

2019 Regular Session

HOUSE BILL NO. 431

BY REPRESENTATIVES JACKSON, BAGLEY, COX, HOFFMANN, LEBAS,  
MCMAHEN, MOORE, AND STAGNI

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. The rules and  
14 regulations shall require a hospice agency or hospice to disclose the employment of  
15 an otherwise qualified nonlicensed person to its patients and their immediate family.

16 \* \* \*

17 §2192. Purpose; issuing of permits to nonlicensed persons; training

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

1           (2) For the purposes of this Section, an "otherwise-qualified nonlicensed  
2           person" means an ex-offender with a certificate of completion from a  
3           community-based hospice licensed by the department, who has been convicted of an  
4           offense or offenses, except for a sex offense as defined by R.S. 15:541.

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

12          C. An otherwise-qualified nonlicensed person may apply to the  
13          Louisiana-Mississippi Hospice and Palliative Care Organization for a permit to  
14          provide health-related services to a hospice agency or hospice. The  
15          Louisiana-Mississippi Hospice and Palliative Care Organization shall issue the  
16          permit for which the applicant applied and is otherwise qualified to receive.

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

19                (1) Forty hours of classroom training, which shall include sixteen hours of  
20                skills training.

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

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

24          E. The Louisiana-Mississippi Hospice and Palliative Care Organization shall  
25          approve a program curriculum for an otherwise-qualified nonlicensed person, which  
26          shall include the time allotted for each unit or subject and the time allotted to skills  
27          instruction, including, but not limited to:

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

- 1                    (a) Communication and interpersonal skills.
- 2                    (b) Infection control.
- 3                    (c) Safety and emergency procedures.
- 4                    (d) Promoting patient or resident independence.
- 5                    (e) Respecting patient or resident rights.
- 6                    (2) At least sixteen hours of supervised skills practical training prior to
- 7                    clinical instruction.
- 8                    (3) Basic caregiving skills.
- 9                    (4) Personal care skills.
- 10                   (5) Mental health and social service needs.
- 11                   (6) Care of cognitively impaired residents.
- 12                   (7) Basic restorative services.
- 13                   (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 Engrossed

2019 Regular Session

Jackson

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

Proposed law provides that the administration of proposed law is vested in the La. Dept. of Health and the Louisiana-Mississippi Hospice and Palliative Care Organization and that the department shall promulgate rules and regulations to carry out the provisions of proposed law in accordance with the Administrative Procedure Act.

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 Louisiana-Mississippi Hospice and Palliative Care Organization shall issue permits to otherwise-qualified nonlicensed persons who provide, for compensation, 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 Louisiana-Mississippi Hospice and Palliative Care Organization for a permit to provide health-related services to a hospice agency or hospice. Louisiana-Mississippi Hospice and

Palliative Care Organization 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 requires the Louisiana-Mississippi Hospice and Palliative Care Organization to approve a program curriculum for an otherwise-qualified nonlicensed person.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Remove the requirement for an otherwise-qualified nonlicensed person to obtain laboratory training.
2. Remove the authority to provide a permit to provide nursing care to an otherwise-qualified nonlicensed person.
3. Amend proposed law by divesting any authority vested to the La. Department of Health and vesting the power to adopt and promulgate rules and develop and issue permits to the Louisiana-Mississippi Hospice and Palliative Care Organization.
4. Require the promulgation of a rule that will require a hospice agency or hospice to disclose the employment of an otherwise-qualified nonlicensed person to its patients and their immediate family.
5. Make technical changes.