2021 Regular Session

ACT No. 181

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.

CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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

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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) <u>Is employed as an administrator on or after January 13, 2018, and Hs is</u>
12	a college graduate with a bachelor's degree.
13	(d) <u>Is employed as an administrator prior to January 13, 2018, and Has has</u>
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	

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APPROVED: ____