

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 431

2019 Regular Session

Jackson

LICENSING: Provides relative to individuals providing hospice care

Synopsis of Senate Amendments

1. Deletes the term an otherwise-qualified nonlicensed person and replaces it with "state certified hospice attendant".
2. Deletes the requirement that an otherwise-qualified nonlicensed person be defined as a person who receives a certificate of completion from a community-based hospice licensed by the department, and now requires that a "state certified hospice attendant" mean a former inmate of a Louisiana state prison who shall be eligible to be employed as a nonlicensed person by a provider licensed to provide hospice services.
3. Establishes the job classification of state certified hospice attendant and provides the minimum standards required for certification.
4. Provides for an exception to the prohibition of employment for certified hospice attendants for criminal background check findings other than sex crimes.
5. Deletes the requirement that the Louisiana-Mississippi Hospice and Palliative Care Organization develop and issue permits to otherwise-qualified nonlicensed persons.
6. Deletes training requirements for otherwise-qualified nonlicensed persons.
7. Requires that the Louisiana Department of Public Safety and Corrections (DPS&C) have the authority to provide state certified hospice attendant training to an eligible inmate in state custody under the supervision and direction of a licensed physician or registered nurse.
8. Provides for DPS&C and the LDH to individually, and in certain circumstances upon joint consultation, promulgate rules and regulations to carry out the provisions relative to curriculum development, training, certification, and registry of certified hospice attendants.
9. Requires a hospice agency or hospice to disclose the employment of a state certified hospice attendant to its patients and their immediate family.
10. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Proposed law provides that the administration of proposed law is vested in the Dept. of Public Safety and Corrections (DPS&C) and the La. Dept. of Health (LDH) and that the two agencies shall individually, and in certain circumstances upon joint consultation, promulgate rules and regulations to carry out the provisions of proposed law in accordance with the Administrative Procedure Act.

Proposed law provides that "state certified hospice attendant" means a former inmate of a state prison who shall be eligible to provide hospice services if he has not been convicted of a sex offense, has completed all required training, holds a certification from the DPS&C, submits notice of his certification to the LDH, and is not precluded from such employment by federal law.

Proposed law requires that a "state certified hospice attendant" meet all of the following provisions:

- (1) He shall not have been convicted of a sex offence as defined by R.S. 10 15:541.
- (2) While incarcerated, he shall have successfully completed the training required by proposed law.
- (3) He shall hold a certification issued by the Department of Public Safety and Corrections.
- (4) He shall submit notice of his certification to the Louisiana Department of Health in a manner prescribed by the department.
- (5) There are no federal restrictions or prohibitions against the person providing hospice services.

Proposed law requires that the DPS&C have the authority to provide state certified hospice attendant training to an eligible inmate in state custody under the supervision and direction of a licensed physician or registered nurse. Upon successful completion the DPS&C shall issue a certificate of completion to the inmate and shall promulgate rules and regulations necessary to provide for the issuance of the certificate of completion.

Proposed law requires the LDH to establish a state certified hospice attendant registry for the purpose of maintaining an eligibility roster of individuals who have complied with the provisions proposed law to be employed as a state certified hospice attendant.

Proposed law provides that the DPS&C and the LDH shall develop the training curriculum required by proposed law to be under the supervision and direction of a licensed physician or registered nurse.

Proposed law provides that nothing in proposed law shall be construed to establish a right to employment with a licensed hospice provider. Proposed law provides that if a certified hospice attendant is hired by a hospice provider the employees, patients, and patients' immediate family members shall be notified that the certified hospice attendant has successfully completed all state certification training and registry requirements for employment, including successful completion and release from a sentence served at a state prison.

Proposed law provides that upon completion of a criminal background check, the certified hospice attendant shall not be prohibited from employment for having been convicted of any crime other than a sex crime.

Effective August 1, 2019.

(Amends R.S. 40:1203.3(C); Adds R.S. 40:1203.3(D), 2184(2)(j), and 2192)