

2019 Regular Session

HOUSE BILL NO. 427

BY REPRESENTATIVE SMITH

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

EXCEPTIONAL PERSONS: Provides for communication-related services for the deaf and hard of hearing in certain healthcare settings

1 AN ACT

2 To enact Part V of Subchapter A of Chapter 5-D of Title 40 of the Louisiana Revised
3 Statutes of 1950, to be comprised of R.S. 40:1179.1 through 1179.4, relative to
4 services for persons who are deaf or hard of hearing; to require certain healthcare
5 facilities to provide communication-related services for those persons; to require the
6 Louisiana Department of Health to furnish training on Medicaid claims for
7 interpreter services to staff of certain nursing facilities; to provide for recruitment by
8 certain nursing facilities of candidates for nurse aide positions who are deaf or hard
9 of hearing; to provide for promulgation of rules by the Louisiana Department of
10 Health; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part V of Subchapter A of Chapter 5-D of Title 40 of the Louisiana
13 Revised Statutes of 1950, comprised of R.S. 40:1179.1 through 1179.4, is hereby enacted
14 to read as follows:

15 PART V. SERVICES FOR THE DEAF IN CERTAIN HEALTHCARE FACILITIES

16 §1179.1. Definitions

17 For purposes of this Part, the following terms have the meaning ascribed to
18 them in this Section:

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

1 (2) "Interpreter/transliterator" shall have the meaning ascribed in R.S.
2 46:2362.

3 (3) "Nursing facility" shall have the meaning ascribed in R.S. 40:2009.2.

4 (4) "Qualified interpreter/transliterator" shall have the meaning ascribed in
5 R.S. 46:2362.

6 §1179.2. Interpreter/transliterator services at inpatient and institutional healthcare
7 facilities; requirement

8 A. Each inpatient or institutional healthcare facility licensed by the
9 department pursuant to Chapter 11 of this Title shall, upon admission of a person
10 who is deaf or hard of hearing, perform a communication needs assessment of that
11 person following the applicable guidelines of the Americans with Disabilities Act of
12 1990, as amended, 42 U.S.C. 12101 et seq..

13 B. If the needs assessment conducted pursuant to Subsection A of this
14 Section indicates that a newly admitted patient or resident must communicate
15 through a sign language interpreter or transliterator in order to understand the verbal
16 communication of the healthcare personnel treating him and to make himself
17 understood to those personnel, then the healthcare facility shall make
18 interpreter/transliterator services available to the patient. The patient shall be
19 afforded a choice of communicating through a video remote interpreting service or
20 through an interpreter/transliterator who appears in person.

21 C. In furnishing the services required by the provisions of this Section,
22 healthcare facilities shall utilize a qualified interpreter/transliterator whenever
23 possible.

24 §1179.3. Special provisions for nursing facilities

25 A. Upon request of the administrator of a nursing facility, the department
26 shall furnish training and technical assistance to staff of the facility on submitting
27 Medicaid claims for interpreter services for nursing facility residents who are deaf
28 or hard of hearing.

1 B. Each nursing facility that admits residents who are deaf or hard of hearing
2 shall actively recruit qualified candidates for certified nurse aide positions who are
3 deaf or hard of hearing.

4 §1179.4. Rulemaking; implementation and enforcement of Part

5 The Louisiana Department of Health shall promulgate all such rules in
6 accordance with the Administrative Procedure Act as are necessary to implement and
7 enforce the provisions of this Part.

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 427 Original

2019 Regular Session

Smith

Abstract: Requires certain healthcare facilities to provide communication-related services for the deaf or hard of hearing, and requires the La. Dept. of Health to provide training on Medicaid claims for interpreter services and to promulgate rules to implement these services.

Proposed law defines department, interpreter/transliterater, nursing facility, and qualified interpreter/transliterater.

Proposed law requires healthcare facilities to perform a communication needs assessment for a patient who is deaf or hard of hearing.

Proposed law provides that if the patient needs to communicate through a sign language interpreter/transliterater in order to understand the verbal communication of the treating healthcare personnel then the healthcare facility shall make services available to the patient, either through video remote service or a live, in-person interpreter/transliterater.

Proposed law requires that La. Dept. of Health (LDH) provide training for nursing facilities on submitting an interpreter services claim for a patient who has coverage through Medicaid.

Proposed law requires nursing facilities who admit residents who are deaf or hard of hearing recruit qualified and certified nurse aides to assist those patients who are deaf or hard of hearing.

Proposed law provides that LDH shall promulgate rules to implement and enforce the need for communication-related services.

(Adds R.S. 40:1179.1-1179.4)