

ACT No. 77

2020 Regular Session

HOUSE BILL NO. 240

BY REPRESENTATIVE HUGHES

1 AN ACT

2 To amend and reenact R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and
3 (D)(1), relative to the authority of the Louisiana Department of Health to conduct
4 certain mortality reviews; to provide for the office of behavioral health to review
5 deaths of persons receiving services through that office; to provide for definitions;
6 to provide for the access of certain reports; to provide an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2020(A), (B)(2) and (3), (C)(introductory paragraph), and (D)(1)
10 are hereby amended and reenacted to read as follows:

11 §2020. Review of deaths of persons served by the Louisiana Department of Health

12 A. The legislature finds that:

13 (1) In accordance with best practices and national trends, it is recommended
14 that the Louisiana Department of Health through the office for citizens with
15 developmental disabilities, the office of behavioral health, and the office of aging
16 and adult services monitor and review deaths of persons receiving services through
17 the offices.

18 (2) Collection of data on the causes and circumstances of death of these
19 persons will enable the office for citizens with developmental disabilities, the office
20 of behavioral health, and the office of aging and adult services ~~offices~~ to initiate
21 quality improvement and provider remediation in long-term care services in order
22 to reduce mortality rates.

1 (3) A complete review of the information obtained by the office for citizens
2 with developmental disabilities, the office of behavioral health, and the office of
3 aging and adult services will enable the offices to identify patterns and systemic
4 problems to support corrective actions and quality improvements in service delivery.

5 B. For the purposes of this Section, the following terms shall have the
6 following meanings:

7 * * *

8 (2) "Health care provider" means a health care provider as defined in R.S.
9 ~~13:3734(A)(1)~~ 13:3734(A)(2), a licensed mental health professional as defined in
10 R.S. 40:2153, and other agencies licensed or certified by the department to deliver
11 health care or related services.

12 (3) "Office" means the office for citizens with developmental disabilities, the
13 office of behavioral health, or the office of aging and adult services within the
14 Louisiana Department of Health.

15 C. The duties of the office ~~for citizens with developmental disabilities and~~
16 ~~the office of aging and adult services~~ shall be the following:

17 * * *

18 D.(1) Notwithstanding any other provision of law to the contrary, the
19 Louisiana Department of Health, and each office provided for in Paragraph (B)(3)
20 of this Section ~~office for citizens with developmental disabilities and office of aging~~
21 ~~and adult services~~, shall be authorized to access death certificates in the custody of
22 the department, autopsy reports, coroner reports, and records of all service providers,
23 including medical records in the custody of health care providers, of persons being
24 served through the offices at the time of death.

25 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____