

SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Reengrossed House Bill No. 431 by Representative Jackson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" delete the remainder of the line and delete lines 3 and 4, and
3 insert the following:

4 "amend and reenact R.S. 40:1203.3(C) and to enact R.S. 40:1203.3(D), 2184(2)(j), and 2192,
5 relative to individuals providing hospice care; to provide for creation of a state certified
6 hospice attendant; to provide for eligibility; to provide for minimum certification
7 requirements; to provide for a state certified hospice attendant registry; to provide for
8 rulemaking; and to"

9 AMENDMENT NO. 2

10 On page 1, line 7, after "Section 1." delete the remainder of the line and insert "R.S.
11 40:1203.3(C) is hereby amended and reenacted and R.S. 40:1203.3(D), 2184(2)(j), and 2192
12 are hereby enacted to read as follows:"

13 AMENDMENT NO. 3

14 On page 1, between lines 7 and 8 insert the following:

15 "§1203.3. Refusal to hire or contract; termination of employment; exemption; appeal
16 procedure; waiver
17 * * *

18 C.(+) If the results of a criminal history check reveal that a nonlicensed
19 person or any licensed ambulance personnel hired on a temporary basis or any other
20 person who is an employee has been convicted of any of the offenses listed in
21 Subsection A or B of this Section, the employer shall immediately terminate the
22 person's employment.

23 (2) D.(1)The provisions of this Section shall not apply to a nonlicensed
24 person or licensed ambulance personnel who was working under a waiver granted
25 under the law in effect prior to August 15, 2010, so long as that person continues to
26 be employed for the employer who granted the waiver and the person began
27 employment for the employer prior to August 15, 2010, or a person who has received
28 a pardon of the conviction or has had his conviction expunged.

29 (2) The employment prohibition provided for in this Section shall not apply
30 to a state certified hospice attendant as provided for in R.S. 40:2192.
31 * * *"

32 AMENDMENT NO. 4

33 On page 1, delete lines 12 through 15 and insert the following:

34 "(2) Promulgate rules and regulations to carry out the provisions of this Part in
35 accordance with the Administrative Procedure Act. The rules shall include but not be limited
36 to the following:

37 * * *
38 (j) Implementation of the provisions of R.S. 40:2192."

39 AMENDMENT NO. 5

40 On page 1, line 17, after "§2192." delete the remainder of the line and insert "State certified
41 hospice attendant; certification eligibility; registry"

1 AMENDMENT NO. 6

2 On page 1, delete lines 18 and 19 and on page 2, delete lines 1 through 16 and insert the
3 following:

4 "A. "State certified hospice attendant" means a former inmate of a Louisiana
5 state prison with a hospice provider license issued by the Louisiana Department of
6 Health who shall be eligible to be employed as a nonlicensed person by a provider
7 licensed to provide hospice services pursuant to this Part if the following provisions
8 are satisfied:

9 (1) He shall not have been convicted of a sex offense as defined by R.S.
10 15:541.

11 (2) While incarcerated, he shall have successfully completed the training
12 required by Subsection B of this Section.

13 (3) He shall hold a certification issued by the Department of Public Safety
14 and Corrections.

15 (4) He shall submit notice of his certification to the Louisiana Department of
16 Health in a manner prescribed by the department.

17 (5) There are no federal restrictions or prohibitions against the person
18 providing hospice services."

19 AMENDMENT NO. 7

20 On page 2, delete line 17 and insert the following:

21 "B. The Department of Public Safety and Corrections, by a division of the
22 department that has secured hospice provider licensure pursuant to this Part, shall
23 have the authority to provide state certified hospice attendant training to an eligible
24 inmate in state custody under the supervision and direction of a licensed physician
25 or registered nurse. The training shall include"

26 AMENDMENT NO. 8

27 On page 2, delete line 24 and insert "C. The Department of Public Safety and Corrections
28 and the Louisiana Department of Health shall jointly"

29 AMENDMENT NO. 9

30 On page 2, line 25, delete "for an otherwise qualified nonlicensed person" and insert "for
31 training state certified hospice attendants"

32 AMENDMENT NO. 10

33 On page 3, after line 14, insert the following:

34 "D. Upon successful completion of the training program provided for in
35 Subsection B of this Section, the Department of Public Safety and Corrections shall
36 issue a certificate of completion to the inmate. The Department of Public Safety and
37 Corrections shall promulgate rules and regulations necessary to provide for the
38 issuance of the certificate of completion which shall include the ability to earn the
39 certificate prior to release and any conditions that may be required to maintain
40 certification in good standing until release.

41 E. The Louisiana Department of Health shall establish a state certified
42 hospice attendant registry for the purpose of maintaining an eligibility roster of
43 individuals who have complied with the provisions of this Section to be employed
44 as a state certified hospice attendant. Access to the registry shall be limited to an
45 inquiry for a specific state certified hospice attendant. The Louisiana Department of
46 Health shall promulgate rules and regulations necessary for the maintenance of the
47 registry which shall include but not be limited to the form or format in which a
48 certified hospice attendant shall provide and update his information.

49 F. The Department of Public Safety and Corrections, in consultation with the
50 Louisiana Department of Health, shall publish rules and regulations to implement the

1 curriculum established pursuant to Subsection C of this Section and shall provide for
2 minimum continuing education or training requirements to maintain state
3 certification in good standing.

4 G. Nothing in this Section shall be construed to establish a right to
5 employment with any licensed hospice provider. However, upon employment the
6 hospice provider shall disclose to its employees, patients, and patients' immediate
7 family members that the state certified hospice attendant has successfully completed
8 all state certification training and registry requirements for employment, including
9 successful completion and release from a sentence served at a state prison."