \* \* \*

11 (4) Matching funds for demonstration projects, including but not limited to  
12 establishment or acquisition of mobile health clinics, to organizations providing  
13 ~~health care~~ healthcare services to indigent and ~~low income~~ low-income citizens  
14 living in local communities and rural areas; however, such projects shall be required  
15 to secure other local or federal funding.

16 (5) Matching funds for federal grants designed to provide health services to  
17 indigent or ~~low income~~ low-income citizens in local communities and rural areas.

18 \* \* \*

19 §2196.1. Definitions

20 As used in this Part, unless otherwise indicated:

21 \* \* \*

22 (4) "Indigent" means any resident of the state whose income is below one  
23 hundred eighty-five percent of the ~~federal poverty level~~ applicable federal poverty  
24 guideline as published in the Federal Register by the United States Department of  
25 Health and Human Services.

26 \* \* \*

27 §2197. Licensure of rural health clinics

28 A. In order to receive certification by the Health Care Financing  
29 Administration, or its successor, and designated reimbursement for any rural health

1 clinic service under Medicaid ~~and/or~~ or Medicare, a rural health clinic, as defined  
2 herein, shall be licensed as such by the Louisiana Department of Health. Designated  
3 Medicaid reimbursement for any service as a rural health clinic in the state, which  
4 is not licensed as such, is prohibited.

5 \* \* \*

6 D. For purposes of this Part, a "rural health clinic" means a facility which is  
7 engaged in furnishing primary health services to outpatients by physicians, physician  
8 assistants, or nurse practitioners, including but not limited to health services related  
9 to family medicine, internal medicine, pediatrics, obstetrics, and gynecology, and  
10 such services and supplies incident thereto. Such facility shall be located in an area  
11 that is not an urbanized area, as defined by the Bureau of the Census, in which there  
12 are insufficient numbers of needed ~~healthcare~~ healthcare practitioners, as determined  
13 by the secretary of the United States Department of Health and Human Services, and  
14 which has been determined to be a rural health clinic by the secretary of ~~said~~ that  
15 department under 42 U.S.C. 1395aa(a).

16 E. Nothing in this Part shall restrict the ability of any private physician to  
17 receive reimbursement under Medicaid ~~and/or~~ or Medicare for services provided  
18 other than rural health clinic services.

19 F.(1) No provision of this Part, or any rule or regulation adopted pursuant  
20 thereto, restricting location of a rural health clinic; shall apply to an applicant for  
21 licensure as a rural health clinic if the applicant or a related entity agreed to establish  
22 such clinic as part of an agreement providing for the sale or transfer of a hospital  
23 service district hospital approved by the electorate of the district prior to July 1,  
24 1997.

25 (2) A rural health clinic described in Paragraph (1) of this Subsection shall  
26 not be required to be licensed by the state in order to receive certification as a rural  
27 health clinic by the Health Care Financing Administration, or its successor, for a  
28 period of one year after July 15, 1997.

1           G. Notwithstanding the provisions of Subsection A of this Section to the  
 2           contrary, a rural health clinic that meets the definition of the Health Care Financing  
 3           Administration, or its successor, as hospital-based and is operated by a rural hospital  
 4           as defined in ~~R.S. 40:1300.143(3)~~ R.S. 40:1189.3 shall not be required to secure a  
 5           separate license to receive certification by the Health Care Financing Administration,  
 6           or its successor, and designated reimbursement under Medicaid and Medicare as long  
 7           as the rural hospital meets state licensure requirements. Such hospital shall assure  
 8           that the clinic meets all other requirements of this Section, as well as any pursuant  
 9           rules and regulations promulgated by the Louisiana Department of Health pertaining  
 10          to rural health clinics. The provisions of this Subsection shall only become effective  
 11          if and when the Louisiana Department of Health receives a determination from the  
 12          Health Care Financing Administration, or its successor, that rural health clinic  
 13          services are considered outpatient hospital services and eligible for uncompensated  
 14          care costs reimbursement only if the rural health clinic services are not performed  
 15          in a separately licensed facility.

\* \* \*

17 §2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

18           A.(1) For purposes of this Part, "facility" shall mean any one or more of the  
 19           following: an adult day health care facility, substance abuse/addiction treatment  
 20           facility, ambulatory surgery center, case management facility, urine drug screening  
 21           facility, mobile cholesterol screening facility, end stage renal disease facility,  
 22           supplier of portable X-ray services, home health agency, hospice, hospital, ICF/DD  
 23           facility, outpatient abortion facility, or any other ~~health care~~ healthcare provider  
 24           licensed or certified by the Louisiana Department of Health.

\* \* \*

26           (5) A "facility" shall not include any individual ~~health care~~ healthcare  
 27           provider who is licensed or certified by one of the boards under the Louisiana  
 28           Department of Health. These boards include but are not limited to the Louisiana  
 29           Board of Pharmacy, ~~Board of Louisiana~~ Physical Therapy Board, ~~Board of Licensed~~





1 §2202. Definitions

2 As used in this Part, the following definitions shall apply:

3 \* \* \*

4 (3) "Group purchaser" shall mean an organization or entity which contracts  
5 with providers for the purpose of establishing a preferred provider organization.

6 "Group purchaser" may include:

7 (a) Entities which contract for the benefit of their insured, employees, or  
8 members such as insurers, self-funded organizations, Taft-Hartley trusts, or  
9 employers who establish or participate in ~~self-funded~~ self-funded trusts or programs.

10 (b) Entities which serve as brokers for the formation of such contracts,  
11 including health care financiers, third party administrators, providers<sub>2</sub> or other  
12 intermediaries.

13 \* \* \*

14 (5)(a) "~~Preferred Provider Organization~~ provider organization (P.P.O.)" shall  
15 mean a contractual agreement or agreements between a provider or providers and a  
16 group purchaser or purchasers to provide for alternative rates of payment specified  
17 in advance for a defined period of time in which:

18 (i) The provider agrees to accept these alternative rates of payment offered  
19 by group purchasers to their members whenever a member chooses to use its  
20 services, ~~and~~

21 (ii) There is a tangible benefit to the provider in offering such alternative  
22 rates of payment to the group purchaser.

23 \* \* \*

24 (e) Preferred provider contracts should include, but not be limited to, the  
25 following components:

26 (i) Participating in a resource monitoring component to ~~insure~~ ensure quality  
27 control both for patient care and cost effectiveness.

28 \* \* \*



1 §2253. Limitations on implementation

2 The department shall not implement this Part unless approval of a federal  
3 Medicaid waiver submitted to the United States Department of Health and Human  
4 Services, Health Care Financing Administration, or its successor, on or after  
5 December 31, 1994, authorizing the state to utilize health insurance organizations,  
6 health maintenance organizations, or managed care organizations for Medicaid  
7 recipients is received.

8 \* \* \*

9 §2353. Duties

10 The council shall have the following duties:

11 ~~(a)~~ (1) To advise the governor on all matters pertaining to pollution control,  
12 management of natural resources, and land use activities within the state;

13 ~~(b)~~ (2) To serve as a coordinating body to ~~insure~~ ensure that activities of the  
14 several agencies functioning in this field are directed toward the goal of this  
15 legislation;

16 ~~(c)~~ (3) To serve as a clearinghouse for all statements of environmental  
17 impact prepared or reviewed by state agencies in accordance with ~~PE~~ Public Law 91-  
18 190, "The National Environmental Policy Act"; ~~and~~.

19 ~~(d)~~ (4) To function in conjunction with all state and federal agencies to  
20 develop interrelated environmental quality criteria and long-range environmental  
21 quality goals.

22 \* \* \*

23 §2404. Powers of the council

24 In addition to any other powers conferred upon the council elsewhere herein  
25 or by other law, the council shall have the following powers:

26 \* \* \*

27 (5) To inspect and evaluate all law enforcement training centers, programs,  
28 and courses to ~~insure~~ ensure compliance with the state's law enforcement training  
29 standards. Such inspection and evaluation shall include a comprehensive

1 performance review at least once every four years. Any training center which is  
2 determined not to meet the state's law enforcement training standards pursuant to  
3 such a performance review shall be subject to probation or loss of its accreditation  
4 as provided in Paragraph (8) of this Section.

5 \* \* \*

6 §2477. Request for waiver to provide in-home and community services

7 The secretary is authorized to submit waiver requests to the Health Care  
8 Financing Administration of the United States Department of Health and Human  
9 Services or its successor in accordance with the provisions of Section 2176 of Public  
10 Law 97-35, "The Omnibus Budget Reconciliation Act of 1981,"<sup>2</sup> to enable the  
11 department to provide a broad array of ~~home~~ home- and community-based services  
12 under the Medicaid program to carry out the purposes of this Chapter. No payment  
13 shall be made ~~under~~ pursuant to the provisions of this Chapter for services which  
14 would exceed the scope or duration of a federally approved state waiver request.

15 §2481. Findings; statement of purpose

16 The legislature finds and declares that the rising incidence of heart disease,  
17 kidney disease, and heart stroke is causing increased concern among public health  
18 officials and private practitioners who feel that it is imperative that new initiatives  
19 be developed to combat the high blood pressure which is so often associated with  
20 these ~~life-threatening~~ life-threatening conditions. The legislature further finds that  
21 the establishment of a comprehensive hypertension control program is in the best  
22 interests of the citizens of the state and should be established to minimize the  
23 incidence of death and disability which so often accompany uncontrolled high blood  
24 pressure.

25 \* \* \*

26 §2530.4. Administration

27 \* \* \*

28 B. A notification system developed under the provisions of this Chapter shall

1 include, but not be limited to, the following items:

2 \* \* \*

3 (3) Whether the circumstances of the person deemed missing are aggravated  
4 due to the age of the person or a ~~life-threatening~~ life-threatening medical condition  
5 or situation which requires the person to take life-sustaining medication.

6 \* \* \*

7 §2845. Board; functions, powers, and duties

8 A. The board shall:

9 \* \* \*

10 (6)(a) Establish and maintain a statewide trauma registry to collect and  
11 analyze data on the incidence, severity, and causes of trauma, including traumatic  
12 brain injury. The registry shall be used to improve the availability and delivery of  
13 pre-hospital or out-of-hospital care and hospital trauma care services.

14 (a) (b) The board shall promulgate rules and regulations according to the  
15 Administrative Procedure Act to do the following:

16 (i) Define specific data elements required to be furnished to the registry by  
17 every ~~health-care~~ healthcare facility certified by the department as a trauma center.

18 (ii) Define trauma data elements that all other ~~health-care~~ healthcare facilities  
19 shall be required to furnish to the registry.

20 (iii) Establish a process for submission, analysis, and reporting of registry  
21 data.

22 (b) (c) Required reporting to the state trauma registry is contingent on LERN  
23 providing adequate financial support through the Louisiana Emergency Response  
24 Network Fund to cover administrative costs.

25 \* \* \*

26 C.(1) The board shall submit an annual written report to the Senate and  
27 House ~~Committees on Health and Welfare~~ committees on health and welfare at least  
28 thirty days prior to each regular session. The report shall include a summary of the  
29 data relevant to the goals set forth in Paragraph (A)(2) of this Section and all other

1 information relevant to trauma-patient care and its delivery in Louisiana through the  
2 network.

3 (2) The board shall submit any additional reports or information to the  
4 secretary of the department upon request of the secretary and the Senate and House  
5 ~~Committees on Health and Welfare~~ committees on health and welfare upon request  
6 of the chairman of either committee.

7 \* \* \*

8 Section 5. R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 56(A), (B)(1), (F)(4)(b), and (J),  
9 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(introductory paragraph),  
10 114.3(A), 121(1)(introductory paragraph), 123(D)(3) and (K)(3), 153(C), 153.4(F)(2),  
11 156(A) and (B), 157 through 159, 159.1(C) and (D), 160.1(10), 231.2(A)(1)(introductory  
12 paragraph) and (B)(introductory paragraph), 231.4(E), 232, 234, 234.1, 236.1.2(B)(1) and  
13 (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E), 237(B)(15), 285(D), 286,  
14 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B) through (E), 447.2(A)(2), (B)(1) and (3),  
15 and (D)(introductory paragraph), (1), and (2), 450.1(A) and (B)(6), 450.3(B)(introductory  
16 paragraph), 460.1, 460.4(D), 465, 923(A) and (B), 924(A) and (B), 932(13)(c) and (14), 936,  
17 972, 975(C)(2), 976(A)(3)(c) and (5)(a) through (c) and (d)(i), (B)(3)(b), (C)(introductory  
18 paragraph), and (E), 977.2, 977.3(3), 977.5(A)(2) and (C)(1), 977.8, 977.9(A) and (D)(1),  
19 977.10(4), 979.4(H), 1052(introductory paragraph), 1056(A), 1057(introductory paragraph),  
20 (10), and (11), the heading of Chapter 10-D of Title 46 of the Louisiana Revised Statutes of  
21 1950, R.S. 46:1194(introductory paragraph) and (1), 1195(A)(2) and (B) through (D), 1402,  
22 1403.1, 1433(Section heading), 1602(A), (D), and (F)(1)(a)(i) through (iii) and (b), 1906.2,  
23 1953(F), 1954(B), 2121(C), 2125(A), 2127(C), 2135(C), 2136(A)(4)(b) and (c), 2254(F)(2),  
24 2256(B) and (C), 2352(4), 2402(3) and (5), 2603(A)(4) and (B)(introductory paragraph),  
25 2692(A)(1) and (C), 2702(8) and (9), 2704(B), 2722(B), 2731(B)(2), (C)(3), (D)(3) and (4),  
26 (E), and (F), and 2758.2(C)(1) are hereby amended and reenacted to read as follows:

1 §3. Trustees or administrators shall not be interested in contracts with or sales to  
2 charitable institutions; penalties

3 A. No member of the board of trustees, nor any administrator of any  
4 charitable institution of the state, shall receive any appointment in the institution, nor  
5 shall any member of the boards of trustees, or administrators, nor any officer  
6 appointed by either of them, be concerned directly or indirectly in any contract, ~~or~~  
7 in the furnishing of supplies, or in the purchase or sale of any article of property or  
8 value for or on account of these institutions.

9 B. Whoever violates the provisions of this Section shall be fined or  
10 imprisoned, or both, at the discretion of the court.

11 \* \* \*

12 §6. Admission criteria to state-supported charity hospitals

13 Any bona fide resident of the state of Louisiana who is in need of medical  
14 services, including but not limited to the uninsured, shall be eligible for treatment by  
15 any general hospital owned or operated by the board in accordance with policy  
16 adopted by the LSU Board of Supervisors. However, any person with an income  
17 greater than two hundred percent of the ~~federal poverty level~~ applicable federal  
18 poverty guideline as published in the Federal Register by the United States  
19 Department of Health and Human Services and who is otherwise eligible for  
20 treatment may be denied access to non-emergency medical care if such person  
21 refuses to pay any appropriately adopted reasonable charges for treatment or service  
22 received, unless the patient's clinical condition requires immediate treatment as  
23 determined by the patient's treating physician, or if the person has been treated in the  
24 past, billed based upon his or her ability to pay, and has refused to pay for previous  
25 medical services without justifiable excuse or to make arrangements for periodic  
26 partial payments, unless the patient's clinical condition requires immediate treatment  
27 as determined by the patient's treating physician or medical director. In no event  
28 shall emergency treatment be denied to anyone; and in no event shall any person  
29 housed in any parish jail facility or state prison in the state of Louisiana, irrespective



1 of his state of residency, be denied medically necessary medical treatment in the  
2 nearest general hospital owned or operated by the board. Further, any prisoner  
3 treated at a general hospital owned or operated by the board shall have those services  
4 paid through the facility receiving state funding for the incarceration of ~~said~~ that  
5 prisoner.

6 \* \* \*

7 §9. Copy of petition to be served on hospital when patients sue for injuries

8 \* \* \*

9 B. No court of this state shall proceed with the trial of any suit involving any  
10 claim referred to in this Section; unless a copy of the petition has been served as  
11 required; or such service has been waived as provided in Subsection C of this  
12 Section.

13 C. Nothing in this Section shall prevent the plaintiff or his attorney and the  
14 attorney representing the charity hospital or veterans administration hospital from  
15 entering into a written agreement stipulating that in the event of a favorable  
16 judgment for the plaintiff, the bills for services due the hospital shall be paid before  
17 all other disbursements of the award. Such an agreement may be accompanied by  
18 a waiver of the service of the petition upon the hospital otherwise required in  
19 Subsection A of this Section.

20 \* \* \*

21 §52.1. Integrated case management; "No Wrong Door"

22 \* \* \*

23 F. This state leadership group shall:

24 \* \* \*

25 (3) Lead execution of service integration plans to include:

26 \* \* \*

27 (b) Screening, eligibility, and redeterminations for temporary assistance  
28 programs, Medicaid, and ~~food stamps~~ nutrition assistance benefits.

29 \* \* \*

1 §56. Applications and client case records; definitions; confidentiality; waiver;  
2 penalty

3 A. Applications for assistance and information contained in case records of  
4 clients of the Louisiana Department of Health, the Department of Children and  
5 Family Services, or the ~~Office of Elderly Affairs~~ office of elderly affairs, for the  
6 purpose of adult protective services, shall be confidential and, except as otherwise  
7 provided, it shall be unlawful for any person to solicit, disclose, receive, make use  
8 of, or to authorize, knowingly permit, participate in, or acquiesce in the use of  
9 applications or client case records or the information contained therein for any  
10 purpose not directly connected with the administration of the programs of the  
11 department.

12 B.(1) For the purposes of this Section, "department" means the Louisiana  
13 Department of Health, the Department of Children and Family Services, and the  
14 adult protection agency as provided in R.S. 15:1503(4). It is the express intent of  
15 this Section that the Louisiana Department of Health, the Department of Children  
16 and Family Services, and, for the purpose of adult protective services, the ~~Office of~~  
17 ~~Elderly Affairs~~ office of elderly affairs share access to each other's case records to  
18 the extent that such access is not prohibited by any contrary provision of federal law  
19 or regulation.

20 \* \* \*

21 F. The following information shall not be subject to waiver and shall not be  
22 released to applicants, recipients, or outside sources, except those outside sources  
23 engaged in the administration of the programs of the department:

24 \* \* \*

25 (4)

26 \* \* \*

27 (b) In addition, the department may release information to other agencies of  
28 state government that are engaged in rendering services or treatment to a department  
29 recipient or former recipient. The agency receiving the information from the

1 department ~~under~~ pursuant to this Paragraph shall be bound by the same  
 2 confidentiality standard as prescribed in this Section with regard to release of this  
 3 information to the recipient, the client's legal representative, or an outside source.  
 4 The Louisiana Department of Health, the Department of Children and Family  
 5 Services, and, for the purpose of adult protective services, the ~~Office of Elderly~~  
 6 ~~Affairs~~ office of elderly affairs may release information to each other for the purpose  
 7 of furthering services or treatment to clients or recipients of services of either  
 8 department. Information subject to release ~~under~~ pursuant to this Section that is  
 9 covered by federal statutes or regulations restricting release of the information shall  
 10 be released only in accordance with the federal statutes or regulations.

11 \* \* \*

12 J. Notwithstanding the foregoing provisions of this Section, the department  
 13 shall maintain in each parish or district office a current monthly roster or listing by  
 14 category of recipients of public assistance showing the names and amounts received  
 15 by each. ~~Said~~ Such roster shall not contain information pertaining to ~~food stamps~~  
 16 nutrition assistance benefits or the Medicaid Program (Title XIX of the Social  
 17 Security Act). ~~This~~ The roster shall be kept available in the reception room or some  
 18 conspicuous place during regular office hours of each parish office, to any person  
 19 wishing to view the contents. The department shall supply the parish or district  
 20 offices with forms, one of which shall be filled out, dated, and signed by each person  
 21 wishing to avail himself of the provisions of this Subsection. However, it shall be  
 22 unlawful to use its contents for political or commercial purposes.

23 \* \* \*

24 §59. Welfare demonstration, experimental and other projects

25 The Department of Children and Family Services and the Louisiana  
 26 Department of Health ~~is~~ are authorized to make use of ~~its~~ staff and equipment to  
 27 carry out experimental and demonstration projects whose costs are otherwise totally  
 28 financed by the federal government under the provisions of the Social Security Act

1 (42 U.S.C. 1315) or any other programs totally financed from federal funds.

2 \* \* \*

3 §61. Elderly abuse; release of information

4 A.(1) The Louisiana Department of Health shall, following an investigation  
5 by the department, the ~~Office of Elderly Affairs~~ office of elderly affairs, the office  
6 of the attorney general, or a local law enforcement agency, of any report of elderly  
7 abuse and the conviction of any person investigated for such abuse or the entering  
8 of a plea of guilty or nolo contendere by any person so investigated who is accused  
9 of such abuse, make available to any ~~health care~~ healthcare facility licensed by the  
10 department, upon request, the name and a photograph of any such person who has  
11 been convicted of or pled guilty or nolo contendere to a crime involving elderly  
12 abuse.

13 \* \* \*

14 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any  
15 person sixty years of age or older and shall include the abuse of any person with an  
16 infirmity residing in a ~~state licensed~~ state-licensed facility.

17 \* \* \*

18 C. The department, in consultation with the ~~Office of Elderly Affairs~~ office  
19 of elderly affairs, shall adopt and promulgate rules and regulations in accordance  
20 with the Administrative Procedure Act to implement the provisions of this Section,  
21 including provisions which establish procedures under which the department shall  
22 request information from law enforcement officials and district attorneys and which  
23 establish procedures under which ~~health care~~ healthcare facilities may request  
24 information concerning whether or not a person has been convicted of or pled guilty  
25 or nolo contendere to a crime listed in R.S. 14:403.2.

26 \* \* \*

27 §107. Appeal and review; venue for judicial review

28 A.(1) The Department of Children and Family Services; and the office of the  
29 secretary of the Louisiana Department of Health ~~office of the secretary~~, through their





1 D.

2 \* \* \*

3 (3) If the third party administrator approves a claim, it shall determine when  
4 the claim shall be paid, the amount of payment, to whom the payment shall be made,  
5 and such other matters as it deems necessary and appropriate.

6 \* \* \*

7 K.

8 \* \* \*

9 (3) Although confidential, records relating to applications and the identity  
10 of applicants and their related activated military personnel or honorably discharged  
11 active-duty military personnel shall be available to necessary parties such as the  
12 legislative auditor, legislative oversight committees for rules and annual reports, and  
13 such other parties as necessary for prudent administration of the program and  
14 verification of elements of application.

15 \* \* \*

16 §153. Medical assistance; estate recovery program

17 \* \* \*

18 C. Except to the extent that the responsibility for payment for medical care  
19 of certain persons is transferred to the department in Subsection A ~~above~~ of this  
20 Section and the pertinent rules and regulations subsequently adopted, the care and  
21 treatment of medically indigent persons shall remain the responsibility of the various  
22 charity hospitals of this state as provided by existing law.

23 \* \* \*

24 §153.4. Medicaid Estate Recovery, legislative findings

25 \* \* \*

26 F.

27 \* \* \*

28 (2) An undue hardship to any heir, as defined by rule, shall exist if an heir's  
29 family income is three hundred percent or less of the ~~U.S. Department of Health and~~

1 ~~Human Services Federal Poverty Level Guidelines as published annually in the~~  
2 ~~Federal Register~~ applicable federal poverty guideline as published in the Federal  
3 Register by the United States Department of Health and Human Services.

4 \* \* \*

5 §156. Supplementary assistance to persons who are aged, blind, or have disabilities

6 A. Any person who is aged, blind, or has a disability, within the meaning of  
7 Subchapter XVI of Chapter Seven of the Social Security Act, as amended, who, for  
8 the month of December, 1973, was a recipient of old age assistance, disability  
9 assistance, or aid to the needy blind, and is a recipient of supplemental security  
10 income under Subchapter XVI of Chapter Seven of the Social Security Act, as  
11 amended, shall be entitled to receive a monthly supplementary payment in the  
12 amount described in Subsection B ~~below~~ of this Section, such payment to terminate  
13 the month in which such individual dies or the first month such individual ceases to  
14 be eligible for supplemental security income under Subchapter XVI of Chapter  
15 Seven of the Social Security Act, as amended.

16 B. The supplementary payment referred to in Subsection A ~~above~~ of this  
17 Section shall be in an amount equal to the amount by which the individual's  
18 December, 1973 income exceeds the amount of such individual's Subchapter XVI  
19 of Chapter Seven benefit plus other income for such month. For purposes of this  
20 subsection, the terms "December, 1973 income" and "Subchapter XVI of Chapter  
21 Seven benefit plus other income" shall have the meaning given to ~~said~~ those terms  
22 in Act of July 9, 1973, Public Law 93-66, Section 212(a)(3), 87 Stat. 152.

23 \* \* \*

24 §157. Prosthetic dentures; eligibility; rules and regulations

25 A. The ~~office of family security~~ bureau of health services financing of the  
26 Louisiana Department of Health shall make available to persons of this state who are  
27 eligible for Medicaid benefits under Title XIX of the Social Security Act, prosthetic  
28 dentures, upon certification by a dentist licensed under Louisiana law that the person



1 is in need of prosthetic dentures, and upon certification of such need by the  
2 Louisiana Department of Health.

3 B. The secretary of the Louisiana Department of Health shall promulgate the  
4 necessary rules and regulations to implement the provisions of this Section. Such  
5 rules and regulations shall ~~insure~~ ensure that no charge for ~~such~~ prosthetic dentures  
6 shall be approved for payment in excess of that normally received in private  
7 commercial relationships for the manufacture and fitting of such dentures, based on  
8 the nature and quality of dentures provided, the extent of professional services  
9 rendered, and the fees normally and customarily received in the area where the fitting  
10 occurred.

11 §158. Prohibition of discrimination against dental care services

12 The ~~office of family security~~, bureau of health services financing of the  
13 Louisiana Department of Health; shall make available to persons who are eligible for  
14 Medicaid benefits under Title XIX of the Social Security Act, 42 ~~USCA~~ U.S.C.A.  
15 Sec. 1396 et seq., inpatient hospital services, outpatient hospital services, prescribed  
16 drugs, and all other services incident to professional treatment provided by a licensed  
17 dentist when the treatment and service is otherwise authorized and included in the  
18 Louisiana state plan for medical and dental assistance when provided or prescribed  
19 by a physician or any other licensed practitioner of the healing arts, provided that the  
20 dental health care shall be within the scope of dental professional practice as defined  
21 by R.S. 37:751 et seq.

22 §159. Prohibition of discrimination against podiatric services

23 The office of the secretary of the Louisiana Department of Health shall make  
24 available to persons who are eligible for Medicaid benefits under Title XIX of the  
25 Social Security Act, 42 ~~USCA~~ U.S.C.A. Sec. 1396 et seq., inpatient hospital services,  
26 outpatient hospital services, prescribed drugs, and all other services incident to  
27 professional treatment provided by a licensed podiatrist when the treatment and  
28 service is otherwise authorized and included in the Louisiana state plan for medical  
29 assistance when provided or prescribed by a physician or any other licensed

1 practitioner of the healing arts, provided that the podiatric health care shall be within  
2 the scope of podiatric professional practice as defined by R.S. 37:611 et seq.

3 §159.1. Hospice care pilot program; rules and regulations

4 \* \* \*

5 C. Coverage of hospice care under the pilot project shall be in accordance  
6 with 42 U.S.C. 1396d(o), the Medicare Hospice Program guidelines as set forth in  
7 ~~42 C.F.R.~~ CFR Part 418, and Sections 4305-4308.2 of the federal Centers for  
8 Medicare and Medicaid Services' State Medicaid Manual. In the case of an  
9 individual who is eligible for Medicaid benefits under Title XIX of the Social  
10 Security Act, occupies a ~~Medicaid-certified~~ Medicaid-certified nursing facility bed,  
11 and elects to receive hospice care, an additional amount for room and board shall be  
12 paid to the hospice that shall not be less than one hundred percent of the per diem  
13 rate that would have been paid to the nursing facility under the Medicaid State Plan.

14 D. In order to participate in the pilot project, a hospice shall meet the  
15 Medicare conditions of participation for hospice as set forth in ~~42 C.F.R.~~ CFR Part  
16 418 and shall have a valid Medicaid provider agreement.

17 \* \* \*

18 §160.1. Definitions

19 For the purposes of this Subpart, the following definitions shall apply:

20 \* \* \*

21 (10) "Health care provider" or "provider" means a state licensed, certified,  
22 or ~~state-registered~~ state-registered provider of health care services, treatment, or  
23 supplies, including but not limited to those entities defined in ~~R.S. 40:1299.41(A)~~  
24 R.S. 40:1231.1(A).

25 \* \* \*

26 §231.2. Family Independence Temporary Assistance Program; benefits; eligibility

27 A.(1) The department shall develop and administer a temporary assistance  
28 program; to be known as the "Family Independence Temporary Assistance Program"



1 to appoint a capable, interested, and willing third person, irrespective of whether he  
 2 is related to the child within any of the degrees of relationship set forth in Section  
 3 406(a) of Title IV of the Social Security Act, to receive the payments and use them  
 4 in the best interest of the child. The curator shall be accountable at whatever  
 5 intervals are specified by the court and the court shall require a bond or whatever  
 6 other security is deemed necessary by the court to ~~insure~~ ensure the faithful  
 7 performance of the curator's duties. The curator, upon being appointed, shall take  
 8 the oath and letters of authority may be issued to him. In those instances in which  
 9 the department requires the case be referred to the court for the appointment of a  
 10 curator, each local governing authority shall have the option in any case to provide  
 11 compensation to the curator.

12 §234.1. Disposition of undeliverable assistance checks

13 Assistance checks representing bonus amounts paid pursuant to 42 ~~USC~~  
 14 U.S.C. 657 and such checks representing refunds paid pursuant to 42 ~~USC~~ U.S.C.  
 15 657 in those cases in which the payee of such checks cannot be found, shall revert  
 16 to the state and federal treasuries in proportion to the rate of state-federal match  
 17 applicable to the assistance program. Such amounts will revert to the government  
 18 only after sixty days have elapsed since the date such checks became invalid and a  
 19 diligent search by the agency administering the assistance program has failed to  
 20 ascertain the whereabouts of the payee.

21 \* \* \*

22 §236.1.2. Family and child support programs; responsibilities

23 \* \* \*

24 B.(1) In addition, as required by federal law, the department shall provide  
 25 the above services to any individual including absent or noncustodial parents not  
 26 otherwise eligible for such services as provided for in Subsection A of this Section  
 27 upon receiving an application from such individual and upon receiving any fee which  
 28 may be assessed by the department for the services, regardless of whether the

1 individual has ever received public assistance and regardless of whether there is a  
2 delinquency.

3 \* \* \*

4 I. In providing support services required by Title IV-D of the Social Security  
5 Act in cases provided for in Subsection A of this Section, the department may  
6 provide for application and other fees to be charged each individual who is receiving  
7 services from the department or any individual who owes a duty of support. The fees  
8 shall comply with any applicable federal laws, rules, and regulations and may not  
9 exceed the maximum set by federal laws, rules, and regulations or the actual costs  
10 incurred by the department in providing the support services, whichever is less.

11 \* \* \*

12 §236.1.10. Family and child support programs; consumer reporting authority

13 \* \* \*

14 B. The consumer report shall be confidential and shall be used solely for the  
15 purpose described in Subsection A of this Section and shall not be used in connection  
16 with any other civil, administrative, or criminal proceeding, or for any other purpose.

17 \* \* \*

18 §236.3. Enforcement of support by income assignment

19 \* \* \*

20 L.(1) When a person failing to comply with an order of support derives  
21 income from self-employment, commission, or from any payor not subject to the  
22 jurisdiction of the court, or any other type of employment which makes the  
23 application of Subsection E of this Section impractical, the court may require the  
24 person to enter into bond to the court in the amount of the past due support plus a  
25 sum fixed by the court to ~~insure~~ ensure the payment of support as it becomes due for  
26 a period of not less than three months, with sureties approved by the court,  
27 conditioned upon the person making payment as previously ordered.

28 \* \* \*

1 §236.6. Failure to pay support; procedure, penalties and publication

2 \* \* \*

3 C. In addition to ~~the above~~ any other penalty provided for in this Section, the  
4 court shall render judgment in favor of the applicable payee for the amount of unpaid  
5 support plus attendant court costs. The judgment shall have the same force and  
6 effect as a final judgment for money damages against the defendant. This judgment  
7 shall become executory upon its rendition, subject to the delays for filing a motion  
8 for new trial or appeal, and may be registered with any Louisiana court of competent  
9 jurisdiction on petition of the Department of Children and Family Services, the  
10 district attorney's office, or the applicable payee.

11 \* \* \*

12 §236.7. Order of support; stipulation by district attorney and party

13 A.

14 \* \* \*

15 (2) The court may also require the defendant to enter into a recognizance,  
16 with or without surety, in order to ~~insure~~ ensure the payment of support. The  
17 condition of the recognizance shall be that the defendant shall make his or her  
18 personal appearance in court whenever required to do so, and shall further comply  
19 with the terms of the order or of any subsequent modification thereof.

20 \* \* \*

21 E. If the defendant has entered into a recognizance in the amount fixed by  
22 the court to ~~insure~~ ensure the payment of the support, the court may order the  
23 forfeiture of the recognizance and enforcement thereof by execution. The sum  
24 recovered shall be paid in whole or in part to the applicable payee. However, should  
25 the court order both the forfeiture of the recognizance and at the same time order the  
26 defendant to pay all unpaid support under the sentence for contempt, the amount of  
27 unpaid support plus attendant court costs and fines shall be the maximum payable.

28 \* \* \*

1 §237. Kinship Care Subsidy Program

2 \* \* \*

3 B. Definitions. For purposes of this Section:

4 \* \* \*

5 (15) "Minor relative" means a grandchild, step-grandchild, or other minor  
6 relative not the natural or adopted child of the kinship caregiver who is under  
7 eighteen years of age and who meets the definition of "dependent child" specified  
8 in ~~R.S. 46:231(4)(a)~~ R.S. 46:231.

9 \* \* \*

10 §285. Required training for child protection and foster care workers

11 \* \* \*

12 D. Within six months following the commencement of responsibility for  
13 cases, each ~~such~~ employee designated in Subsection A of this Section shall complete  
14 a training program consisting of thirty-two hours of ~~job-related~~ job-related  
15 instruction in addition to the training required in Subsection A of this Section.

16 \* \* \*

17 §286. Foster home child care; reimbursement system; rules

18 The Department of Children and Family Services shall establish a system for  
19 reimbursement of foster home child care costs based on the level of care for all foster  
20 children placed in foster homes providing temporary or long-term foster care for not  
21 more than six children receiving the services of the department. The department  
22 shall promulgate rules for implementation of the reimbursement system by January  
23 1, 1995, but only if funds are made available by appropriation by the legislature, and  
24 shall submit such rules to the ~~Committees on Health and Welfare~~ committees on  
25 health and welfare of the House of Representatives and the Senate in accordance  
26 with the Administrative Procedure Act. At a minimum, the department shall seek  
27 each year through the budgetary process funds sufficient to reimburse foster parents  
28 at a rate at least equal to the cost for child care as reported and published by the

1 United States Department of Agriculture for the Southeastern United States.

2 \* \* \*

3 §301. Legislative findings; Supplemental Nutrition Assistance Program educational  
4 component; reporting requirements

5 A. The legislature finds and declares the following:

6 (1) The program ~~still commonly~~ formerly known as "food stamps" was  
7 renamed the Supplemental Nutrition Assistance Program (SNAP) in October 2008.  
8 SNAP is administered at the federal level by the United States Department of  
9 Agriculture Food and Nutrition Service (FNS) and at the state level by the Louisiana  
10 Department of Children and Family Services, hereafter referred to as the  
11 "department".

12 \* \* \*

13 §326. Duties of the department

14 \* \* \*

15 B. The department shall enter into any cooperative endeavor agreements,  
16 contracts, and other arrangements with the Louisiana Workforce Commission, any  
17 other government agency, and any community partner as may be necessary to ensure  
18 adequate availability of workforce training to participants in the parish in which the  
19 pilot initiative is established.

20 \* \* \*

21 §433. Bond; account; oath and letters

22 A. The curator shall be accountable at whatever intervals are specified by the  
23 court and the court shall have the right to require a bond or whatever other security  
24 is deemed necessary by the court to ~~insure~~ ensure the faithful performance of the  
25 curator's duties; the curator, upon being appointed, shall take an oath; and letters of  
26 authority may be issued to him.

27 B. Failure by the curator to render an account satisfactory to the court shall  
28 be sufficient cause for the curator's dismissal and the appointment of another curator.

29 \* \* \*



1 §444. Cooperation with administrative agencies relative to interchange of  
2 information

3 The Department of Children and Family Services is hereby authorized to  
4 provide for interchange of such information necessary in providing for work training  
5 experiences as required by Public Law 90-248, as the secretary of the United States  
6 Department of Health, Education and Welfare, or its successor department, may  
7 require for federal matching purposes.

8 \* \* \*

9 §446.1. Notice to department by insurance companies; payment of assigned claims;  
10 civil penalties

11 \* \* \*

12 B. Information provided pursuant to Subsection A ~~above~~ of this Section shall  
13 be confidential; and subject to the provisions of R.S. 46:56.

14 \* \* \*

15 §447.1. Public assistance recipients; family planning education; contraceptives

16 \* \* \*

17 B. The program shall provide for examinations by ~~health care~~ healthcare  
18 providers for the health and safety of public assistance recipients who elect to avail  
19 themselves of or to practice forms of family planning approved ~~and/or~~ or made  
20 available by the secretary. Any recipient of aid to families with dependent children  
21 or any successor program, or recipient of public assistance with the cost of medical  
22 care through the medical assistance program (Medicaid), who elects to avail himself  
23 or herself of the services or contraceptives offered under the program shall be  
24 provided with such an examination within fourteen days of his or her initial request.  
25 If his or her choice of family planning methods involves the use of contraceptives  
26 or requires the performance of medical procedures, excluding abortions, he or she  
27 shall be provided with his or her choice of approved contraceptive or given the  
28 opportunity to undergo the appropriate medical procedure within seven days of his  
29 or her request for the contraceptive or procedure.

1 C. The secretary of the Louisiana Department of Health shall provide  
2 specific written descriptions of the services available in the program established  
3 under this Section to all recipients of aid to families with dependent children or any  
4 successor program, and to all recipients of public assistance with the cost of medical  
5 care through the medical assistance program (Medicaid), at least semiannually  
6 through methods that may include direct mail to all such recipients.

7 D. The secretary of the Louisiana Department of Health shall adopt rules and  
8 regulations for the administration of the program established under this Section,  
9 including appropriate requirements and procedures for participants to receive prompt  
10 examinations by and consultations with ~~health care~~ healthcare providers in  
11 accordance with Subsection B ~~herein~~ of this Section.

12 E. The provisions of this Section shall be administered in accordance with  
13 ~~R.S. 40:1299.34 and 1299.34.5~~ R.S. 40:1061.5 and 1061.6.

14 §447.2. Pregnant women and infants; access to health care; expansion of Medicaid  
15 eligibility

16 A. The legislature hereby finds and declares that:

17 \* \* \*

18 (2) It is the intent of the legislature that certain pregnant women and infants,  
19 regardless of their economic status, geographic location, or ethnic background, have  
20 access to appropriate ~~health care~~ healthcare services.

21 B. The department shall amend the Medicaid state plan to provide for:

22 (1) Eligibility for Medicaid services for all pregnant women with an income  
23 of up to one hundred eighty-five percent of the ~~federal poverty income guidelines~~  
24 applicable federal poverty guideline as published in the Federal Register by the  
25 United States Department of Health and Human Services.

26 \* \* \*

27 (3) A program of care coordination for ~~high-risk~~ high-risk pregnant women.  
28 The care coordination program shall include the following components:

29 \* \* \*

1 D. The department shall promulgate regulations requiring that all public  
2 health programs which render prenatal, postpartum, or infant ~~health care~~ healthcare  
3 services shall provide at a minimum for the following:

4 (1) Expanded or flex-time hours of operation so that ~~health care~~ healthcare  
5 services are available to pregnant women and children during evening and weekend  
6 hours.

7 (2) An initial appointment within two weeks of request and minimal waiting  
8 time to receive services after entering a ~~health care~~ healthcare facility.

9 \* \* \*

10 §450.1. Electronic authorization and distribution of public assistance benefits and  
11 services

12 A. The office of children and family services, Department of Children and  
13 Family Services, shall contract for the development and implementation of an  
14 electronic issuance system for the authorization and distribution of benefits and  
15 services provided by public assistance programs. Such programs shall include but  
16 not be limited to issuance of benefits and services of the ~~food stamp program~~  
17 Supplemental Nutrition Assistance Program and the Family Independence  
18 Temporary Assistance Program (FITAP), and shall require that all recipients who  
19 participate in programs for which benefits and services are authorized and distributed  
20 through the system shall obtain benefits through such electronic issuance system,  
21 subject only to such exceptions as shall be necessary for the effective functioning of  
22 the program.

23 B. The contract program selected to provide the electronic issuance system  
24 shall include but not be limited to:

25 \* \* \*

26 (6) Provision, installation, and maintenance of automated teller machines,  
27 point of sale terminals, printers, and personal identification number "PIN" pads in  
28 the parish offices, in retail establishments which accept ~~food stamps~~ Supplemental





1 (c) A report on the plan and any findings and recommendations thereof shall  
2 be submitted to the Senate and House ~~Committees on Health and Welfare~~  
3 committees on health and welfare on or before March 1, 1998.

4 (14) To approve recommendations from any parish voluntary council on  
5 aging prior to the creation of any new state-funded senior center in the state.  
6 Recommendations from a parish voluntary council on aging and approval by the  
7 ~~Office of Elderly Affairs~~ office of elderly affairs shall be based on need for a new  
8 facility and whether the proposed facility will meet the criteria for a senior center as  
9 defined in the policies and regulations established by the ~~Office of Elderly Affairs~~  
10 office of elderly affairs.

11 \* \* \*

12 §936. Statement of intent

13 A. It is the intention of the legislature that, insofar as is practical and  
14 consistent with the efficient administration of state government, programs and  
15 services for the elderly population of Louisiana, with the exception of any program  
16 administered by the Department of Children and Family Services or the Louisiana  
17 Department of Health on August 15, 1995, shall eventually be consolidated within  
18 the ~~Office of Elderly Affairs~~ office of elderly affairs, to be administered at the local  
19 level by the sixty-four parish voluntary councils on aging.

20 B. It is further the intention of the legislature that the ~~Office of Elderly~~  
21 ~~Affairs~~ office of elderly affairs administer all federal funds appropriated, allocated,  
22 or otherwise made available to the state for services to the elderly, whether by block  
23 grant or in any other form, with the exception of funds for programs administered by  
24 the Department of Children and Family Services or the Louisiana Department of  
25 Health on August 15, 1995. The ~~Office of Elderly Affairs~~ office of elderly affairs  
26 shall distribute such funds in accordance with appropriate state and federal  
27 requirements and consistent with this Section.

28 \* \* \*

1 §972. State plan; rules and regulations

2 A. The Louisiana Department of Health may establish a state plan for  
3 maternal and child health services and enter any orders and make any rules and  
4 regulations which are necessary to carry the plan into effect.

5 B. The plan shall:

6 (1) Provide for financial participation by the state.

7 (2) Provide for the administration of the plan or the supervision of the  
8 administration of the plan by the department.

9 (3) Provide the methods of administration which are necessary for the  
10 efficient operation of the plan.

11 (4) Provide that the department will make such reports; in the form and  
12 containing the information which the secretary of labor of the United States requires,  
13 and that the department will comply with the provisions which the secretary of labor  
14 finds necessary to assure the correctness and verification of the reports.

15 (5) Provide for the extension and improvement of local maternal and child  
16 health services administered by local health units.

17 (6) Provide for cooperation with medical, nursing, and welfare groups and  
18 organizations, ~~and~~.

19 (7) Provide for the development of demonstration services in needy areas  
20 and among groups in special need.

21 C. This plan may contain any other provisions necessary to carry out the  
22 purpose of this Chapter.

23 \* \* \*

24 §975. Women's cancer prevention program

25 \* \* \*

26 C.

27 \* \* \*

28 (2) A ~~health care~~ healthcare facility may advertise and be recognized as  
29 accredited if the facility has successfully completed the established dose and image

1 criteria, has been accredited for a three-year period by the American College of  
2 Radiology, and maintains current accreditation. Upon receiving accreditation from  
3 the American College of Radiology, the identifying certificate issued shall be  
4 displayed in a prominent place at the facility.

5 \* \* \*

6 §976. Children's Health Insurance Program; criteria for implementation

7 A. In accordance with the authority granted the Louisiana Department of  
8 Health pursuant to R.S. 36:254(A)(6) and (D)(1)(a)(i) and pursuant to the restrictions  
9 contained in Subsection B of this Section, the department shall avail itself of federal  
10 funding under the Children's Health Insurance Program (Title XXI of the Social  
11 Security Act) only if the following criteria are met:

12 \* \* \*

13 (3) The department shall take the following steps to simplify the enrollment  
14 process for children:

15 \* \* \*

16 (c) Distribute information as to how to apply for Medicaid services and  
17 where to obtain an application form at various strategic locations, including but not  
18 limited to ~~health care~~ healthcare facilities, schools, community centers, churches, and  
19 grocery stores.

20 \* \* \*

21 (5)(a) The department shall expand Medicaid eligibility for children, birth  
22 until age nineteen, in families whose income does not exceed one hundred  
23 thirty-three percent of the ~~federal poverty level~~ applicable federal poverty guideline  
24 as published in the Federal Register by the United States Department of Health and  
25 Human Services.

26 (b) After July 1, 1999, the department shall expand Medicaid eligibility for  
27 children, birth until age nineteen, in families whose income does not exceed one  
28 hundred fifty percent of the ~~federal poverty level~~ applicable federal poverty guideline



1 as published in the Federal Register by the United States Department of Health and  
2 Human Services.

3 (c) After July 1, 2000, the department shall expand eligibility for children,  
4 birth until age nineteen, in families whose income does not exceed two hundred  
5 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published  
6 in the Federal Register by the United States Department of Health and Human  
7 Services.

8 (d)(i) After July 1, 2001, the department shall apply to the Centers for  
9 Medicare and Medicaid Services, United States Department of Health and Human  
10 Services, for authority to implement appropriate waivers or demonstration projects  
11 to expand eligibility under the Children's Health Insurance Program for parents of  
12 children who are enrolled in the state's Children's Health Insurance Program or  
13 Medicaid whose family income does not exceed the ~~federal poverty level~~ one  
14 hundred percent of the applicable federal poverty guideline as published in the  
15 Federal Register by the United States Department of Health and Human Services,  
16 and for pregnant women whose family income is greater than one hundred  
17 eighty-five percent of the ~~federal poverty level~~ applicable federal poverty guideline  
18 but does not exceed two hundred percent of the ~~federal poverty level~~ applicable  
19 federal poverty guideline.

20 \* \* \*

21 B.

22 \* \* \*

23 (3) Any private health insurance model implemented pursuant to the State  
24 Children's Health Insurance Program (Title XXI of the Social Security Act) shall at  
25 a minimum include the following features:

26 \* \* \*

27 (b) Require all insurance providers participating in the private insurance  
28 model to collect payments or premiums from participants on a sliding scale basis and  
29 in accordance with any applicable state and federal regulations in order to provide

1 for payment for ~~health care~~ healthcare services or premiums for comprehensive  
2 insurance coverage.

3 \* \* \*

4 C. Beginning January 1, 1999, and semiannually thereafter, the department  
5 shall submit the following information to the Joint Legislative Committee on the  
6 Budget and to the Senate and House ~~Health and Welfare Committees~~ committees on  
7 health and welfare:

8 \* \* \*

9 E. Any rules or regulations adopted under the provisions of this Section shall  
10 be promulgated under the Administrative Procedure Act. Any rules or regulations  
11 adopted pursuant to the private health insurance model shall be subject to review by  
12 the House Committee on Health and Welfare ~~and~~, the Senate Committee on Health  
13 and Welfare ~~and~~, the House Committee on Insurance, and the Senate Committee on  
14 Insurance.

15 \* \* \*

16 §977.2. Purpose

17 The legislature hereby declares that for the economic and social benefits of  
18 all residents of this state, it is important to ensure that children of the state have  
19 access to affordable health insurance that offers comprehensive coverage and  
20 emphasizes preventive health care. Many children in working families are  
21 uninsured, including children in families whose family income is greater than two  
22 hundred percent of the ~~federal poverty level~~, ~~are uninsured~~ applicable federal poverty  
23 guideline as published in the Federal Register by the United States Department of  
24 Health and Human Services. The lack of health insurance negatively affects the  
25 health status of children. The lack of health insurance negatively affects the health  
26 status of children. The legislature further finds that access to health care is a key  
27 component for the healthy development of children and a successful education. It  
28 is, therefore, the intent of the legislature to provide access to affordable health  
29 insurance to children in Louisiana.

1 §977.3. Definitions

2 As used in this Part, the following definitions shall apply:

3 \* \* \*

4 (3) "Medical assistance" means ~~health care~~ healthcare benefits provided  
5 through the Louisiana Medicaid program or the Louisiana Children's Health  
6 Insurance Program, hereafter referred to as LaCHIP.

7 \* \* \*

8 §977.5. Eligibility requirements

9 A. To be eligible for this program, a child shall:

10 \* \* \*

11 (2) Be in a family ~~where~~ in which the family income is between two hundred  
12 percent and three hundred percent of the ~~federal poverty level~~ applicable federal  
13 poverty guideline as published in the Federal Register by the United States  
14 Department of Health and Human Services.

15 \* \* \*

16 C. A child shall not be eligible for coverage under the program if:

17 (1) The premium required by R.S. 46:977.9(D) has not been timely paid. If  
18 the required premium is not paid, the liability of the program shall be limited to  
19 ~~health care~~ healthcare services provided under the program for the time period for  
20 which the premium has been paid. A child shall also be ineligible for reenrollment  
21 for a period of time set forth in rule by the department if the premium is not paid.

22 \* \* \*

23 §977.8. Eligibility; future federal legislation

24 The department, upon enactment by congress of legislation allowing the  
25 same, may utilize income determinations made by the Food Stamp Program, WIC,  
26 ~~or the National School Lunch Program,~~ or the successor of any of these programs for  
27 determining income eligibility for the Louisiana Medicaid program or LaCHIP.



1 (4) Monitor the availability and retention of employer-sponsored dependent  
2 health insurance coverage to promote retention of private or employer-sponsored  
3 health insurance and timely access to ~~health care~~ healthcare services.

4 \* \* \*

5 §979.4. Administration of the Louisiana First America Next Freedom and  
6 Empowerment Plan

7 \* \* \*

8 H. The state may implement cost-sharing and copays, as a condition of  
9 participation in the plan, for plan participants whose earning shall exceed fifty  
10 percent of the applicable federal poverty ~~level~~ guideline as published in the Federal  
11 Register by the United States Department of Health and Human Services.

12 \* \* \*

13 §1052. Objects of the districts

14 The objects and purposes of the hospital service districts and the governing  
15 bodies created ~~under~~ pursuant to the provisions of this ~~chapter~~ Chapter shall be:

16 \* \* \*

17 §1056. Hospital director and executives

18 A. The commission shall enter into a formal written employment agreement  
19 with a hospital director, hereafter referred to as "director", who has had experience  
20 in the field of hospital administration and is familiar with the principles and methods  
21 of hospital and institutional care, and the hospital may enter into a formal written  
22 employment agreement with any hospital executive. For purposes of this Section,  
23 "hospital executive" includes but is not limited to any senior member of management  
24 such as vice president, assistant administrator, or department director. The director  
25 and any hospital executive shall be full-time employees of the district or of the  
26 hospital management firm. The director shall receive a salary fixed by the  
27 commission.

28 \* \* \*

1 §1057. Duties of director

2 In addition to the duties imposed upon him by other provisions of this ~~chapter~~  
3 Chapter, it shall be the duty of the director:

4 \* \* \*

5 (10) To receive and receipt for and keep a correct accounting of all gifts,  
6 bequests, grants-in-aid, and other revenues received by the district and with the  
7 consent of the commission, to expend the proceeds of all such gifts, bequests,  
8 grants-in-aid and other revenues for the purpose designated in this ~~chapter~~ Chapter  
9 and subject to any conditions that may be imposed in any act of donation or any law  
10 providing grants-in-aid or other revenues for such purpose.

11 (11) To perform any other duties and functions which he or the commission  
12 consider necessary or desirable to carry out the purposes of this ~~chapter~~ Chapter.

13 \* \* \*

14 CHAPTER 10-D. HEALTHCARE SERVICE DISTRICT - LOUISIANA

15 DEPARTMENT OF HEALTH, ~~AND HOSPITALS'~~ REGION IV

16 \* \* \*

17 §1194. Purpose

18 The purpose of the healthcare service district and the governing board created  
19 ~~under~~ pursuant to the provisions of this Chapter shall be:

20 (1) To identify local public sources of revenue or expenditure that may be  
21 used by the department as state match to draw down federal matching funds for the  
22 provision of healthcare services for the ~~low-income~~ low-income and uninsured  
23 population of the district. Notwithstanding any other provision of law to the  
24 contrary, the district or governing board shall have no authority or governance of the  
25 hospital service districts and shall have no authority to collect or cause to be  
26 collected any hospital service district monies, funds, or assets.

27 \* \* \*

1 §1195. Powers and duties of governing board

2 A. In addition to the duties defined elsewhere in this Chapter, the governing  
3 board shall have the duty and authority:

4 \* \* \*

5 (2) To advise on issues concerning the provision of healthcare services for  
6 the ~~low income~~ low-income and uninsured population of the district.

7 \* \* \*

8 B. The secretary of the department shall review each such agreement,  
9 including a plan for the use of state Medicaid and disproportionate share dollars. If  
10 the secretary finds that the agreement and plans are sufficient to support medical care  
11 for the ~~low income~~ low-income and uninsured population of the district and the  
12 funds are eligible for federal matching funds to be reimbursed, he shall verify that  
13 finding to the governing board.

14 C. The governing board shall collect or cause to be collected all public  
15 monies identified by the district as available for the purpose of serving as state match  
16 for federal matching funds to ensure the provision of healthcare services delivered  
17 for the ~~low income~~ low-income and uninsured population of the district.

18 D. The department shall make available for reimbursement these local and  
19 federally matched funds to the designated providers in the district to ensure the  
20 continued provision of healthcare services for the ~~low income~~ low-income and  
21 uninsured population of the district.

22 \* \* \*

23 §1402. Legislative intent; declaration of purpose and policy

24 It is the intent of the legislature to protect the health, safety, and well-being  
25 of the children and youth of the state who are in out-of-home care on a regular or  
26 consistent basis. Toward that end, it is the purpose of this Chapter to establish  
27 statewide minimum standards for the safety and well-being of children and youth,  
28 to ~~insure~~ ensure maintenance of these standards, and to regulate conditions in these  
29 facilities through a program of licensing. It shall be the policy of the state to ~~insure~~









1 in the form of a family violence center.

2 \* \* \*

3 §2125. Evaluation; reports

4 A. Both the program created hereunder and the shelters it prescribes shall be  
5 evaluated by the House and Senate ~~Committees on Health and Welfare~~ committees  
6 on health and welfare at the end of the first fiscal year of the program and at the end  
7 of each subsequent fiscal year during which the program is continued. Such  
8 evaluation shall be designed to determine the effectiveness of the program in  
9 achieving its objectives.

10 \* \* \*

11 §2127. Programs for victims of family violence; administration

12 \* \* \*

13 C. Prior to any allocation or distribution of monies; as provided in  
14 Subsection A ~~above~~ of this Section, the office may deduct no more than five percent  
15 of the amount appropriated from the fund for administrative costs.

16 \* \* \*

17 §2135. Temporary restraining order

18 \* \* \*

19 C. During the existence of the temporary restraining order, a party shall have  
20 the right to return to the family residence once to recover his or her personal clothing  
21 and necessities, provided that the party is accompanied by a law enforcement officer  
22 to ~~insure~~ ensure the protection and safety of the parties.

23 \* \* \*

24 §2136. Protective orders; content; modification; service

25 A. The court may grant any protective order or approve any consent  
26 agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132,  
27 or the threat or danger thereof, to a party, any minor children, or any person alleged  
28 to be incompetent, which relief may include but is not limited to:

29 \* \* \*

1 (4)

2 \* \* \*

3 (b) If the additional medical opinion regarding a medical evaluation is  
4 ordered for both the defendant and abused person, two separate evaluators shall be  
5 appointed.

6 (c) After an additional medical opinion regarding a medical evaluation has  
7 been completed and a report issued, the court may order counseling or other medical  
8 treatment as deemed appropriate.

9 \* \* \*

10 §2254. Nondiscrimination policy in educational facilities, real estate transactions,  
11 and state-funded programs

12 \* \* \*

13 F.

14 \* \* \*

15 (2) A recipient of state financial assistance shall operate a program or  
16 activity in a facility which is accessible to and usable by persons with disabilities and  
17 shall comply with ANSI specifications as defined in ~~R.S. 46:2253(18)~~ R.S. 46:2253  
18 by January 1, 1982.

19 \* \* \*

20 §2256. Complaints; filing procedure; compensation

21 \* \* \*

22 B. Persons with disabilities who have been subject to unlawful  
23 discrimination as defined in this Chapter shall have the right to any and all remedies  
24 available under the law if they prevail in a suit under this Chapter including but not  
25 limited to compensatory damages, attorney fees, costs, and any other relief deemed  
26 appropriate. Any person who believes he has been discriminated against and intends  
27 to pursue court action ~~must~~ shall give the person who has allegedly discriminated  
28 written notice of this fact at least thirty days before initiating court action; ~~must and~~

1        shall detail the discrimination, and both parties ~~must~~ shall make a good faith effort  
2        to resolve the dispute before court action.

3                C. Any party filing suit under this Chapter, who fails to prevail in his cause  
4        of action, shall be held responsible for reasonable ~~attorneys'~~ attorney fees and all  
5        court costs at the discretion of the judge.

6                                \*        \*        \*

7        §2352. Duties

8                The commission shall:

9                                \*        \*        \*

10                (4) Develop and implement a statewide program to ~~insure~~ ensure continuity  
11        of services to deaf people.

12                                \*        \*        \*

13        §2402. Definitions

14                Except where the context clearly indicates otherwise, in this Chapter:

15                                \*        \*        \*

16                (3) "Child abuse prevention" means services and programs funded through  
17        the Children's Trust Fund which are designed to prevent the occurrence or recurrence  
18        of child abuse and neglect as defined in ~~R.S. 14:403~~ Children's Code Article 603.  
19        Except for those provided in this Chapter and except for the purpose of planning and  
20        coordination pursuant to the provisions of this Chapter, the services and programs  
21        of the Department of Children and Family Services which are mandated by state law  
22        or state appropriation, or which are required for receipt of federal funds shall not be  
23        subject to the provisions of this Chapter.

24                                \*        \*        \*

25                (5) "Fund" means the "Louisiana Children's Trust Fund" established by R.S.  
26        46:2403.

27                                \*        \*        \*

1 §2603. Children's Cabinet; powers and duties

2 A. In order to carry out the purposes of this Chapter and the purposes for  
3 which it is created, the Children's Cabinet shall:

4 \* \* \*

5 (4) Submit an annual report to the governor, the Senate Committee on Health  
6 and Welfare, the House Committee on Health and Welfare, and any other legislative  
7 committee that requests a copy of the annual report, by January thirty-first  
8 summarizing the accomplishments of the past year, providing an evaluation of  
9 individual programs and the delivery of services, and indicating specific goals and  
10 budget priorities for the next fiscal year.

11 \* \* \*

12 B. In addition to the ~~above~~ duties and responsibilities provided in Subsection  
13 A of this Section, in order to carry out its purposes and functions, the cabinet may:

14 \* \* \*

15 §2692. Intergovernmental transfer program

16 A.(1) The Louisiana Department of Health shall, as soon as practicable, but  
17 in no event later than September 30, 2000, have prepared for submission an  
18 application to the United States Department of Health and Human Services for the  
19 implementation of an intergovernmental transfer program. ~~The application shall be~~  
20 ~~submitted~~ department shall submit the application to the Health Care Financing  
21 Administration; of the United States Department of Health and Human Services, or  
22 its successor, ~~by the department~~ on a date to be determined by the Joint Legislative  
23 Committee on the Budget based on the recommendation of the Intergovernmental  
24 Transfer Subcommittee created and established in this Section.

25 \* \* \*

26 C. No program shall be implemented under the provisions of this Section  
27 unless and until the application submitted to the United States Department of Health  
28 and Human Services is given final, written approval by the Health Care Financing

1 Administration, ~~United States Department of Health and Human Services~~ or its  
2 successor.

3 \* \* \*

4 §2702. Definitions

5 For the purposes of this Chapter, the following words and phrases shall have  
6 the meanings ascribed to them in this Section:

7 \* \* \*

8 (8) "Full-size crib" means a full-size crib as defined in 16 ~~C.F.R.~~ CFR  
9 1508.3, regarding the requirements for full-size cribs.

10 (9) "Non-full-size crib" means a non-full-size crib as defined in 16 ~~C.F.R.~~  
11 CFR 1509.2, regarding the requirements for non-full-size cribs.

12 \* \* \*

13 §2704. Unsafe children's product defined

14 \* \* \*

15 B. For the purposes of this Chapter, a crib is unsafe if it does not conform  
16 to the standards endorsed or established by the Consumer Product Safety  
17 Commission, pursuant to 16 ~~C.F.R.~~ CFR 1500.1; et seq.

18 \* \* \*

19 §2722. Intergovernmental transfer program

20 \* \* \*

21 B. Subject to such recommendations and approval, the department shall  
22 make application to the United States Department of Health and ~~Hospitals~~ Human  
23 Services for the implementation of an intergovernmental transfer program. The  
24 application shall include a detailed explanation of the department's plan to utilize the  
25 plan funds for the reimbursement of Medicaid school-based services and  
26 administrative claiming as allowed by law.

27 \* \* \*

28 §2731. Health Trust Fund

29 \* \* \*

1 B.

2 \* \* \*

3 (2) Any money transferred or deposited to the Health Trust Fund from the  
4 receipt of economic damages proceeds of the Deepwater Horizon Economic  
5 Damages Collection Fund provided for in R.S. 39:91 shall be further deposited by  
6 the treasurer into a trust account hereby established in the Health Trust Fund and  
7 named the Medicaid Disabilities Account. Notwithstanding any other provision of  
8 this Section, the money in the Medicaid Disabilities Account shall be used solely to  
9 be appropriated for services provided by ~~home and community-based~~ home- and  
10 community-based healthcare providers utilized by ~~the developmentally disabled~~  
11 persons with developmental disabilities.

12 \* \* \*

13 C. The legislature may appropriate monies to the fund from sources  
14 including but not limited to the following:

15 \* \* \*

16 (3) Uncompensated care payments to state and other public providers and  
17 facilities that are designated for the purposes of intergovernmental transfer payments,  
18 except uncompensated care payments up to one hundred percent of uncompensated  
19 care costs of hospitals defined in ~~R.S. 40:1300.143(a)~~ R.S. 40:1189.3.

20 \* \* \*

21 D. Appropriations from the fund shall be used and expended under the  
22 supervision of the secretary of the Louisiana Department of Health, hereinafter  
23 referred to as the "department", and shall be restricted to the purposes of enhancing  
24 the provision of appropriate health care to Louisiana's Medicaid and LaCHIP  
25 beneficiaries and the medically indigent by:

26 \* \* \*

27 (3) Workforce development initiatives to increase access to primary and  
28 preventive health ~~care~~ services by supporting education and placement of physicians  
29 and other medical professionals in medically underserved areas, including but not



1 limited to the State Loan Repayment Program, physician salary subsidies, and health  
2 education scholarships.

3 (4) Initiatives to provide primary and preventive health services, including  
4 but not limited to immunizations; maternal and child health; nutritional counseling;  
5 family planning; diagnosis, management, and treatment of HIV/AIDS; diagnosis,  
6 management, and treatment of sexually transmitted diseases; women, infants, and  
7 children (WIC) nutritional services; genetic disease services; and other services as  
8 may be identified by the secretary through rules. Notwithstanding any other  
9 provision of this Chapter to the contrary, primary and preventive health care services  
10 shall not include any functions of the department relating to environmental health  
11 such as sanitarian services, drinking water, commercial body art regulations, sanitary  
12 code mandates, disease surveillance activities, and vital records and statistics.

13 \* \* \*

14 E.(1) Monies in the fund shall not be used to displace, replace, or supplant  
15 appropriations from the state general fund for the Medicaid program, the Children's  
16 Health Insurance Program (LaCHIP), or amounts appropriated for services provided  
17 by ~~home and community based~~ home- and community-based healthcare providers  
18 utilized by ~~the developmentally disabled~~ persons with developmental disabilities  
19 below the amounts of state general fund appropriations for those programs for the  
20 2001-2002 Fiscal Year.

21 (2) Further, nothing contained herein shall be construed to diminish or  
22 modify the legislative commitment to rural hospitals contained in ~~R.S. 40:1300.141~~  
23 R.S. 40:1189.1 et seq., or to permit the department to reduce current Medicaid and  
24 uncompensated care payments to rural hospitals, except where such reductions are  
25 associated with decreased utilization or as otherwise required by law, by federal  
26 disallowance, or by decreased federal participation in uncompensated care payments.  
27 Further, the department shall continue its efforts to develop new financing and  
28 reimbursement mechanisms relative to the use of Medicaid and uncompensated care

1 payments to such rural hospitals for increased access to health care for Medicaid and  
2 LaCHIP beneficiaries and uninsured indigent individuals.

3 F. Upon adoption of this Act and approval of an implementation plan in  
4 accordance with Subsection H of this Section, the secretary of the department is  
5 authorized to take any and all actions necessary to assure the continued availability  
6 of primary and preventive health ~~care~~ services, especially for indigent uninsured  
7 individuals, including but not limited to funding for qualifying applicants or  
8 cooperative endeavors with local government units for provision of such services.  
9 The secretary shall require as a condition of payment of uncompensated care costs  
10 and reimbursements provided under Paragraph (D)(6) of this Section that hospitals  
11 and other ~~health-care~~ healthcare facilities shall provide to the department  
12 patient-specific data on the amount and type of uncompensated care provided. In  
13 addition, if a hospital or other ~~health-care~~ healthcare facility does not provide the  
14 required patient-specific data, the secretary of the department may withhold an  
15 amount equal to five percent of Medicaid payments due that provider. Such  
16 withholding shall increase by five percent for each successive month that the  
17 required data is not received, but the total amount withheld shall not exceed  
18 twenty-five percent of the total monthly amount due the facility. Upon receipt of the  
19 required data, the department shall pay the facility all amounts previously withheld  
20 as a result of the failure to submit the required data. A hospital or other ~~health-care~~  
21 healthcare facility subject to withholding under this provision may request an  
22 administrative review as provided by R.S. 46:437.4. The format of the data  
23 submission shall be defined by the secretary of the department in consultation with  
24 representatives of ~~health-care~~ healthcare facilities providing care to the indigent and  
25 uninsured.

26 \* \* \*

27 §2758.2. Integrated case management planning system; creation; membership;  
28 duties and responsibilities

29 \* \* \*

1 C. In order to facilitate the development of a complete continuum of care for  
2 at-risk youths, the departments shall:

3 (1) Develop an outline for the creation of and transition to an integrated case  
4 management system focusing on the behavioral health, rehabilitative, and  
5 educational needs of youths who are at risk for involvement in, currently involved  
6 in, or exiting the juvenile justice and child welfare system.

7 \* \* \*

8 Section 6. Children's Code Articles 1015(4)(i) and 1409(F) are hereby amended and  
9 reenacted to read as follows:

10 Art. 1015. Grounds; termination of parental rights

11 The grounds for termination of parental rights are:

12 \* \* \*

13 (4) Misconduct of the parent toward this child or any other child of the  
14 parent or any other child which constitutes extreme abuse, cruel and inhuman  
15 treatment, or grossly negligent behavior below a reasonable standard of human  
16 decency, including but not limited to the conviction, commission, aiding or abetting,  
17 attempting, conspiring, or soliciting to commit any of the following:

18 \* \* \*

19 (i) Abuse or neglect which is chronic, ~~life-threatening~~ life-threatening, or  
20 results in gravely disabling physical or psychological injury or disfigurement.

21 \* \* \*

22 Art. 1409. Rights guaranteed

23 \* \* \*

24 F. No minor patient confined by emergency certificate, judicial commitment,  
25 court order, or noncontested status shall receive major surgical procedures or  
26 electroshock therapy without the written consent of a court of competent jurisdiction  
27 after a hearing. However, if the director of the treatment facility, in consultation  
28 with two physicians, determines that the condition of the minor is of such a critical  
29 nature that it may be ~~life-threatening~~ life-threatening unless major surgical



- (4) Alphabetization of defined terms in Sections of present law providing definitions.
- (5) Revisions as necessary to the following obsolete references:
- (a) The U.S. Department of Health, Education, and Welfare (now the U.S. Department of Health and Human Services).
  - (b) The Health Care Financing Administration (now the Centers for Medicare and Medicaid Services).
  - (c) The Food Stamp Program (now the Supplemental Nutrition Assistance Program).
  - (d) The Aid to Families with Dependent Children program (now the Temporary Assistance for Needy Families program).
  - (e) The La. Department of Health and Human Resources (now the La. Department of Health and the La. Department of Children and Family Services).
  - (f) The La. Department of Social Services (now the La. Department of Children and Family Services).
  - (g) The La. Department of Health and Hospitals (now the La. Department of Health, referred to hereafter as "LDH").
  - (h) The office of family security, with respect to administration of the Medicaid program (now the LDH bureau of health services financing).
  - (i) The office of health services and environmental quality (now the LDH office of public health).
  - (j) The bureau of women (now the LDH bureau of family health).
  - (k) The La. Board of Wholesale Drug Distributors (now the La. Board of Drug and Device Distributors).

(Amends R.S. 28:2(16)(intro. para.), 52(F), 53(B)(4)(intro. para.), (D), (G)(4) and (7)(a)(intro. para.) and (i), (I), (O), and (P)(1)(a), 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C)-(E), 70(D) and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C), 215.1, 215.2(3), 215.5(B)(7), 454.5(D)(2) and (3)(intro. para.) and (d), 469(C)(1)(a)(intro. para.), (i), and (ii), 470(E), 757, 772(D), 823(11), 911(6), 915(A)(2), and 932(B)(2), R.S. 36:254(A)(6)(b) and (10)(a)-(e), (B)(1) and (6), (D)(1)(a)(i), (E)(1), (F)(1), (H)(1), (I)(1), (J)(1), (K)(1), and (L), 254.1(A) and (C)(intro. para.) and (5), 254.3, 258(G)-(L), 259(E)(10), 474(B)(1) and (6), and 477(B)(1), R.S. 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1), 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3)-(5), (D), and (E), 1033(A)(3) and (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12), 1164(3), (7), (10), (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13), (17), and (18) and (B)(1) and (6), 1226.1(B), 1226.2(D)(1), 1277(A)(3), 1281(A)(1)(a), (3)(a)(ii) and (c), and (5), 1307(1), (7), and (8), 1340(intro. para.), 1543(A)(3)(b)(ii) and (5), 1721, 1731(A)(2)(a) and (d), 1732.1, 1742.1(G)(intro. para.) and (5), 1743(C), 1743.1(E), 1744(A), (B), and (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of Chapter 20 of Title 37 of the La. Revised Statutes of 1950, R.S. 37:1746, 1747, 2111, 2114, 2351, 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and (6)(intro. para.), (c)-(e), (j), (k), (m), (n), (r), (u), and (v), 2443, 2446, 2458, 2459, 2465(D)(intro. para.) and (1), 2503(Section heading), 2504(A)(1) and (5), 2802(C), 2816(A)(2), (4), (6), (8), (13), and (15), (B), and (F)(2), 2819(Section heading), 2950(B) and (D)(1)(a)(viii), 3014, 3214(1), 3241(intro. para.) and (1), 3258(C), 3302(4)(b)(i) and (iv), 3309.1(A), 3386.1(intro.

para.) (1), (2), (6), (7), (9), (11), (12), and (16), 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6), 3387.2(A), (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1), 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11), 3389(A) and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and 3703(B)(7), R.S. 40:1, 3, 3.1(D), 4(A)(1)(a), (2)(b)(i) and (c)(i) and (vii), (3)(a), (6), (8)(a), and (9)-(13) and (B)(3)(b) and (c), (4), and (5), 4.3, 4.6, 4.10(C)(2)(intro. para.), (3)-(5), and (7), 5.3(E), 5.9(A)(7), 7, 9, 13, 18, 23, 24, 31.1, 31.3(B)(2) and (4), 31.32(E)(2), 31.36(D), 41(E), 64(9) and (10), 600.34(C), 608.1(B), 625(A) and (B), 634, 641, 671, 682, 700.1, 700.5(C), 700.6, 700.7(A) and (E), 700.8, 700.9, 700.10(A), 700.12(A), 701(intro. para.), 701.1(A) and (D), 701.2-701.4, 781(3), 824, 853, 940.51(A), 952(C) and (D), 953, 962(B), (C)(intro. para.) and (8), and (D)-(H), 962.1(A) and (B)(intro. para.), 962.1.1(A)(2), 963(intro. para.), 964(Schedule III)(F)(1) and (Schedule V)(E)(3)(b) and (4), 965, 968(A)(intro. para.), 969(A)(intro. para.), 970(A)(intro. para.), 971.1(B), 972(A) and (B)(intro. para.), 973(A), (B)(1) and (2), (C), (E), (F), and (G)(1) and (2)(a), 974(A)(intro. para.) and (C), 975(A)-(E) and (G)(1) and (3), 976, 976.1(H), 978(F)(1)(intro. para.) and (d) and (H)(2)(b), 978.1(A)(1)(c), 978.3(B), 980, 982, 984(intro. para.), 986(A)(1), (3), and (4) and (B)(intro. para.), (1), (2), (3)(intro. para.) and (b), (4), and (5)(intro. para.), (a), and (b), 987, 988(A)(intro. para.), (B), and (C), 989.1(F), 989.2(F), 990, 992(A)(intro. para.), (B)(intro. para.), and (C)-(E), 993(A), (B), and (D), 995, 996.1(M), 996.3(C), 1003(12) and (14), 1005(Section heading), 1006(E), 1007(B) and (I)(intro. para.), 1046(F), 1049.7(Section heading), 1058, 1071.1(intro. para.), 1079.1(D), 1087.1(A) and (B)(2)(intro. para.) and (3), 1089.2(1), 1089.3(C)(2)(b), 1089.4(A)(3), (B), and (C), 1105.3(3), 1105.6(E), 1105.8(F), 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F), 1117.1(B), 1121.11, 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B), 1165.1(C)(2), 1165.3(B), 1171.2, the heading of Subpart C of Part IV of Subchapter A of Chapter 5-D of the La. Revised Statutes of 1950, R.S. 40:1173.2(1)(a), 1173.3(3) and (8), 1173.4(B), 1173.5(A)-(C), 1173.6(B) and (E), 1183.2(A)(1) and (5), 1183.4(A)(1), 1189.2(A)(1), 1203.1(3)(o) and (5), 1211.4(B)(2), 1217.16, 1219.2(1) and (3), 1219.3(A) and (B), 1219.4(A)(intro. para.), 1221.2(2), 1226.1(2)(c), 1231.5(E)(1)(c), 1237.1(J), the heading of Subpart B of Part I of Chapter 5-E of the La. Revised Statutes of 1950, R.S. 40:1243.1(A), 1243.3(A), 1253.3(A)(9), 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1-1281.1, 1285.3, 1285.4(A)(1), 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and (B)(1), 1300.21, 1356(A), 1732(1), 2009.1(D), 2009.2(2), (3)(b)-(d) and (f), and (7), 2009.6(A)(1)-(3) and (B)(1)-(3), 2009.12, 2009.18, 2009.21(Section heading), 2017.9, 2102, 2109(B)(1)(a) and (c)(ii) and (2)-(6), (C), and (D), 2116(D)(1)(c), 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and (10)(a), 2120.5(E), 2120.44(B)(9), 2120.45(D), 2144(A), (C), (F)(2)(intro. para.), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and (13), 2175.14(E), 2179(D), 2180.11, 2189, 2193.4(9), 2194.2(4)-(6), 2195.1(A)(8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5), 2196.1(4), 2197(A) and (D)-(G), 2199(A)(1) and (5) and (F)(2), 2199.1(A)(intro. para.), 2202(3) and (5)(a) and (e)(i), 2203(C), 2223, 2243, 2253, 2353, 2404(5), 2477, 2481, 2530.4(B)(intro. para.) and (3), and 2845(A)(6) and (C), R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 56(A), (B)(1), (F)(4)(b), and (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(intro. para.), 114.3(A), 121(1)(intro. para.), 123(D)(3) and (K)(3), 153(C), 153.4(F)(2), 156(A) and (B), 157-159, 159.1(C) and (D), 160.1(10), 231.2(A)(1)(intro. para.) and (B)(intro. para.), 231.4(E), 232, 234, 234.1, 236.1.2(B)(1) and (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E), 237(B)(15), 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B)-(E), 447.2(A)(2), (B)(1) and (3), and (D)(intro. para.), (1), and (2), 450.1(A) and (B)(6), 450.3(B)(intro. para.), 460.1, 460.4(D), 465, 923(A) and (B), 924(A) and (B), 932(13)(c) and (14), 936, 972, 975(C)(2), 976(A)(3)(c) and (5)(a)-(c) and (d)(i), (B)(3)(b), (C)(intro. para.), and (E), 977.2, 977.3(3), 977.5(A)(2) and (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(4), 979.4(H), 1052(intro. para.), 1056(A), 1057(intro. para.), (10), and (11), the heading of Chapter 10-D of Title 46 of the La. Revised Statutes of 1950, R.S. 46:1194(intro. para.) and (1), 1195(A)(2) and (B)-(D), 1402, 1403.1, 1433(Section heading), 1602(A), (D), and (F)(1)(a)(i)-(iii) and (b), 1906.2, 1953(F), 1954(B), 2121(C), 2125(A), 2127(C), 2135(C), 2136(A)(4)(b) and (c), 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and (5), 2603(A)(4) and (B)(intro. para.), 2692(A)(1) and (C), 2702(8) and (9), 2704(B),

2722(B), 2731(B)(2), (C)(3), (D)(3) and (4), (E), and (F), and 2758.2(C)(1), and Ch.C. Arts. 1015(4)(i) and 1409(F); Adds R.S. 37:1103(intro. para.), 3387.5(G) and (H), 3387.6(H) and (I), and R.S. 40:1081.9(D) and 1221.2(intro. para.)