

2019 Regular Session

HOUSE BILL NO. 431

BY REPRESENTATIVE JACKSON

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

LICENSING: Provides relative to individuals providing hospice care

1 AN ACT

2 To enact R.S. 40:2184(3) and 2192, relative to the Hospice Licensing Law; to provide for  
3 the rules, regulations, and standards for licensing; to provide for the issuance of  
4 permits to nonlicensed persons; to provide for the training of such persons; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2184(3) and 2192 are hereby enacted to read as follows:

8 §2184. Rules, regulations, and standards for licenses

9 The administration of this Part is vested in the Louisiana Department of Health. The  
10 department shall:

11 \* \* \*

12 (3) Promulgate rules and regulations to carry out the provisions of R.S.  
13 40:2192 in accordance with the Administrative Procedure Act.

14 \* \* \*

15 §2192. Purpose; issuing of permits to nonlicensed persons; training

16 A.(1) This Section is intended to foster innovative solutions to limited access  
17 to needed hospice care through alternative permitting.

18 (2) For the purposes of this Section, an "otherwise-qualified nonlicensed  
19 person" means an ex-offender with a certificate of completion from a

1 community-based hospice licensed by the department, who has been convicted of an  
2 offense or offenses, except for a sex offense as defined by R.S. 15:541.

3 B. Notwithstanding the provisions of R.S. 40:1203.2 or 1203.3, or any rule  
4 adopted and promulgated by the department, the department shall issue permits to  
5 otherwise-qualified nonlicensed persons who provide, for compensation, nursing  
6 care or other health-related services directly related to patient care to residents in, or  
7 patients of, a hospice agency, and to any person who provides such services to  
8 individuals in their own homes as an employee or contract provider of a hospice.

9 C. An otherwise-qualified nonlicensed person may apply to the department  
10 for a permit to provide nursing care or other health-related services to a hospice  
11 agency or hospice. The department shall issue the permit for which the applicant  
12 applied and is otherwise qualified to receive.

13 D. The training for an otherwise-qualified nonlicensed person shall include  
14 a minimum of:

15 (1) Forty hours of classroom training, which shall include sixteen hours of  
16 laboratory or skills training.

17 (2) Four hours of orientation to the clinical training site.

18 (3) Forty hours of clinical training, which shall include hands-on patient or  
19 resident care.

20 E. The department shall approve a program curriculum for an  
21 otherwise-qualified nonlicensed person, which shall include the time allotted for  
22 each unit or subject and the time allotted to laboratory or skills instruction, including,  
23 but not limited to:

24 (1) At least sixteen hours in the following areas, prior to any direct contact  
25 with a patient or resident:

26 (a) Communication and interpersonal skills.

27 (b) Infection control.

28 (c) Safety and emergency procedures.

29 (d) Promoting patient or resident independence.

- 1                    (e) Respecting patient or resident rights.
- 2                    (2) At least sixteen hours of supervised laboratory or skills practical training
- 3                    prior to clinical instruction.
- 4                    (3) Basic nursing skills.
- 5                    (4) Personal care skills.
- 6                    (5) Mental health and social service needs.
- 7                    (6) Care of cognitively impaired residents.
- 8                    (7) Basic restorative services.
- 9                    (8) Residents' rights.

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 431 Original

2019 Regular Session

Jackson

**Abstract:** Adds to the rules, regulations, and standards for licensing of hospice care facilities and implements regulations regarding the issuance of permits to nonlicensed persons.

Present law provides that the administration of present law is vested in La. Dept. of Health (LDH) and that LDH shall promulgate rules and regulations to carry out the provisions of present law in accordance with the Administrative Procedure Act.

Proposed law provides for the promulgation of rules and regulations in accordance with the Administrative Procedure Act as it relates to proposed law.

Proposed law defines "otherwise-qualified nonlicensed person" to mean an ex-offender with a certificate of completion from a community-based hospice licensed by the department, who has been convicted of an offense or offenses, except for a sex offense as defined by R.S. 15:541.

Proposed law provides that LDH shall issue permits to otherwise-qualified nonlicensed persons who provide, for compensation, nursing care or other health-related services directly related to patient care to residents in, or patients of, a hospice agency, and to any person who provides such services to individuals in their own homes as an employee or contract provider of a hospice.

Proposed law provides that an otherwise-qualified nonlicensed person may apply to the department for a permit to provide nursing care or other health-related services to a hospice agency or hospice. LDH shall issue the permit for which the applicant applied and is otherwise qualified to receive.

Proposed law provides for the training required for an otherwise-qualified nonlicensed person.

Proposed law provides that LDH shall approve a program curriculum for an otherwise-qualified nonlicensed person.

(Adds R.S. 40:2184(3) and 2192)