

2021 Regular Session

HOUSE BILL NO. 187

BY REPRESENTATIVE BAGLEY

1 AN ACT

2 To amend and reenact R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (e),
3 to enact R.S. 40:2116.34(A)(12), and to repeal R.S. 40:2116.34(A)(10)(f), relative
4 to home health services; to define authorized healthcare provider; to authorize nurse
5 practitioners, clinical nurse specialists, and physician assistants to order home health
6 services; to provide rules and regulations for nurse practitioners, clinical nurse
7 specialists, and physician assistants; to provide for administrators of home health
8 agencies; to require reporting; to provide for an effective date; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:2116.31(B) and 2116.34(A)(1), (7), and (10)(c) through (e) are
12 hereby amended and reenacted and R.S. 40:2116.34(A)(12) is hereby enacted to read as
13 follows:

14 §2116.31. Scope, purpose; definitions

15 * * *

16 B. For the purpose of this Part unless the context clearly otherwise requires:

17 (1) "Authorized healthcare provider" means a physician, nurse practitioner,
18 clinical nurse specialist, or physician assistant licensed, certified, registered, or
19 otherwise authorized to order home healthcare services consistent with state law.

20 ~~(1)~~(2) "Clinical record" means those documents maintained on all patients
21 accepted for care by a home health agency. The records will be retained in
22 accordance with existing state law.

1 ~~(2)~~(3) "Department" means the Louisiana Department of Health.

2 ~~(3)~~(4) "Home health agency" means a state-owned and operated agency, or
3 a subdivision of such an agency or organization, or a private nonprofit organization,
4 or a proprietary organization which provides for the skilled home health care to the
5 public, under the order of a ~~physician~~ an authorized healthcare provider and in the
6 place of residence of the person receiving the care, which includes at least skilled
7 nursing and one other service listed in the minimum standards which may be
8 physical therapy, speech therapy, occupational therapy, medical social services,
9 home health aides, or such others as may be listed in the minimum standards.

10 ~~(4)~~(5) "Home health aide services" means semi-skilled assistance by
11 qualified personnel with activities of daily living provided to the patient who
12 requires assistance in at least two areas of functioning and monitoring of vital signs,
13 reporting to a professional under a written plan of care, and requiring clinical note
14 for each patient visit.

15 ~~(5)~~(6) "Secretary" means the secretary of the Louisiana Department of
16 Health.

17 ~~(6)~~(7) "State agency" means the division of licensing and certification of the
18 office of the secretary of the Louisiana Department of Health.

19 * * *

20 §2116.34. Minimum standards; rules and regulations

21 A. The secretary of the department shall prescribe and publish minimum
22 standards pursuant to the Administrative Procedure Act. Such standards shall
23 include but not be limited to the following:

24 * * *

25 (1) Requiring all such home health agencies to admit patients for skilled care
26 only on the order of a ~~physician~~ an authorized healthcare provider. Signed
27 ~~physician's~~ authorized healthcare provider's orders shall be obtained by the agency.

28 * * *

1 (7) Requiring agencies to make service available to an individual in need
2 within twenty-four hours of a referral unless otherwise ordered by a ~~physician~~ an
3 authorized healthcare provider.

4 * * *

5 (10) Requiring the administrator of the agency to be a person who is
6 designated in writing, is administratively responsible and available in person or by
7 telecommunication at all times for all aspects of facility operation, who has three
8 years management experience in health care delivery service, and who meets one of
9 the following conditions:

10 * * *

11 (c) Is employed as an administrator on or after January 13, 2018, and ~~is~~ is
12 a college graduate with a bachelor's degree.

13 (d) Is employed as an administrator prior to January 13, 2018, and ~~Has~~ has
14 had three additional years of documented experience in a health care delivery
15 service.

16 (e) ~~Has an associate degree~~ Is an administrator who has experience in health
17 service administration with at least one year of supervisory or administrative
18 experience related to home health care or a home health care program.

19 * * *

20 (12) Requiring the administrator of each agency to comply with the
21 minimum continuing education requirements established by the secretary.

22 * * *

23 Section 2. R.S. 40:2116.34(A)(10)(f) is hereby repealed.

24 Section 3. Two years after the effective date of this Act, the Louisiana Department
25 of Health shall submit a written report to the House and Senate committees on health and
26 welfare on the implementation of this Act. The report shall include a statement of fiscal
27 costs and savings attributable to implementation of this Act and an analysis of the impact of
28 this Act on the rate of use of home health services in the Medicaid program.

1 Section 4. 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: _____