

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, 254.3, 258(G) through (L), 259(E)(10), 474(B)(1) and (6), and 477(B)(1), R.S.
11 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1), 843,
12 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E),
13 1033(A)(3) and (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12),
14 1164(3), (7), (10), (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13),
15 (17), and (18) and (B)(1) and (6), 1226.1(B), 1226.2(D)(1), 1277(A)(3),
16 1281(A)(1)(a), (3)(a)(ii) and (c), and (5), 1307(1), (7), and (8), 1340(introductory
17 paragraph), 1543(A)(3)(b)(ii) and (5), 1721, 1731(A)(2)(a) and (d), 1732.1,
18 1742.1(G)(introductory paragraph) and (5), 1743(C), 1743.1(E), 1744(A), (B), and
19 (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of Chapter 20 of Title 37
20 of the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111, 2114, 2351,

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

1 paragraph), (a), and (b), 987, 988(A)(introductory paragraph), (B), and (C), 989.1(F),
2 989.2(F), 990, 992(A)(introductory paragraph), (B)(introductory paragraph), and (C)
3 through (E), 993(A), (B), and (D), 995, 996.1(M), 996.3(C), 1003(12) and (14),
4 1005(Section heading), 1006(E), 1007(B) and (I)(introductory paragraph), 1046(F),
5 1049.7(Section heading), 1058, 1071.1(introductory paragraph), 1079.1(D),
6 1087.1(A) and (B)(2)(introductory paragraph) and (3), 1089.2(1), 1089.3(C)(2)(b),
7 1089.4(A)(3), (B), and (C), 1101.1(1), 1105.3(3), 1105.6(E), 1105.8(F),
8 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F), 1117.1(B),
9 1121.11, 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B), 1165.1(C)(2),
10 1165.3(B), 1171.1, 1171.2, the heading of Subpart C of Part IV of Subchapter A of
11 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
12 40:1173.2(1)(a), 1173.3(3) and (8), 1173.4(B), 1173.5(A) through (C), 1173.6(B)
13 and (E), 1183.2(A)(1) and (5), 1183.4(A)(1), 1189.2(A)(1), 1201.1, 1203.1(3)(o) and
14 (5), 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 Title 40 of the
17 Louisiana 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), the heading of Chapter 11 of Title 40 of the Louisiana
21 Revised Statutes of 1950, R.S. 40:2009.1(C)(2)(a) and (D), 2009.2(2), (3)(b) through
22 (d) and (f), and (7), 2009.6(A)(1) through (3) and (B)(1) through (3), 2009.12,
23 2009.18, 2009.21(Section heading), 2017.9, 2018.1(B)(2)(c) and (d), 2019(C)(9),
24 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C), and (D), 2116(D)(1)(c),
25 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and (10)(a), 2120.5(E),
26 2120.44(B)(9), 2120.45(D), 2120.47(B)(1) and (2), 2144(A), (C), (F)(2)(introductory
27 paragraph), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and (13),
28 2175.14(E), 2179(D), 2180.11, 2189, 2193.1(A)(8), 2193.4(9), 2194.2(4) through
29 (6), 2195.1(A)(5), (8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5),

1 2196.1(4), 2197(A) and (D) through (G), 2199(A)(1) and (5) and (F)(2),
2 2199.1(A)(introductory paragraph), 2202(3) and (5)(a) and (e)(i), 2203(C), 2223,
3 2243, 2253, 2353, 2404(5), 2477, 2481, 2530.4(B)(introductory paragraph) and (3),
4 2845(A)(6) and (C), and 2845.1, R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 54, 56(A),
5 (B)(1), (F)(4)(b), and (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D),
6 114(E)(1)(introductory paragraph), 114.3(A), 121(1)(introductory paragraph),
7 123(D)(3) and (K)(3), 153(C), 153.4(F)(2), 156(A) and (B), 157 through 159,
8 159.1(C) and (D), 160.1(10), 231.2(A)(1)(introductory paragraph) and
9 (B)(introductory paragraph), 231.4(E), 232, 234, 234.1, 236, 236.1.2(B)(1) and (I),
10 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E), 236.11.1(D), 237(B)(15),
11 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B) through (E),
12 447.2(A)(2), (B)(1) and (3), and (D)(introductory paragraph), (1), and (2), 450.1(A)
13 and (B)(6), 450.3(B)(introductory paragraph), 460.1, 460.4(D), 465, 923(A) and (B),
14 924(A) and (B), 932(14), 936, 972, 975(C)(2), 976(A)(3)(c) and (5)(a) through (c)
15 and (d)(i), (B)(3)(b), (C)(introductory paragraph), and (E), 977.2, 977.3(3),
16 977.5(A)(2) and (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(4), 979.4(H),
17 1052(introductory paragraph), 1056(A), 1057(introductory paragraph), (10), and
18 (11), the heading of Chapter 10-D of Title 46 of the Louisiana Revised Statutes of
19 1950, R.S. 46:1194(introductory paragraph) and (1), 1195(A)(2) and (B) through
20 (D), 1402, 1403.1, 1433(Section heading), 1602(A), (D), and (F)(1)(a)(i) through
21 (iii) and (b), 1906.2, 1953(F), 1954(B), 2121(C), 2125(A), 2127(C), 2135(C),
22 2136(A)(4)(b) and (c), 2200, 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and (5),
23 2603(A)(4) and (B)(introductory paragraph), 2692(C), 2702(8) and (9), 2704(B),
24 2722(B), 2731(B)(2), (C)(3), (D)(3) and (4), (E), and (F), and 2758.2(C)(1), and
25 Children's Code Articles 1015(4)(i), 1354, 1409(F), and 1461.1(A)(2), to enact R.S.
26 37:1103(introductory paragraph), 3387.5(G) and (H), 3387.6(H) and (I), and R.S.
27 40:1081.9(D) and 1221.2(introductory paragraph), and to repeal R.S. 46:932(13)(c)
28 and 2692(A)(1), relative to the various provisions of Titles 28, 36, 37, 40, and 46 of
29 the Louisiana Revised Statutes of 1950 and the Louisiana Children's Code; to make

1 technical corrections in provisions relative to behavioral health, mental health,
 2 human services, administration of the Louisiana Department of Health,
 3 administration of the Department of Children and Family Services, health
 4 professions and occupations, boards and commissions, public health, health care,
 5 food and drugs, public welfare and assistance, child welfare, and other matters within
 6 or relating to the purview of the legislative committees on health and welfare; to
 7 make corrective changes including corrections in legal citations and in names of
 8 assistance programs, publications, agencies, boards, commissions, offices and
 9 officers of departments, and other entities; to remove references to agencies, offices,
 10 divisions, and programs that have been repealed or no longer exist; to designate
 11 undesignated statutory provisions; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 28:2(16)(introductory paragraph), 52(F), 53(B)(4)(introductory
 14 paragraph), (D), (G)(4) and (7)(a)(introductory paragraph) and (i), (I), (O), and (P)(1)(a),
 15 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C) through (E), 70(D)
 16 and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C), 215.1, 215.2(3),
 17 215.5(B)(7), 454.5(D)(2) and (3)(introductory paragraph) and (d), 469(C)(1)(a)(introductory
 18 paragraph), (i), and (ii), 470(E), 757, 772(D), 823(11), 911(6), 915(A)(2), and 932(B)(2) are
 19 hereby amended and reenacted to read as follows:

20 §2. Definitions

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

23 * * *

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

29 * * *

1 §52. Voluntary admissions; general provisions

2 * * *

3 F. Every patient admitted on a voluntary admission status shall be informed
4 in writing at the time of admission of the procedures for requesting release from the
5 treatment facility, the availability of counsel, information about the mental health
6 advocacy service, the rights enumerated in R.S. 28:171₂ and rules and regulations
7 applicable to or concerning his conduct while a patient in the treatment facility. If
8 the person is illiterate or does not read or understand English, appropriate provisions
9 ~~should~~ shall be made to supply him this information. In addition, a copy of the
10 information listed in this Subsection ~~must~~ shall be posted in any area where patients
11 are confined and treated.

12 * * *

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

14 * * *

15 B.

16 * * *

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

23 * * *

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

1 shown. If the person is confined, the judge of the court where the petition was filed
 2 may hold the hearing at the treatment facility where the person is confined; if₂ in the
 3 opinion of the director of the treatment facility₂ it will be detrimental to the patient's
 4 health, welfare₂ or dignity; to travel to the court where the petition was filed.
 5 Pending the decision of the court, the patient shall remain confined unless the court
 6 orders release or a less restrictive status.

7 * * *

8 G.

9 * * *

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

16 * * *

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

19 (a) The coroner or deputy coroner, who is a physician, preferably a
 20 psychiatrist, may conduct an examination and execute an emergency certificate, as
 21 provided in Subparagraph (b) of this Paragraph₂ by telemedicine utilizing video
 22 conferencing equipment, provided that all of the following are met:

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

28 * * *

1 I. Every patient admitted by emergency certificate shall be informed in
 2 writing at the time of his admission of the procedures of 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. 28:171₂ and the 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 to him. In addition, a copy of
 8 the information mentioned in this Subsection ~~must~~ shall be posted in any area where
 9 patients are confined and treated.

10 * * *

11 O.(1) For the purposes of this Chapter, "public and private general hospital
 12 personnel" shall mean all persons who provide services or furnish assistance to a
 13 public or private general hospital in connection with the operations or delivery of
 14 patient care, including employees, independent contractors, and ~~or~~ volunteers.

15 (2) Notwithstanding the provisions of this Section or R.S. 28:63, "public and
 16 private general hospital personnel" does not include a physician, psychiatric mental
 17 health nurse practitioner, medical psychologist, or psychologist as defined in R.S.
 18 28:2, for the purpose of nonviolent crisis intervention training.

19 P.(1) Notwithstanding any provision of law to the contrary, no claim for
 20 payment for inpatient behavioral health services provided to a person while admitted
 21 and detained in a facility that provides mental health services under an emergency
 22 certificate, issued in accordance with the provisions of this Section, shall be denied
 23 by Medicaid, an entity contracted with the state for the provision of Medicaid
 24 services, or any hospital, health, or medical expense insurance policy, hospital or
 25 medical service contract, employee welfare benefit plan, contract or other agreement
 26 with a health maintenance organization or a preferred provider organization, health
 27 and accident insurance policy, or any other insurance contract of this type in this
 28 state, including a group insurance plan, a self-insurance plan, and the Office of

1 Group Benefits programs, on the basis of medical necessity if all of the following
2 conditions are met:

3 (a) Claims for payment ~~of~~ for services issued in accordance with this
4 Subsection shall be limited to behavioral health expenditures and shall exclude
5 payment for non-behavioral health services or other medical expenses not directly
6 related to the provision of behavioral health care, treatment, or services with the
7 exception of usual and customary laboratory services necessary to monitor patient
8 progress.

9 * * *

10 §53.2. Order for custody; grounds; civil liability; criminal penalty for making a false
11 statement

12 * * *

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

16 * * *

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

20 * * *

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

24 * * *

25 G.(1) If refused or obstructed from admittance, any elected coroner or his
26 support staff, accompanied by a law enforcement officer, who has announced his
27 authority and purpose, may apply to a court of competent jurisdiction for an order
28 to break open an outer or inner door or window of any vehicle, water craft, aircraft,
29 structure, or dwelling in order to restrain and transport the person subject to a request

1 and order for protective custody and examination after a mental health professional
2 has intervened and attempted to counsel the person regarding his voluntary
3 surrender.

4 * * *

5 §58. ~~R.S. 15:267~~ Code of Criminal Procedure Article 641 et seq. not affected

6 Whenever it appears that a person against whom an indictment has been
7 found or information filed in any court in this state is insane or mentally defective
8 to the extent that he is unable to understand the proceedings against him or to assist
9 in his defense, or whenever the existence of insanity or mental defect on the part of
10 the defendant at the time of the alleged commission of the offense charged becomes
11 an issue in the cause, all proceedings to determine the fact of the insanity or mental
12 defect shall be in accordance with the provisions of ~~R.S. 15:267 (Article 267 of the~~
13 ~~Code of Criminal Procedure)~~ Code of Criminal Procedure Article 641 et seq.

14 * * *

15 §63. Standard of care; limitation of liability; penalties

16 A.

17 * * *

18 (2) The provisions of this Subsection shall not affect the provisions of R.S.
19 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42
20 ~~U.S.C.~~ U.S.C. 1395dd.

21 * * *

22 C.(1)(a) Any person who acts in good faith to assist in the apprehension or
23 taking into protective custody, examination and confinement of a patient will not be
24 subject to civil or criminal penalties, unless the damage or injury was caused by
25 willful or wanton negligence or gross misconduct. This limitation of liability shall
26 only apply to public and private general hospital personnel who within the preceding
27 twelve-month period have received appropriate training in nonviolent crisis
28 intervention and such training has been documented in their personnel files. The

1 training shall be provided by an instructor who has attended a course in crisis
2 intervention taught by a certified instructor.

3 ~~(2)~~ The provisions of this Subsection shall not affect the provisions of R.S.
4 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42
5 USC 1395dd.

6 ~~(3)~~ (b) Any public or private general hospital to which a patient has been
7 transported pursuant to an order of protective custody or an emergency certificate or
8 for the purpose of examination for an emergency commitment certificate shall not
9 be held civilly liable or subject to criminal prosecution for damage or injury to the
10 patient arising from the detention or treatment of the patient if the public or private
11 general hospital personnel have used reasonable care and diligence and their best
12 judgment in the application of their skills under similar circumstances in the same
13 or a similar community or locality, unless the damage or injury was caused by willful
14 or wanton negligence or gross misconduct. This limitation of liability shall only
15 apply to public and private general hospital personnel who within the preceding
16 twelve-month period have received appropriate training in nonviolent crisis
17 intervention and such training has been documented in their personnel file. The
18 training shall be provided by an instructor who has attended a course in crisis
19 intervention taught by a certified instructor.

20 ~~(4)~~ (2) The provisions of this Subsection shall not affect the provisions of
21 R.S. 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act,
22 42 USC U.S.C. 1395dd.

23 ~~(5)~~ (3) A person who willfully advises or participates in the making of a false
24 application or certificate shall be imprisoned with or without hard labor for not more
25 than two years or fined not more than ten thousand dollars, or both.

26 * * *

27 §69. Procedure

28 A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court shall
29 assign a time and place for a hearing, which may be conducted before any judge in

1 the judicial district, within five days, and shall cause reasonable notice thereof and
 2 a copy of the petition to be served upon the respondent, respondent's attorney, the
 3 petitioner and the director of the local governing entity in the parish where the
 4 petition has been filed. The notice shall inform the respondent that he has a right to
 5 be present, a right to counsel, which may be appointed, if he is indigent or otherwise
 6 qualified, has the right to counsel appointed to represent him by the Mental Health
 7 Advocacy Service, and a right to ~~cross-examine~~ cross-examine witnesses.
 8 Continuances shall be granted only for good cause shown.

9 * * *

10 C. The court shall not order involuntary outpatient treatment unless an
 11 examining physician, psychiatric mental health nurse practitioner₂ or psychologist₂
 12 who has personally examined the patient within the time period commencing ten
 13 days before the filing of the petition, testifies at the hearing.

14 D. If the patient has refused to be examined by a physician, psychiatric
 15 mental health nurse practitioner₂ or psychologist, the court may request the subject
 16 to consent to an examination by a physician, psychiatric mental health nurse
 17 practitioner₂ or psychologist appointed by the court. If the patient does not consent
 18 and the court finds reasonable cause to believe that the allegations in the petition are
 19 true, the court may order peace officers, police officers₂ or the sheriff's department
 20 to take the patient into custody and transport him to a hospital or emergency
 21 receiving center for examination. Retention of the patient in accordance with the
 22 court order shall not exceed twenty-four hours. The examination of the patient may
 23 be performed by the physician, psychiatric mental health nurse practitioner₂ or
 24 psychologist whose affidavit accompanied the petition pursuant to R.S. 28:68(B), if
 25 he is privileged or otherwise authorized by the hospital or emergency receiving
 26 center. If such examination is performed by another physician, psychiatric mental
 27 health nurse practitioner₂ or psychologist, he shall be authorized to consult with the
 28 physician, psychiatric mental health nurse practitioner₂ or psychologist whose
 29 affidavit accompanied the petition regarding the issues of whether the allegations in

1 the petition are true and whether the patient meets the criteria for involuntary
2 outpatient treatment.

3 E. A physician, psychiatric mental health nurse practitioner, or psychologist
4 who testifies pursuant to Subsection C of this Section shall state the facts which
5 support the allegation that the patient meets each of the criteria for involuntary
6 outpatient treatment, the treatment is the least restrictive alternative, the
7 recommended involuntary outpatient treatment, and the rationale. If the
8 recommended involuntary outpatient treatment includes medication, the testimony
9 of the physician, psychiatric mental health nurse practitioner, or medical
10 psychologist shall describe the types or classes of medication which should be
11 authorized, the beneficial and detrimental physical and mental effects of such
12 medication, and whether the medication should be self-administered or administered
13 by authorized personnel.

14 * * *

15 §70. Written treatment plan for involuntary outpatient treatment

16 * * *

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

24 E.

25 * * *

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

27 * * *

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

3 * * *

4 §72. Application for additional periods of treatment

5 * * *

6 B. The procedure for obtaining an extension shall be the same as for
7 obtaining the original order. However, the time periods provided in R.S. 28:66(A)(4)
8 shall not be applicable in determining the appropriateness of the extension. The
9 court order requiring blood or laboratory testing shall be subject to review after six
10 months by the physician, psychiatric mental health nurse practitioner, or
11 psychologist who developed the written treatment plan or who is designated by the
12 director, and the blood or laboratory testing may be terminated without further action
13 of the court.

14 * * *

15 §98.2. Immunity of psychiatric hospital and director or administrator

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

25 * * *

26 §171. Enumerations of rights guaranteed

27 * * *

28 F.(1) No patient confined by emergency certificate, judicial commitment, or
29 ~~non-contested~~ noncontested status shall receive major surgical procedures or

1 electroshock therapy without the written consent of a court of competent jurisdiction
2 after a hearing.

3 (2) If the director of the treatment facility, in consultation with two
4 physicians, determines that the condition of such a patient is of such a critical nature
5 that it may be ~~life-threatening~~ life-threatening unless major surgical procedures or
6 electroshock therapy are administered, such emergency measures may be performed
7 without the consent otherwise provided for in this Section. No physician shall be
8 liable for a good faith determination that a medical emergency exists.

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

18 * * *

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

24 * * *

25 §185. Unlicensed counseling

26 * * *

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

29 * * *

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

3 * * *

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

6 * * *

7 §215.1. Coroner's Strategic Initiative for a Health Information and Intervention
8 Program; creation

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

12 §215.2. Coroner's Strategic Initiative for a Health Information and Intervention
13 Program; powers and duties

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

16 * * *

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

19 * * *

20 §215.5. Coroner's Strategic Initiative for a Health Information and Intervention
21 Program; advisory board

22 * * *

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

24 * * *

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

28 * * *

1 §454.5. Involuntary admission; determination of probable cause

2 * * *

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

4 * * *

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

6 (3) ~~Shall cause~~ Cause notice thereof to be personally served at least ten days
7 prior to the hearing on the respondent and the attorney for the respondent. The
8 notice shall satisfy the following requirements:

9 * * *

10 (d) The notice shall inform the respondent that he has the right to present
11 evidence and ~~cross-examine~~ cross-examine witnesses at any hearing on such
12 application.

13 * * *

14 §469. System of payments; authority of the Louisiana Department of Health; cost
15 participation schedule

16 * * *

17 C.(1)(a) The department shall promulgate rules in accordance with the
18 Administrative Procedure Act that establish a schedule of monthly cost participation
19 for early intervention services per qualifying family. Cost participation shall be
20 based on a sliding scale and shall consider elements; including but not limited to
21 adjusted gross income, family size, financial hardship, extraordinary expenses
22 associated with the child, and Medicaid eligibility. The department shall be subject
23 to all of the following limitations and requirements relative to the cost participation
24 schedule:

25 (i) The department shall utilize the most recent federal poverty guidelines
26 ~~issued~~ published in the Federal Register by the United States Department of Health
27 and Human Services, referred to hereafter in this Subsection as the "federal poverty
28 guidelines", as the basis for determining the income threshold based on family size
29 for eligibility for cost participation.

1 (ii) The department shall not assess any fee or other charge through the cost
2 participation schedule upon a family which has an annual income of less than three
3 hundred percent of the applicable federal poverty ~~level~~ guideline.

4 * * *

5 §470. Louisiana State Interagency Coordinating Council for Early Steps:
6 Louisiana's Early Intervention Program for Infants and Toddlers with
7 Disabilities and Their Families

8 * * *

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

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

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

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

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

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

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

1 §911. Definitions

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

3 * * *

4 (6) "Human services district or authority" ~~or~~ and "district or authority";
5 ~~means~~ mean a local governing entity, as identified in R.S. 28:912(A), with local
6 accountability and management of behavioral health, intellectual disability, and
7 developmental disability services as well as any public health or other services
8 contracted to the district or authority by the department.

9 * * *

10 §915. Districts and authorities; functions, powers, and duties; sole-source
11 contracting

12 A. Pursuant to a contract with the department, all human services districts
13 and authorities shall:

14 * * *

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

19 * * *

20 §932. Intervention and stabilization units; establishment and operation; duties of
21 human services districts and authorities

22 * * *

23 B. Subject to appropriation for this purpose, a human services district or
24 authority may establish and operate an intervention and stabilization unit in any
25 parish that meets all of the following criteria:

26 * * *

27 (2) The parish experienced the closure of a hospital provided for in R.S.
28 17:1519.2 that had been operated by the ~~Health Care Services Division~~ health care

1 services division of the LSU Health Sciences Center-New Orleans.

2 * * *

3 Section 2. R.S. 36:254(A)(6)(b) and (10)(a) through (e), (B)(1) and (6), (D)(1)(a)(i),
4 (E)(1), (F)(1), (H)(1), (I)(1), (J)(1), (K)(1), and (L), 254.1, 254.3, 258(G) through (L),
5 259(E)(10), 474(B)(1) and (6), and 477(B)(1) are hereby amended and reenacted to read as
6 follows:

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

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

10 * * *

11 (6)

12 * * *

13 (b) Act as the sole agent of the state or, in necessary cases, designate one of
14 the offices within the department or its assistant secretary to cooperate with the
15 federal government and with other state and local agencies in the administration of
16 federal funds granted to the state pursuant to the State Children's Health Insurance
17 Program, Title XXI of the Social Security Act. For this purpose he may take such
18 actions, in accordance with any applicable state law, necessary to meet such federal
19 standards as are established for the administration and use of such federal funds,
20 except as otherwise specifically provided in this Title or by the constitution and laws
21 of this state, and provided that if the department develops a private health insurance
22 model, the department and the Department of Insurance shall jointly promulgate the
23 necessary rules in accordance with the Administrative Procedure Act to establish the
24 private health insurance model. Any rules or regulations promulgated pursuant to
25 the private health insurance model shall be subject to review by the House
26 Committee on Health and Welfare₂ ~~and~~ the Senate Committee on Health and
27 Welfare₂ ~~and~~ the House Committee on Insurance₂ and the Senate Committee on
28 Insurance.

29 * * *

- 1 (10) Perform the functions of the state relating to:
- 2 (a) Licensing of ~~health-related~~ health-related professionals;
- 3 (b) Licensing of health facilities, including hospitals and nursing homes;
- 4 (c) Licensing of institutions for persons with intellectual disabilities;
- 5 (d) Licensing of systems of distribution for controlled dangerous substances;
- 6 (e) Licensing of child care institutions funded under Title XIX of the Social
- 7 Security Act; ~~and.~~

* * *

- 9 B. The secretary shall have authority to:
- 10 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 803:
- 11 (i) Employ, appoint, remove, assign, and promote such personnel as is
- 12 necessary for the efficient administration of the executive office of the secretary and
- 13 the performance of its powers, duties, functions, and responsibilities and such other
- 14 personnel, who are not assigned to an office, as may be necessary for the efficient
- 15 administration of the department and for the performance of the responsibilities,
- 16 powers, duties, and functions of agencies transferred to it;
- 17 (ii) Employ, assign, and remove all personnel employed for the department
- 18 on a contractual basis; ~~and.~~
- 19 (iii) Transfer the personnel of the department as necessary for the efficient
- 20 administration of the department and its programs.

21 (b) All of the ~~above are to~~ functions provided for in this Paragraph shall be

22 accomplished in accordance with applicable civil service law, rules, and regulations,

23 and with policies and rules of the department, and all are subject to budgetary control

24 and applicable laws.

* * *

26 (6) Grant rights of way, servitudes, and easements across state-owned lands

27 under his jurisdiction to other public bodies, either state or local, for any public

28 purpose. The secretary shall also have authority to grant rights of way, servitudes,

29 and easements across state lands under his jurisdiction to any other person or entity

1 for the purpose of laying pipelines, gas lines, and water lines, and for the
 2 transmission of electricity for power and light, and also for telephone and telegraph
 3 lines, for railroad lines or tracks, for road construction, and for drainage purposes,
 4 and to enter into the necessary contracts therefor, which shall provide for the
 5 payment of an adequate consideration. Such payment, in order to be considered as
 6 adequate consideration, shall be based on payments made for other comparable
 7 contracts in the vicinity, when available, providing compensation for rights of way,
 8 servitudes, easements, and for damages relative thereto.

9 * * *

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

28 * * *

1 services district or authority established and enumerated in R.S. 28:912 shall not be
2 granted in any year after a deficit is declared without express written approval of
3 two-thirds of the members of the respective governing board. The express written
4 approval shall be submitted to the secretary in accordance with the reporting
5 provided for in R.S. 36:803.

6 §254.1. Power of the secretary of the Louisiana Department of Health to issue tax-
7 exempt or taxable debt relative to the Drinking Water Revolving Loan Fund

8 A. The secretary of the department is authorized and empowered to
9 administer, maintain, and operate the Drinking Water Revolving Loan Fund as
10 created and provided in R.S. 40:2821 ~~through 2826~~ et seq.

11 B. In connection with such administration, maintenance, and operation, the
12 department is authorized to incur debt and issue bonds, notes, or other evidence of
13 indebtedness, and is authorized to pledge the sums in, credited to, or payable to the
14 Drinking Water Revolving Loan Fund as security for the debt of other entities, and
15 is authorized to arrange, provide for, and pay the cost of credit enhancement devices
16 for its debt and the debt of other entities in order to provide funds in connection with
17 the Drinking Water Revolving Loan Fund Program. Any such evidence of
18 indebtedness, guarantee, pledge, or credit enhancement device shall be authorized,
19 executed, and delivered by the secretary or his designee in accordance with the
20 provisions of and subject to the limitations provided in R.S. 40:2821 ~~through 2826~~
21 ~~of the Drinking Water Revolving Loan Fund~~ et seq.

22 C. In connection with the ~~above~~ power and duties involving the Drinking
23 Water Revolving Loan Fund provided in Subsections A and B of this Section, the
24 secretary of the department ~~is authorized to~~ may do all of the following:

25 (1) ~~To authorize~~ Authorize, by executive order, the issuance, sale, execution,
26 and delivery of bonds, notes, or other evidences of indebtedness of the department,
27 obligations representing guarantees by the department of the debt of other entities,
28 and the granting of pledges of the sums deposited in, credited to, or payable to the
29 Drinking Water Revolving Loan Fund as created and provided in R.S. 40:2821 et

1 seq., including sums to be received pursuant to letters of credit, as security for the
2 debts of other entities, subject to the approval of the State Bond Commission.

3 (2) ~~To administer~~ Administer the financial aspects of the Drinking Water
4 Revolving Loan Fund as established in R.S. 40:2821 ~~through 2826~~ et seq. The
5 secretary ~~is also authorized to~~ may also enter into contracts and other agreements in
6 connection with the operation of the Drinking Water Revolving Loan Fund to the
7 extent necessary or convenient for the implementation of the Drinking Water
8 Revolving Loan Fund Program.

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

15 (4) ~~The secretary of the Louisiana Department of Health, hereafter the~~
16 ~~"department", is hereby authorized to issue~~ Issue, incur, and deliver debt evidenced
17 by bonds, notes, or other evidences of indebtedness, payable from or secured by
18 sums deposited in, credited to, or to be received in, including sums received pursuant
19 to letters of credit, by the department in the Drinking Water Revolving Loan Fund
20 as created and established in R.S. 40:2821 ~~through 2826~~ et seq. The department is
21 ~~further authorized to~~ may also undertake, ~~and to issue,~~ and deliver evidences of its
22 guarantee of the debt of other entities and ~~is authorized to~~ may enter and execute
23 pledges of the sums deposited in, credited to, or to be received in the Drinking Water
24 Revolving Loan Fund, including payments pursuant to letters of credit, to secure the
25 debt of other entities. Such bonds, notes, or other evidences of indebtedness, such
26 guarantees, and such pledges issued and delivered pursuant to the authority hereof
27 shall constitute special and limited obligations of the department, and shall not be
28 secured by the full faith and credit of the state of Louisiana, any source of revenue
29 of the state of Louisiana other than those sums on deposit in, credited to, or to be

1 received in the Drinking Water Revolving Loan Fund including payments to be made
 2 pursuant to letters of credit. ~~It is hereby found and determined that such~~ Such bonds,
 3 notes, or other evidences of indebtedness, guarantees, and pledges shall constitute
 4 revenue bonds, debts, or obligations within the meaning of Article VII, Section 6(C)
 5 of the Constitution of Louisiana and shall not constitute the incurring of state debt
 6 thereunder. Withdrawals from the Drinking Water Revolving Loan Fund to pay debt
 7 service on any bond, note, or other evidence of indebtedness, obligation of guarantee
 8 of any debt, or pledge to secure any debt does not constitute and shall not be subject
 9 to annual appropriation by the legislature as provided by Article III, Section 16 of
 10 the Constitution of Louisiana.

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

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

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

24 * * *

25 §254.3. Criminal history information; access to federal tax information

26 The Department of Health, ~~medicaid~~ Medicaid eligibility section, is
 27 authorized to perform criminal history records checks of current and prospective
 28 employees, contractors, and subcontractors in accordance with the procedures
 29 provided in R.S. 15:587.5. Pursuant to this authorization and to implement the

1 requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations
2 with regard to this matter.

3 * * *

4 §258. Offices; purposes and functions

5 * * *

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

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

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

1 hereafter shall be within the Louisiana Department of Health, as provided in R.S.
2 36:803:

3 * * *

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

6 * * *

7 §474. Powers and duties of the secretary of the Department of Children and Family
8 Services

9 * * *

10 B. The secretary shall have authority to:

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

12 (i) Employ, appoint, remove, assign, and promote such personnel as is
13 necessary for the efficient administration of the department and the performance of
14 its powers, duties, functions, and responsibilities and such other personnel as may
15 be necessary for the efficient administration and the performance of the
16 responsibilities, powers, duties, and functions of agencies transferred to it;

17 (ii) Employ, assign, and remove all personnel employed for the department
18 on a contractual basis, ~~and~~.

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

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

25 * * *

26 (6) Grant rights of way, servitudes, and easements across state-owned lands
27 under his jurisdiction to other public bodies either state or local, for any public
28 purpose. The secretary shall also have authority to grant rights of way, servitudes,
29 and easements across state lands under his jurisdiction to any other person or entity

1 for the purpose of laying pipelines, gas lines, and water lines, and for the
 2 transmission of electricity for power and light, and also for telephone and telegraph
 3 lines, for railroad lines or tracks, for road construction, and for drainage purposes,
 4 and to enter into the necessary contracts therefor, which shall provide for the
 5 payment of an adequate consideration. Such payment, in order to be considered as
 6 adequate consideration, shall be based on payments made for other comparable
 7 contracts in the vicinity, when available, providing compensation for rights of way,
 8 servitudes, and easements, and for damages relative thereto.

* * *

10 §477. Office; purposes and functions

* * *

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

1 Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic
2 violence services contracts.

3 * * *

4 Section 3. R.S. 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1),
5 843, 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E), 1033(A)(3)
6 and (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12), 1164(3), (7), (10),
7 (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13), (17), and (18) and (B)(1)
8 and (6), 1226.1(B), 1226.2(D)(1), 1277(A)(3), 1281(A)(1)(a), (3)(a)(ii) and (c), and (5),
9 1307(1), (7), and (8), 1340(introductory paragraph), 1543(A)(3)(b)(ii) and (5), 1721,
10 1731(A)(2)(a) and (d), 1732.1, 1742.1(G)(introductory paragraph) and (5), 1743(C),
11 1743.1(E), 1744(A), (B), and (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of
12 Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111,
13 2114, 2351, 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and
14 (6)(introductory paragraph), (c) through (e), (j), (k), (m), (n), (r), (u), and (v), 2443, 2446,
15 2458, 2459, 2465(D)(introductory paragraph) and (1), 2503(A)(2)(d), 2504(A)(1) and (5),
16 2802(C), 2816(A)(2), (4), (6), (8), (13), and (15), (B), and (F)(2), 2819(Section heading),
17 2950(B) and (D)(1)(a)(viii), 3014, 3214(1), 3241(introductory paragraph) and (1), 3258(C),
18 3302(4)(b)(i) and (iv), 3309.1(A), 3386.1(introductory paragraph), (1), (2), (6), (7), (9), (11),
19 (12), and (16), 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6),
20 3387.2(A), (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1),
21 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and
22 (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11), 3389(A)
23 and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and
24 3703(B)(7) are hereby amended and reenacted and R.S. 37:1103(introductory paragraph),
25 3387.5(G) and (H), and 3387.6(H) and (I) are hereby enacted to read as follows:

26 §9. Rules and regulations

27 The governor may prescribe such general administrative rules for the conduct
28 of the affairs of the administrative departments, not inconsistent with law, as he
29 thinks necessary or expedient. The director may prescribe such administrative rules,

1 not inconsistent with this ~~chapter~~ Chapter or with the general rules of the governor,
2 as he thinks necessary or expedient for the proper conduct of the work of the
3 department and for making effective the provisions of law.

4 * * *

5 §21. Limitations on disciplinary proceedings by professional or occupational boards
6 and commissions

7 * * *

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

9 * * *

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

12 * * *

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

14 A. As used in this Chapter:

15 * * *

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

19 * * *

20 §757. Patient records

21 * * *

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

24 * * *

25 §779. Filing of administrative complaint or charge; appointment of committee to
26 hear charge; quorum

27 * * *

28 B. Where the charge is made by a citizen, he should state to the
29 secretary-treasurer, or any member of the board, the source of his information and

1 the grounds of his belief, and the secretary-treasurer, a member, an inspector, or any
2 agent of the board shall substantiate the charge by determining that the citizen is
3 informed and has reasonable cause to believe that the charge is true; after which an
4 administrative complaint or charge may be issued, and noticed and docketed for
5 hearing by the board, as set forth in Subsection A of this Section.

6 * * *

7 §781. Issuance of subpoenas; production of patient records; maintenance of
8 confidentiality

9 * * *

10 E. Any person or entity charging the board a fee for the production of
11 documents ordered to be produced by the board under a subpoena or subpoena duces
12 tecum issued by the board shall conform to those charges set forth in ~~R.S.~~
13 ~~40:1299.96~~ R.S. 40:1165.1 to reflect reasonable or adequate compensation.

14 * * *

15 §790. Forgery; penalty

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

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

20 * * *

21 §796.1. Requirements to provide dental services at mobile dental clinics and
22 locations other than the dental office; permit; hold harmless

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

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

28 * * *

1 §843. Registration and display of certificate

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

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

6 * * *

7 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;
8 hearings

9 A. The board may refuse to grant, refuse to renew, suspend, or revoke any
10 license, or impose a sanction or fine in keeping with the penalty provision of this Part
11 for any licensee or registrant when he is found guilty of any of the following acts or
12 omissions:

13 * * *

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

17 * * *

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

25 * * *

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

29 * * *

1 C. There shall be no liability for a funeral director, funeral establishment, or
2 crematory authority in relying on information provided by the coroner or ~~health care~~
3 healthcare providers pursuant to R.S. 37:877(B)(1)(b)(iii) and ~~R.S. 40:1099.1~~ R.S.
4 40:1271.2 or their failure to provide such information.

5 * * *

6 §930. Anesthetics; authority to administer; penalty

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

9 (1) The registered nurse has successfully completed the prescribed
10 educational program in a school of anesthesia which is accredited by a nationally
11 recognized accrediting agency approved by the United States Department of Health,
12 Education, and Welfare, or its successor.

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

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

22 B.(1) No registered professional nurse licensed in the state of Louisiana who
23 has been employed to administer anesthetics for six months prior to October 1, 1976,
24 shall be required to meet the requirements set forth in Paragraphs (A)(1) and (2) of
25 ~~Subsection A herein~~ this Section, and such registered professional nurse may
26 continue to administer anesthetics provided that such employment is continuous in
27 the state of Louisiana and is not broken for a period of more than one year.
28 However, any registered professional nurse licensed in this state who is employed

1 to administer anesthetics after October 1, 1976, shall be required to meet the
2 requirements of this Section.

3 * * *

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

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

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

23 * * *

24 D. Nothing ~~herein~~ in this Section shall prohibit the injection of local
25 anesthetic agents under the skin or application of topical anesthetic agents by a
26 registered nurse when prescribed by a physician or dentist who is licensed to practice
27 in this state; however, this provision shall not permit a registered nurse to administer
28 local anesthetics perineurally, peridurally, epidurally, intrathecally, or intravenously.

1 This Subsection shall not be applicable to certified registered nurse anesthetists
2 provided for in Subsection A of this Section.

3 E. Nothing ~~herein~~ in this Section shall prohibit the administration of a digital
4 block or a pudental block by an advanced practice registered nurse who has been
5 trained to administer such procedure in accordance with a collaborative practice
6 agreement.

7 * * *

8 §1033. Required training

9 A. In order to be authorized to perform the procedures specified in R.S.
10 37:1032, a direct service worker shall be employed by a licensed agency or
11 employed as part of an authorized departmental self-directed program. If the direct
12 service worker is employed as part of an authorized departmental self-directed
13 program, the training he will receive shall be developed by the Louisiana Department
14 of Health in conjunction with the Louisiana State Board of Nursing. If the direct
15 service worker is employed by a licensed agency he shall receive the following
16 training:

17 * * *

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

22 * * *

23 C. A direct service worker shall undergo an annual competency validation,
24 specified in rules adopted by the Louisiana State Board of Nursing and the Louisiana
25 Department of Health, performed by a registered nurse, to determine whether the
26 direct service worker continues to perform the authorized, person-specific tasks
27 appropriately. Documentation of the annual competency review provided by the

1 registered nurse shall be submitted to and maintained by the direct service worker's
2 employing agency.

3 * * *

4 §1048. Powers of the board

5 The board shall be responsible for the control and regulation of the practice
6 of optometry and may:

7 * * *

8 (4) Summon witnesses and compel the attendance of witnesses. No
9 subpoena shall be issued until the party who wishes to subpoena the witness first
10 deposits with the agency a sum of money sufficient to pay all fees and expenses to
11 which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.

12 A summons may order a person to appear ~~and/or~~ at a hearing, or appear and produce
13 ~~at the a hearing,~~ books, papers, documents, or any other tangible things in his
14 possession or under his control, if a reasonably accurate description thereof is given.

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

20 * * *

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

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

28 * * *

1 under any circumstances, provide or advertise that he is authorized to provide
2 marriage and family therapy independently.

3 (12) "Provisional licensed professional counselor" means any person who
4 has completed the requirements provided in R.S. 37:1107(F) and in applicable rules
5 of the board, and who has been issued a provisional license to provide mental health
6 counseling services and to practice mental health counseling. Provisional licensed
7 professional counselors may use the title "provisional licensed professional
8 counselor" and shall practice mental health counseling only under the direction and
9 active supervision of a ~~board-approved~~ board-approved supervisor and only while
10 obtaining the post-graduate degree experience required for licensure as a professional
11 counselor. A provisional licensed professional counselor shall not, under any
12 circumstances, practice mental health counseling independently or advertise that he
13 is authorized to practice independently.

14 * * *

15 §1164. Definitions

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

18 * * *

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

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

1 (13) "Drug" means:

2 (a) Any substance recognized as a drug in the official compendium, or
3 supplement thereto, designated by the board for use in the diagnosis, cure,
4 mitigation, treatment, or prevention of diseases in humans or other animals.

5 * * *

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

10 * * *

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

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

16 * * *

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

24 * * *

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

29 * * *

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

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

9 * * *

10 §1182. Powers and duties of the board

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

13 * * *

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

17 * * *

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

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

22 * * *

23 B. The board may:

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

28 * * *

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

4 * * *

5 §1226.1. Communication to the prescriber

6 * * *

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

9 * * *

10 §1226.2. Prescription drug returns, exchanges, and redispensing; donation
11 requirements; authority to promulgate rules; limitation of liability

12 * * *

13 D.(1) No person, including a drug manufacturer, ~~health care~~ healthcare
14 facility, or governmental agency who donates prescription drugs to a charitable
15 pharmacy, as well as the charitable pharmacy, any pharmacist who originally
16 dispensed the donated prescription drugs, any pharmacist dispensing donated
17 prescription drugs, or the ~~board of pharmacy~~ Louisiana Board of Pharmacy shall be
18 subject to any professional disciplinary action, criminal prosecution, liability in tort
19 or other civil action for injury, death, or loss to person or property related to the
20 donating, accepting, or dispensing of donated prescription drugs.

21 * * *

22 §1277. Louisiana State Board of Medical Examiners; authorization to obtain
23 criminal history record information

24 A. As used in this Section the following terms shall have the following
25 meaning:

26 * * *

27 (3) "Applicant" means an individual who has made application to the board
28 for the issuance, renewal, or reinstatement of any form of health care practitioner
29 licensure which the board is authorized by law to issue, including but not limited to

1 licensure as a physician or surgeon pursuant to R.S. 37:1261 ~~through 1291~~ et seq.;

2 as a podiatrist pursuant to R.S. 37:611 ~~through 628~~ et seq.; as a physician assistant

3 pursuant to R.S. 37:1360.21 ~~through 1360.38~~ et seq.; as a midwife practitioner

4 pursuant to R.S. 37:3240 ~~through 3257~~ et seq.; as a respiratory therapist or

5 respiratory therapy assistant pursuant to R.S. 37:3351 ~~through 3361~~ et seq.; as an

6 occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001

7 ~~through 3014~~ et seq.; as a clinical laboratory scientist pursuant to R.S. 37:1311

8 ~~through 1329~~ et seq.; as a clinical exercise physiologist pursuant to R.S. 37:3421

9 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S. 37:3301 ~~through 3312~~ et

10 seq.; as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356

11 ~~through 1360~~ et seq.; as a private ~~radiological~~ radiologic technologist pursuant to

12 R.S. 37:1292; or as a dispensing physician pursuant to ~~E.A.C.~~ LAC 46:XLV.6501

13 ~~through 6561~~ et seq.

* * *

15 §1281. Fees and costs

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

18 (a) "Allied health care practitioner" means an individual who holds any form

19 of health care practitioner licensure that the board is authorized to issue, other than

20 as a physician, including but not limited to licensure as a podiatrist pursuant to R.S.

21 37:611 ~~through 628~~ et seq.; as a physician assistant pursuant to R.S. 37:1360.21

22 ~~through 1360.38~~ et seq.; as a midwife pursuant to R.S. 37:3240 ~~through 3257~~ et seq.;

23 as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351

24 ~~through 3361~~ et seq.; as an occupational therapist or occupational therapy assistant

25 pursuant to R.S. 37:3001 ~~through 3014~~ et seq.; as a clinical laboratory scientist

26 pursuant to R.S. 37:1311 ~~through 1329~~ et seq.; as a clinical exercise physiologist

27 pursuant to R.S. 37:3421 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S.

28 37:3301 ~~through 3312~~ et seq.; as an acupuncturist or acupuncturist's assistant

1 §1543. Application

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

4 * * *

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

6 * * *

7 (b)

8 * * *

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

13 * * *

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

16 * * *

17 §1721. Restrictions on advertising reserved to legislature

18 No state board, commission, department, bureau, or similar agency of the
19 state regulating the practice of a trade or profession and exercising rulemaking
20 powers shall make any rule or regulation which limits or restricts the right to
21 advertise, provided that this Section shall not apply to any board, commission,
22 department, bureau, or similar agency of the state created and regulated under the
23 rulemaking power of the Supreme Court of Louisiana or to the Louisiana State Board
24 of Medical Examiners, the Louisiana State Board of Barber Examiners, the
25 Louisiana State Board of Dentistry, the State Board of Certified Public Accountants
26 of Louisiana, Louisiana Board of Pharmacy, the Louisiana Board of Chiropractic
27 Examiners, the Louisiana ~~State~~ Board of Veterinary Medicine ~~Examiners~~, and the
28 Louisiana State Board of Optometry Examiners, and further provided that nothing
29 herein contained shall be construed to prevent the prohibition of false or misleading

1 advertising by any board, commission, department, bureau, or similar agency of the
2 state. The right to regulate advertising except as herein provided is reserved to the
3 legislature.

4 §1731. Gratuitous service at scene of emergency; emergency care at hospitals;
5 limitation of liability

6 A.

7 * * *

8 (2)(a) A physician, on-call physician, or surgeon or oral and maxillofacial
9 surgeon, or his professional medical or dental corporation or limited liability
10 company or nurse, licensed or qualified as provided in Paragraph (A)(1) of this
11 Section, or an intern, or resident of a public or private hospital or other medical
12 ~~health care~~ healthcare facility licensed in this state, who in good faith responds to an
13 imminent life-threatening situation or emergency within the hospital or facility and
14 whose actual duty in the hospital or facility did not require a response to an
15 emergency situation shall not be liable for civil damages resulting from any act or
16 omission in rendering the emergency care or service or from failure to provide or
17 arrange for further medical care or treatment of the person involved, unless the
18 damage or injury was caused by willful or wanton misconduct or gross negligence.

19 * * *

20 (d) For purposes of this Subsection, "on-call physician" means a physician,
21 or oral and maxillofacial surgeon or his professional medical or dental corporation
22 or limited liability company, who is not primarily employed or contracted by the
23 hospital or other licensed medical ~~health care~~ healthcare facility to treat emergency
24 room or department patients, but whose actual duties may include treating
25 emergency room or department patients due to the requirements of 42 ~~C.F.R.~~ CFR
26 489.24 or R.S. 40:2113.4 to respond to the emergency room or department on an
27 on-call basis and as a condition of the privilege or ability to practice his profession
28 within the hospital or facility.

29 * * *

1 §1732.1. Immunity from liability for volunteer supervising physicians

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

9 B. For the purposes of this Section:

10 (1) "~~licensed health care~~ Licensed healthcare professional" means a licensed
11 ~~health care~~ healthcare professional who is qualified in this state and trained to
12 perform ultrasound procedures, ~~and,~~

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

17 * * *

18 §1742.1. Disclosure

19 * * *

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

25 * * *

26 (5) Holding out, stating, indicating, advertising, or otherwise implying he is
27 a health care provider, as defined in ~~R.S. 40:1299.41(A)(1)~~ R.S. 40:1231.1(A), or a
28 physician, or medical doctor, or in any way licensed to practice medicine pursuant

1 to Part I of Chapter 15 of this Title ~~37 of the Louisiana Revised Statutes of 1950.~~

2 * * *

3 §1743. Prohibition on direct solicitations

4 * * *

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

7 §1743.1. Use of the title "Doctor" or "Dr." by certain healthcare providers

8 * * *

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

11 §1744. Disclosure of financial interest by referring ~~health care~~ healthcare providers

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

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

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

28 (3) "Financial interest" means a significant ownership or investment interest
29 established through debt, equity, or other means and held by a ~~health care~~ healthcare

1 provider or a member of a ~~health-care~~ healthcare provider's immediate family, or any
2 form of direct or indirect remuneration for referral.

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

9 B. No ~~health-care~~ healthcare provider shall make referrals outside the same
10 group practice as that of the referring ~~health-care~~ healthcare provider to any other
11 ~~health-care~~ healthcare provider, licensed ~~health-care~~ healthcare facility, or provider
12 of ~~health-care~~ healthcare goods and services including but not limited to providers
13 of clinical laboratory services, diagnostic services, medicinal suppliers, and
14 therapeutic services when the referring ~~health-care~~ healthcare provider has a financial
15 interest served by such referral, unless in advance of any such referral the referring
16 ~~health-care~~ healthcare provider discloses to the patient, in writing, the existence of
17 such financial interest.

18 C.

19 * * *

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

25 * * *

26 §1745. Prohibition on payment for patient referrals

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

1 (1) ~~"Health care provider" means a person licensed by this state to provide~~
2 ~~health care or professional services as a physician, dentist, registered or licensed~~
3 ~~practical nurse, certified registered nurse, anesthetist, nurse midwife, chiropractor,~~
4 ~~or podiatrist.~~

5 (2) "Board" means the Louisiana State Board of Dentistry, Louisiana State
6 Board of Nursing, Louisiana State Board of Practical Nurse Examiners, Louisiana
7 Board of Chiropractic Examiners, or the Louisiana State Board of Medical
8 Examiners.

9 (2) "Healthcare provider" means a person licensed by this state to provide
10 health care or professional services as a physician, dentist, registered or licensed
11 practical nurse, certified registered nurse, anesthetist, nurse midwife, chiropractor,
12 or podiatrist.

13 §1747. Hepatitis B or human immunodeficiency carriers; practice requirements;
14 report procedures; exemptions

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

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

25 C. Each report of hepatitis B virus carrier status or human immunodeficiency
26 virus carrier status filed by a licensee or licensure applicant in compliance with this
27 Section and each record maintained and meeting held by the boards in the course of
28 monitoring a licensee for compliance with the practice requirement established by
29 Subsection A of this Section are confidential and exempt from the public records by

1 R.S. 44:4(7), (9), and (11), except for the purpose of the investigation or prosecution
2 of alleged violations of this Part by the boards.

3 * * *

4 §2111. Qualifications of applicants

5 A person aspiring to become a licensed sanitarian in the state of Louisiana
6 shall be a graduate of an accredited college or university with a bachelor's degree and
7 concentration of courses in environmental sanitation or the general area of
8 environmental health. In lieu thereof, a person aspiring to become a licensed
9 sanitarian shall be a graduate of an accredited college or university with a bachelor's
10 degree which includes at least thirty semester hours, or the equivalent, of courses in
11 physical and biological sciences, with a minimum of six hours in the physical
12 sciences and a minimum of ten hours in the biological sciences. Prior to being issued
13 a license as a sanitarian, all sanitarian trainees shall have completed a minimum of
14 one year of field experience, which shall include the successful completion of a
15 ~~board-approved~~ board-approved training course in environmental sanitation or
16 environmental health. The board may, by rule, specify the particular types of
17 physical and biological science courses which will be deemed acceptable to fulfill
18 the educational requirements of this Section. The board of examiners shall be vested
19 with the authority to designate in detail the types and length of the required training
20 in environmental sanitation or environmental health and the types of experience
21 necessary.

22 * * *

23 §2114. Grounds for denial, suspension, or revocation of license

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

- 27 1: (1) Conviction of a crime.
- 28 2: (2) Fraud, deceit, or perjury in obtaining a license or permit.
- 29 3: (3) Habitual drunkenness.

1 person meets all the following requirements:

2 * * *

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

6 * * *

7 B. If the board reasonably believes that a person applying for a provisional
8 license or for renewal of a provisional license is not physically or mentally
9 competent to render psychological services with reasonable skill and safety to his
10 patients, or is afflicted with a disease or condition, either physical or mental, which
11 would impair his competency to render psychological services, the board may
12 request the person to submit to a physical examination by a medical doctor approved
13 by the board or submit to a mental health examination by a psychologist or
14 psychiatrist approved by the board. If the person refuses to submit to the
15 examination, the board, after a contradictory hearing and upon finding reasonable
16 cause, may issue an order requiring the person to submit to the examination. A
17 person who is ordered to submit to an examination shall not be eligible for a
18 provisional licensure or renewal of a provisional license prior to such examination.
19 Proceedings ~~under~~ pursuant to this Subsection shall be conducted in compliance with
20 the Administrative Procedure Act.

21 * * *

22 §2371. Definitions

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

24 (1) "Board" shall mean the Louisiana State Board of Examiners of
25 Psychologists.

26 * * *

1 §2404. Board meetings; quorum; officers; compensation

2 * * *

3 C. Each board or committee member shall be entitled to a per diem of one
4 hundred fifty dollars for attendance at board meetings or other official ~~board~~
5 ~~approved~~ board-approved business or activities, plus reimbursement of actual
6 expenses reasonably necessary for attending board or committee meetings or for
7 representing the board or participating in an official ~~board-approved~~ board-approved
8 activity. Board employees shall be entitled to reimbursement of actual expenses
9 reasonably necessary for participating in or carrying out an official ~~board-approved~~
10 board-approved activity.

11 * * *

12 §2442. Definitions

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

15 * * *

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

19 * * *

20 (4) "Practice of selling and fitting hearing aids" means the necessary
21 audiometry and other acoustic measurements essential to determine the parameters
22 needed in amplification, selection, and adaptation of the appropriate hearing
23 instruments, the making of a proper ear impression for the instrument selected, fitted,
24 and delivered, the inspection of the ear canal with an otoscope before taking the
25 impression, and all of the instruction and guidance necessary to maximize use of
26 amplification.

27 * * *

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

29 * * *

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

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

10 (e) Representing that the professional services or advice of a physician or
11 audiologist will be used or made available in the selling, fitting, adjustment,
12 maintenance, or repair of hearing aids when that is not true, or using the words
13 "doctor", "clinic", "clinical", ~~and/or~~ or "research audiologist", "audiologic", or any
14 other like words, abbreviations, or symbols which tend to connote audiological or
15 professional services, when such use is not accurate.

16 * * *

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

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

21 * * *

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

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

29 * * *

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

6 * * *

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

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

12 §2443. License or certificate required; display

13 No person shall engage in the selling and fitting of hearing aids or display a
14 sign or in any other way advertise or hold himself out as a person who engages in the
15 selling and fitting of hearing aids unless he holds a current, unsuspended, unrevoked
16 license issued by the board as provided in this Chapter, or unless he holds a current,
17 unsuspended, unrevoked certificate of endorsement pursuant to R.S. 37:2448. The
18 license or certificate required by this ~~section~~ Section shall be kept conspicuously
19 posted in his office or place of business at all times.

20 * * *

21 §2446. Examination by written and practical tests

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

27 B. The board shall give at least one examination of the type prescribed in this
28 ~~section~~ Section each year, and such additional examinations as the volume of
29

1 applications may make appropriate.

2 * * *

3 §2458. Meetings of board

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

8 §2459. Disposition of fees; expenses

9 All fees and moneys received by the board ~~under~~ pursuant to this ~~chapter~~
10 Chapter shall be paid into the treasury of the Louisiana Board for Hearing Aid
11 Dealers and may be expended by the board without appropriation for costs of
12 administration and other expenses, and any surplus at the end of a fiscal year or a
13 biennium may be retained by the board for such future expenditures and the board
14 is not required to pay any such surplus into the general fund of the State of
15 Louisiana. No member of the board is to receive any compensation for duties
16 performed; provided, that such member of the board shall be reimbursed for all
17 reasonable and necessary travel expenses in attending any meeting of the board
18 within this state, or may be reimbursed all reasonable and necessary travel expenses
19 when incurred by authorization of the board.

20 * * *

21 §2465. Licensing requirements; applicability; exceptions

22 * * *

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

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

26 * * *

27 §2503. Board of Examiners ~~for~~ of Nursing Facility Administrators

28 A.

29 * * *

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

2 * * *

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

5 * * *

6 §2504. Functions and duties of the board

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

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

14 * * *

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

18 * * *

19 §2802. Board of chiropractic examiners

20 * * *

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

24 * * *

25 §2816. Suspension or revocation of license; causes; hearing; advertisement;
26 reinstatement

27 A. After notice and an opportunity for hearing, the board may suspend or
28 revoke any license or certificate, or impose probationary or any other restrictions on

1 any license or certificate, issued to any chiropractor for any of the following causes:

2 * * *

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

4 * * *

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

7 * * *

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

10 * * *

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

13 * * *

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

15 * * *

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

20 B. The board may, as a probationary condition, or as a condition of the
21 reinstatement of any license or certificate suspended or revoked ~~hereunder~~ in
22 accordance with the provisions of this Chapter, require the license holder or
23 certificate holder to pay all costs of the board proceedings, including investigators',
24 stenographers', and attorneys' fees, and to pay a fine not to exceed ten thousand
25 dollars. Failure to pay such costs, fees, or fines may result in refusal of license
26 renewal by the board as provided in R.S. 37:2810(D).

27 * * *

28 F.

29 * * *

1 in writing, in print or by sign, directly or by implication, represent himself as an
2 occupational therapist or an occupational therapy assistant.

3 (B) B. Whoever violates the provisions of this Section shall be fined not
4 more than five hundred dollars or be imprisoned for not more than six months, or
5 both.

6 * * *

7 §3214. Licensure; persons exempt

8 The requirements of a license shall not apply to:

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

13 * * *

14 §3241. Definitions

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

17 (1) "Apprentice permit" means a permit issued by the Louisiana Department
18 of Health to authorize a person desiring to become a licensed midwife to obtain
19 clinical experience under supervision of a physician, certified nurse midwife,
20 certified nurse practitioner specially qualified by the Louisiana State Board of
21 Nursing, or licensed midwife.

22 * * *

23 §3258. Professional liability

24 * * *

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

28 * * *

1 §3302. Definitions

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

4 * * *

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

6 * * *

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

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

11 * * *

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

16 * * *

17 §3309.1. Hearing; consent order

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

23 * * *

24 §3386.1. Definitions

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

26 (1) "Addiction counselor" means any person who is licensed₂ ~~or~~ certified₂ or
27 registered in accordance with the provisions of this Chapter and procedures
28 established by the department and who₂ by means of his special knowledge acquired
29 through formal education or practical experience₂ is qualified to provide addiction

1 counseling services to those individuals afflicted with or suffering from an addictive
2 disorder or certain co-occurring disorders. The counseling services provided shall
3 be those which utilize ~~KSA's~~ KSA or core functions, as determined by the
4 department to be appropriate for the addictive disorder or disorders presented.

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

13 * * *

14 (6) "Compulsive gambling counselor" means any person holding a necessary
15 credential as a licensed, certified, or registered addiction counselor, or a necessary
16 credential as a qualified mental health professional, who is certified by the
17 department, in accordance with the provisions of this Chapter, as possessing special
18 knowledge acquired through formal education and clinical experience and thus is
19 qualified to provide gambling addiction counseling to persons who have a gambling
20 addiction disorder or who exhibit gambling addictive behaviors.

21 (7) "Co-occurring disorder" means a disorder in which ~~individuals have an~~
22 individual has at least one psychiatric disorder as well as an addictive disorder.
23 While these disorders may interact differently in any one person, at least one
24 disorder of each type can be diagnosed independently of the other.

25 * * *

26 (9) "Counselor-in-training" or "CIT" means any person who has not yet met
27 the qualification to become a licensed, certified, or registered counselor, but who has
28 made application to the department in accordance with the provisions of this Chapter

1 and procedures established by the department.

2 * * *

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

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

15 * * *

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

19 §3387. Licensed addiction counselor

20 A. The practice of addiction counseling within the meaning and intent of this
21 Chapter shall consist of the rendering of professional guidance to individuals
22 suffering from an addictive disorder to assist them in gaining an understanding of the
23 nature of their disorder and developing and maintaining a responsible ~~life style~~
24 lifestyle. The licensed addiction counselor may practice autonomously, independent
25 of any other professional association or supervision. The scope of practice, in
26 addition to any other applicable provision ~~herein~~ of this Chapter, shall include
27 making referrals to appropriate professionals, providing counseling to family
28 members, and, as appropriate, to others affected by the individual's addictive

1 disorder, and the utilization of KSA and core functions.

2 * * *

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

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

11 E. The department shall recognize as a licensed addiction counselor each
12 candidate who:

13 * * *

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

16 * * *

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

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

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

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

26 * * *

27 §3387.1. Certified addiction counselor

28 A. The practice of addiction counseling within the meaning and intent of this
29 Chapter shall consist of the rendering of professional guidance to individuals

1 suffering from an addictive disorder to assist them in gaining an understanding of the
 2 nature of their disorder and developing and maintaining a responsible lifestyle. The
 3 certified addiction counselor may not practice independently, except when providing
 4 addiction counseling services in a prison or other custodial environment, and may
 5 not render a diagnostic impression. The scope of practice, in addition to any other
 6 applicable provision ~~herein~~ of this Chapter, shall include making referrals to
 7 appropriate professionals, providing counseling to family members, and, as
 8 appropriate, to others affected by the individual's addictive disorder, and the
 9 utilization of KSA and core functions.

* * *

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

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

19 E. The department shall recognize as a certified addiction counselor each
 20 candidate who:

* * *

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 examinations.

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

3 * * *

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

6 (a) (b) The department shall determine the scope and administration of the
7 examinations.

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

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

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

15 * * *

16 §3387.3. Counselor-in-training

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

1 professional. The scope of practice, in addition to any other applicable provision
2 ~~herein of this Chapter~~, shall include making referrals to appropriate professionals,
3 providing counseling to family members, and, as appropriate, to others affected by
4 the individual's addictive disorder, and the utilization of KSA and core functions.

5 * * *

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

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

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

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

18 * * *

19 §3387.4. Addiction treatment assistant

20 * * *

21 C. Any person seeking to be recognized by the department as an addiction
22 treatment assistant shall submit an application to the department on a form and in a
23 manner as the department shall prescribe. The initial application form shall be
24 accompanied by an initial application fee as provided for ~~herein~~ in this Chapter.

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

1 E. The department shall recognize as an addiction treatment assistant each
2 candidate who:

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

5 * * *

6 §3387.5. Certified clinical supervisor

7 * * *

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

12 E. The department shall recognize as a certified clinical supervisor each
13 candidate who:

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

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.

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

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

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

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

26 ~~(a)~~ (2) The department shall determine the scope and administration of the
27 examination.

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

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

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

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

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

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

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

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

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

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

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

28 ~~(9)~~ G.(1) Each applicant shall demonstrate professional competence in
29 compulsive gambling counseling by passing a written examination.

1 D. The department shall recognize as a registered prevention professional
2 each candidate who:

3 * * *

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

6 (a) (b) The department shall determine the scope and administration of the
7 examination.

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

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

13 * * *

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

17 * * *

18 §3387.13. Prevention services assistant

19 * * *

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

26 * * *

27 §3387.14. Certified prevention supervisor

28 A. The legislature finds that prevention is an effective and necessary
29 component in the continuum of addictive disorder treatment and services. In order

1 to better provide for the health and welfare of the citizens of this state, the legislature
2 desires to enhance the profession of prevention by providing for a qualified ~~work~~
3 ~~force~~ workforce in sufficient numbers to meet the needs of Louisiana and to
4 contribute to the development of healthy communities within the state. The
5 legislature finds prevention supervision to be essential for the ongoing development
6 of a qualified ~~work force~~ workforce sufficient to meet the present and anticipated
7 public health needs of the state.

8 * * *

9 §3388.4. Powers and duties of the department

10 A. The department shall:

11 * * *

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

15 * * *

16 (10) Adopt and promulgate rules, regulations₂ and standards for department
17 approval of institutions providing clinical training or education in areas pertaining
18 to a credential or status governed by the provisions of this Chapter.

19 (11) Issue subpoenas to require attendance, testimony₂ and production of
20 documents in the process of enforcing the provisions of this Chapter and department
21 rules or in order to secure evidence or testimony pursuant to any investigation
22 conducted in furtherance of the department's authority or responsibility ~~hereunder~~
23 as provided in this Chapter.

24 * * *

25 §3389. Transition; Addictive Disorder Regulatory Authority

26 A. The regulation of addictive disorder treatment and prevention
27 professionals has been undertaken both through a board appointed by the governor
28 and through an office within the Louisiana Department of Health. In Louisiana, the
29 practice of most ~~health care~~ healthcare professions is licensed and regulated by

1 appointed boards placed within the Louisiana Department of Health. Therefore, the
2 legislature hereby finds it appropriate that the responsibility and authority to regulate
3 the practice of addictive disorder treatment and prevention be exercised by a
4 licensing board created for that purpose.

5 * * *

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

16 * * *

17 §3390. Prohibited practice; injunctive relief

18 * * *

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

24 * * *

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

29 * * *

1 §3390.2. Reciprocity; other states

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

12 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

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

19 * * *

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

23 * * *

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

25 * * *

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

28 * * *

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

6 * * *

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

11 * * *

12 §3428. Fees

13 * * *

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

18 * * *

19 §3703. Louisiana Behavior Analyst Board

20 * * *

21 B.

22 * * *

23 (7) The Louisiana State Board of Examiners of Psychologists shall appoint
24 a member to serve as an ex officio, nonvoting member of the board.

25 * * *

26 Section 4. R.S. 40:1, 3, 3.1(D), 4(A)(1)(a), (2)(b)(i) and (c)(i) and (vii), (3)(a), (6),
27 (8)(a), and (9) through (13) and (B)(3)(b) and (c), (4), and (5), 4.3, 4.6,
28 4.10(C)(2)(introductory paragraph), (3) through (5), and (7), 5.3(E), 5.9(A)(7), 7, 9, 13, 18,
29 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),

1 608.1(B), 625(A) and (B), 634, 641, 671, 682, 700.1, 700.5(C), 700.6, 700.7(A) and (E),
2 700.8, 700.9, 700.10(A), 700.12(A), 701(introductory paragraph), 701.1(A) and (D), 701.2
3 through 701.4, 781(3), 824, 853, 940.51(A), 952(C) and (D), 953, 962(B), (C)(introductory
4 paragraph) and (8), and (D) through (H), 962.1(A) and (B)(introductory paragraph),
5 962.1.1(A)(2), 963(introductory paragraph), 964(Schedule III)(F)(1) and (Schedule
6 V)(E)(3)(b) and (4), 965, 968(A)(introductory paragraph), 969(A)(introductory paragraph),
7 970(A)(introductory paragraph), 971.1(B), 972(A) and (B)(introductory paragraph), 973(A),
8 (B)(1) and (2), (C), (E), (F), and (G)(1) and (2)(a), 974(A)(introductory paragraph) and (C),
9 975(A) through (E) and (G)(1) and (3), 976, 976.1(H), 978(F)(1)(introductory paragraph)
10 and (d) and (H)(2)(b), 978.1(A)(1)(c), 978.3(B), 980, 982, 984(introductory paragraph),
11 986(A)(1), (3), and (4) and (B)(introductory paragraph), (1), (2), (3)(introductory paragraph)
12 and (b), (4), and (5)(introductory paragraph), (a), and (b), 987, 988(A)(introductory
13 paragraph), (B), and (C), 989.1(F), 989.2(F), 990, 992(A)(introductory paragraph),
14 (B)(introductory paragraph), and (C) through (E), 993(A), (B), and (D), 995, 996.1(M),
15 996.3(C), 1003(12) and (14), 1005(Section heading), 1006(E), 1007(B) and (I)(introductory
16 paragraph), 1046(F), 1049.7(Section heading), 1058, 1071.1(introductory paragraph),
17 1079.1(D), 1087.1(A) and (B)(2)(introductory paragraph) and (3), 1089.2(1),
18 1089.3(C)(2)(b), 1089.4(A)(3), (B), and (C), 1101.1(1), 1105.3(3), 1105.6(E), 1105.8(F),
19 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F), 1117.1(B), 1121.11,
20 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B), 1165.1(C)(2), 1165.3(B), 1171.1,
21 1171.2, the heading of Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of
22 the Louisiana Revised Statutes of 1950, R.S. 40:1173.2(1)(a), 1173.3(3) and (8), 1173.4(B),
23 1173.5(A) through (C), 1173.6(B) and (E), 1183.2(A)(1) and (5), 1183.4(A)(1),
24 1189.2(A)(1), 1201.1, 1203.1(3)(o) and (5), 1211.4(B)(2), 1217.16, 1219.2(1) and (3),
25 1219.3(A) and (B), 1219.4(A)(introductory paragraph), 1221.2(2), 1226.1(2)(c),
26 1231.5(E)(1)(c), 1237.1(J), the heading of Subpart B of Part I of Chapter 5-E of Title 40 of
27 the Louisiana Revised Statutes of 1950, R.S. 40:1243.1(A), 1243.3(A), 1253.3(A)(9),
28 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1 through 1281.1, 1285.3, 1285.4(A)(1),
29 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and (B)(1), 1300.21, 1356(A), 1732(1),

1 the heading of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
 2 40:2009.1(C)(2)(a) and (D), 2009.2(2), (3)(b) through (d) and (f), and (7), 2009.6(A)(1)
 3 through (3) and (B)(1) through (3), 2009.12, 2009.18, 2009.21(Section heading), 2017.9,
 4 2018.1(B)(2)(c) and (d), 2019(C)(9), 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C),
 5 and (D), 2116(D)(1)(c), 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and
 6 (10)(a), 2120.5(E), 2120.44(B)(9), 2120.45(D), 2120.47(B)(1) and (2), 2144(A), (C),
 7 (F)(2)(introductory paragraph), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and
 8 (13), 2175.14(E), 2179(D), 2180.11, 2189, 2193.1(A)(8), 2193.4(9), 2194.2(4) through (6),
 9 2195.1(A)(5), (8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5), 2196.1(4), 2197(A)
 10 and (D) through (G), 2199(A)(1) and (5) and (F)(2), 2199.1(A)(introductory paragraph),
 11 2202(3) and (5)(a) and (e)(i), 2203(C), 2223, 2243, 2253, 2353, 2404(5), 2477, 2481,
 12 2530.4(B)(introductory paragraph) and (3), 2845(A)(6) and (C), and 2845.1 are hereby
 13 amended and reenacted and R.S. 40:1081.9(D) and 1221.2(introductory paragraph) are
 14 hereby enacted to read as follows:

15 §1. Assistant secretary

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

19 * * *

20 §3. State health officer; powers

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

25 §3.1. Confidentiality of public health investigations; prohibited disclosure and
 26 discovery; civil penalties

27 * * *

28 D. Any disclosure authorized by Subsection C ~~above~~ of this Section shall
 29 include only the information necessary for the stated purpose of the requested

1 disclosure, and shall be made only upon written agreement that the information will
2 be kept confidential and will not be further disclosed without written authorization
3 of the office of public health.

4 * * *

5 §4. Sanitary Code

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

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

24 * * *

25 (2) In order to prevent the occurrence or spread of communicable diseases,
26 the rules and regulations of the Sanitary Code shall provide for an immunization
27 program and provide for and require the reporting, including but not limited to the
28 reporting of cases of Respiratory Syncytial Virus (RSV) when such a test is
29 conducted by a laboratory or hospital, investigation, and application and

1 implementation of appropriate control measures to expressly include isolation and
2 quarantine proceedings and measures, for all communicable diseases of public health
3 significance. However, no rule or regulation of the Sanitary Code shall impose or
4 create any general duty to warn third parties upon any healthcare provider who has
5 complied with the applicable reporting requirements for communicable diseases as
6 set forth in the Sanitary Code. These rules and regulations shall also be designed to:

7 * * *

8 (b)(i) Regulate the packaging, storage, treatment, and transportation of
9 infectious waste generated by ~~health care~~ healthcare providers and noncommercial
10 generators including but not limited to private households. "Infectious waste" means
11 waste which contains pathogens with sufficient virulence and quantity so that
12 exposure to the waste by a susceptible host could result in an infectious disease. In
13 addition, the rules and regulations shall provide for the certification and testing of
14 all equipment used to treat infectious waste to assure safety, effectiveness of the
15 equipment, and compliance with regulatory and statutory health regulations. At a
16 minimum the rules shall provide that the testing shall be conducted annually.

17 * * *

18 (c) Control the spread of tuberculosis by:
19 (i) Requiring that persons who are students in ~~the health care~~ healthcare
20 professions, or volunteers helping in the caring of patients in ~~health care~~ healthcare
21 institutions, be free of tuberculosis in a communicable state as evidenced by a
22 negative tuberculin skin test, a normal chest X-ray if the skin test is positive, or a
23 statement from a Louisiana licensed physician that the person is noninfectious to
24 others if the chest X-ray is other than normal. If the student or volunteer has a
25 positive tuberculin skin test, or a chest X-ray other than normal, the student or
26 volunteer shall complete a course of chemotherapy for tuberculosis prescribed by a
27 Louisiana licensed physician, or present a signed statement from a Louisiana
28 licensed physician stating that chemotherapy is not indicated. If the student or
29 volunteer is known to be infected with the human immunodeficiency virus (HIV) or

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

10 * * *

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

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

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

24 (3)(a) The sanitary code shall provide rules and regulations governing burial,
25 transportation, disinterment, or other permitted disposition of dead human remains,
26 to include regulations defining approved methodology that will ~~insure~~ ensure
27 sanitary and dignified disposal.

28 * * *

1 (6) In order to protect the public against disease and nuisance resulting from
2 the improper disposal of sanitary sewage, the state health officer shall prepare and
3 promulgate all rules and regulations necessary to ~~insure~~ ensure that adequate
4 conveyance and disposal facilities are provided for all sanitary sewage, private or
5 public, and in such a manner that will prevent the contamination of surroundings
6 which would have an adverse impact on drinking water supplies, recreational waters,
7 aquatic life, and other mechanisms of human exposure to disease. Standards for the
8 quality of sanitary sewage discharged to the ground surface (ditches, streams, water
9 pools, or other drainage courses), construction of sewerage works, operation of
10 sanitary sewage conveyance, and treatment and disposal facilities shall be included.
11 Such rules and regulations shall not include the licensing of persons engaged in the
12 business or practice of hauling the contents of septic tanks, cesspools, vaults, or
13 similar facilities. Plans and specifications for sewerage works shall be submitted for
14 review and approval to the state health officer or his designee.

15 (8)(a) In order to protect the public against disease from water supplied for
16 drinking, culinary, and ablutionary purposes, the state health officer shall prepare and
17 promulgate all rules and regulations necessary to ~~insure~~ ensure that water supplied
18 to the public by public water supplies is obtained from safe and sanitary sources and
19 that such sources are properly protected; is treated, stored, and conveyed in a safe
20 and sanitary manner; and is safe and potable for human use. Standards for drinking
21 water quality (chemical, radiological, and microbiological); water works
22 construction; and water works operations shall be included. In order to assure
23 compliance with promulgated regulations, plans; and specifications for public water
24 works facilities shall be submitted to the state health officer or his designee for
25 review and approval.

* * *

27 (9) In order to protect the public against ~~vectorborne~~ vector-borne diseases,
28 the state health officer shall prepare and promulgate rules and regulations necessary
29 to ~~insure~~ ensure that disease vectors, including but not limited to mosquitoes and

1 other biting and nonbiting flies, ticks, mites, lice, fleas, true bugs, and rodents are
2 monitored and controlled at levels sufficient to prevent or abate outbreaks of
3 diseases.

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

15 (11) In order to protect the public from disease and injuries associated with
16 water contact recreation (swimming), the state health officer shall prepare and
17 promulgate rules and regulations necessary to ~~insure~~ ensure that public swimming
18 pools and recreational bathing places (natural and artificial) are constructed,
19 operated, and maintained in a safe and sanitary manner. These rules may require the
20 submittal of appropriate plans and specifications for review and approval. These
21 rules and regulations shall ~~insure~~ ensure that the design, construction, and operation
22 of these facilities is such that the public is protected against the transmission of
23 disease or injury by the establishment of water quality standards (chemical, physical,
24 and bacterial); by proper arrangement of the physical features of the site or facility;
25 and by proper procedures for supervision and maintenance of such premises.

26 (12) In order to protect the public health, the state health officer shall prepare
27 and promulgate rules and regulations relative to new rendering facilities and
28 modifications to existing facilities. These rules and regulations shall relate to, but not
29 be limited to, procedures for the review and approval of plans, requirements for

1 approval by the state health officer or his designee prior to contracting for the
2 construction of rendering plants, requirements for obtaining a permit to operate a
3 rendering plant before operation begins, and requirements for closing down a
4 rendering plant already in operation if any condition occurs which might adversely
5 affect the health of the community. Factors that shall be regulated include operation,
6 containment of solid, liquid, or gaseous animal materials and byproducts during
7 processing, storage, or transportation, odors, cleanliness, utilization of products and
8 byproducts, and identification marking of products and byproducts.

9 (13) The state health officer, through the office of ~~health services and~~
10 ~~environmental quality~~ public health, shall be expressly empowered and authorized
11 to issue emergency rules and orders when necessary and for the purposes of
12 controlling nuisances dangerous to the public health and communicable, contagious,
13 and infectious diseases, and any other danger to the public life, ~~and health,~~ and
14 ~~health=safety~~ safety.

15 B.

16 * * *

17 (3) In instances where such an inspection discloses a violation of the state
18 Sanitary Code involving pollution of streams, rivers, lakes, bayous, or ditches
19 located in public rights of way, the business entity or person deemed to be
20 responsible shall be given an opportunity to correct the noted deficiency, and, if upon
21 reinspection the previously cited violation is found to still exist, the state health
22 officer is hereby authorized, after due process in accordance with the Administrative
23 Procedure Act, to impose sanctions as follows:

24 * * *

25 (b) In the case of establishments which operate without a license or permit
26 issued by the office of public health or where establishments continue to operate
27 after the license or permit has been suspended or revoked, the state health officer
28 may issue a civil compliance order directing the business entity or person deemed
29 responsible for the establishment to correct the violation noted and impose a fine of

1 one hundred dollars per day for each day the violation has not been corrected up to
2 a maximum of ten thousand dollars. The fine shall commence on the day following
3 the date of permit revocation or suspension, or the day following the date specified
4 for compliance in the civil compliance order issued by the state health officer.

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

8 * * *

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

19 (5) Paragraphs (B)(2) and (3) of this Subsection shall not apply to waste
20 waters and wastes in discharges from industrial facilities which are subject to
21 permitting under the Louisiana Water Control Law (R.S. 30:2071 et seq.) or the
22 federal Clean Water Act (~~42 USC §1251~~ 33 U.S.C. 1251 et seq., as amended), nor
23 to waste waters from industrial facilities in ditches upstream of state or federal waste
24 water discharge points.

25 * * *

26 §4.3. ~~Hard and soft shell~~ Hard- and soft-shell crabs; preparation in traditional
27 manner for public consumption

28 Notwithstanding any contrary provisions of the state sanitary code or any
29 contrary provision of any other law or regulation, it shall be lawful to prepare ~~hard~~

1 ~~and soft shell~~ hard- and soft-shell crabs in the traditional manner for public
2 consumption at recognized outdoor Louisiana festivals, including preparation in the
3 open for service to the public at such public gatherings. This Section shall not be
4 construed to allow the sale or distribution of any unwholesome food.

5 * * *

6 §4.6. Exemption; benefits for zoos

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

14 * * *

15 §4.10. Public notice of infectious medical waste storage by landowner

16 * * *

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

18 * * *

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

22 * * *

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

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

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

29 * * *

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

4 * * *

5 §5.3. Molluscan shellfish sanitation requirements; opening and closing of molluscan
6 shellfish growing areas; adoption of guidelines to regulate molluscan
7 shellfish industry; authority to collect samples for bacteriological analysis;
8 testing of oysters; Calcasieu Lake

9 * * *

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

16 * * *

17 §5.9. Enforcement of drinking water regulations; administrative compliance orders;
18 civil actions; receiverships

19 A.

20 * * *

21 (7) The state health officer, with the approval of the secretary of ~~health and~~
22 ~~hospitals~~ the Louisiana Department of Health, may settle or resolve out of court any
23 suit for recovery of penalties if deemed in the best interest of the state.

24 * * *

25 §7. Communicable disease epidemic; procedure

26 A. If any parish or municipality or any portion thereof becomes infected with
27 any disease to such an extent as to threaten the spread of the disease to the other
28 portions of the state, the state health officer shall issue his proclamation declaring the
29 facts and ordering the infected parish or municipality or the infected portion thereof

1 §13. Expenses of parish health units

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

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

8 * * *

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

10 A. If any case where a communicable disease is reported to or comes to the
11 knowledge of any local health officer, the local health officer shall immediately
12 isolate it and communicate the fact as expeditiously as practicable to the state health
13 officer, together with the information as to what steps have been taken to isolate and
14 care for the case. The local health officer shall, from time to time, communicate the
15 progress of the case to the state health officer.

16 B. Upon receipt of notice of the case by the state health officer₂ or at any
17 time during the case thereafter, the state health officer_; shall, if he thinks the
18 emergency sufficient, send an expert physician, selected by him, to examine and
19 diagnose the disease. If, after this examination and diagnosis, the expert declares the
20 case to be one of an obnoxious or communicable nature, liable to spread or to
21 become dangerous to the general public health of the state, the state health officer
22 shall instruct the local health officer as to what additional steps, if any, should be
23 taken to isolate the case and prevent the spread of the infection any further. The state
24 health officer shall require that the local health officer immediately conform to and
25 put these instructions in operation. If the local health officer or other local
26 authorities connected with the case fail to act immediately on these instructions or
27 fail to act in the case in a manner satisfactory to the state health officer, the state

1 health officer shall take charge of the case and manage it through his own officers
2 or employees.

3 * * *

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

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

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

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

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

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

22 B. The parish health officer ~~He~~ shall issue all orders and warrants, subject
23 to the limitations ~~above~~ provided in Subsection A of this Section, and take all
24 necessary steps to execute the sanitation laws of the state under the state health
25 officer and to carry out the rules, regulations, and ordinances of the Louisiana
26 Department of Health.

27 * * *

1 §31.1. Reye's Syndrome disease; mandatory reporting

2 Every physician practicing medicine in the state of Louisiana shall report to
3 the state health officer, through the health unit of the parish or municipality wherein
4 such physician practices, any case or suspected case of Reye's Syndrome disease
5 which he is attending, or has examined, or for which such physician has prescribed.
6 The report shall be made as promptly as possible from the time the physician first
7 visits, examines or prescribes for the patient and such report shall state the name,
8 age, sex, race, usual residence, place where the patient is to be found, the nature of
9 the disease, the date of onset, and any additional information that the state health
10 officer may require. The state health officer shall send a copy of such report to the
11 ~~national Center for Disease Control~~ United States Centers for Disease Control and
12 Prevention, or such information contained therein as may be required by ~~the national~~
13 ~~center~~ that agency.

14 §31.3. Adolescent school health initiative; health centers in schools

15 * * *

16 B. The office of public health shall:

17 * * *

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

23 * * *

24 (4) Establish procedures for allocation of funds appropriated or otherwise
25 available to the program in a manner which prioritizes funding according to the
26 urgency and degree of ~~health care~~ healthcare needs among the various middle and
27 secondary school populations.

28 * * *

1 §31.32. Individual sewage fees

2 * * *

3 E.

4 * * *

5 (2) The provisions of Paragraph ~~(E)(1) of this Section~~ (1) of this Subsection
6 shall not be effective unless the department complies with the provisions of ~~R.S.~~
7 ~~40:1154~~ R.S. 40:1281.23.

8 * * *

9 §31.36. Health unit fees

10 * * *

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

16 * * *

17 §41. Disclosure of records

18 * * *

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

22 * * *

23 §64. Forms for collection of data

24 The state registrar shall prescribe forms for the collection of information and
25 statistics with respect to abortions. Such forms shall require, but not be limited to,
26 the following information:

27 * * *

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

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

3 * * *

4 §600.34. Blighted housing property list; creation, maintenance, and challenges
5 thereto

6 * * *

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

17 * * *

18 §608.1. Mislabeling of honey

19 * * *

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

24 * * *

25 §625. False advertisement

26 A. An advertisement of a food, drug, device, or cosmetic is false if it is false
27 or misleading in any particular regarding the food, drug, device, or cosmetic. Any
28 representation concerning any effect of a drug or device is false under this

1 the department or the designated officer or employee shall remove the tag or
2 marking.

3 * * *

4 §641. Injunction proceedings

5 A. In order to avoid multiplicity of criminal prosecutions, the district courts
6 may, for cause, restrain any person by temporary or permanent injunction from the
7 repetitious introduction or causing to be introduced into commerce of any
8 adulterated, misbranded, or unregistered food, drug, device, or cosmetic; or from the
9 dissemination or causing to be disseminated of a false advertisement by any means
10 for the purpose of inducing, directly or indirectly, the purchase of food, drugs,
11 devices, or cosmetics in commerce.

12 B. In these injunction proceedings it is not necessary to show an intent on the
13 part of the person enjoined to continue the offense.

14 C. Violation of any injunction issued pursuant to this Section shall be
15 summarily tried and punished by the court as a contempt. The contempt proceedings
16 may be instituted by order of the court or by the filing of an information by the
17 district attorney and process of the court for the arrest of the violator may be served
18 at any place in the state.

19 D. No person violates any injunction issued pursuant to this Section by
20 reason of the dissemination, subsequent to the injunction, of the false advertisement
21 which was the basis of the injunction, if the dissemination was beyond the control
22 of the person.

23 * * *

24 §671. Washing prohibited; penalty

25 A. No one shall wash any articles of food intended for human consumption;
26 in any body of water on the right of way of any public highway or road, or in any
27 water anywhere except running water.

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, 1974₂, 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 * * *

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

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

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 (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), 415₂ and 761 of the Federal Food, Drug₂ 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), 415₂ and 761 of the Federal Food, Drug₂ 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, indictment₂ 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 * * *

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 §1101.1. Legislative intent

11 The legislature finds and declares that:

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

18 * * *

19 §1105.3. Powers; duties

20 The president shall:

21 * * *

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

26 * * *

27 §1105.6. Reports; liability for

28 * * *

1 E. All information regarding ~~case-specific~~ case-specific data, as
 2 distinguished from group, tabular, or aggregate data concerning patients or health
 3 care providers contained in records of interviews, written reports, and statements
 4 procured by the president or by any other person, agency, or organization acting in
 5 connection with cancer morbidity and mortality studies shall be confidential and
 6 privileged and shall be used solely for the purposes of the study. Nothing in this
 7 Section shall prevent the president from publishing compilations relating to
 8 morbidity and mortality studies which do not identify ~~case-specific~~ case-specific data
 9 or sources of information.

* * *

§1105.8. Disclosure of medical records to cancer registries

* * *

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

* * *

20 §1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry
 21 data

* * *

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

* * *

1 F.

2 * * *

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

8 * * *

9 §1107.1. Purpose

10 The legislature hereby finds and declares that:

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

14 * * *

15 §1111.3. Protocols and guidelines; supply to ~~health-care~~ healthcare and community
16 service providers; education and prevention program; voluntary testing
17 program; training of counselors

18 * * *

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

21 * * *

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

24 * * *

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

27 * * *

1 (3) Identify to ~~health care~~ healthcare providers and employers the benefits
2 of disease awareness and prevention.

3 * * *

4 F. Specifically regarding the increased risk to veterans, the department shall
5 make available to all veterans, physicians, other ~~health care~~ healthcare providers, and
6 other persons at high risk for hepatitis C, educational materials, in written and
7 electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. Such
8 materials shall include the recommendations of the United States Centers for Disease
9 Control and Prevention, United States Department of Health and Human Services,
10 and any other entity having knowledge on hepatitis C, including the American Liver
11 Foundation.

12 * * *

13 §1117.1. Persons admitted and committed to sanatoria

14 * * *

15 B. The Louisiana Department of Health shall also admit to any state-
16 operated hospital any person having tuberculosis who has been sentenced by any
17 district court in the state for violating those provisions of the state sanitary code
18 dealing with isolation ~~and/or~~ or quarantine of communicable disease and who at the
19 discretion of the court has been specifically committed to serve his sentence at ~~said~~
20 such a hospital. This provision shall not be construed to mean that the Louisiana
21 Department of Health must provide security measures at ~~said~~ the hospital for
22 retaining these offenders. Furthermore, if any person committed to a state-operated
23 hospital by court order for violating those provisions of the sanitary code dealing
24 with isolation ~~and/or~~ or quarantine of communicable disease creates a grave
25 disciplinary problem and tends to disrupt the efficient operation of that institution,
26 or leaves without completing his sentence and without authority, the superintendent
27 of ~~said~~ the hospital shall petition the court which committed ~~said~~ the person to
28 transfer that person to the hospital section of the state penitentiary or to order that

1 person to be apprehended and committed to that institution for the remainder of his
2 sentence.

3 * * *

4 §1121.11. Penalty

5 Whoever violates any provision of this ~~Sub-part~~ Subpart or any rule or
6 regulation made hereunder shall, for the first offense, be fined not less than ten
7 dollars nor more than two hundred dollars. For the second offense, he shall be fined
8 not less than twenty-five dollars nor more than four hundred dollars. For each
9 subsequent offense, he shall be fined not less than fifty dollars nor more than five
10 hundred dollars or imprisoned for not less than ten days nor more than six months,
11 or both.

12 * * *

13 §1135.13. Ambulance Transport Alternatives Task Force; pilot program; rules and
14 regulations

15 * * *

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

20 * * *

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

25 * * *

26 I. Based upon the recommendation of the task force, the secretary of the
27 Louisiana Department of Health shall promulgate the necessary rules and regulations
28 to implement the provisions of this Section in accordance with the Administrative
29 Procedure Act. Such rules and regulations shall include provisions for the health and

1 safety of the patients transported to alternative destinations as well as the
2 reimbursement methodology to cover alternative destination transport by a ground
3 ambulance service provider to ensure that reimbursement rates are reasonable; and
4 adequate, and that coverage is available by the patient's payor source.

5 * * *

6 §1155.6. General application

7 * * *

8 D. It is the policy of the state of Louisiana that human life is of the highest
9 and inestimable value through natural death. When interpreting this Subpart, any
10 ambiguity shall be interpreted to preserve human life, including the life of an unborn
11 child if the qualified patient is pregnant and an obstetrician who examines the
12 woman determines that the probable postfertilization age of the unborn child is
13 twenty or more weeks and the pregnant woman's life can reasonably be maintained
14 in such a way as to permit the continuing development and live birth of the unborn
15 child, and such determination is communicated to the relevant classes of family
16 members and persons designated in ~~R.S. 40:1299.58.5~~ R.S. 40:1151.4.

17 * * *

18 §1157.3. Exception to obtaining informed consent; human immunodeficiency virus
19 or other infectious agents

20 A. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
21 contrary, whenever it is determined by the hospital infection control committee or
22 equivalent body that an agent or employee of a hospital, or a physician having
23 privileges at the hospital, has been exposed to the blood or bodily fluids of a patient;
24 in such a manner as to create any risk that the agent, employee, or physician may
25 become infected with the human immunodeficiency virus or other infectious agent
26 if the patient is infected with the human immunodeficiency virus or other infectious
27 agent, in accordance with the infectious disease exposure guidelines of the United
28 States Centers for Disease Control and Prevention, or the infectious disease exposure
29 standards of the ~~health care~~ healthcare facility where the exposure occurred, then the

1 hospital infection control committee may, without the consent of the patient, conduct
 2 such tests on blood previously drawn or bodily fluids previously collected as are
 3 necessary to determine whether the patient is, in fact, infected with the virus or other
 4 agent believed to cause acquired immune deficiency syndrome or other infectious
 5 disease. If no previously drawn blood or collected bodily fluids are available or are
 6 suitable, the hospital may order, without the consent of the patient, that blood, bodily
 7 fluids, or both be drawn and collected from the patient to conduct the necessary tests.

8 B. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
 9 contrary, whenever it is determined by the infectious disease control officer of any
 10 law enforcement, fire service, or emergency medical service agency or organization
 11 that an agent or employee of the agency or organization has been exposed to the
 12 blood or bodily fluids of a patient while rendering emergency medical services to,
 13 transporting, or treating an ill or injured patient in such a manner as to create any risk
 14 that the agent or employee may become infected with the human immunodeficiency
 15 virus or other infectious agent if the patient is infected with the human
 16 immunodeficiency virus or other infectious agent, in accordance with the infectious
 17 disease exposure guidelines of the United States Centers for Disease Control and
 18 Prevention, or the infectious disease exposure standards of the agency or
 19 organization, then the infectious disease control officer of the agency or organization
 20 may present the facts to the infection control committee of the hospital or other
 21 ~~health care~~ healthcare facility to which the patient has been transported. If the
 22 hospital infection control committee agrees that there has been a potential exposure
 23 to the agency or organization personnel, the hospital infection control committee
 24 may, while the patient is in such hospital and without the consent of the patient,
 25 conduct such tests as are provided for in this Section.

26 * * *

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

1 §1165.1. ~~Health care~~ Healthcare information; records

2 * * *

3 C.

4 * * *

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

9 * * *

10 §1165.3. Contact lens prescription; contents; expiration; restrictions on filling;
11 release; penalties

12 * * *

13 B. No owner, employer, or agent of any business establishment that buys,
14 sells, offers to sell, dispenses, or gives away prescription contact lenses may fill a
15 contact lens prescription unless the information provided in Subsection A of this
16 Section is included on the prescription or after the expiration date of the prescription.

17 * * *

18 §1171.1. Purpose; intent; insurance and R.S. 40:1157.3 not affected

19 The legislature recognizes that confidentiality protection for information
20 related to human immunodeficiency virus (HIV) infection and acquired
21 immunodeficiency syndrome (AIDS) is an essential public health measure. In order
22 to retain the full trust and confidence of persons at risk, the state has an interest both
23 in assuring that HIV test results are not improperly disclosed and in having clear and
24 certain rules for the disclosure of such information. By providing additional
25 protection for the confidentiality of HIV test results, the legislature intends to
26 encourage the expansion of voluntary confidential testing for HIV so that individuals
27 may come forward, learn their health status, make decisions regarding the
28 appropriate treatment, and change behaviors that put them and others at risk of
29 infection. The legislature also recognizes that confidentiality protections can limit

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

18 §1171.2. Definitions

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

21 (1) "Contact" is a sex-sharing or needle-sharing partner, a person who has
22 had 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 guidelines of the United States Centers
27 for Disease Control and Prevention.

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

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

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

14 * * *

15 SUBPART C. LOUISIANA ~~HEALTH CARE~~ HEALTHCARE
16 CONSUMERS' RIGHT TO KNOW

17 * * *

18 §1173.2. Definitions

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

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

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

24 * * *

25 §1173.3. Data collection; powers and duties of the Louisiana Department of Health

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

28 * * *

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

3 * * *

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

7 * * *

8 §1173.4. Health Data Panel; advisory council to the secretary of the Louisiana
9 Department of Health

10 * * *

11 B. Members of the Health Data Panel shall be appointed by the secretary and
12 shall represent all interests involved in the collection and publication of ~~provider and~~
13 ~~health plan specific~~ provider- and health plan-specific cost, quality, and performance
14 data elements. Members shall include but not be limited to ~~health-care~~ purchasers
15 of health care, hospitals and other service providers, consumer and patient advocacy
16 groups, quality improvement and health information technology groups, physicians,
17 and any other individuals or groups as deemed necessary by the secretary.

18 * * *

19 §1173.5. Release of information

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

25 B. Notwithstanding Subsection A of this Section, the department may release
26 data collected pursuant to this Subpart for the purpose of conducting ~~health-care~~
27 healthcare research which is a systematic investigation, including research
28 development, testing, and evaluation, designed to develop or contribute to
29 generalizable knowledge. All requests for data collected pursuant to this Subpart

1 shall be submitted to the department and reviewed by the department's Institutional
2 Review Board. The department shall deny any requests for data that it determines
3 will be utilized for business or commercial purposes, including but not limited to
4 market analysis and software development. The department shall have one
5 representative of the provider group whose data is subject to the data release on the
6 Institutional Review Board.

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

11 * * *

12 §1173.6. Violations; penalties

13 * * *

14 B. All ~~health care~~ healthcare providers licensed by the state, including but
15 not limited to hospitals, outpatient surgical facilities, and outpatient clinical facilities
16 shall submit information in the manner and form prescribed in rules and regulations
17 promulgated by the department pursuant to this Subpart.

18 * * *

19 E. Renewal of state licenses issued by the Louisiana Department of Health,
20 Department of Insurance, or health professional licensing, certification, or
21 registration boards and commissions shall be predicated in part on compliance with
22 data reporting requirements of this Subpart and rules and regulations promulgated
23 thereunder. Prior to relicensing, the secretary shall confirm compliance with data
24 reporting requirements in writing to the appropriate permitting or licensing authority.
25 The permit, certification, or license of any ~~health care~~ healthcare provider, health
26 plan, or facility covered by this Subpart shall be suspended until such time as the
27 required data is submitted to the department.

28 * * *

1 §1183.2. Legislative findings; purpose

2 A. The legislature finds that:

3 (1) Federally ~~Qualified Health Centers~~ qualified health centers (FQHCs)
4 provide most of the ~~health care~~ healthcare services required by a substantial number
5 of ~~low-income~~ low-income residents living in the state and therefore constitute an
6 invaluable part of the ~~health care~~ healthcare delivery system of the state.

7 * * *

8 (5) Absent intervention, continued reductions in the Medicare and Medicaid
9 programs, as well as changes in ~~health care~~ healthcare reimbursement methodologies
10 and the continued spread of managed care, may result in the closure of the state's
11 FQHCs, thereby jeopardizing the very existence of a vital link in the ~~health care~~
12 healthcare delivery system for residents residing in medically underserved areas of
13 the state.

14 * * *

15 §1183.4. Medical assistance programs; FQHC reimbursement

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

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

25 * * *

1 §1189.2. Legislative findings; purpose

2 A. The legislature finds that:

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

6 * * *

7 §1201.1. Clinical preceptor nurse aide training program; legislative intent

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

17 * * *

18 §1203.1. Definitions

19 For the purposes of this Part:

20 * * *

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

23 * * *

24 (o) An adult day ~~healthcare~~ health care provider as defined in R.S.
25 40:2120.42.

26 * * *

27 (5) "Nonlicensed person" means any person who provides for compensation
28 nursing care or other health-related services directly related to patient care to
29 residents in or patients of a nursing facility, intermediate care facility for people with

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

14 * * *

15 §1211.4. Mammography and ultrasound reports; transmittal to patients required

16 * * *

17 B.

18 * * *

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

23 * * *

24 §1217.16. Report

25 The medical center shall prepare and submit an annual report concerning its
 26 findings, progress, and activities to the governor, the president of the Senate, the
 27 speaker of the House of Representatives, and the chairmen of the House and Senate
 28 ~~Committees on Health and Welfare~~ committees on health and welfare at least sixty

1 days prior to the legislative session and shall report on the state's total need in the
2 area of kidney health care.

3 * * *

4 §1219.2. Definitions

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

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

9 * * *

10 (3) ~~"Office" means the Office of Elderly Affairs within the governor's office.~~
11 "Office of elderly affairs" and "office" mean the office of elderly affairs within the
12 office of the governor.

13 * * *

14 §1219.3. Louisiana Senior Rx and Aging and Disability Information Station
15 Programs; legislative findings; creation; eligibility

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

26 B. The Louisiana Senior Rx and Aging and Disability Information Station
27 Programs are hereby established in the ~~Office of Elderly Affairs within the~~
28 ~~governor's office~~ office of elderly affairs to help seniors and persons with adult-onset
29 disabilities in accessing manufacturers' discount cards and pharmaceutical assistance

1 programs and to assist such persons in applying for those and other supports and
2 service programs.

3 * * *

4 §1219.4. Services

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

8 * * *

9 §1221.2. Definitions

10 As used in this Part, the following terms shall have the meaning ascribed in
11 this Section:

12 * * *

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

16 * * *

17 §1226.1. Definitions

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

21 * * *

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

24 * * *

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

28 * * *

1 §1231.5. Investment responsibilities

2 * * *

3 E.(1) The board shall electronically submit semiannual reports beginning
4 January 1, 2012, to the House Committee on Civil Law and Procedure and the Senate
5 Committee on Judiciary A. The reports shall be submitted no later than thirty
6 calendar days after January first and July first of each year and shall contain the
7 following:

8 * * *

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

10 * * *

11 §1237.1. Definitions and general application

12 * * *

13 J. The office of risk management, with the concurrence of counsel
14 designated as provided for in Subsection I of this Section, shall have the authority
15 to compromise or settle, and pay any suit or claim brought pursuant to this Part up
16 to twenty-five thousand dollars exclusive of interest and costs. The compromise or
17 settlement, and payment of any suit or claim of twenty-five thousand dollars or more,
18 exclusive of interest and costs, shall be governed by the provisions of R.S.
19 39:1535(B)(6) and (D)(1), as may be applicable.

20 * * *

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

22 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

23 §1243.1. ~~Health care~~ Healthcare providers; upper payment limit

24 A. Subject to appropriation, the Louisiana Department of Health may
25 develop and maintain a Medicaid upper payment limit financing methodology which
26 incorporates any ~~health care~~ healthcare provider licensed by the Louisiana
27 Department of Health. The purpose of developing an upper payment limit financing
28 methodology is to enhance the delivery of ~~health care~~ healthcare services to the
29 uninsured and Medicaid patients. Any such upper payment limit financing

1 methodology shall be in accordance with federal law and subject to approval by the
2 Centers for Medicare and Medicaid Services.

3 * * *

4 §1243.3. Upper payment limit mechanism for ambulatory surgical centers

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

9 * * *

10 §1253.3. Louisiana Behavioral Health Partnership; reporting

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

17 * * *

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

21 * * *

22 §1261. Health report card

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

26 * * *

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

28 * * *

1 (3) Any benefits plan that contracts with the state to provide or coordinate
 2 the provision of ~~health care~~ healthcare services to a Medicaid recipient or other
 3 person whose enrollment costs are paid wholly or in part by the state under a
 4 Medicaid waiver shall submit a report card indicating the overall health of those
 5 enrollees whose costs are paid wholly or in part by the state concerning but not
 6 limited to the issues delineated in Paragraph (1) of this Subsection. Such report card
 7 shall be prepared and submitted in accordance with guidelines established by the
 8 department and shall be included in the written report described in Subsection C of
 9 this Section.

* * *

11 §1261.1. Managed care organization; report

12 * * *

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

15 * * *

16 §1271.1. Infectious diseases; notification

17 * * *

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

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

27 (3) Whenever a patient is admitted to or treated at a hospital or nursing home
 28 and the hospital or nursing home has actual knowledge that the patient is infected
 29 with one or more of the conditions described in Subsection A ~~hereof~~ of this Section,

1 the hospital or nursing home shall notify all ~~health care~~ healthcare providers
2 involved in the treatment of that patient ~~of the patient's condition.~~

3 * * *

4 §1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties

5 A. In order to protect the people of this state from indiscriminate,
6 unnecessary₂ and potentially harmful exposure to radiation, the operation or
7 maintenance of any shoe fitting device or machine which uses fluoroscopic, X-ray₂
8 or radiation principles shall be unlawful in this state, except where such device or
9 machine is used under the direct supervision of an individual licensed in the use of
10 diagnostic or therapeutic ionizing radiation in this state.

11 B. Whoever violates any provision of this Section shall be guilty of a
12 misdemeanor, punishable by a fine of not more than five hundred dollars or
13 imprisonment for not more than six months, or both₂, and each act in violation ~~hereof~~
14 of this Section shall constitute a separate offense.

15 PART X. SPITTING ON FLOOR

16 §1279.1. Spitting on floors or walls of cars, depots, or public buildings prohibited;
17 penalty

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

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

24 PART XI. WATER AND SEWERAGE

25 SUBPART A. WATER SUPPLY AND SEWERAGE SYSTEMS

26 §1281.1. Definitions

27 As used in this Subpart, the following terms shall have the meaning ascribed
28 in this Section:

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

3 ~~B. Certificate--a~~ (2) "Certificate" means a certificate of competency issued
4 by the state health officer stating that the operator has met the requirements for the
5 specified operator classification as defined by the state health officer under R.S.
6 40:1281.3.

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

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

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

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

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

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

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

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

4 ~~L. Water production facility--shall mean~~ (11) "Water production facility"
5 means the system of water wells, impoundments reservoirs, aqueducts, pumps,
6 pipelines and other appurtenances necessary to produce and deliver the water
7 necessary for treatment and distribution to a community.

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

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

14 * * *

15 §1285.3. Mandatory reporting of lead poisoning cases required; comprehensive
16 records

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

28 B. When the state health officer or his designee is informed of a case of lead
29 poisoning pursuant to Subsection A of this Section or otherwise, he shall strongly

1 encourage the examination of all other children under the age of six years, and all
2 other persons deemed at risk by the state health officer or his designee, residing or
3 recently residing in the household of the person with lead poisoning. The results of
4 such examinations shall be reported to the persons or agency reporting the original
5 case pursuant to Subsection A of this Section, and to such other persons or agencies
6 as the state health officer or his designee deems advisable.

7 §1285.4. Program for detection of lead poisoning sources; voluntary and
8 compulsory inspections; posting dangerous areas; mandatory physical
9 examinations

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

20 * * *

21 §1285.7. Safety precautions; procedures for removal and repainting

22 * * *

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

27 * * *

1 §1287.1. Equipment of steam plants in certain cities; penalty

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

7 B. Whoever violates this Section shall, for each day the plant is operated
8 without the required appliance, be fined twenty-five dollars or imprisoned for thirty
9 days.

10 * * *

11 §1291.3. Definitions

12 For the purposes of this Part, the following terms shall have the following
13 meanings unless the context clearly indicates otherwise:

14 * * *

15 (7) "Place of employment" means an area under the control of an employer
16 that employees normally frequent during the course of employment, including, but
17 not limited to, work areas, employee lounges, restrooms, conference rooms, meeting
18 rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence
19 is not a place of employment unless it is used as a licensed child care, adult day care,
20 or ~~health care~~ healthcare facility.

21 * * *

22 (9) "Public place" means an enclosed area to which the public is invited or
23 in which the public is permitted which is not a public building, including but not
24 limited to banks, educational facilities, ~~health care~~ healthcare facilities, hotel and
25 motel lobbies, laundromats, public transportation facilities, reception areas,
26 restaurants, retail food production and marketing establishments, retail service
27 establishments, retail stores, shopping malls, sports arenas, theaters, and waiting
28 rooms.

29 * * *

1 §1291.23. Development of smoke-free policies

2 A.(1) Public ~~post-secondary~~ postsecondary education institutions shall
3 develop smoke-free policies for its campuses.

4 * * *

5 B.(1) Nothing in this Section shall prohibit a public ~~post-secondary~~
6 postsecondary education institution from developing a tobacco-free policy for its
7 campus.

8 * * *

9 §1300.21. Furnishing and maintaining of resuscitators; penalties

10 A. At each publicly supervised swimming place there shall be located at least
11 one resuscitator in adequate operating condition furnished and maintained by the
12 governing authority which operates or supervises the swimming place. Such
13 governing authority shall furnish resuscitators of the dual model type designed to
14 work on two persons at the same time, together with at least four cylinders of oxygen
15 and at least two adult masks and two infant masks for each such dual model. At each
16 such swimming place such governing authority shall provide at least one ~~life guard~~
17 lifeguard thoroughly trained in the operation of such resuscitators and such ~~life guard~~
18 lifeguard shall be responsible for the maintenance thereof.

19 B. Whoever violates the provisions of this Section shall be fined not more
20 than one hundred dollars or imprisoned not more than thirty days, or both.

21 * * *

22 §1356. Limitation of liability; reporting impaired applicants for license or licensed
23 drivers; confidentiality

24 A. As used in this Part, "health care provider" means and includes any
25 person defined in ~~R.S. 40:1299.41(A)~~ R.S. 40:1231.1(A), and "board" means the
26 Louisiana Medical Advisory Board.

27 * * *

28 §1732. Definitions

29 As used in this Part:

1 (1) "ADA" means the Americans with Disabilities (Civil Rights) Act of 1990
2 (Public Law ~~336~~ 101-336).

3 * * *

4 CHAPTER 11. STATE DEPARTMENT OF ~~HOSPITALS~~ HEALTH

5 * * *

6 §2009.1. Rules and regulations; nursing home advisory committee

7 * * *

8 C.

9 * * *

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

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

13 * * *

14 D. It shall be the duty of the nursing home advisory committee to study the
15 requirements and regulations of the Louisiana Department of Health and the ~~U.S.~~
16 United States Department of Health, Education and Welfare or its successor, as
17 published in the Federal Register, in relation to the establishment of minimum
18 standards of maintenance and operations of nursing homes, and interpret such
19 regulations as apply to the administration and operation of nursing homes. The
20 Louisiana Department of Health shall then review such interpretations and submit
21 proposed rule changes to the committee for review prior to the publication of any
22 notice of intended action in the Louisiana Register and Louisiana Journal as provided
23 for in R.S. 49:953(A)(1).

24 * * *

25 §2009.2. Definitions

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

28 * * *

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

4 (3) "Nursing facility", "nursing home", or "home" means a private home,
5 institution, building, residence, or other place; serving two or more persons who are
6 not related by blood or marriage to the operator, whether operated for profit or not,
7 and including those places operated by a political subdivision of the state of
8 Louisiana, which undertakes, through its ownership or management, to provide
9 maintenance, personal care, or nursing for persons who, by reason of illness, or
10 physical infirmity, or age, are unable to properly care for themselves. The term does
11 not include the following:

12 * * *

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

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

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

22 * * *

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

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

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

5 * * *

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

10 * * *

11 §2009.6. Denial, revocation, or nonrenewal of license; grounds

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

14 (1) Failure to meet any of the minimum standards prescribed by the
15 department under ~~Subsection A of R.S. 40:2009.4;~~ R.S. 40:2009.4(A).

16 (2) Conviction of a felony, as shown by a certified copy of the record of the
17 court of conviction of the applicant; or, if the applicant is a firm or corporation,
18 conviction of any of its members or officers of a felony; or conviction of the person
19 designated to manage or supervise the home of a felony;

20 (3) If the supervisor of the home is not reputable; ~~or,~~

21 * * *

22 B. A license may be revoked, or a renewal thereof denied for any of the
23 following reasons:

24 (1) Cruelty or indifference to the welfare of the residents;

25 (2) Misappropriation or conversion of the property of the residents;

26 (3) Violation of any provision of R.S. 40:2009.1 through R.S. 40:2009.11 or
27 of minimum standards, rules and regulations, or orders of the department
28 promulgated thereunder; ~~or,~~

29 * * *

1 §2009.12. Sleeping potion, sedatives or injections without prescription; penalties

2 It shall be unlawful for anyone operating a nursing home, or any employee
3 thereof, to administer any sleeping potion or sedative or any hypodermic injections
4 without a doctor's prescription to any patron of any such nursing home. Any
5 violation of this ~~section~~ Section by any employee, operator, or owner of a nursing
6 home shall be cause for cancellation of license in accordance with the provisions of
7 this Chapter, and such violator shall also be subject to the criminal penalties imposed
8 by ~~R.S. 40:981~~ the Uniform Controlled Dangerous Substances Law, Part X of
9 Chapter 4 of this Title, relating to narcotics or ~~R.S. 40:1046~~ relating to barbiturates
10 insofar as applicable.

11 * * *

12 §2009.18. Notification of the procedure

13 The Louisiana Department of Health shall prepare and distribute to nursing
14 homes in quantities appropriate to carry out the intent of this ~~section~~ Section a
15 booklet setting forth the complaint procedure established by R.S. 40:2009.13 through
16 ~~40:2009.17~~ 2009.17. This booklet shall include a summary of costs which the Title
17 XIX nursing home payments cover, a list of most additional kinds of costs which
18 could be incurred but which Title XIX nursing home payments do not cover, and
19 other information the department deems necessary to assist the families, and the
20 individuals admitted, to a better understanding of the adjustments relative to living
21 in a nursing home. The booklet shall be distributed by all licensed nursing homes
22 to all current patients and to all new patients on the date of their admission. In
23 addition, notice of this complaint procedure, complete with the name, address, and
24 telephone number of the licensing and certification section of the office of
25 management and finance of the Louisiana Department of Health, shall be posted
26 conspicuously in the nursing home at places where patients gather, including, but not
27 limited to, the administrative office, the dining hall, the activity room, and all nurses'
28 stations.

29 * * *

1 §2009.21. Mandatory screening of nursing home ~~medicaid~~ Medicaid patients with
2 mental illness or developmental disabilities; implementation, review

3 * * *

4 §2017.9. Medicare; use of information obtained; penalty

5 All files, records, reports, or other papers, or any information obtained at any
6 time by the Louisiana Department of Health in the course of discharging its duties
7 under any agreement with the United States of America through the Department of
8 Health, Education and Welfare or its successor pertaining to Public Law 80-97,
9 popularly known as the Medicare Act, shall be used solely for the purposes of such
10 agreement; and it shall be unlawful, except for said purposes, for any person to
11 solicit, disclose, receive or make use of or to authorize or knowingly permit,
12 participate in or acquiesce in the use of any information obtained by the Louisiana
13 Department of Health pursuant to, or as a result of, any agreement with the United
14 States of America as aforementioned. Nothing herein contained shall limit the use
15 of records, reports, charts, documents or other papers or information as governed by
16 R.S. 40:2013.3, R.S. 40:2014.1, R.S. 40:2016₂ or R.S. 44:7.

17 * * *

18 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C

19 * * *

20 B.

21 * * *

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

24 * * *

25 (c) Four representatives from the Louisiana Department of Health, who have
26 knowledge of policies related to HIV, AIDS, and hepatitis C, and who work in the
27 office of public health, office of behavioral health, and ~~the office~~ bureau of health
28 services financing, respectively.

1 (d) The commissioner of ~~the Department of Insurance~~ insurance or his
2 designee.

3 * * *

4 §2019. Child death investigation

5 * * *

6 C. Child Death Review Panel. There is established within the Louisiana
7 Department of Health the Louisiana State Child Death Review Panel, hereinafter
8 referred to as the "state panel" which shall be composed of twenty-seven persons.
9 Members of the panel shall include:

10 * * *

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

13 * * *

14 §2102. Definitions

15 As used in this Part:

16 (1) "Department" means the Louisiana Department of Health.

17 ~~A.~~ (2) "Hospital" means any institution, place, building, or agency, public
18 or private, whether for profit or not, with facilities for the diagnosis, treatment, or
19 care of persons who are suffering from illness, injury, infirmity, or deformity or
20 other physical condition for which obstetrical, medical, or surgical services would
21 be available and appropriate and which operates or is affiliated with facilities for the
22 overnight care, observation, or recovery of those persons. The term "hospital" does
23 not include the following:

24 ~~(1)~~ (a) Physicians' offices or clinics where patients are not regularly kept as
25 bed patients for twenty-four hours or more.

26 ~~(2)~~ (b) Nursing homes as defined by and regulated under the provisions of
27 R.S. 40:2009.1 through ~~R.S. 40:2009.12~~ 2009.12.

28 ~~(3)~~ (c) Persons, schools, institutions, or organizations engaged in the care
29 and treatment of children with intellectual disabilities and which are required to be

1 licensed by the provisions of the Developmental Disability Law (R.S. 28:451.1 et
2 seq.).

3 ~~(4)~~ (d) Hospitalization or care facilities maintained by the state at any of its
4 penal and correctional institutions provided that nothing herein contained shall
5 prevent a penal or correctional institution from applying for licensure of its
6 hospitalization or care facility.

7 ~~(5)~~ (e) Hospitalization or care facilities maintained by the federal
8 government or agencies thereof.

9 ~~(6)~~ (f) Hospitalization or care facilities maintained by any university or
10 college provided that nothing herein contained shall prevent any college or university
11 from applying for licensure of its hospitalization or care facility.

12 ~~(7)~~ (g) Any other entity licensed for the diagnosis, treatment, or care of
13 persons admitted for overnight stay.

14 ~~B.~~ (3) "Person" means the state, and any political subdivision or municipal
15 corporation thereof, an individual, firm, partnership, corporation, company,
16 association or joint stock association, or the legal successor thereof.

17 ~~C. "Department" means the Louisiana Department of Health of the state of~~
18 ~~Louisiana.~~

19 ~~D.~~ (4) "Secretary" means the secretary of the Louisiana Department of
20 Health ~~of the state of Louisiana.~~

21 * * *

22 §2109. Rules, regulations, and minimum standards

23 * * *

24 B. The minimum standards adopted by the secretary governing operation and
25 maintenance of hospitals may contain regulations in relation to:

26 (1)(a) Construction of hospital buildings, facilities, and equipment, including
27 regulations on plumbing, heating, lighting, ventilation, fire protection, fire
28 prevention devices and equipment, floor space, and other housing conditions

1 designed to ~~insure~~ ensure the health, safety, and comfort of patients.

2 * * *

3 (c) The establishment of new or replacement facilities or reestablishment of
4 facilities that have sustained substantial structural damage from a hurricane or
5 substantial structural damage from flooding which are located in areas subject to
6 hurricanes, tidal surges, or flooding. An architect or civil engineer registered in the
7 state shall determine whether a facility has sustained substantial structural damage
8 from a hurricane or substantial structural damage from flooding in accordance with
9 the Louisiana State Uniform Construction Code. The regulations adopted by the
10 department shall include but not be limited to:

11 * * *

12 (ii) Provisions for the fair allocation of the Medicaid share of ~~facility-specific~~
13 facility-specific costs directly incurred by a facility as a result of compliance.

14 * * *

15 (2) Sanitary conditions, practices, and environment and sanitary and
16 sterilization procedures and practices designed to avoid sources and transmission of
17 infections, including regulations governing the isolation of patients with
18 communicable diseases.

19 (3) Diet related to the needs of each patient based on good nutritional
20 practice and on recommendation of the attending physician; laboratory, X-ray, and
21 pharmacy facilities or access of the hospital to such facilities; personnel having
22 responsibility for any part of the care and treatment of patients.

23 (4) Equipment essential to the health, care, and maximum well-being of the
24 patients of the hospital.

25 (5) Such other regulations or standards as will ~~insure~~ ensure proper care and
26 treatment of patients as may be deemed necessary for an effective administration of
27 this Part.

28 (6) Classification of hospitals and variation of standards so as to ~~insure~~
29 ensure realistic, practical, and uniform standards for the hospitals in each

1 classification. However, no rule, regulation, policy, or standard adopted by the
 2 secretary shall require a hospital located in a parish with a population of two hundred
 3 fifty thousand people or less to maintain personnel in-house with credentials to
 4 administer obstetric anesthesia on a twenty-four-hour basis in order to qualify for
 5 Medicaid reimbursement for Level III, neonatal, or obstetric medical services, or as
 6 a prerequisite for licensure to provide such services. Personnel with such credentials
 7 may be required to be on staff and readily available on a twenty-four-hour on-call
 8 basis and demonstrate ability to provide anesthesia services within twenty minutes.

9 * * *

10 C. Any ~~health-care~~ healthcare facility that proposes to utilize beds for post-
 11 hospital extended care, including distinct-part skilled, intermediate, and swing, and
 12 admits nursing home patients who receive Medicaid payments to those beds shall
 13 meet all licensure requirements for nursing homes. Such requirements shall include
 14 but not be limited to a nursing home license, employment of a nursing home
 15 administrator, social service designee, and a patient activity coordinator, and all need
 16 criteria and resource goals promulgated by the Louisiana Department of Health
 17 pursuant to 42 U.S.C. 1320a-1. A review for need shall be conducted by the
 18 Louisiana Department of Health utilizing the State Health Plan resource goals and
 19 departmental need criteria regardless of whether there is a capital expenditure. If
 20 need is not established in accordance with the need criteria and resource goals,
 21 license shall be denied for utilization of those beds. Distinct-part skilled and swing
 22 beds approved for utilization pursuant to the provisions of this Subsection shall be
 23 limited to twenty such beds per hospital.

24 D. Any ~~health-care~~ healthcare facility which, on the effective date of this
 25 Subsection, has in operation any distinct-part skilled or swing beds or has been
 26 notified by the division of policy, planning, and evaluation of the ~~Department of~~
 27 ~~Health and Human Resources~~ Louisiana Department of Health that such proposed
 28 beds do not require health planning review, and which would otherwise be subject
 29 to the provisions of this Section, shall be exempted from health planning review to

1 determine need for such beds. However, nothing herein shall be construed to allow
2 the participation in the Medicaid program of such classification of beds unless the
3 facility and beds possess a Title XIX provider agreement prior to September 1, 1987.

4 * * *

5 §2116. Facility need review

6 * * *

7 D.(1) In order to accomplish cost effectiveness of beds issued pursuant to a
8 department waiver, the department may promulgate rules that include but are not
9 limited to the following:

10 * * *

11 (c) In order to achieve a reduction in long-term care institutional costs, a
12 program for reduction of certificates of need for nursing facility beds, which may
13 include a buy-back program, provided such a buy-back program is approved by the
14 ~~Center~~ Centers for Medicaid and Medicare Services and is eligible for federal funds
15 participation.

16 * * *

17 §2116.32. Licensing of home health agencies; applications; fees, disposition of fees

18 * * *

19 B. Except as provided in Subsection D of this Section, no license shall be
20 issued to any home health agency unless that agency meets the minimum standards
21 for home health agencies promulgated by the secretary and all licensure requirements
22 as provided in this Part.

23 * * *

24 §2116.34. Minimum standards; rules and regulations

25 * * *

26 B. The secretary shall review annually the published minimum standards and
27 rules and regulations referred to in Subsection A of this Section and report findings
28 annually to the ~~Joint Health and Welfare Committee~~ House and Senate committees

1 on health and welfare no less than sixty days prior to the regular session.

2 * * *

3 §2117.5. Denial, nonrenewal, or revocation of license; grounds; notification; appeal

4 * * *

5 B. The department shall furnish an applicant or licensee with written
6 notification of any action taken pursuant to Subsection A of this Section and of the
7 reasons for which the action was taken.

8 C. An applicant or licensee aggrieved by any action taken by the department
9 pursuant to Subsection A of this Section may appeal such action suspensively by
10 sending a written request for a hearing to the secretary of the department. The
11 request for a hearing ~~must~~ shall be received by the secretary within fifteen days
12 exclusive of legal holidays after the applicant or licensee receives the written notice
13 of the department's action and shall specify in detail the reasons for the request. If
14 the department determines that the health or safety of the patients served at the
15 facility is in jeopardy, a license may be revoked immediately with appeal rights
16 granted after the facility ceases operation and the patients are removed from the
17 facility.

18 * * *

19 §2120.4. Rules and regulations; licensing standards

20 * * *

21 B. The licensing agency of the department shall prescribe, promulgate, and
22 publish rules, regulations, and licensing standards to include but not be limited to the
23 following:

24 * * *

25 (9) Planning, construction, and design of the facility or provider to ~~insure~~
26 ensure the health, safety, welfare, rights, and comfort of patients, clients, and persons
27 receiving services.

28 (10)(a) Such other regulations or standards as will ~~insure~~ ensure proper care
29 and treatment of patients, clients, and persons receiving services, including

1 provisions relative to civil money penalties, as may be deemed necessary for an
2 effective administration of this Part.

3 * * *

4 §2120.5. License issuance; application; onsite inspection

5 * * *

6 E. The licensing agency may perform an onsite inspection at reasonable
7 times as necessary to ~~insure~~ ensure compliance with the provisions of this Part.

8 * * *

9 §2120.44. Rules and regulations; licensing standards

10 * * *

11 B. The department shall prescribe, promulgate, and publish rules,
12 regulations, and licensing standards relative to adult day health care providers, to
13 include but not be limited to the following:

14 * * *

15 (9) Planning, construction, and design of the facility to ~~insure~~ ensure the
16 health, safety, welfare, and comfort of patients, clients, and persons receiving
17 services.

18 * * *

19 §2120.45. License issuance; application; onsite inspection

20 * * *

21 D. The department may perform an onsite inspection at reasonable times as
22 necessary to ~~insure~~ ensure compliance with the provisions of this Part.

23 * * *

24 §2120.47. Moratorium; exceptions

25 * * *

26 B. If the department determines that there is a need for new or additional
27 adult day health care providers in a certain geographic location, the department may
28 approve and enroll a new or additional adult day health care provider into the Title

1 XIX program. The department shall promulgate and publish rules in accordance
2 with the Administrative Procedure Act to provide for the following:

3 (1) Criteria and processes for determining whether such a need exists; ~~and~~

4 (2) Procedures for selecting an adult day health care provider to be approved
5 and enrolled into the Title XIX program once a need has been determined; ~~and~~

6 * * *

7 §2144. Hospital Records and Retention Act

8 A. As used in this Section:

9 (1) "~~Health care~~ Healthcare provider" means a hospital, as defined in
10 ~~Paragraph (3) hereof~~ this Subsection, and means a person, corporation, facility, or
11 institution licensed by the state to provide health care or professional services as a
12 physician, hospital, ambulatory surgical center, dentist, registered or licensed
13 practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist,
14 or psychologist, ~~and/or~~ or an officer, employee or agent thereof acting in the course
15 and scope of his employment.

16 (2) "~~Patient~~" ~~means a natural person who receives health care from a~~
17 ~~licensed health care provider.~~ "Hospital" means any hospital as defined in R.S.
18 40:2102 and ambulatory surgical center as defined in R.S. 40:2133.

19 (3) "~~Hospital~~" ~~means any hospital as defined in R.S. 40:2102 and ambulatory~~
20 ~~surgical center as defined in R.S. 40:2133.~~ "Hospital record" or "hospital chart"
21 means a compilation of the reports of the various clinical departments within a
22 hospital, as well as reports from healthcare providers, as are customarily catalogued
23 and maintained by the hospital medical records department. Hospital records include
24 reports of procedures such as X-rays and electrocardiograms, but they do not include
25 the image or graphic matter produced by such procedures.

26 (4) "~~Representative~~" ~~means the parent of a minor patient, tutor, curator,~~
27 ~~trustee, attorney, succession representative, or other legal agent of the patient.~~

28 "Patient" means a natural person who receives health care from a licensed healthcare
29 provider.

1 (5) "~~Hospital record~~" or "~~hospital chart~~" means a compilation of the reports
2 of the various clinical departments within a hospital, as well as reports from health
3 care providers, as are customarily catalogued and maintained by the hospital medical
4 records department. ~~Hospital records include reports of procedures such as X-rays~~
5 ~~and electrocardiograms, but they do not include the image or graphic matter~~
6 ~~produced by such procedures.~~ "Representative" means the parent of a minor patient,
7 tutor, curator, trustee, attorney, succession representative, or other legal agent of the
8 patient.

9 * * *

10 C. The patient or his authorized representatives may request and obtain
11 copies of his hospital records in the manner set forth in Subsection D of this Section.

12 * * *

13 F.

14 * * *

15 (2) Graphic matter, images, X-ray films and like matter that were necessary
16 to produce a diagnostic or therapeutic report shall be retained, preserved, and
17 properly stored by hospitals in their original, microfilmed, or similarly reproduced
18 form for a minimum period of three years from the date a patient is discharged. Such
19 graphic matter, images, X-ray film, and like matter shall be retained for longer
20 periods when requested in writing by any one of the following persons:

21 * * *

22 G. A certified copy of the hospital record or graphic matter, images, X-ray
23 film, and like matter shall be deemed to be an original for all purposes, and shall be
24 admissible in evidence in all courts or administrative agencies as if it were the
25 original.

26 H.(1) Subject to such guidelines and limitations as may be promulgated by
27 the Louisiana Department of Health, electronic signatures by licensed ~~health care~~
28 healthcare providers on medical records are hereby authorized.

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

1 (2) The Louisiana Department of Health may promulgate rules to regulate
2 the use of electronic signatures. Such rules may contain any of the following:

3 * * *

4 (b) Security requirements, which may include the following:

5 * * *

6 (iii) ~~Health care~~ Healthcare provider responsibility for unauthorized
7 signatures.

8 (3) The Louisiana Department of Health may promulgate rules to regulate
9 the use of orders for the care and treatment of a patient of a hospital which are given
10 to the hospital verbally or transmitted to the hospital electronically, whether by
11 telephone, facsimile transmission, or otherwise. Such rules may include when and
12 under what circumstances the ordering ~~health care~~ healthcare provider must sign or
13 countersign the verbal or electronically transmitted order. Any such promulgated
14 rules and regulations shall grant a ~~health care~~ healthcare provider up to ten days
15 following the date an order is transmitted verbally or electronically to provide the
16 signature or countersignature for such order.

17 * * *

18 §2154. Applicability

19 A. The provisions of this Part shall not apply to the licensing of any of the
20 following facilities or persons and shall not be construed as requiring any of the
21 following facilities or persons to seek licensure as a behavioral health services
22 provider:

23 * * *

24 (6) Federally qualified health ~~care~~ centers certified by the federal
25 government.

26 * * *

27 (12) School-based health ~~clinics/centers~~ clinics and centers that are certified
28 by the Louisiana Department of Health, office of public health, and enrolled in the
29 Louisiana Medicaid ~~Program~~ program.

1 (13) A ~~health care~~ healthcare provider or entity solely providing case
2 management or peer support services, or a combination thereof.

3 * * *

4 §2175.14. Department responsibilities

5 * * *

6 E. The department shall report to the House and Senate ~~Committees on~~
7 ~~Health and Welfare~~ committees on health and welfare within two years from the date
8 of any licensure of an alternate health care model. The report shall include but not
9 be limited to whether the alternate health care model improved access to health care,
10 the quality of health care provided by the alternate health care model, and the cost
11 and cost-effectiveness to the public, third-party payors, and government of the
12 alternate health care model.

13 * * *

14 §2179. Establishment of Direct Service Worker Registry

15 * * *

16 D. The provisions of this Part shall not apply to religious nonmedical nursing
17 personnel providing services through a religious nonmedical health care institution
18 as defined in 42 ~~USC~~ U.S.C. 1395x.

19 * * *

20 §2180.11. Purpose

21 The purpose of this ~~part~~ Part is to provide for the operation and maintenance
22 of crisis receiving centers to provide for appropriate crisis identification,
23 intervention, and stabilization services, including a coordinated system of entry for
24 people in ~~behavioral~~ behavioral emergency rooms.

25 * * *

26 §2189. Operating without or in violation of license; injunctive relief

27 If any hospice operates without a valid license issued by the department or
28 if any organization or entity uses the term "hospice" in its name or represents itself
29 as a "hospice" without being licensed as provided herein, the department may cause

1 a civil suit for injunctive relief to be instituted in a district court in the parish in
2 which the facility is located, including a temporary restraining order, to restrain the
3 institution, agency, corporation, person or persons, or any other group operating the
4 facility from continuing the violation. Nothing in this Section shall be construed to
5 prohibit the use of the term "hospice" by nonprofit organizations qualifying under
6 the provisions of 26 C.F.R. CFR 1.501(c)(3)-1, for the express purpose of providing
7 support to licensed hospices in Louisiana.

8 * * *

9 §2193.1. Purpose and definitions

10 A. The purpose of this Part is to authorize the Louisiana Department of
11 Health to promulgate and publish rules and regulations to provide for the health,
12 safety, and welfare of children in pediatric day health care facilities and to provide
13 for the safe operation of these facilities. The department shall consult with the
14 following organizations in the development of the rules and regulations:

15 * * *

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

18 * * *

19 §2193.4. Department rules; regulations; licensing standards

20 The department shall promulgate rules and regulations in accordance with the
21 Administrative Procedure Act as may be necessary to carry into effect the provisions
22 of this Part. Such rules and regulations shall include but not be limited to the
23 following:

24 * * *

25 (9) Construction and design of the facility to ~~insure~~ ensure the health, safety,
26 welfare, and comfort of patients and clients.

27 * * *

1 §2194.2. Definitions

2 As used in this Part, the following definitions shall apply:

3 * * *

4 (4) "Indigent" means any person whose household income is one hundred
5 eighty-five percent or less of the ~~federal poverty level~~ applicable federal poverty
6 guideline as published in the Federal Register by the United States Department of
7 Health and Human Services and who does not have medical insurance.

8 (5) "~~Low income~~ Low-income person" means any person whose income is
9 greater than one hundred eighty-five percent of the ~~federal poverty level~~ applicable
10 federal poverty guideline as published in the Federal Register by the United States
11 Department of Health and Human Services and who meets the established criteria
12 for services based on a sliding fee schedule assignment.

13 (6) "Program" means the Community-based Health Care Program for
14 indigent and ~~low income~~ low-income persons.

15 * * *

16 §2195.1. State ~~Office of Rural Health~~ office of rural health

17 A. Within the Louisiana Department of Health, the Louisiana state office of
18 rural health shall:

19 * * *

20 (5) Provide technical assistance and grants to aid qualified rural hospitals in
21 attaining designation as critical access hospitals in accordance with the Medicare
22 rural hospital flexibility program, as provided in ~~42 U.S.C.A.~~ U.S.C. 1395i-4.

23 * * *

24 (8) Initiate efforts for recruitment and retention of primary care professionals
25 through the state loan repayment program as provided in ~~R.S. 40:1300.4~~ R.S.
26 40:1205.4, and any other similar programs to increase the number of ~~health care~~
27 healthcare professionals in rural areas.

28 (9) A primary function of this office shall be to increase the supply of
29 physicians and other ~~health care~~ healthcare providers to the underserved areas of this

1 state. This office may seek grants and financial inducements to entice medical
2 students, nurse practitioners, physician assistants, and nurses to locate in the rural
3 area. This office may seek funds for equipment and ~~start-up~~ start-up costs for
4 medical providers wishing to locate in ~~under served~~ underserved areas.

5 * * *

6 (11) Develop and implement a strategic plan for the purposes of maintaining,
7 enhancing, and expanding services currently offered by rural ~~health care~~ healthcare
8 providers, including rural hospitals as defined in R.S. ~~40:1300.143~~ R.S. 40:1189.3,
9 to obtain additional grants and funding from any and all public or private entities,
10 including but not limited to the United States Department of Health and Human
11 Services, the United States Department of Agriculture, and charitable organizations
12 and foundations. In developing and implementing a strategic plan pursuant to this
13 Paragraph, the secretary of the Louisiana Department of Health shall consult with
14 rural ~~health care~~ healthcare provider organizations. In addition the secretary shall
15 submit a report to the legislature at least sixty days prior to the beginning of each
16 regular session of the legislature detailing the progress in implementing the strategic
17 plan. The report shall also set out the goals and objectives of the strategic plan for
18 the next state fiscal session including the level of funding necessary to achieve those
19 goals and objectives.

20 * * *

21 C. The purpose of this Section is to stimulate business and industrial growth
22 and provide for a better delivery of health and medical services in these areas of the
23 state by the coordination of economic development and ~~health care~~ healthcare
24 resources, whether such resources originate from state or federal plans or programs,
25 and to create priority ~~health care~~ healthcare and economic development zones to
26 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 Louisiana State Board of Medical Examiners, Louisiana Board of Dentistry, Board
2 of Podiatry, Board of Optometrists and the Louisiana State Board of Optometry
3 Examiners.

4 * * *

5 F.

6 * * *

7 (2) The monies in the fund shall be subject to annual appropriation by the
8 legislature and shall be available exclusively for the use by the Louisiana Department
9 of Health for:

10 (a) The protection of health, welfare, rights, or property of those receiving
11 services from the ~~health-care~~ healthcare facilities licensed or certified by the
12 Louisiana Department of Health.

13 (b) The enforcement of sanctions against ~~health-care~~ healthcare facilities
14 licensed or certified by the Louisiana Department of Health.

15 (c) Education, employment, and training of employees, staff, or other
16 personnel of ~~health-care~~ healthcare facilities licensed or certified by the Louisiana
17 Department of Health.

18 (d) Programs designed to improve the quality of care in ~~health-care~~
19 healthcare facilities.

20 * * *

21 §2199.1. Adoption of rules; violations; alternate remedies

22 A. The Louisiana Department of Health is hereby authorized to and shall
23 adopt rules in accordance with the Administrative Procedure Act to provide remedies
24 for ~~health-care~~ healthcare facilities which have violations of the licensure standards
25 and requirements, of certification requirements, or of the Medicaid standards of
26 participation. Such remedies shall include, but are not limited to:

27 * * *

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, providers₂ 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 §2203. Authorization for ~~Preferred Provider Organizations~~ preferred provider
2 organizations

3 * * *

4 C. Group purchaser members participating in preferred provider
5 organizations shall be guaranteed access to their standard benefits under the terms
6 of their policy, employee benefits, ~~self-funded~~ self-funded organization benefits, or
7 Taft-Hartley trust benefits, regardless of whether they choose a preferred provider
8 or a provider who does not participate in the preferred provider contract.

9 * * *

10 §2223. Limitations on implementation

11 The secretary shall not implement the provisions of this Part unless a federal
12 Medicaid waiver submitted to the United States Department of Health and Human
13 Services, Health Care Financing Administration, or its successor, on or after
14 December 31, 1994, authorizing the state to utilize health insurance organizations,
15 health maintenance organizations, or managed care organizations for Medicaid
16 recipients is received. However, the secretary may take actions necessary to
17 implement this Part upon receiving such federal waiver approval.

18 * * *

19 §2243. Limitations on implementation

20 The secretary shall not implement the provisions of this Part unless a federal
21 Medicaid waiver submitted to the United States Department of Health and Human
22 Services, Health Care Financing Administration, or its successor, on or after
23 December 31, 1994, authorizing the state to utilize health insurance organizations,
24 health maintenance organizations, or managed care organizations for Medicaid
25 recipients is received. However, the secretary may take actions necessary to
26 implement this Part upon such federal waiver approval.

27 * * *

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

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,"² 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 * * *

1 §2530.4. Administration

2 * * *

3 B. A notification system developed ~~under~~ pursuant to the provisions of this
4 Chapter shall include, but not be limited to, the following items:

5 * * *

6 (3) Whether the circumstances of the person deemed missing are aggravated
7 due to the age of the person or a ~~life-threatening~~ life-threatening medical condition
8 or situation which requires the person to take life-sustaining medication.

9 * * *

10 §2845. Board; functions, powers, and duties

11 A. The board shall:

12 * * *

13 (6)(a) Establish and maintain a statewide trauma registry to collect and
14 analyze data on the incidence, severity, and causes of trauma, including traumatic
15 brain injury. The registry shall be used to improve the availability and delivery of
16 pre-hospital or out-of-hospital care and hospital trauma care services.

17 ~~(a)~~ (b) The board shall promulgate rules and regulations according to the
18 Administrative Procedure Act to do the following:

19 (i) Define specific data elements required to be furnished to the registry by
20 every ~~health-care~~ healthcare facility certified by the department as a trauma center.

21 (ii) Define trauma data elements that all other ~~health-care~~ healthcare facilities
22 shall be required to furnish to the registry.

23 (iii) Establish a process for submission, analysis, and reporting of registry
24 data.

25 ~~(b)~~ (c) Required reporting to the state trauma registry is contingent on LERN
26 providing adequate financial support through the Louisiana Emergency Response
27 Network Fund to cover administrative costs.

28 * * *

1 C.(1) The board shall submit an annual written report to the Senate and
2 House ~~Committees on Health and Welfare~~ committees on health and welfare at least
3 thirty days prior to each regular session. The report shall include a summary of the
4 data relevant to the goals set forth in Paragraph (A)(2) of this Section and all other
5 information relevant to trauma-patient care and its delivery in Louisiana through the
6 network.

7 (2) The board shall submit any additional reports or information to the
8 secretary of the department upon request of the secretary and the Senate and House
9 ~~Committees on Health and Welfare~~ committees on health and welfare upon request
10 of the chairman of either committee.

11 * * *

12 §2845.1. Public records exception

13 Patient and peer review data or information submitted or transmitted pursuant
14 to this Chapter to the trauma registry, the board, any committee acting on behalf of
15 the board, any hospital or pre-hospital care provider, any physician or other direct
16 care provider, any regional commission, any emergency medical services council,
17 emergency medical services agency, or other group or committee whose purpose is
18 to monitor and improve quality care pursuant to this Chapter, shall be confidential
19 and exempt from the provisions of law relative to public records as provided in ~~R.S.~~
20 ~~44:4.1(B)(24)~~ R.S. 44:4.1(B)(26).

21 Section 5. R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 54, 56(A), (B)(1), (F)(4)(b), and
22 (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(introductory
23 paragraph), 114.3(A), 121(1)(introductory paragraph), 123(D)(3) and (K)(3), 153(C),
24 153.4(F)(2), 156(A) and (B), 157 through 159, 159.1(C) and (D), 160.1(10),
25 231.2(A)(1)(introductory paragraph) and (B)(introductory paragraph), 231.4(E), 232, 234,
26 234.1, 236, 236.1.2(B)(1) and (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E),
27 236.11.1(D), 237(B)(15), 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B)
28 through (E), 447.2(A)(2), (B)(1) and (3), and (D)(introductory paragraph), (1), and (2),

1 450.1(A) and (B)(6), 450.3(B)(introductory paragraph), 460.1, 460.4(D), 465, 923(A) and
 2 (B), 924(A) and (B), 932(14), 936, 972, 975(C)(2), 976(A)(3)(c) and (5)(a) through (c) and
 3 (d)(i), (B)(3)(b), (C)(introductory paragraph), and (E), 977.2, 977.3(3), 977.5(A)(2) and
 4 (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(4), 979.4(H), 1052(introductory paragraph),
 5 1056(A), 1057(introductory paragraph), (10), and (11), the heading of Chapter 10-D of Title
 6 46 of the Louisiana Revised Statutes of 1950, R.S. 46:1194(introductory paragraph) and (1),
 7 1195(A)(2) and (B) through (D), 1402, 1403.1, 1433(Section heading), 1602(A), (D), and
 8 (F)(1)(a)(i) through (iii) and (b), 1906.2, 1953(F), 1954(B), 2121(C), 2125(A), 2127(C),
 9 2135(C), 2136(A)(4)(b) and (c), 2200, 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and
 10 (5), 2603(A)(4) and (B)(introductory paragraph), 2692(C), 2702(8) and (9), 2704(B),
 11 2722(B), 2731(B)(2), (C)(3), (D)(3) and (4), (E), and (F), and 2758.2(C)(1) are hereby
 12 amended and reenacted to read as follows:

13 §3. Trustees or administrators shall not be interested in contracts with or sales to
 14 charitable institutions; penalties

15 A. No member of the board of trustees, nor any administrator of any
 16 charitable institution of the state, shall receive any appointment in the institution, nor
 17 shall any member of the boards of trustees, or administrators, nor any officer
 18 appointed by either of them, be concerned directly or indirectly in any contract, ~~or~~
 19 in the furnishing of supplies, or in the purchase or sale of any article of property or
 20 value for or on account of these institutions.

21 B. Whoever violates the provisions of this Section shall be fined or
 22 imprisoned, or both, at the discretion of the court.

23 * * *

24 §6. Admission criteria to state-supported charity hospitals

25 Any bona fide resident of the state of Louisiana who is in need of medical
 26 services, including but not limited to the uninsured, shall be eligible for treatment by
 27 any general hospital owned or operated by the board in accordance with policy
 28 adopted by the LSU Board of Supervisors. However, any person with an income
 29 greater than two hundred percent of the ~~federal poverty level~~ applicable federal

1 poverty guideline as published in the Federal Register by the United States
2 Department of Health and Human Services and who is otherwise eligible for
3 treatment may be denied access to non-emergency medical care if such person
4 refuses to pay any appropriately adopted reasonable charges for treatment or service
5 received, unless the patient's clinical condition requires immediate treatment as
6 determined by the patient's treating physician, or if the person has been treated in the
7 past, billed based upon his or her ability to pay, and has refused to pay for previous
8 medical services without justifiable excuse or to make arrangements for periodic
9 partial payments, unless the patient's clinical condition requires immediate treatment
10 as determined by the patient's treating physician or medical director. In no event
11 shall emergency treatment be denied to anyone; and in no event shall any person
12 housed in any parish jail facility or state prison in the state of Louisiana, irrespective
13 of his state of residency, be denied medically necessary medical treatment in the
14 nearest general hospital owned or operated by the board. Further, any prisoner
15 treated at a general hospital owned or operated by the board shall have those services
16 paid through the facility receiving state funding for the incarceration of ~~said~~ that
17 prisoner.

* * *

19 §9. Copy of petition to be served on hospital when patients sue for injuries

* * *

21 B. No court of this state shall proceed with the trial of any suit involving any
22 claim referred to in this Section; unless a copy of the petition has been served as
23 required; or such service has been waived as provided in Subsection C of this
24 Section.

25 C. Nothing in this Section shall prevent the plaintiff or his attorney and the
26 attorney representing the charity hospital or veterans administration hospital from
27 entering into a written agreement stipulating that in the event of a favorable
28 judgment for the plaintiff, the bills for services due the hospital shall be paid before
29 all other disbursements of the award. Such an agreement may be accompanied by

1 a waiver of the service of the petition upon the hospital otherwise required in
2 Subsection A of this Section.

3 * * *

4 §52.1. Integrated case management; "No Wrong Door"

5 * * *

6 F. This state leadership group shall:

7 * * *

8 (3) Lead execution of service integration plans to include:

9 * * *

10 (b) Screening, eligibility, and redeterminations for temporary assistance
11 programs, Medicaid, and ~~food stamps~~ nutrition assistance benefits.

12 * * *

13 §54. Parish offices

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

18 * * *

19 §56. Applications and client case records; definitions; confidentiality; waiver;
20 penalty

21 A. Applications for assistance and information contained in case records of
22 clients of the Louisiana Department of Health, the Department of Children and
23 Family Services, or the ~~Office of Elderly Affairs~~ office of elderly affairs, for the
24 purpose of adult protective services, shall be confidential and, except as otherwise
25 provided, it shall be unlawful for any person to solicit, disclose, receive, make use
26 of, or to authorize, knowingly permit, participate in, or acquiesce in the use of
27 applications or client case records or the information contained therein for any
28 purpose not directly connected with the administration of the programs of the
29 department.

1 B.(1) For the purposes of this Section, "department" means the Louisiana
2 Department of Health, the Department of Children and Family Services, and the
3 adult protection agency as provided in R.S. 15:1503(4). It is the express intent of
4 this Section that the Louisiana Department of Health, the Department of Children
5 and Family Services, and, for the purpose of adult protective services, the ~~Office of~~
6 ~~Elderly Affairs~~ office of elderly affairs share access to each other's case records to
7 the extent that such access is not prohibited by any contrary provision of federal law
8 or regulation.

9 * * *

10 F. The following information shall not be subject to waiver and shall not be
11 released to applicants, recipients, or outside sources, except those outside sources
12 engaged in the administration of the programs of the department:

13 * * *

14 (4)

15 * * *

16 (b) In addition, the department may release information to other agencies of
17 state government that are engaged in rendering services or treatment to a department
18 recipient or former recipient. The agency receiving the information from the
19 department ~~under~~ pursuant to this Paragraph shall be bound by the same
20 confidentiality standard as prescribed in this Section with regard to release of this
21 information to the recipient, the client's legal representative, or an outside source.
22 The Louisiana Department of Health, the Department of Children and Family
23 Services, and, for the purpose of adult protective services, the ~~Office of Elderly~~
24 ~~Affairs~~ office of elderly affairs may release information to each other for the purpose
25 of furthering services or treatment to clients or recipients of services of either
26 department. Information subject to release ~~under~~ pursuant to this Section that is
27 covered by federal statutes or regulations restricting release of the information shall
28 be released only in accordance with the federal statutes or regulations.

29 * * *

1 J. Notwithstanding the foregoing provisions of this Section, the department
 2 shall maintain in each parish or district office a current monthly roster or listing by
 3 category of recipients of public assistance showing the names and amounts received
 4 by each. ~~Said~~ Such roster shall not contain information pertaining to ~~food stamps~~
 5 nutrition assistance benefits or the Medicaid Program (Title XIX of the Social
 6 Security Act). ~~This~~ The roster shall be kept available in the reception room or some
 7 conspicuous place during regular office hours of each parish office, to any person
 8 wishing to view the contents. The department shall supply the parish or district
 9 offices with forms, one of which shall be filled out, dated, and signed by each person
 10 wishing to avail himself of the provisions of this Subsection. However, it shall be
 11 unlawful to use its contents for political or commercial purposes.

* * *

12 §59. Welfare demonstration, experimental and other projects

13 The Department of Children and Family Services and the Louisiana
 14 Department of Health ~~is~~ are authorized to make use of ~~its~~ staff and equipment to
 15 carry out experimental and demonstration projects whose costs are otherwise totally
 16 financed by the federal government under the provisions of the Social Security Act
 17 (42 U.S.C. 1315) or any other programs totally financed from federal funds.

* * *

18 §61. Elderly abuse; release of information

19 A.(1) The Louisiana Department of Health shall, following an investigation
 20 by the department, the ~~Office of Elderly Affairs~~ office of elderly affairs, the office
 21 of the attorney general, or a local law enforcement agency, of any report of elderly
 22 abuse and the conviction of any person investigated for such abuse or the entering
 23 of a plea of guilty or nolo contendere by any person so investigated who is accused
 24 of such abuse, make available to any ~~health care~~ healthcare facility licensed by the
 25 department, upon request, the name and a photograph of any such person who has
 26
 27

1 been convicted of or pled guilty or nolo contendere to a crime involving elderly
2 abuse.

3 * * *

4 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any
5 person sixty years of age or older and shall include the abuse of any person with an
6 infirmity residing in a ~~state licensed~~ state-licensed facility.

7 * * *

8 C. The department, in consultation with the ~~Office of Elderly Affairs~~ office
9 of elderly affairs, shall adopt and promulgate rules and regulations in accordance
10 with the Administrative Procedure Act to implement the provisions of this Section,
11 including provisions which establish procedures under which the department shall
12 request information from law enforcement officials and district attorneys and which
13 establish procedures under which ~~health care~~ healthcare facilities may request
14 information concerning whether or not a person has been convicted of or pled guilty
15 or nolo contendere to a crime listed in R.S. 14:403.2.

16 * * *

17 §107. Appeal and review; venue for judicial review

18 A.(1) The Department of Children and Family Services; and the office of the
19 secretary of the Louisiana Department of Health ~~office of the secretary~~, through their
20 respective appeal sections, shall provide for a system of hearings and ~~is~~ are
21 responsible for fulfillment of all hearing provisions as prescribed under Title I, IV-A,
22 X, XIV, XVI, XIX, or XX of the Social Security Act and under the Food Stamp Act,
23 Public Law 91-671 ~~of the Food Stamp Act~~. Under these provisions, an opportunity
24 for a hearing shall be granted at the state level to any applicant or recipient who
25 makes a timely request for a hearing because his claim for assistance, services, or
26 ~~food stamps~~ nutrition assistance benefits is denied or is not acted upon with
27 reasonable promptness and to any recipient who is aggrieved by an agency action
28 resulting in suspension, reduction, discontinuance, or termination of benefits.

29 * * *

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

1 B. The agency or its subordinate presiding officer conducting a proceeding
 2 authorized hereunder shall conduct such a proceeding and shall have such authority
 3 to administer oaths and affirmations, issue subpoenas, and to otherwise regulate the
 4 conduct of the proceeding as provided by law, or in the absence of such a law, as
 5 specified and authorized by R.S. 49:955 et seq. The deposit or payment of witness
 6 fees ordinarily required of a party who desires to subpoena a witness shall not be
 7 required if the party desiring the issuance of the subpoena is an indigent person. A
 8 person shall be presumed to be indigent if ~~the person~~ he is certified for or is a
 9 recipient of any entitlement program, the eligibility for which is based on need,
 10 income, ~~and or~~ resources, or any combination of these criteria.

11 * * *

12 D. Except as provided by Subsections B and C of this Section, all
 13 adjudicatory and review proceedings under this Section shall be governed by the
 14 Administrative Procedure Act.

15 * * *

16 §114. Fraud in obtaining assistance; withholding information concerning property,
 17 income, ~~or~~ beneficiary, or personal circumstances

18 * * *

19 E.(1) Persons receiving food stamps or Aid to Families with Dependent
 20 Children, or a successor of either program, who have been determined by the
 21 Department of Children and Family Services in an administrative hearing, or a court
 22 of competent jurisdiction after final appeal, to have fraudulently obtained such food
 23 stamps or Aid to Families with Dependent Children, or benefits or assistance from
 24 a successor of either program, shall be ineligible for further participation in the
 25 program in accordance with the following schedule:

26 * * *

1 §114.3. Regional fraud detection units; investigative subpoenas and subpoenas
2 duces tecum

3 A. The Department of Children and Family Services shall establish,
4 maintain, and provide for fraud detection functions in order to detect fraud in
5 obtaining public assistance through staff in each region of the state. Each fraud
6 detection unit shall report each incident of public assistance fraud to the fraud
7 detection section of the office of children and family services on a monthly basis by
8 the tenth day of each succeeding month. An annual report of the activities of all ~~the~~
9 fraud detection units within a state fiscal year shall be submitted by the fraud
10 detection section to the Senate and House ~~Committees on Health and Welfare~~
11 committees on health and welfare by September first.

12 * * *

13 §121. Definitions

14 For purposes of this Part, the following terms shall be defined as follows:

15 (1) "Activated military personnel" means a person domiciled in Louisiana
16 for civilian purposes; who names Louisiana as Home of Record (HOR) for military
17 purposes, and who is any of the following:

18 * * *

19 §123. Louisiana Military Family Assistance Board

20 * * *

21 D.

22 * * *

23 (3) If the third party administrator approves a claim, it shall determine when
24 the claim shall be paid, the amount of payment, to whom the payment shall be made,
25 and such other matters as it deems necessary and appropriate.

26 * * *

27 K.

28 * * *

1 (3) Although confidential, records relating to applications and the identity
2 of applicants and their related activated military personnel or honorably discharged
3 active-duty military personnel shall be available to necessary parties such as the
4 legislative auditor, legislative oversight committees for rules and annual reports, and
5 such other parties as necessary for prudent administration of the program and
6 verification of elements of application.

7 * * *

8 §153. Medical assistance; estate recovery program

9 * * *

10 C. Except to the extent that the responsibility for payment for medical care
11 of certain persons is transferred to the department in Subsection A ~~above~~ of this
12 Section and the pertinent rules and regulations subsequently adopted, the care and
13 treatment of medically indigent persons shall remain the responsibility of the various
14 charity hospitals of this state as provided by existing law.

15 * * *

16 §153.4. Medicaid Estate Recovery, legislative findings

17 * * *

18 F.

19 * * *

20 (2) An undue hardship to any heir, as defined by rule, shall exist if an heir's
21 family income is three hundred percent or less of the ~~U.S. Department of Health and~~
22 ~~Human Services Federal Poverty Level Guidelines as published annually in the~~
23 ~~Federal Register~~ applicable federal poverty guideline as published in the Federal
24 Register by the United States Department of Health and Human Services.

25 * * *

26 §156. Supplementary assistance to persons who are aged, blind, or have disabilities

27 A. Any person who is aged, blind, or has a disability, within the meaning of
28 Subchapter XVI of Chapter Seven of the Social Security Act, as amended, who, for
29 the month of December, 1973, was a recipient of old age assistance, disability

1 assistance, or aid to the needy blind, and is a recipient of supplemental security
2 income under Subchapter XVI of Chapter Seven of the Social Security Act, as
3 amended, shall be entitled to receive a monthly supplementary payment in the
4 amount described in Subsection B ~~below of this Section~~, such payment to terminate
5 the month in which such individual dies or the first month such individual ceases to
6 be eligible for supplemental security income under Subchapter XVI of Chapter
7 Seven of the Social Security Act, as amended.

8 B. The supplementary payment referred to in Subsection A ~~above of this~~
9 Section shall be in an amount equal to the amount by which the individual's
10 December, 1973 income exceeds the amount of such individual's Subchapter XVI
11 of Chapter Seven benefit plus other income for such month. For purposes of this
12 subsection, the terms "December, 1973 income" and "Subchapter XVI of Chapter
13 Seven benefit plus other income" shall have the meaning given to ~~said those~~ terms
14 in Act of July 9, 1973, Public Law 93-66, Section 212(a)(3), 87 Stat. 152.

15 * * *

16 §157. Prosthetic dentures; eligibility; rules and regulations

17 A. The ~~office of family security~~ bureau of health services financing of the
18 Louisiana Department of Health shall make available to persons of this state who are
19 eligible for Medicaid benefits under Title XIX of the Social Security Act, prosthetic
20 dentures, upon certification by a dentist licensed under Louisiana law that the person
21 is in need of prosthetic dentures, and upon certification of such need by the
22 Louisiana Department of Health.

23 B. The secretary of the Louisiana Department of Health shall promulgate the
24 necessary rules and regulations to implement the provisions of this Section. Such
25 rules and regulations shall ~~insure~~ ensure that no charge for ~~such~~ prosthetic dentures
26 shall be approved for payment in excess of that normally received in private
27 commercial relationships for the manufacture and fitting of such dentures, based on
28 the nature and quality of dentures provided, the extent of professional services

1 rendered, and the fees normally and customarily received in the area where the fitting
2 occurred.

3 §158. Prohibition of discrimination against dental care services

4 The ~~office of family security~~, bureau of health services financing of the
5 Louisiana Department of Health; shall make available to persons who are eligible for
6 Medicaid benefits under Title XIX of the Social Security Act, 42 ~~USCA~~ U.S.C. Sec.
7 1396 et seq., inpatient hospital services, outpatient hospital services, prescribed
8 drugs, and all other services incident to professional treatment provided by a licensed
9 dentist when the treatment and service is otherwise authorized and included in the
10 Louisiana state plan for medical and dental assistance when provided or prescribed
11 by a physician or any other licensed practitioner of the healing arts, provided that the
12 dental health care shall be within the scope of dental professional practice as defined
13 by R.S. 37:751 et seq.

14 §159. Prohibition of discrimination against podiatric services

15 The office of the secretary of the Louisiana Department of Health shall make
16 available to persons who are eligible for Medicaid benefits under Title XIX of the
17 Social Security Act, 42 ~~USCA~~ U.S.C. Sec. 1396 et seq., inpatient hospital services,
18 outpatient hospital services, prescribed drugs, and all other services incident to
19 professional treatment provided by a licensed podiatrist when the treatment and
20 service is otherwise authorized and included in the Louisiana state plan for medical
21 assistance when provided or prescribed by a physician or any other licensed
22 practitioner of the healing arts, provided that the podiatric health care shall be within
23 the scope of podiatric professional practice as defined by R.S. 37:611 et seq.

24 §159.1. Hospice care pilot program; rules and regulations

25 * * *

26 C. Coverage of hospice care under the pilot project shall be in accordance
27 with 42 U.S.C. 1396d(o), the Medicare Hospice Program guidelines as set forth in
28 42 ~~C.F.R.~~ CFR Part 418, and Sections 4305-4308.2 of the federal Centers for
29 Medicare and Medicaid Services' State Medicaid Manual. In the case of an

1 individual who is eligible for Medicaid benefits under Title XIX of the Social
2 Security Act, occupies a ~~Medicaid-certified~~ Medicaid-certified nursing facility bed,
3 and elects to receive hospice care, an additional amount for room and board shall be
4 paid to the hospice that shall not be less than one hundred percent of the per diem
5 rate that would have been paid to the nursing facility under the Medicaid State Plan.

6 D. In order to participate in the pilot project, a hospice shall meet the
7 Medicare conditions of participation for hospice as set forth in 42 ~~C.F.R.~~ CFR Part
8 418 and shall have a valid Medicaid provider agreement.

9 * * *

10 §160.1. Definitions

11 For the purposes of this Subpart, the following definitions shall apply:

12 * * *

13 (10) "Health care provider" or "provider" means a state licensed, certified,
14 or ~~state-registered~~ state-registered provider of health care services, treatment, or
15 supplies, including but not limited to those entities defined in ~~R.S. 40:1299.41(A)~~
16 R.S. 40:1231.1(A).

17 * * *

18 §231.2. Family Independence Temporary Assistance Program; benefits; eligibility

19 A.(1) The department shall develop and administer a temporary assistance
20 program; to be known as the "Family Independence Temporary Assistance Program"
21 (FITAP) which shall provide money payments to the following:

22 * * *

23 B. Notwithstanding the provisions of Subsection A of this Section, FITAP
24 assistance shall not mean:

25 * * *

26 §231.4. Immunization compliance; exceptions

27 * * *

28 E. The Louisiana Department of Health shall apply for any federal waiver
29 necessary to ensure full federal participation in the implementation of this Section

1 and shall submit a written report to the Senate and House ~~Committees on Health and~~
2 ~~Welfare~~ committees on health and welfare at the time the waiver is either approved
3 or denied. Failure to receive waiver approval for any one or more of the public
4 assistance programs shall not preclude the implementation of this Section for the
5 remaining programs, upon waiver approval, if needed.

6 * * *

7 §232. Investigations and reports

8 A. If any person has knowledge that any dependent child is dependent upon
9 the public for support, or that the interest of the public requires that the child be
10 granted aid, the person may bring the fact to the notice of the parish office of the
11 Department of Children and Family Services of the parish in which the child resides,
12 which department shall make an investigation and examination of the circumstances
13 of the child before the granting of aid.

14 B. A report of the investigation, examination, and visit shall be made in
15 writing and become a part of the record in the case.

16 * * *

17 §234. Judicially appointed curator

18 In lieu of selecting a payee to receive assistance, the Department of Children
19 and Family Services, pursuant to federal regulations, may require the referral of the
20 case to the district court for a judicially appointed curator. The court is authorized
21 to appoint a capable, interested, and willing third person, irrespective of whether he
22 is related to the child within any of the degrees of relationship set forth in Section
23 406(a) of Title IV of the Social Security Act, to receive the payments and use them
24 in the best interest of the child. The curator shall be accountable at whatever
25 intervals are specified by the court and the court shall require a bond or whatever
26 other security is deemed necessary by the court to ~~insure~~ ensure the faithful
27 performance of the curator's duties. The curator, upon being appointed, shall take
28 the oath and letters of authority may be issued to him. In those instances in which
29 the department requires the case be referred to the court for the appointment of a

1 curator, each local governing authority shall have the option in any case to provide
2 compensation to the curator.

3 §234.1. Disposition of undeliverable assistance checks

4 Assistance checks representing bonus amounts paid pursuant to ~~42 USC~~
5 U.S.C. 657 and such checks representing refunds paid pursuant to ~~42 USC~~ U.S.C.
6 657 in those cases in which the payee of such checks cannot be found, shall revert
7 to the state and federal treasuries in proportion to the rate of state-federal match
8 applicable to the assistance program. Such amounts will revert to the government
9 only after sixty days have elapsed since the date such checks became invalid and a
10 diligent search by the agency administering the assistance program has failed to
11 ascertain the whereabouts of the payee.

12 * * *

13 §236. Administration of emergency assistance to needy families with children

14 In order to extend and improve services, aid, and care to needy children and
15 needy families with children in this state, and in order to take full advantage of
16 existing federally funded programs on a matched basis, the Department of Children
17 and Family Services shall be the agency of the state of Louisiana to cooperate with
18 the United States and to administer Title IV-A, Sections ~~403(A)(5) and 406(E)~~ 403
19 and 406 of the Social Security Act (~~Public Act No. 271-75th Congress, 42 U.S.C.A.~~
20 ~~§606~~ 42 U.S.C. 603 and 606) or any amendments thereto, relating to emergency
21 assistance to needy families with children, and to receive and expend federal moneys
22 for these services.

23 * * *

24 §236.1.2. Family and child support programs; responsibilities

25 * * *

26 B.(1) In addition, as required by federal law, the department shall provide
27 the above services to any individual including absent or noncustodial parents not
28 otherwise eligible for such services as provided for in Subsection A of this Section
29 upon receiving an application from such individual and upon receiving any fee which

1 may be assessed by the department for the services, regardless of whether the
2 individual has ever received public assistance and regardless of whether there is a
3 delinquency.

4 * * *

5 I. In providing support services required by Title IV-D of the Social Security
6 Act in cases provided for in Subsection A of this Section, the department may
7 provide for application and other fees to be charged each individual who is receiving
8 services from the department or any individual who owes a duty of support. The fees
9 shall comply with any applicable federal laws, rules, and regulations and may not
10 exceed the maximum set by federal laws, rules, and regulations or the actual costs
11 incurred by the department in providing the support services, whichever is less.

12 * * *

13 §236.1.10. Family and child support programs; consumer reporting authority

14 * * *

15 B. The consumer report shall be confidential and shall be used solely for the
16 purpose described in Subsection A of this Section and shall not be used in connection
17 with any other civil, administrative, or criminal proceeding, or for any other purpose.

18 * * *

19 §236.3. Enforcement of support by income assignment

20 * * *

21 L.(1) When a person failing to comply with an order of support derives
22 income from self-employment, commission, or from any payor not subject to the
23 jurisdiction of the court, or any other type of employment which makes the
24 application of Subsection E of this Section impractical, the court may require the
25 person to enter into bond to the court in the amount of the past due support plus a
26 sum fixed by the court to ~~insure~~ ensure the payment of support as it becomes due for
27 a period of not less than three months, with sureties approved by the court,
28 conditioned upon the person making payment as previously ordered.

29 * * *

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 §236.11.1. Notice of payment

2 * * *

3 D. The notice may be used by the department to redirect child support
4 payments from the state disbursement unit of this state to the state disbursement unit
5 of another state in accordance with ~~42 U.S.C.A. §654(B)~~ U.S.C. 654b.

6 * * *

7 §237. Kinship Care Subsidy Program

8 * * *

9 B. Definitions. For purposes of this Section:

10 * * *

11 (15) "Minor relative" means a grandchild, step-grandchild, or other minor
12 relative not the natural or adopted child of the kinship caregiver who is under
13 eighteen years of age and who meets the definition of "dependent child" specified
14 in ~~R.S. 46:231(4)(a)~~ R.S. 46:231.

15 * * *

16 §285. Required training for child protection and foster care workers

17 * * *

18 D. Within six months following the commencement of responsibility for
19 cases, each ~~such~~ employee designated in Subsection A of this Section shall complete
20 a training program consisting of thirty-two hours of ~~job-related~~ job-related
21 instruction in addition to the training required in Subsection A of this Section.

22 * * *

23 §286. Foster home child care; reimbursement system; rules

24 The Department of Children and Family Services shall establish a system for
25 reimbursement of foster home child care costs based on the level of care for all foster
26 children placed in foster homes providing temporary or long-term foster care for not
27 more than six children receiving the services of the department. The department
28 shall promulgate rules for implementation of the reimbursement system by January
29 1, 1995, but only if funds are made available by appropriation by the legislature, and

1 shall submit such rules to the ~~Committees on Health and Welfare~~ committees on
 2 health and welfare of the House of Representatives and the Senate in accordance
 3 with the Administrative Procedure Act. At a minimum, the department shall seek
 4 each year through the budgetary process funds sufficient to reimburse foster parents
 5 at a rate at least equal to the cost for child care as reported and published by the
 6 United States Department of Agriculture for the Southeastern United States.

7 * * *

8 §301. Legislative findings; Supplemental Nutrition Assistance Program educational
 9 component; reporting requirements

10 A. The legislature finds and declares the following:

11 (1) The program ~~still commonly~~ formerly known as "food stamps" was
 12 renamed the Supplemental Nutrition Assistance Program (SNAP) in October 2008.
 13 SNAP is administered at the federal level by the United States Department of
 14 Agriculture Food and Nutrition Service (FNS) and at the state level by the Louisiana
 15 Department of Children and Family Services, hereafter referred to as the
 16 "department".

17 * * *

18 §326. Duties of the department

19 * * *

20 B. The department shall enter into any cooperative endeavor agreements,
 21 contracts, and other arrangements with the Louisiana Workforce Commission, any
 22 other government agency, and any community partner as may be necessary to ensure
 23 adequate availability of workforce training to participants in the parish in which the
 24 pilot initiative is established.

25 * * *

26 §433. Bond; account; oath and letters

27 A. The curator shall be accountable at whatever intervals are specified by the
 28 court and the court shall have the right to require a bond or whatever other security
 29 is deemed necessary by the court to ~~insure~~ ensure the faithful performance of the

1 curator's duties; the curator, upon being appointed, shall take an oath; and letters of
2 authority may be issued to him.

3 B. Failure by the curator to render an account satisfactory to the court shall
4 be sufficient cause for the curator's dismissal and the appointment of another curator.

5 * * *

6 §444. Cooperation with administrative agencies relative to interchange of
7 information

8 The Department of Children and Family Services is hereby authorized to
9 provide for interchange of such information necessary in providing for work training
10 experiences as required by Public Law 90-248, as the secretary of the United States
11 Department of Health, Education and Welfare, or its successor department, may
12 require for federal matching purposes.

13 * * *

14 §446.1. Notice to department by insurance companies; payment of assigned claims;
15 civil penalties

16 * * *

17 B. Information provided pursuant to Subsection A ~~above~~ of this Section shall
18 be confidential; and subject to the provisions of R.S. 46:56.

19 * * *

20 §447.1. Public assistance recipients; family planning education; contraceptives

21 * * *

22 B. The program shall provide for examinations by ~~health-care~~ healthcare
23 providers for the health and safety of public assistance recipients who elect to avail
24 themselves of or to practice forms of family planning approved ~~and/or~~ or made
25 available by the secretary. Any recipient of aid to families with dependent children
26 or any successor program, or recipient of public assistance with the cost of medical
27 care through the medical assistance program (Medicaid), who elects to avail himself
28 or herself of the services or contraceptives offered under the program shall be
29 provided with such an examination within fourteen days of his or her initial request.

1 If his or her choice of family planning methods involves the use of contraceptives
2 or requires the performance of medical procedures, excluding abortions, he or she
3 shall be provided with his or her choice of approved contraceptive or given the
4 opportunity to undergo the appropriate medical procedure within seven days of his
5 or her request for the contraceptive or procedure.

6 C. The secretary of the Louisiana Department of Health shall provide
7 specific written descriptions of the services available in the program established
8 under this Section to all recipients of aid to families with dependent children or any
9 successor program, and to all recipients of public assistance with the cost of medical
10 care through the medical assistance program (Medicaid), at least semiannually
11 through methods that may include direct mail to all such recipients.

12 D. The secretary of the Louisiana Department of Health shall adopt rules and
13 regulations for the administration of the program established under this Section,
14 including appropriate requirements and procedures for participants to receive prompt
15 examinations by and consultations with ~~health care~~ healthcare providers in
16 accordance with Subsection B ~~herein~~ of this Section.

17 E. The provisions of this Section shall be administered in accordance with
18 ~~R.S. 40:1299.34 and 1299.34.5~~ R.S. 40:1061.5 and 1061.6.

19 §447.2. Pregnant women and infants; access to health care; expansion of Medicaid
20 eligibility

21 A. The legislature hereby finds and declares that:

22 * * *

23 (2) It is the intent of the legislature that certain pregnant women and infants,
24 regardless of their economic status, geographic location, or ethnic background, have
25 access to appropriate ~~health care~~ healthcare services.

26 B. The department shall amend the Medicaid state plan to provide for:

27 (1) Eligibility for Medicaid services for all pregnant women with an income
28 of up to one hundred eighty-five percent of the ~~federal poverty income guidelines~~

1 applicable federal poverty guideline as published in the Federal Register by the
2 United States Department of Health and Human Services.

3 * * *

4 (3) A program of care coordination for ~~high risk~~ high-risk pregnant women.

5 The care coordination program shall include the following components:

6 * * *

7 D. The department shall promulgate regulations requiring that all public
8 health programs which render prenatal, postpartum, or infant ~~health care~~ healthcare
9 services shall provide at a minimum for the following:

10 (1) Expanded or flex-time hours of operation so that ~~health care~~ healthcare
11 services are available to pregnant women and children during evening and weekend
12 hours.

13 (2) An initial appointment within two weeks of request and minimal waiting
14 time to receive services after entering a ~~health care~~ healthcare facility.

15 * * *

16 §450.1. Electronic authorization and distribution of public assistance benefits and
17 services

18 A. The office of children and family services, Department of Children and
19 Family Services, shall contract for the development and implementation of an
20 electronic issuance system for the authorization and distribution of benefits and
21 services provided by public assistance programs. Such programs shall include but
22 not be limited to issuance of benefits and services of the ~~food stamp program~~
23 Supplemental Nutrition Assistance Program and the Family Independence
24 Temporary Assistance Program (FITAP), and shall require that all recipients who
25 participate in programs for which benefits and services are authorized and distributed
26 through the system shall obtain benefits through such electronic issuance system,
27 subject only to such exceptions as shall be necessary for the effective functioning of
28 the program.

1 B. The contract program selected to provide the electronic issuance system
 2 shall include but not be limited to:

3 * * *

4 (6) Provision, installation, and maintenance of automated teller machines,
 5 point of sale terminals, printers, and personal identification number "PIN" pads in
 6 the parish offices, in retail establishments which accept ~~food stamps~~ Supplemental
 7 Nutrition Assistance Program benefits, and in other appropriate locations of
 8 participants in the program.

9 * * *

10 §450.3. WIC participants; homeless

11 * * *

12 B. In accordance with the provisions of Subsection A of this Section, the
 13 following conditions shall apply:

14 * * *

15 §460.1. Submission of quarterly reports to the legislature

16 The Department of Children and Family Services shall submit copies of the
 17 federal quarterly ACF-196 and ACF-696 reports to the House and Senate
 18 ~~Committees on Health and Welfare~~ committees on health and welfare, the House
 19 Committee on Appropriations, and the Senate Committee on Finance at the time
 20 these reports are submitted to the federal government. Upon request, the department
 21 shall submit copies of any other report the legislature deems necessary.

22 * * *

23 §460.4. Educational opportunities to promote self-sufficiency

24 * * *

25 D. The department shall report to the Senate and House ~~Committees on~~
 26 ~~Health and Welfare~~ committees on health and welfare on or before August 15, 1997,
 27 and quarterly thereafter, regarding implementation of the provisions of this Section
 28 and to what extent the investment level shall be reached for the fiscal year.

29 * * *

1 §465. Pauper fund appropriations

2 A. The amount to be appropriated as a pauper fund to carry out any and all
3 purposes of this Part, or under any and all other laws on the subject, shall be included
4 in the estimate required to be made by parishes in estimating the taxes and
5 expenditures for the purpose of fixing the amount of taxes to be assessed for the
6 current year, as provided by law.

7 B. No debt shall be created against the parish beyond the amount
8 appropriated and collected for the purpose with other current parish taxes.

9 * * *

10 §923. Rape crisis treatment services

11 A. Each ~~state-owned and operated~~ state-owned and -operated medical acute
12 care hospital in the state shall establish, operate, and maintain a rape crisis treatment
13 services program. The director of the bureau of ~~women~~ family health within the
14 Louisiana Department of Health shall be responsible for the coordination of the rape
15 crisis treatment services program in each hospital, including the training of personnel
16 necessary to carry out the provisions of this Section.

17 B. Each ~~state-owned and operated~~ state-owned and -operated medical acute
18 care hospital shall have a rape counselor or a system of rape counseling designed to
19 ~~insure~~ ensure that the needs of rape victims are met.

20 * * *

21 §924. AIDS treatment services

22 A. Each state-owned and ~~operated~~ -operated medical acute care hospital in
23 the state shall establish, operate, and maintain an AIDS testing and treatment
24 services program to the extent and level provided by funds appropriated by the
25 legislature.

26 B. Each state-owned and ~~operated~~ -operated medical acute care hospital shall
27 have an AIDS counselor or a system of AIDS counseling designed to ~~insure~~ ensure
28 that the needs of the patient are met.

29 * * *

1 §932. Powers and duties

2 The office shall have the following powers and duties:

3 * * *

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 §977.9. ~~Health care~~ Healthcare benefits; cost sharing requirements

2 A. Subject to the General Appropriation Act of the legislature, the
3 department shall purchase or provide ~~health care~~ healthcare benefits for eligible
4 children which are equivalent to the benefits provided for children under the
5 coverage requirements for the federal Children's Health Insurance Program, Title
6 XXI of the Social Security Act.

7 * * *

8 D. The responsible party for a child enrolled in the program shall be subject
9 to the following cost-sharing requirements for subsidized insurance:

10 (1) The department shall by rule establish requirements concerning monthly
11 premiums, co-payments, and coinsurance for ~~health care~~ healthcare services. This
12 cost sharing shall be on a sliding scale based on family income up to three hundred
13 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published
14 in the Federal Register by the United States Department of Health and Human
15 Services. The department shall work in consultation with the Louisiana staff of the
16 Children's Defense Fund, Agenda for Children, Louisiana Maternal and Child Health
17 Coalition, Covering Kids and Families, Louisiana Partnership for Children and
18 Families, Families Helping Families of Louisiana, Louisiana Chapter of the National
19 Association of Social Workers, Louisiana Chapter of the American Academy of
20 Pediatrics, Louisiana Chapter of the March of Dimes, and Louisiana Primary Care
21 Association in the rulemaking process regarding the sliding scale, which is based on
22 family income. Notwithstanding this Paragraph, there shall be no co-payment
23 required for well-baby or well-child health care, including but not limited to
24 age-appropriate immunization as required under state and federal law.

25 * * *

26 §977.10. Authority of the department; premiums

27 The department shall have the authority to:

28 * * *

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 ensure protection of all individuals under care by specialized providers and to
 2 encourage and assist in the improvement of programs. It is the further intent of the
 3 legislature that the freedom of religion of all citizens shall be inviolate. This Chapter
 4 shall not give the Louisiana Department of Health or the Department of Children and
 5 Family Services jurisdiction or authority to regulate, control, supervise, or in any
 6 way be involved in the form, manner, or content of any curriculum or instruction of
 7 a school or specialized provider sponsored by a church or religious organization so
 8 long as the civil and human rights of the clients and residents are not violated.

9 * * *

10 §1403.1. Extended stay for completion of educational courses or other programs

11 Notwithstanding any other provision of law to the contrary, ~~including but not~~
 12 ~~limited to R.S. 46:1403(A)(1)~~, a child housed at a residential home; may stay at such
 13 home until his twenty-first birthday to complete any educational course that he began
 14 at such facility, including but not limited to a General Education Development
 15 course, and any other program offered by the residential home.

16 * * *

17 §1433. Notification of location of missing ~~and/or~~ or exploited child

18 * * *

19 §1602. Issuance of charter by the secretary of state; organization and operations;
 20 authority to receive public funds; liability

21 A.(1) Any five or more citizens of a parish who possess the qualifications
 22 set forth in this Section may associate themselves together for the purpose of making
 23 application to the office of elderly affairs, hereinafter in this Chapter referred to as
 24 the "office", for a charter for a parish voluntary council on the aging. The
 25 application shall set forth the names, addresses, and occupations of the persons who
 26 are to serve as members of the initial council and such other information as is
 27 required by this Chapter to be included in a parish charter.

28 (2) Immediately upon the receipt of an application, the office shall make
 29 such examination and investigation as it deems advisable. After the application has

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

1 been approved by the executive director of the office, it shall be transmitted to the
2 secretary of state, who is hereby authorized to issue a charter which thereafter shall
3 constitute authority of the voluntary council on the aging to function in the parish for
4 which the charter was issued in accordance with the provisions of this Chapter.

5 (3) Immediately upon issuance of the charter by the secretary of state, the
6 parish voluntary council on the aging will be authorized to receive public funds from
7 any governmental or political subdivision. Such funds shall be subject to audit by
8 the legislative auditor or his duly authorized representative.

9 * * *

10 D. Each parish voluntary council on the aging shall be voluntary as to its
11 membership and as to all plans, programs₂ and activities, and each shall be non-profit
12 making and politically non-partisan and non-factional and shall be non-sectarian.

13 * * *

14 F.(1) If the council is held liable for damages for personal injury or wrongful
15 death, the court shall determine:

- 16 (a) The amount of general damages exclusive of:
17 (i) Medical care₂;
18 (ii) Related benefits₂;
19 (iii) Loss of earnings or support, or both, ~~and~~₂

20 * * *

21 (b) The amount of medical care, related benefits₂ and loss of earnings or
22 support, or both, to date of judgment.

23 * * *

24 §1906.2. Interdepartmental cooperation

25 ~~The Departments of Public Safety and Corrections, Social Services, Health~~
26 ~~and Hospitals, and Education~~ Department of Public Safety and Corrections,
27 Department of Children and Family Services, Department of Health, Department of
28 Education, and the Juvenile and Family Court Judges Association shall consult and
29 cooperate to develop a plan for treatment and a continuum of care for children

1 alleged to be or adjudicated delinquent or in need of care or supervision. The
2 purposes of such consultation shall include the goal of early intervention by the
3 components of the juvenile justice system to assist children in receiving proper
4 treatment so that they will be less likely to re-enter the system.

5 * * *

6 §1953. Use of public facilities; equal accommodations; service dogs

7 * * *

8 F. Nothing in this Section shall require any person who owns, leases, or
9 operates any public conveyance or modes of transportation, educational institutions,
10 hotels, restaurants, theaters, lodging places, places of public accommodation,
11 amusement, or resort, and other places to which the general public is invited, to
12 modify his property or facility in any way or provide a higher degree of care for a
13 person with a disability than for a person who is ~~not disabled~~ does not have a
14 disability.

15 §1954. Housing accommodations; full and equal access; degree of care; service
16 dogs

17 * * *

18 B. Nothing in this Section shall require any person renting, leasing, or
19 providing for compensation immovable property to modify his property in any way
20 or to provide a higher degree of care for a person with a disability than for a person
21 who is ~~not disabled~~ does not have a disability.

22 * * *

23 §2121. Statement of purpose

24 * * *

25 C. It is the intention of the legislature to achieve a reduction in serious and
26 fatal injuries to the victims of family violence and to clarify the problems, causes,
27 and remediation of family violence by providing the necessary services including

1 shelter, counseling, and referrals to social services, medical care, and legal assistance
2 in the form of a family violence center.

3 * * *

4 §2125. Evaluation; reports

5 A. Both the program created hereunder and the shelters it prescribes shall be
6 evaluated by the House and Senate ~~Committees on Health and Welfare~~ committees
7 on health and welfare at the end of the first fiscal year of the program and at the end
8 of each subsequent fiscal year during which the program is continued. Such
9 evaluation shall be designed to determine the effectiveness of the program in
10 achieving its objectives.

11 * * *

12 §2127. Programs for victims of family violence; administration

13 * * *

14 C. Prior to any allocation or distribution of monies; as provided in
15 Subsection A ~~above~~ of this Section, the office may deduct no more than five percent
16 of the amount appropriated from the fund for administrative costs.

17 * * *

18 §2135. Temporary restraining order

19 * * *

20 C. During the existence of the temporary restraining order, a party shall have
21 the right to return to the family residence once to recover his or her personal clothing
22 and necessities, provided that the party is accompanied by a law enforcement officer
23 to ~~insure~~ ensure the protection and safety of the parties.

24 * * *

25 §2136. Protective orders; content; modification; service

26 A. The court may grant any protective order or approve any consent
27 agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132,

1 or the threat or danger thereof, to a party, any minor children, or any person alleged
2 to be incompetent, which relief may include but is not limited to:

3 * * *

4 (4)

5 * * *

6 (b) If the additional medical opinion regarding a medical evaluation is
7 ordered for both the defendant and abused person, two separate evaluators shall be
8 appointed.

9 (c) After an additional medical opinion regarding a medical evaluation has
10 been completed and a report issued, the court may order counseling or other medical
11 treatment as deemed appropriate.

12 * * *

13 §2200. Transportation assistance for persons who are elderly and persons with
14 disabilities

15 The Department of Transportation and Development may establish and
16 administer a program to provide assistance to applicants eligible under the provisions
17 of Section 16(b)(2) of the federal Urban Mass Transportation Act of 1964, as
18 amended (49 ~~USCA~~ U.S.C. 1612(b)(2)).

19 * * *

20 §2254. Nondiscrimination policy in educational facilities, real estate transactions,
21 and state-funded programs

22 * * *

23 F.

24 * * *

25 (2) A recipient of state financial assistance shall operate a program or
26 activity in a facility which is accessible to and usable by persons with disabilities and
27 shall comply with ANSI specifications as defined in ~~R.S. 46:2253(18)~~ R.S. 46:2253
28 by January 1, 1982.

29 * * *

1 §2256. Complaints; filing procedure; compensation

2 * * *

3 B. Persons with disabilities who have been subject to unlawful
4 discrimination as defined in this Chapter shall have the right to any and all remedies
5 available under the law if they prevail in a suit under this Chapter including but not
6 limited to compensatory damages, attorney fees, costs, and any other relief deemed
7 appropriate. Any person who believes he has been discriminated against and intends
8 to pursue court action ~~must~~ shall give the person who has allegedly discriminated
9 written notice of this fact at least thirty days before initiating court action; ~~must and~~
10 shall detail the discrimination, and both parties ~~must~~ shall make a good faith effort
11 to resolve the dispute before court action.

12 C. Any party filing suit under this Chapter; who fails to prevail in his cause
13 of action; shall be held responsible for reasonable ~~attorneys'~~ attorney fees and all
14 court costs at the discretion of the judge.

15 * * *

16 §2352. Duties

17 The commission shall:

18 * * *

19 (4) Develop and implement a statewide program to ~~insure~~ ensure continuity
20 of services to deaf people.

21 * * *

22 §2402. Definitions

23 Except where the context clearly indicates otherwise, in this Chapter:

24 * * *

25 (3) "Child abuse prevention" means services and programs funded through
26 the Children's Trust Fund which are designed to prevent the occurrence or recurrence
27 of child abuse and neglect as defined in ~~R.S. 14:403~~ Children's Code Article 603.
28 Except for those provided in this Chapter and except for the purpose of planning and
29 coordination pursuant to the provisions of this Chapter, the services and programs

1 of the Department of Children and Family Services which are mandated by state law
2 or state appropriation, or which are required for receipt of federal funds, shall not be
3 subject to the provisions of this Chapter.

4 * * *

5 (5) "Fund" means the "Louisiana Children's Trust Fund" established by R.S.
6 46:2403.

7 * * *

8 §2603. Children's Cabinet; powers and duties

9 A. In order to carry out the purposes of this Chapter and the purposes for
10 which it is created, the Children's Cabinet shall:

11 * * *

12 (4) Submit an annual report to the governor, the Senate Committee on Health
13 and Welfare, the House Committee on Health and Welfare, and any other legislative
14 committee that requests a copy of the annual report, by January thirty-first
15 summarizing the accomplishments of the past year, providing an evaluation of
16 individual programs and the delivery of services, and indicating specific goals and
17 budget priorities for the next fiscal year.

18 * * *

19 B. In addition to the ~~above~~ duties and responsibilities provided in Subsection
20 A of this Section, in order to carry out its purposes and functions, the cabinet may:

21 * * *

22 §2692. Intergovernmental transfer program

23 * * *

24 C. No program shall be implemented under the provisions of this Section
25 unless and until the application submitted to the United States Department of Health
26 and Human Services is given final, written approval by the Health Care Financing
27 Administration, ~~United States Department of Health and Human Services~~ or its
28 successor.

29 * * *

1 §2702. Definitions

2 For the purposes of this Chapter, the following words and phrases shall have
3 the meanings ascribed to them in this Section:

4 * * *

5 (8) "Full-size crib" means a full-size crib as defined in 16 ~~C.F.R.~~ CFR
6 1508.3, regarding the requirements for full-size cribs.

7 (9) "Non-full-size crib" means a non-full-size crib as defined in 16 ~~C.F.R.~~
8 CFR 1509.2, regarding the requirements for non-full-size cribs.

9 * * *

10 §2704. Unsafe children's product defined

11 * * *

12 B. For the purposes of this Chapter, a crib is unsafe if it does not conform
13 to the standards endorsed or established by the Consumer Product Safety
14 Commission, pursuant to 16 ~~C.F.R.~~ CFR 1500.1; et seq.

15 * * *

16 §2722. Intergovernmental transfer program

17 * * *

18 B. Subject to such recommendations and approval, the department shall
19 make application to the United States Department of Health and ~~Hospitals~~ Human
20 Services for the implementation of an intergovernmental transfer program. The
21 application shall include a detailed explanation of the department's plan to utilize the
22 plan funds for the reimbursement of Medicaid school-based services and
23 administrative claiming as allowed by law.

24 * * *

25 §2731. Health Trust Fund

26 * * *

27 B.

28 * * *

1 (2) Any money transferred or deposited to the Health Trust Fund from the
 2 receipt of economic damages proceeds of the Deepwater Horizon Economic
 3 Damages Collection Fund provided for in R.S. 39:91 shall be further deposited by
 4 the treasurer into a trust account hereby established in the Health Trust Fund and
 5 named the Medicaid Disabilities Account. Notwithstanding any other provision of
 6 this Section, the money in the Medicaid Disabilities Account shall be used solely to
 7 be appropriated for services provided by ~~home and community-based~~ home- and
 8 community-based healthcare providers utilized by ~~the developmentally disabled~~
 9 persons with developmental disabilities.

10 * * *

11 C. The legislature may appropriate monies to the fund from sources
 12 including but not limited to the following:

13 * * *

14 (3) Uncompensated care payments to state and other public providers and
 15 facilities that are designated for the purposes of intergovernmental transfer payments,
 16 except uncompensated care payments up to one hundred percent of uncompensated
 17 care costs of hospitals defined in ~~R.S. 40:1300.143(a)~~ R.S. 40:1189.3.

18 * * *

19 D. Appropriations from the fund shall be used and expended under the
 20 supervision of the secretary of the Louisiana Department of Health, hereinafter
 21 referred to as the "department", and shall be restricted to the purposes of enhancing
 22 the provision of appropriate health care to Louisiana's Medicaid and LaCHIP
 23 beneficiaries and the medically indigent by:

24 * * *

25 (3) Workforce development initiatives to increase access to primary and
 26 preventive health ~~care~~ services by supporting education and placement of physicians
 27 and other medical professionals in medically underserved areas, including but not
 28 limited to the State Loan Repayment Program, physician salary subsidies, and health
 29 education scholarships.

1 (4) Initiatives to provide primary and preventive health services, including
2 but not limited to immunizations; maternal and child health; nutritional counseling;
3 family planning; diagnosis, management, and treatment of HIV/AIDS; diagnosis,
4 management, and treatment of sexually transmitted diseases; women, infants, and
5 children (WIC) nutritional services; genetic disease services; and other services as
6 may be identified by the secretary through rules. Notwithstanding any other
7 provision of this Chapter to the contrary, primary and preventive health care services
8 shall not include any functions of the department relating to environmental health
9 such as sanitarian services, drinking water, commercial body art regulations, sanitary
10 code mandates, disease surveillance activities, and vital records and statistics.

11 * * *

12 E.(1) Monies in the fund shall not be used to displace, replace, or supplant
13 appropriations from the state general fund for the Medicaid program, the Children's
14 Health Insurance Program (LaCHIP), or amounts appropriated for services provided
15 by ~~home and community based~~ home- and community-based healthcare providers
16 utilized by ~~the developmentally disabled~~ persons with developmental disabilities
17 below the amounts of state general fund appropriations for those programs for the
18 2001-2002 Fiscal Year.

19 (2) Further, nothing contained herein shall be construed to diminish or
20 modify the legislative commitment to rural hospitals contained in ~~R.S. 40:1300.141~~
21 R.S. 40:1189.1 et seq., or to permit the department to reduce current Medicaid and
22 uncompensated care payments to rural hospitals, except where such reductions are
23 associated with decreased utilization or as otherwise required by law, by federal
24 disallowance, or by decreased federal participation in uncompensated care payments.
25 Further, the department shall continue its efforts to develop new financing and
26 reimbursement mechanisms relative to the use of Medicaid and uncompensated care
27 payments to such rural hospitals for increased access to health care for Medicaid and
28 LaCHIP beneficiaries and uninsured indigent individuals.

1 F. Upon adoption of this Act and approval of an implementation plan in
2 accordance with Subsection H of this Section, the secretary of the department is
3 authorized to take any and all actions necessary to assure the continued availability
4 of primary and preventive health ~~care~~ services, especially for indigent uninsured
5 individuals, including but not limited to funding for qualifying applicants or
6 cooperative endeavors with local government units for provision of such services.
7 The secretary shall require as a condition of payment of uncompensated care costs
8 and reimbursements provided under Paragraph (D)(6) of this Section that hospitals
9 and other ~~health-care~~ healthcare facilities shall provide to the department
10 patient-specific data on the amount and type of uncompensated care provided. In
11 addition, if a hospital or other ~~health-care~~ healthcare facility does not provide the
12 required patient-specific data, the secretary of the department may withhold an
13 amount equal to five percent of Medicaid payments due that provider. Such
14 withholding shall increase by five percent for each successive month that the
15 required data is not received, but the total amount withheld shall not exceed
16 twenty-five percent of the total monthly amount due the facility. Upon receipt of the
17 required data, the department shall pay the facility all amounts previously withheld
18 as a result of the failure to submit the required data. A hospital or other ~~health-care~~
19 healthcare facility subject to withholding under this provision may request an
20 administrative review as provided by R.S. 46:437.4. The format of the data
21 submission shall be defined by the secretary of the department in consultation with
22 representatives of ~~health-care~~ healthcare facilities providing care to the indigent and
23 uninsured.

* * *

25 §2758.2. Integrated case management planning system; creation; membership;
26 duties and responsibilities

* * *

28 C. In order to facilitate the development of a complete continuum of care for
29 at-risk youths, the departments shall:

1 (1) Develop an outline for the creation of and transition to an integrated case
2 management system focusing on the behavioral health, rehabilitative, and
3 educational needs of youths who are at risk for involvement in, currently involved
4 in, or exiting the juvenile justice and child welfare system.

5 * * *

6 Section 6. Children's Code Articles 1015(4)(i), 1354, 1409(F), and 1461.1(A)(2) are
7 hereby amended and reenacted to read as follows:

8 Art. 1015. Grounds; termination of parental rights

9 The grounds for termination of parental rights are:

10 * * *

11 (4) Misconduct of the parent toward this child or any other child of the
12 parent or any other child which constitutes extreme abuse, cruel and inhuman
13 treatment, or grossly negligent behavior below a reasonable standard of human
14 decency, including but not limited to the conviction, commission, aiding or abetting,
15 attempting, conspiring, or soliciting to commit any of the following:

16 * * *

17 (i) Abuse or neglect which is chronic, ~~life-threatening~~ life-threatening, or
18 results in gravely disabling physical or psychological injury or disfigurement.

19 * * *

20 Art. 1354. Persons adjudged guilty of criminal neglect

21 Whenever a person has been ordered to pay a fixed sum of money as support
22 to an individual following a plea or adjudication for the offense of criminal neglect
23 of family, pursuant to R.S. 14:74, and such person has absconded or fled the
24 jurisdiction of the court or has violated the terms of his probation relating to that
25 support obligation, or both, if such conduct necessitates help and support to the
26 individual by the ~~office of family security of the~~ department and should such person
27 be apprehended and arrearages of his support payments are collected from him, the

1 arrears collected from the person ~~will~~ shall go to the department as reimbursement
2 to the extent allowed by federal law.

3 * * *

4 Art. 1409. Rights guaranteed

5 * * *

6 F. No minor patient confined by emergency certificate, judicial commitment,
7 court order, or noncontested status shall receive major surgical procedures or
8 electroshock therapy without the written consent of a court of competent jurisdiction
9 after a hearing. However, if the director of the treatment facility, in consultation
10 with two physicians, determines that the condition of the minor is of such a critical
11 nature that it may be ~~life-threatening~~ life-threatening unless major surgical
12 procedures or electroshock therapy are administered, such emergency measures may
13 be performed without the consent otherwise provided for in this Paragraph. No
14 physician shall be liable for a good faith determination that a medical emergency
15 exists.

16 * * *

17 Art. 1461.1. Communication with parent or guardian of minor child

18 A. Notwithstanding the provisions of Article 1409, any treating facility to
19 which a minor is admitted under the provisions of Article 1460 shall provide to the
20 parent or guardian of the minor child the following notifications from the facility
21 during all times that the minor is confined to the facility:

22 * * *

23 (2) Verbal notice within two hours and detailed written notice within
24 forty-eight hours of all occurrences in which the physical or mental safety of the
25 minor was placed at risk, including but not limited to unwanted or improper physical
26 contact, physical assault, or sexual contact with another patient or staff member.
27 Additionally, any such detailed written notice shall also be transmitted within

1 forty-eight hours to the local protection and advocacy system established under 42

2 ~~U.S.C.A. §15041~~ U.S.C. 15041 et seq.

3 * * *

4 Section 7. The Louisiana State Law Institute is hereby directed to alphabetize the
5 defined terms provided in R.S. 37:1277(A), 1513, and 2101, R.S. 40:1081.9(A), and R.S.
6 46:1952, 2116.1, and 2253.

7 Section 8. R.S. 46:932(13)(c) and 2692(A)(1) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 326 Reengrossed

2018 Regular Session

Hensgens

Abstract: Makes technical corrections to provisions of law in Titles 28, 36, 37, 40, and 46 of the La. Revised Statutes and in the La. Children's Code within or relating to the subject matter jurisdiction of the legislative committees on health and welfare.

Proposed law provides relative to present law in Titles 28, 36, 37, 40, and 46 of the La. Revised Statutes and in the La. Children's Code concerning matters within and relating to the subject matter jurisdiction of the legislative committees on health and welfare.

Proposed law makes technical corrections in present law relative to behavioral health, mental health, human services, administration of the La. Department of Health, administration of the Department of Children and Family Services, health professions and occupations, boards and commissions, public health, health care, food and drugs, public welfare and assistance, and child welfare.

Proposed law makes corrective changes including corrections in legal citations and in names of assistance programs, publications, agencies, boards, commissions, offices and officers of departments, and other entities.

Proposed law removes references to agencies, offices, divisions, and programs that have been repealed or no longer exist.

Proposed law provides for the proper designation of undesignated provisions of present law.

Examples of technical corrections effected by proposed law include the following:

- (1) Corrections in citations of Public Laws and laws codified within the United States Code and the La. Revised Statutes of 1950, and in citations of regulatory provisions codified within the Code of Federal Regulations and the La. Administrative Code.
- (2) Proper designation of Subsections, Paragraphs, Subparagraphs, and other subdivisions of statutory law.
- (3) Corrections in case type (capitalization), grammar, and punctuation.
- (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, 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), 843, 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(A)(2)(d), 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), 1101.1(1), 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), 1171.1, 1171.2, the heading of Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 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), 1201.1, 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 Title 40 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), the heading of Chapter 11 of Title 40 of the La. Revised Statutes of 1950, R.S. 40:2009.1(C)(2)(a) and (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, 2018.1(B)(2)(c) and (d), 2019(C)(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), 2120.47(B)(1) and (2), 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, 2193.1(A)(8), 2193.4(9), 2194.2(4)-(6), 2195.1(A)(5), (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), 2845(A)(6) and (C), and 2845.1, R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 54, 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, 236.1.2(B)(1) and (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E), 236.11.1(D), 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(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), 2200, 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and (5),

2603(A)(4) and (B)(intro. para.), 2692(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), 1354, 1409(F), and 1461.1(A)(2); 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.); Repeals R.S. 46:932(13)(c) and 2692(A)(1))

Summary of Amendments Adopted by House

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

1. Make corrections in present law consistent with the provisions of proposed law.
2. Make technical and conforming changes.

The House Floor Amendments to the engrossed bill:

1. Make corrections in present law consistent with the provisions of proposed law.
2. Make technical and conforming changes.