

2019 Regular Session

HOUSE BILL NO. 431

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

1 AN ACT

2 To amend and reenact R.S. 40:1203.3(C) and to enact R.S. 40:1203.3(D), 2184(2)(j), and
3 2192, relative to individuals providing hospice care; to provide for creation of a state
4 certified hospice attendant; to provide for eligibility; to provide for minimum
5 certification requirements; to provide for a state certified hospice attendant registry;
6 to provide for rulemaking; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1203.3(C) is hereby amended and reenacted and R.S.
9 40:1203.3(D), 2184(2)(j), and 2192 are hereby enacted to read as follows:

10 §1203.3. Refusal to hire or contract; termination of employment; exemption;
11 appeal procedure; waiver

12 * * *

13 C.~~(1)~~ If the results of a criminal history check reveal that a nonlicensed
14 person or any licensed ambulance personnel hired on a temporary basis or any other
15 person who is an employee has been convicted of any of the offenses listed in
16 Subsection A or B of this Section, the employer shall immediately terminate the
17 person's employment.

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

7 (2) The employment prohibition provided for in this Section shall not apply
 8 to a state certified hospice attendant as provided for in R.S. 40:2192.

9 * * *

10 §2184. Rules, regulations, and standards for licenses

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

13 * * *

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

17 * * *

18 (j) Implementation of the provisions of R.S. 40:2192.

19 * * *

20 §2192. State certified hospice attendant; certification eligibility; registry

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

26 (1) He shall not have been convicted of a sex offense as defined by R.S.
 27 15:541.

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

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

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

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

7 B. The Department of Public Safety and Corrections, by a division of the
8 department that has secured hospice provider licensure pursuant to this Part, shall
9 have the authority to provide state certified hospice attendant training to an eligible
10 inmate in state custody under the supervision and direction of a licensed physician
11 or registered nurse. The training shall include a minimum of:

12 (1) Forty hours of classroom training, which shall include sixteen hours of
13 skills training.

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

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

17 C. The Department of Public Safety and Corrections and the Louisiana
18 Department of Health shall jointly approve a program curriculum for training state
19 certified hospice attendants, which shall include the time allotted for each unit or
20 subject and the time allotted to skills instruction including but not limited to:

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

23 (a) Communication and interpersonal skills.

24 (b) Infection control.

25 (c) Safety and emergency procedures.

26 (d) Promoting patient or resident independence.

27 (e) Respecting patient or resident rights.

28 (2) At least sixteen hours of supervised skills practical training prior to
29 clinical instruction.

30 (3) Basic caregiving skills.

1 (4) Personal care skills.

2 (5) Mental health and social service needs.

3 (6) Care of residents with intellectual disabilities or other cognitive
 4 impairments.

5 (7) Basic restorative services.

6 (8) Residents' rights.

7 D. Upon successful completion of the training program provided for in
 8 Subsection B of this Section, the Department of Public Safety and Corrections shall
 9 issue a certificate of completion to the inmate. The Department of Public Safety and
 10 Corrections shall promulgate rules and regulations necessary to provide for the
 11 issuance of the certificate of completion which shall include the ability to earn the
 12 certificate prior to release and any conditions that may be required to maintain
 13 certification in good standing until release.

14 E. The Louisiana Department of Health shall establish a state certified
 15 hospice attendant registry for the purpose of maintaining an eligibility roster of
 16 individuals who have complied with the provisions of this Section to be employed
 17 as a state certified hospice attendant. Access to the registry shall be limited to an
 18 inquiry for a specific state certified hospice attendant. The Louisiana Department of
 19 Health shall promulgate rules and regulations necessary for the maintenance of the
 20 registry which shall include but not be limited to the form or format in which a
 21 certified hospice attendant shall provide and update his information.

22 F. The Department of Public Safety and Corrections, in consultation with the
 23 Louisiana Department of Health, shall publish rules and regulations to implement the
 24 curriculum established pursuant to Subsection C of this Section and shall provide for
 25 minimum continuing education or training requirements to maintain state
 26 certification in good standing.

27 G. Nothing in this Section shall be construed to establish a right to
 28 employment with any licensed hospice provider. However, upon employment the
 29 hospice provider shall disclose to its employees, patients, and patients' immediate
 30 family members that the state certified hospice attendant has successfully completed

- 1 all state certification training and registry requirements for employment, including
- 2 successful completion and release from a sentence served at a state prison.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____