

---

**HOUSE COMMITTEE AMENDMENTS**

2018 Regular Session

Amendments proposed by House Committee on Health and Welfare to Original House Bill  
No. 326 by Representative Hensgens

---

**1** AMENDMENT NO. 1**2** On page 1, at the beginning of line 10, change "254.1(A) and (C)(introductory paragraph)  
**3** and (5)," to "254.1,"**4** AMENDMENT NO. 2**5** On page 1 line 12, after "796.1(A)(1)," and before "846(A)(3)(a)(iv)," insert "843,"**6** AMENDMENT NO. 3**7** On page 2, at the beginning of line 4, change "2503(Section heading)," to "2503(A)(2)(d),"**8** AMENDMENT NO. 4**9** On page 3, line 7, after "and (C)," and before "1105.3(3)," insert "1101.1(1),"**10** AMENDMENT NO. 5**11** On page 3, line 10, after "1165.3(B)," and before "1171.2," insert "1171.1,"**12** AMENDMENT NO. 6**13** On page 3, line 11, after "Chapter 5-D" and before "of the" insert "of Title 40"**14** AMENDMENT NO. 7**15** On page 3, line 13, after "1189.2(A)(1)," and before "1203.1(3)(o)" insert "1201.1,"**16** AMENDMENT NO. 8**17** On page 3, line 16, after "Chapter 5-E" and before "of the" insert "of Title 40"**18** AMENDMENT NO. 9**19** On page 3, line 20, delete "2009.1(D)," and insert in lieu thereof "the heading of Chapter 11  
**20** of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:2009.1(C)(2)(a) and (D),"**21** AMENDMENT NO. 10**22** On page 3, line 22, after "2017.9," and before "2102," insert "2018.1(B)(2)(c) and (d),  
**23** 2019(C)(9),"**24** AMENDMENT NO. 11**25** On page 3, line 24, after "2120.45(D)," and before "2144(A)," insert "2120.47(B)(2) and  
**26** (3),"**27** AMENDMENT NO. 12**28** On page 3, line 26, after "2189," and before "2193.4(9)," insert "2193.1(A)(8),"

1 AMENDMENT NO. 13

2 On page 4, line 1, after "and (3)," and before "2845(A)(6)" delete "and"

3 AMENDMENT NO. 144 On page 4, line 2, at the beginning of the line insert "and 2845.1," and after "52.1(F)(3)(b),"  
5 and before "56(A)," insert "54,"6 AMENDMENT NO. 15

7 On page 4, at the end of line 22, change "1015(4)(i) and" to "1015(4)(i), 1354, and"

8 AMENDMENT NO. 169 On page 20, line 27, after "and (L)," delete the remainder of the line and at the beginning of  
10 line 28 change "paragraph) and (5)," to "254.1,"11 AMENDMENT NO. 1712 On page 26, line 7, delete "through 2826" and insert "et seq"13 AMENDMENT NO. 18

14 On page 26, delete line 8 in its entirety and insert in lieu thereof the following:

15 "B. In connection with such administration, maintenance, and operation, the  
16 department is authorized to incur debt and issue bonds, notes, or other evidence of  
17 indebtedness, and is authorized to pledge the sums in, credited to, or payable to the  
18 Drinking Water Revolving Loan Fund as security for the debt of other entities, and  
19 is authorized to arrange, provide for, and pay the cost of credit enhancement devices  
20 for its debt and the debt of other entities in order to provide funds in connection with  
21 the Drinking Water Revolving Loan Fund Program. Any such evidence of  
22 indebtedness, guarantee, pledge, or credit enhancement device shall be authorized,  
23 executed, and delivered by the secretary or his designee in accordance with the  
24 provisions of and subject to the limitations provided in R.S. 40:2821 ~~through 2826~~  
25 ~~of the Drinking Water Revolving Loan Fund~~ et seq."26 AMENDMENT NO. 1927 On page 26, line 11, delete "is authorized to" and insert "may do all of the following"28 AMENDMENT NO. 2029 On page 26, delete lines 12 through 19 in their entirety and insert in lieu thereof the  
30 following:31 "(1) ~~To authorize~~ Authorize, by executive order, the issuance, sale,  
32 execution, and delivery of bonds, notes, or other evidences of indebtedness of the  
33 department, obligations representing guarantees by the department of the debt of  
34 other entities, and the granting of pledges of the sums deposited in, credited to, or  
35 payable to the Drinking Water Revolving Loan Fund as created and provided in R.S.  
36 40:2821 et seq., including sums to be received pursuant to letters of credit, as  
37 security for the debts of other entities, subject to the approval of the State Bond  
38 Commission.39 (2) ~~To administer~~ Administer the financial aspects of the Drinking Water  
40 Revolving Loan Fund as established in R.S. 40:2821 ~~through 2826~~ et seq. The  
41 secretary ~~is also authorized to~~ may also enter into contracts and other agreements in

1 connection with the operation of the Drinking Water Revolving Loan Fund to the  
 2 extent necessary or convenient for the implementation of the Drinking Water  
 3 Revolving Loan Fund Program.

4 (3) ~~To adopt~~ Adopt and promulgate rules and regulations for the  
 5 administration of the Drinking Water Revolving Loan Fund, provided such rules and  
 6 regulations shall not take effect unless approved by the ~~House of Representatives~~  
 7 ~~Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee~~  
 8 House Committee on Ways and Means and the Senate Committee on Revenue and  
 9 Fiscal Affairs.

10 (4) ~~The secretary of the Louisiana Department of Health, hereafter the~~  
 11 ~~"department", is hereby authorized to issue~~ Issue, incur, and deliver debt evidenced  
 12 by bonds, notes, or other evidences of indebtedness, payable from or secured by  
 13 sums deposited in, credited to, or to be received in, including sums received pursuant  
 14 to letters of credit, by the department in the Drinking Water Revolving Loan Fund  
 15 as created and established in R.S. 40:2821 ~~through 2826~~ et seq. The department is  
 16 ~~further authorized to~~ may also undertake, ~~and to issue,~~ and deliver evidences of its  
 17 guarantee of the debt of other entities and ~~is authorized to~~ may enter and execute  
 18 pledges of the sums deposited in, credited to, or to be received in the Drinking Water  
 19 Revolving Loan Fund, including payments pursuant to letters of credit, to secure the  
 20 debt of other entities. Such bonds, notes, or other evidences of indebtedness, such  
 21 guarantees, and such pledges issued and delivered pursuant to the authority hereof  
 22 shall constitute special and limited obligations of the department, and shall not be  
 23 secured by the full faith and credit of the state of Louisiana, any source of revenue  
 24 of the state of Louisiana other than those sums on deposit in, credited to, or to be  
 25 received in the Drinking Water Revolving Loan Fund including payments to be made  
 26 pursuant to letters of credit. ~~It is hereby found and determined that such~~ Such bonds,  
 27 notes, or other evidences of indebtedness, guarantees, and pledges shall constitute  
 28 revenue bonds, debts, or obligations within the meaning of Article VII, Section 6(C)  
 29 of the Constitution of Louisiana and shall not constitute the incurring of state debt  
 30 thereunder. Withdrawals from the Drinking Water Revolving Loan Fund to pay debt  
 31 service on any bond, note, or other evidence of indebtedness, obligation of guarantee  
 32 of any debt, or pledge to secure any debt does not constitute and shall not be subject  
 33 to annual appropriation by the legislature as provided by Article III, Section 16 of  
 34 the Constitution of Louisiana.

35 (5) ~~The department is hereby authorized to issue~~ Issue, execute, and deliver  
 36 refunding bonds, notes, or other evidences of indebtedness for the purpose of  
 37 refunding, readjusting, restructuring, refinancing, extending, or unifying in whole or  
 38 any part of its outstanding obligations, ~~and further the department is hereby~~  
 39 ~~authorized to issue~~

40 (6) Issue short-term revenue notes for the purposes of anticipating any  
 41 revenues to be received by the department in connection with the Drinking Water  
 42 Revolving Loan Fund.

43 ~~(6) D.~~ D. Bonds, notes, or other evidences of indebtedness of the department  
 44 may bear, and the department may guarantee or pledge the assets of the Drinking  
 45 Water Revolving Loan Fund to the payment of debt of other entities that bear, a rate  
 46 or rates of interest at fixed, variable, or adjustable rates. Any such obligation may  
 47 be non-interest bearing in the form of capital appreciation obligations."

48 AMENDMENT NO. 21

49 On page 30, at the end of line 27, insert "843,"

1 AMENDMENT NO. 22

2 On page 31, line 9, delete "2503(Section heading)," and insert in lieu thereof  
3 "2503(A)(2)(d),"

4 AMENDMENT NO. 23

5 On page 33, between lines 25 and 26, insert the following:

6 "§843. Registration and display of certificate

7 A. The board shall register each certificate in the office of ~~health services~~  
8 ~~and environmental quality~~ public health of the Louisiana Department of Health.

9 B. ~~Each~~ Every certificate holder shall display his certificate in a conspicuous  
10 place in his office or place of business.

11 \* \* \*

12 AMENDMENT NO. 24

13 On page 61, between lines 12 and 13, insert the following:

14 "A.

15 \* \* \*

16 (2) The ex officio members of the board shall be:

17 \* \* \*

18 (d) The director of the ~~Bureau of Health Services Financing~~ bureau of health  
19 services financing of the Louisiana Department of Health or his designee."

20 AMENDMENT NO. 25

21 On page 83, line 25, after "and (C)," and before "1105.3(3)," insert "1101.1(1),"

22 AMENDMENT NO. 26

23 On page 83, line 27, after "1165.3(B)," and before "1171.2," insert "1171.1,"

24 AMENDMENT NO. 27

25 On page 83, line 28, after "Chapter 5-D" and before "of the" insert "of Title 40"

26 AMENDMENT NO. 28

27 On page 84, line 1, after "1189.2(A)(1)," and before "1203.1(3)(o)" insert "1201.1,"

28 AMENDMENT NO. 29

29 On page 84, line 4, after "Chapter 5-E" and before "of the" insert "of Title 40"

30 AMENDMENT NO. 30

31 On page 84, line 7, delete "2009.1(D)," and insert in lieu thereof "the heading of Chapter 11  
32 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:2009.1(C)(2)(a) and (D),"

1 AMENDMENT NO. 31

2 On page 84, line 9, after "2017.9," and before "2102," insert "2018.1(B)(2)(c) and (d),  
3 2019(C)(9),"

4 AMENDMENT NO. 32

5 On page 84, line 11, after "2120.45(D)," and before "2144(A)," insert "2120.47(B)(2) and  
6 (3),"

7 AMENDMENT NO. 33

8 On page 84, line 13, after "2189," and before "2193.4(9)," insert "2193.1(A)(8),"

9 AMENDMENT NO. 34

10 On page 84, at the end of line 16, delete "and"

11 AMENDMENT NO. 35

12 On page 84, at the beginning of line 17, insert "2845.1, and"

13 AMENDMENT NO. 36

14 On page 133, between lines 9 and 10, insert the following:

15 "§1101.1. Legislative intent

16 The legislature finds and declares that:

17 (1) Certain nursing home and related facilities, ~~residential care/assisted~~  
18 ~~living residential care~~ facilities, assisted living facilities, adult congregate living  
19 facilities, home health agencies, home- and community-based service providers  
20 which provide adult day care services, hospices, and continuing care retirement  
21 communities are presently known to offer to provide or provide a special program  
22 or special unit for persons who have Alzheimer's disease or a related disorder.

23 \* \* \*

24 AMENDMENT NO. 37

25 On page 140, between lines 3 and 4, insert the following:

26 "§1171.1. Purpose; intent; insurance and R.S. 40:1157.3 not affected

27 The legislature recognizes that confidentiality protection for information  
28 related to human immunodeficiency virus (HIV) infection and acquired  
29 immunodeficiency syndrome (AIDS) is an essential public health measure. In order  
30 to retain the full trust and confidence of persons at risk, the state has an interest both  
31 in assuring that HIV test results are not improperly disclosed and in having clear and  
32 certain rules for the disclosure of such information. By providing additional  
33 protection for the confidentiality of HIV test results, the legislature intends to  
34 encourage the expansion of voluntary confidential testing for HIV so that individuals  
35 may come forward, learn their health status, make decisions regarding the  
36 appropriate treatment, and change behaviors that put them and others at risk of  
37 infection. The legislature also recognizes that confidentiality protections can limit  
38 the risk of discrimination and the harm to an individual's interest in privacy that  
39 unauthorized disclosure of HIV test results can cause. It is not the intent of the  
40 legislature to create any new right, right of action, or cause of action or eliminate any

1 right, right of action, or cause of action existing under current law. It is further not  
2 the intent of the legislature that this Chapter repeal, amend, or in any way affect the  
3 provisions of R.S. 40:1157.3 relative to the ability of a physician or employee of a  
4 hospital who may become infected with ~~the human immunodeficiency virus~~ HIV to  
5 test the blood of a patient without the patient's consent. It is the intent of the  
6 legislature that in the case of a person applying for or already insured under an  
7 insurance policy, who will be or has been the subject of a test to determine infection  
8 for ~~human immunodeficiency virus (HIV)~~ HIV, all facets of insurers' practices in  
9 connection with ~~HIV-related~~ HIV-related testing and HIV test results and all facets  
10 of other entities' and individuals' interactions with insurers relating to ~~HIV-related~~  
11 HIV-related testing or HIV test results shall be governed exclusively by Title 22 of  
12 the Louisiana Revised Statutes of 1950 and any regulations promulgated pursuant  
13 thereto by the commissioner of ~~the Department of Insurance~~ insurance who shall  
14 have the authority to promulgate such regulations."

15 AMENDMENT NO. 38

16 On page 144, between lines 15 and 16, insert the following:

17 "§1201.1. Clinical preceptor nurse aide training program; legislative intent

18 The Legislature of Louisiana hereby finds that there is a serious need for  
19 adequately trained certified nurse aides and, therefore, it is in the best interest of the  
20 state to maximize the opportunities which are available to students who are seeking  
21 to become certified nurse aides. The legislature further finds that a clinical preceptor  
22 nurse aide training program operated by the Louisiana ~~Technical and Community~~  
23 Community and Technical College System in conjunction with nursing homes  
24 located throughout the state not only provides a viable method of training but also  
25 provides such training at a considerably lower cost than the traditional method of  
26 training.

27 \* \* \*

28 AMENDMENT NO. 39

29 On page 156, after line 28, insert the following:

30 "CHAPTER 11. STATE DEPARTMENT OF ~~HOSPITALS~~ HEALTH

31 \* \* \*

32 AMENDMENT NO. 40

33 On page 157, between lines 2 and 3, insert the following:

34 "C.

35 \* \* \*

36 (2) Ex officio members of the committee shall be:

37 (a) The assistant secretary of the office of ~~health services and environmental~~  
38 quality public health.

39 \* \* \*

40 AMENDMENT NO. 41

41 On page 161, between lines 6 and 7, insert the following:

42 "§2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C

1 \* \* \*  
2 B.  
3 \* \* \*

4 (2) Eleven members shall be appointed by the governor by virtue of their  
5 position as follows:

6 \* \* \*  
7 (c) Four representatives from the Louisiana Department of Health, who have  
8 knowledge of policies related to HIV, AIDS, and hepatitis C, and who work in the  
9 office of public health, office of behavioral health, and ~~the office~~ bureau of health  
10 services financing, respectively.

11 (d) The commissioner of ~~the Department of Insurance~~ insurance or his  
12 designee.

13 \* \* \*  
14 §2019. Child death investigation

15 \* \* \*  
16 C. Child Death Review Panel. There is established within the Louisiana  
17 Department of Health the Louisiana State Child Death Review Panel, hereinafter  
18 referred to as the "state panel" which shall be composed of twenty-seven persons.  
19 Members of the panel shall include:

20 \* \* \*  
21 (9) The commissioner of ~~the Department of Insurance~~ insurance or his  
22 designee.  
23 \* \* \*"

24 AMENDMENT NO. 42

25 On page 167, between lines 20 and 21, insert the following:

26 "§2120.47. Moratorium; exceptions

27 \* \* \*  
28 B. If the department determines that there is a need for new or additional  
29 adult day health care providers in a certain geographic location, the department may  
30 approve and enroll a new or additional adult day health care provider into the Title  
31 XIX program. The department shall promulgate and publish rules in accordance  
32 with the Administrative Procedure Act to provide for the following:  
33 (1) Criteria and processes for determining whether such a need exists; ~~and~~  
34 (2) Procedures for selecting an adult day health care provider to be approved  
35 and enrolled into the Title XIX program once a need has been determined; ~~and~~

36 \* \* \*"

37 AMENDMENT NO. 43

38 On page 171, line 11, delete "behaviorial" and insert "behavioral"

39 AMENDMENT NO. 44

40 On page 171, between lines 24 and 25, insert the following:

41 "§2193.1. Purpose and definitions

42 A. The purpose of this Part is to authorize the Louisiana Department of  
43 Health to promulgate and publish rules and regulations to provide for the health,  
44 safety, and welfare of children in pediatric day health care facilities and to provide

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

1 for the safe operation of these facilities. The department shall consult with the  
2 following organizations in the development of the rules and regulations:

3 \* \* \*

4 (8) The ~~Department of Children and Family Services'~~ child care assistance  
5 program of the state Department of Education.

6 \* \* \*"

7 AMENDMENT NO. 45

8 On page 183, between lines 7 and 8, insert the following:

9 "§2845.1. Public records exception

10 Patient and peer review data or information submitted or transmitted pursuant  
11 to this Chapter to the trauma registry, the board, any committee acting on behalf of  
12 the board, any hospital or pre-hospital care provider, any physician or other direct  
13 care provider, any regional commission, any emergency medical services council,  
14 emergency medical services agency, or other group or committee whose purpose is  
15 to monitor and improve quality care pursuant to this Chapter, shall be confidential  
16 and exempt from the provisions of law relative to public records as provided in ~~R.S.~~  
17 ~~44:4.1(B)(24)~~ R.S. 44:4.1(B)(26)."

18 AMENDMENT NO. 46

19 On page 183, line 8, after "52.1(F)(3)(b)," and before "56(A)," insert "54,"

20 AMENDMENT NO. 47

21 On page 185, after line 29, insert the following:

22 "§54. Parish offices

23 There shall be in each parish of the state a parish office of the ~~office of family~~  
24 ~~security~~ department; provided that the department may unite two or more parishes  
25 and form a district office. All duties and responsibilities set forth in this Chapter for  
26 parish offices shall also apply to the district offices.

27 \* \* \*"

28 AMENDMENT NO. 48

29 On page 221, line 22, after "federal funds" and before "shall" insert a comma " ,"

30 AMENDMENT NO. 49

31 On page 227, line 8, after "1015(4)(i)" and before "and 1409(F)" insert a comma "," and  
32 "1354,"

33 AMENDMENT NO. 50

34 On page 227, between lines 21 and 22, insert the following:

35 "Art. 1354. Persons adjudged guilty of criminal neglect

36 Whenever a person has been ordered to pay a fixed sum of money as support  
37 to an individual following a plea or adjudication for the offense of criminal neglect



1 of family, pursuant to R.S. 14:74, and such person has absconded or fled the  
2 jurisdiction of the court or has violated the terms of his probation relating to that  
3 support obligation, or both, if such conduct necessitates help and support to the  
4 individual by the ~~office of family security of the~~ department and should such person  
5 be apprehended and arrearages of his support payments are collected from him, the  
6 arrearage collected from the person ~~will~~ shall go to the department as reimbursement  
7 to the extent allowed by federal law.

8 \* \* \*

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