

2022 Regular Session

HOUSE BILL NO. 314

BY REPRESENTATIVES TURNER AND BAGLEY

LEGISLATION: Makes technical corrections to various provisions of law within and relating to the subject matter of the legislative committees on health and welfare

1 AN ACT

2 To amend and reenact R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d),

3 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I),

4 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory

5 paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F),

6 796.1(A), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A),

7 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26,

8 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 3003(introductory paragraph) and

9 (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b),

10 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(introductory paragraph) and (1)(a) and

11 (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1)

12 through (3), and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory

13 paragraph) and (a), 31.13(1), 39.1(A)(introductory paragraph), 75(A), 654(Section

14 heading), 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading

15 of Part X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S.

16 40:1024(B), 1046(Section heading), 1047(A)(introductory paragraph) and (4),

17 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory

18 paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z),

19 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph),

20 (3)(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(introductory paragraph) and

1 (ii), and 2180.25(B)(2)(m)(v) and (q), R.S. 46:236.1.2(A)(introductory paragraph),
2 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and
3 (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 1933(B),
4 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and
5 2757(C)(1)(e), and Children's Code Article 1150(2)(b) and to repeal R.S. 40:5.5(F)
6 and (G) and 1249.1(A) and (B) and Section 4 of Act No. 449 of the 2006 Regular
7 Session, relative to various provisions of Titles 28, 37, 39, 40, and 46 of the
8 Louisiana Revised Statutes of 1950, the Louisiana Children's Code, and uncodified
9 law; to make technical corrections in provisions relative to behavioral health, human
10 services, administration of the Louisiana Department of Health, administration of the
11 Department of Children and Family Services, healthcare institutions and services,
12 professions and occupations, boards and commissions, public health, food and drugs,
13 public welfare and assistance, child welfare, and other matters within or relating to
14 the purview of the legislative committees on health and welfare; to make corrective
15 changes including corrections in legal citations and in names of organizations,
16 programs, publications, institutions, agencies, boards, commissions, departments,
17 and offices and officers of departments; to remove references to agencies, other legal
18 entities, and programs that have been repealed or no longer exist; to repeal obsolete
19 findings and references to outdated information; to designate undesignated statutory
20 provisions; and to provide for related matters.

21 Be it enacted by the Legislature of Louisiana:

22 Section 1. R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d), 70(A),
23 and 915(F)(3) are hereby amended and reenacted to read as follows:

24 §2. Definitions

25 Whenever used in this Title, the masculine shall include the feminine, the
26 singular shall include the plural, and the following definitions ~~shall~~ apply:

27 * * *

28 (28) "Psychiatric mental health nurse practitioner" means an advanced
29 practice registered nurse licensed to practice as a nurse practitioner or clinical nurse

1 specialist by the Louisiana State Board of Nursing, in accordance with the provisions
 2 of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or
 3 populations across the life span at risk for developing or having a diagnosis of
 4 psychiatric disorders, mental health problems, or both. A psychiatric mental health
 5 nurse practitioner means a specialist who provides primary mental health care to
 6 patients seeking mental health services in a wide range of settings. Primary mental
 7 health care provided by a psychiatric mental health nurse practitioner involves the
 8 continuous and comprehensive services necessary for the promotion of optimal
 9 mental health, prevention and treatment of psychiatric disorders, and health
 10 maintenance. Such primary health care includes the assessment, diagnosis, and
 11 management of mental health problems and psychiatric disorders. A psychiatric
 12 mental health nurse practitioner means a provider of direct mental health care
 13 services who synthesizes theoretical, scientific, and clinical knowledge for the
 14 assessment and management of both health and illness states and who is licensed to
 15 practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.
 16 For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have
 17 at least two years of training, primary experience, or both, in diagnosis and treatment
 18 of mental illness. For purposes of this Chapter, a psychiatric mental health nurse
 19 practitioner shall also have authority from the Louisiana State Board of Nursing to
 20 prescribe legend and certain controlled drugs, in accordance with the provisions of
 21 R.S. 37:913(3)(b), (8), and (9).

* * *

23 §51.1. Treatment facility; staff membership and institutional privileges; certain
 24 healthcare providers

25 A.

* * *

27 (3) Staff membership, specifically delineated institutional privileges, which
 28 may include the ability to prepare and execute orders for the admission of patients

1 to a treatment facility, or both, granted to a psychiatric mental health nurse
2 practitioner shall be conditioned upon all of the following requirements:

3 * * *

4 (b) The applicant psychiatric mental health nurse practitioner shall have a
5 valid, current, and unrestricted advanced practice registered nurse license, as a nurse
6 practitioner or clinical nurse specialist, issued by the Louisiana State Board of
7 Nursing, and have been granted limited prescriptive authority pursuant to ~~LAC~~
8 ~~46:XLV.4513~~ LAC 46:XLVII.4513.

9 * * *

10 (d) The applicant psychiatric mental health nurse practitioner shall prescribe
11 medications or the use of seclusion or restraint on patients in the treatment facility
12 only in accordance with the collaborative practice agreement and in accordance with
13 the treatment facility's staff membership or ~~privilege-granting~~ privilege-granting
14 process and restrictions, if any.

15 * * *

16 §70. Written treatment plan for involuntary outpatient treatment

17 A. The court shall not order involuntary outpatient treatment unless an
18 examining physician, psychiatric mental health nurse practitioner, or psychologist
19 develops and provides to the court a proposed written treatment plan. The
20 respondent, and any other individual whom the respondent may designate, shall be
21 afforded a reasonable opportunity to participate in the development of the written
22 treatment plan. The treatment plan shall reflect the expressed preferences of the
23 respondent to the extent the preferences are reasonable and consistent with the
24 respondent's best interests. The written treatment plan shall be deemed appropriate
25 by the director. The written treatment plan shall include appropriate services to
26 provide care coordination. The written treatment plan shall also include appropriate
27 categories of services, as set forth in Subsection D of this Section, which the
28 respondent is recommended to receive and are available to the respondent. The
29 written treatment plan shall specify a provider that has agreed to provide each of the

1 specified services. If the written treatment plan includes medication, it shall state
2 whether the medication should be self-administered or administered by authorized
3 personnel, and shall specify the type and dosage range of medication most likely to
4 provide maximum benefit for the respondent.

5 * * *

6 §915. Districts and authorities; functions, powers, and duties; sole-source
7 contracting

8 * * *

9 F. The provisions of Subsections A and B of this Section shall not include
10 the following:

11 * * *

12 (3) Operation, management, and performance of functions and services
13 relating to the ~~Louisiana Vital Records Registry~~ vital records registry and the
14 collection of vital statistics within the office of public health pursuant to R.S. 40:5,
15 R.S. 40:32 through 79, R.S. 44:401 et seq., and R.S. 40: 1061.17, including the
16 ~~Putative Father Registry~~ putative father registry and the vital records management
17 information system.

18 * * *

19 Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2)
20 and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1),
21 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 966, 971, 976,
22 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory
23 paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1),
24 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2) are hereby amended and
25 reenacted to read as follows:

26 §752. Exemptions from license

27 The licensing provisions of this Chapter shall not apply to:

28 * * *

29 (3)(a) Dental schools or colleges approved by the ~~Louisiana State Board of~~
30 ~~Dentistry~~ board; the practice of dentistry by students in dental schools or colleges

1 approved by the board when acting under the direction and supervision of registered
2 dentists, licensed and acting as instructors or professors; interns in any hospital or
3 institution, but not residents.

4 (b) Dental hygiene schools or colleges approved by the ~~Louisiana State~~
5 ~~Board of Dentistry~~ board; the practice of dental hygiene by students in dental or
6 dental hygiene schools or colleges approved by the board when acting under the
7 direction and supervision of registered dentists or dental hygienists, licensed and
8 acting as instructors or professors; interns in any hospital or institution, but not
9 residents.

10 * * *

11 (6) The making of artificial restorations, substitutes, appliances, or materials
12 for the correction of diseases, loss, deformity, malposition, dislocation, fracture,
13 injury of the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts,
14 upon written work orders or prescriptions furnished by a licensed and registered
15 dentist on a form approved by the ~~Louisiana State Board of Dentistry~~ board as
16 hereinafter set forth, and the use in connection with said work order or prescription
17 of casts, models or from impressions furnished by a licensed or registered dentist.

18 (7) The making and repairing of prosthetic dentures, bridges, artificial
19 restorations or other structures to be used or worn as substitutes for natural teeth, or
20 appliances for the correction of disease, loss, deformity, malposition, dislocation,
21 fracture of or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated
22 tissues or parts upon a written work order or prescription furnished by a licensed and
23 registered dentist on a form approved by the ~~Louisiana State Board of Dentistry~~
24 board as hereinafter set forth and constructed on, or by use of, casts or models made
25 from impressions taken by a licensed and registered dentist if these prosthetic or
26 orthodontic appliances, or the services rendered in the construction, repair, or
27 alteration thereof are not offered for sale, or use, or delivery to the public or placed

1 or adjusted in the oral cavity, except by licensed and registered dentists.

2 * * *

3 (9)

4 * * *

5 (c) When used in this Section, the following terms ~~shall~~ have the ~~following~~
6 meanings ascribed to them in this Subparagraph:

7 (i) "Clinical" means those activities described in ~~R.S. 37:751(A)(5)~~ R.S.
8 37:751(A)(6).

9 (ii) "Dentist with a disability" means a dentist who is a "person with a
10 disability" as defined in ~~R.S. 9:3541.21(3)~~ R.S. 9:3541.21.

11 (iii) "Personal representative" has the same meaning as provided in ~~R.S.~~
12 ~~9:2260.1(11)~~ R.S. 9:2260.1.

13 (d) The twenty-four-month period provided for in this Section begins when:

14 * * *

15 (ii) The spouse or personal representative of the dentist with a disability files
16 with the board a verified copy of disability status signed by a physician attesting to
17 the dentist's disability ~~with the Louisiana State Board of Dentistry~~.

18 * * *

19 §753. Louisiana State Board of Dentistry; appointment of members; term of office;
20 vacancies; nominating meetings; quorum; domicile

21 A. There is hereby created within the Louisiana Department of Health the
22 Louisiana State Board of Dentistry, referred to hereafter in this Chapter as the
23 "board", which shall carry out the purposes and enforce the provisions of this
24 Chapter, subject to the provisions of R.S. 36:803.

25 * * *

26 I. The domicile of the ~~Louisiana State Board of Dentistry~~ board shall be the
27 parish of East Baton Rouge.

28 * * *

1 §761. Requirements of applicants for dental license

2 A. The board shall require that every applicant for a dental license shall:

3 * * *

4 (2) Present satisfactory evidence of graduation from a dental college or
5 university approved by the ~~Louisiana State Board of Dentistry~~ board, according to
6 its rules and regulations.

7 * * *

8 (4) Present satisfactory evidence of having taken an examination in the
9 theory and practice of the science of the profession given by the Joint Commission
10 on National Dental Examinations before being accepted for the regular examination
11 given by the board, or pass an examination given by the board in the theory and
12 practice of the science of dentistry in addition to the regular examination given by
13 the ~~Louisiana State Board of Dentistry~~ board. Upon receipt of information that the
14 applicant has passed the examination in the theory and practice of the science of the
15 profession given by the Joint Commission on National Dental Examinations, he may
16 be awarded a dental license, but only when all other requirements for licensure have
17 been met. If the applicant fails the examination given by the Joint Commission on
18 National Dental Examinations, he ~~must~~ shall successfully retake the Louisiana
19 clinical licensing examination after providing satisfactory evidence of subsequently
20 passing the examination given by the Joint Commission on National Dental
21 Examinations.

22 * * *

23 §764. Dental hygienist; application for license

24 A. Every applicant to be licensed as a dental hygienist shall:

25 * * *

26 (4) Present satisfactory evidence of graduation from a training school of
27 dental hygienists approved by the ~~Louisiana State Board of Dentistry~~ board,
28 according to its rules and regulations.

1 §786.1. Stay of board decision

2 A. Absent agreement of counsel for all parties, no stay of enforcement of a
3 decision issued under R.S. 37:780₂ or for a violation of R.S. 37:788, during the
4 pendency of an appeal under R.S. 37:786 shall be granted unless the civil district
5 court for the parish of Orleans finds that the applicant has established:

6 (1) That the issuance of the stay does not threaten harm to other interested
7 parties, including the ~~Louisiana State Board of Dentistry~~ board, and persons for
8 whom the applicant may render dental or dental hygiene services.

9 * * *

10 §792. Dental x-ray functions by dental assistants; qualifications

11 * * *

12 B. Any dental assistant who does not meet the employment criteria set forth
13 in ~~R.S. 37:792(A)~~ Subsection A of this Section shall attend and successfully
14 complete a course in x-ray function and safety approved by the ~~Louisiana State~~
15 ~~Board of Dentistry~~ board within six months after commencement of employment by
16 a licensed dentist. Any such assistant shall be deemed to be authorized to take dental
17 x-rays only upon compliance with this Subsection.

18 C.(1) The dentist employer shall certify to the board that any dental assistant
19 employed by him ~~either:~~

20 (a) ~~Meets~~ meets the employment criteria set forth in ~~R.S. 37:792(A)~~
21 Subsection A of this Section, ~~or that the assistant~~ has attended and completed a
22 course in dental x-ray function and safety, or

23 (b) ~~That the assistant~~ has not attended such course but has been employed
24 less than six months.

25 * * *

26 §793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral
27 sedation; deep sedation; general anesthesia; definitions; permits; credentials;
28 reporting; fees; limitations; exceptions

29 * * *

1 G. The authority for the administration of anesthetic and sedative agents as
2 described in this Section shall be limited as follows:

3 * * *

4 (2) The administration of nitrous oxide inhalation analgesia shall be limited
5 to qualified dentists and dental hygienists licensed by the board for use on dental
6 patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only
7 under the direct supervision of a dentist licensed by the ~~Louisiana State Board of~~
8 Dentistry board to whom the board has issued a permit to administer nitrous oxide
9 inhalation analgesia.

10 * * *

11 §796. Louisiana State Board of Dentistry; adoption of rules relating to the providing
12 of dental services at mobile dental clinics and locations other than the dental
13 office

14 A. The ~~Louisiana State Board of Dentistry~~ board shall adopt rules relating
15 to the providing of dental services at mobile dental clinics and locations other than
16 the dental office.

17 B. The rules shall include but not be limited to:

18 * * *

19 (7) Provisions for the inspection by the ~~Louisiana State Board of Dentistry~~
20 board of mobile dental clinics and locations offering dental services other than the
21 dental office and health ~~care~~ facilities licensed by the Louisiana Department of
22 Health.

23 * * *

24 D. Nothing in this Section shall be construed to prohibit the ~~Louisiana State~~
25 ~~Board of Dentistry~~ board from adopting emergency rules as otherwise provided for
26 in the Administrative Procedure Act.

27 * * *

28 F. Notwithstanding any other provision of law to the contrary, the failure to
29 adopt rules as provided by the provisions of Subsection B of this Section by January

1 §976. Schools of practical nursing; application; hearings

2 A. A school of practical nursing which wishes to be accredited may make
3 application to the board. After investigation and approval of the curricula of the
4 school the board may approve the school and issue a certificate as an accredited
5 school of practical nursing.

6 B. If the board finds that an accredited school is not adhering to the
7 requirements of this Part or to the courses prescribed by the board, the board shall
8 give reasonable notices to correct these conditions within a reasonable time. If the
9 conditions are not corrected, the board may, after a hearing with charges detailed and
10 specified, revoke the certificate issued to such school.

11 C. Appeals from decisions of the board shall be to the Civil District Court
12 of Orleans Parish within ~~30~~ thirty days from the final ruling.

13 * * *

14 §1007. Nursing Supply and Demand Council; creation; membership; vacancies;
15 compensation; staff and facilities; powers and duties

16 A.

17 * * *

18 (2)

19 * * *

20 (c) Additional members of the council may be added at any time upon a
21 majority vote of the members named in Subparagraph (a) of this Paragraph.

22 * * *

23 §1176. Removal

24 A. A board member may be removed upon one or more of the following
25 grounds:

26 * * *

27 (3) The violation of the laws governing the practice of pharmacy or the
28 distribution of drugs ~~and/or~~ or devices.

29 * * *

1 §1218. Administration of influenza immunization

2 A pharmacist may administer an influenza immunization to any person seven
3 years of age or older without a prescription or medical order contingent upon all of
4 the following provisions:

5 * * *

6 (3) The pharmacist shall report all adverse events he observes or which are
7 reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System (VAERS),
8 the cooperative program of the CDC and the United States Food and Drug
9 Administration for vaccine safety, or its successor program; and further, the
10 pharmacist shall refer the patient with an adverse event to the influenza
11 immunization for appropriate medical care.

12 * * *

13 §1218.1. Administration of immunizations and vaccines other than influenza
14 immunizations

15 A.(1) A pharmacist may administer to an individual age seventeen or older
16 an immunization or a vaccine without a patient-specific prescription or medical order
17 if the immunization or the vaccine is administered in conformance with the most
18 current immunization administration protocol as set forth by the United States
19 Centers for Disease Control and Prevention Advisory Committee on Immunization
20 Practice. At the time that a pharmacist administers an immunization or vaccine
21 ~~under~~ in accordance with the provisions of this Section, the pharmacist shall also
22 inform the individual that the administration of an immunization or vaccine ~~under~~
23 in accordance with the provisions of this Section is not to be construed as being in
24 lieu of an annual checkup with the individual's primary care or family physician.

25 ~~(1)~~ (2) The pharmacist shall report each immunization to the Louisiana
26 Department of Health, office of public health's Louisiana Immunization Network for
27 Kids Statewide at the time of the immunization or as soon as reasonably practicable
28 thereafter, as this is the official state vaccination record.

1 §1360.24. Licensure

2 A. Except as otherwise provided for in this Part, an individual shall be
3 licensed by the board before ~~the individual~~ he may practice as a physician assistant.

4 The board may grant a license to a physician assistant applicant who:

5 * * *

6 (3) Has successfully completed an education program for physician
7 assistants accredited by the Committee on Allied Health Education and
8 Accreditation, its predecessors, or its successors and who has passed the physician
9 assistant national certifying examination administered by the National Commission
10 on Certification of ~~Physicians'~~ Physician Assistants.

11 * * *

12 B. A personal interview of a physician assistant applicant shall be required
13 only in those cases where the ~~assistant~~ applicant is making his first application before
14 the board and where discrepancies exist in the application or the applicant has been
15 subject to prior adverse licensure, certification, or registration action.

16 * * *

17 §1360.26. Inactive license

18 Any physician assistant who notifies the board in writing on forms prescribed
19 by the board may elect to place his licensure on an inactive status. A physician
20 assistant with an inactive status license shall be excused from payment of renewal
21 fees and shall not practice as a physician assistant. Any licensee who engages in
22 practice while his ~~or her~~ license is lapsed or on inactive status shall be considered to
23 be practicing without a license, which shall be grounds for discipline ~~under~~ pursuant
24 to R.S. 37:1360.34. A physician assistant requesting restoration to active status from
25 inactive status shall be required to pay the current renewal fees and shall be required
26 to meet the criteria for renewal as provided for in R.S. 37:1360.27.

27 * * *

1 §1360.31. Services performed by physician assistants

2 * * *

3 C.

4 * * *

5 (4) A physician assistant may provide medication-assisted treatment (MAT),
6 as authorized by the United States Department of Health and Human Services,
7 Substance Abuse and Mental Health Services Administration and in accordance with
8 rules promulgated by the board. At a minimum, rules promulgated by the board shall
9 include a requirement that in order for the ~~PA~~ physician assistant to provide MAT,
10 his supervising physician shall also be authorized and in compliance with all federal
11 and state laws and rules authorizing the provision of MAT. For purposes of this
12 Subparagraph, "MAT" means the use of medications with counseling and behavioral
13 therapies to treat substance use disorders and prevent opioid overdose.

14 D. The activities listed ~~above~~ in this Section may be performed in any setting
15 authorized by the supervising physician including but not limited to clinics,
16 hospitals, ambulatory surgical centers, patient homes, nursing homes, other
17 institutional settings, and health manpower shortage areas.

18 * * *

19 §1360.37. Injunctive proceedings

20 * * *

21 C. In case of violation of any injunction issued ~~under~~ in accordance with the
22 ~~provision~~ provisions of this Part, the court shall try and punish the offender for
23 contempt of court in accordance with law.

24 * * *

25 §1515. Board of Veterinary Medicine; terms; compensation; removal

26 A.(1) There is hereby created within the ~~Louisiana~~ Department of
27 Agriculture and Forestry a board to be known as the Louisiana Board of Veterinary
28 Medicine which is subject to the provisions of R.S. 36:803.

29 * * *

1 §3003. Definitions

2 As used in this Chapter the following words ~~shall~~ have the meanings
3 hereinafter ascribed to each:

4 * * *

5 (4)(a) "Occupational therapy" means the application of any activity in which
6 one engages for the purposes of evaluation, interpretation, treatment planning, and
7 treatment of problems interfering with functional performance in persons impaired
8 by physical illness or injury, emotional disorders, congenital or developmental
9 disabilities, or the aging process, in order to achieve optimum functioning and
10 prevention and health maintenance. The occupational therapist may enter a case for
11 the purposes of providing consultation and indirect services and evaluating an
12 individual for the need of services. Prevention, wellness, and ~~education-related~~
13 education-related services shall not require a referral; however, in workers'
14 compensation injuries preauthorization shall be required by the employer or workers'
15 compensation insurer or provider. Implementation of direct occupational therapy to
16 individuals for their specific medical condition or conditions shall be based on a
17 referral or order from a physician, physician assistant, advanced practice registered
18 nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in
19 accordance with published standards of practice established by the American
20 Occupational Therapy Association, Inc., and the essentials of accreditation
21 established by the agencies recognized to accredit specific facilities and programs.

22 * * *

23 §3071. License of electrologists; qualifications; examinations; issuance of license;
24 waiver

25 * * *

26 B.(1) The board shall license as an electrologist and issue an appropriate
27 certificate to any person who files with it a verified application therefor,
28 accompanied by the application fee required by this Part, together with evidence,

1 verified by oath and satisfactory to the board, that he ~~is~~ meets all of the following
2 qualifications:

3 (a) ~~At~~ He is at least eighteen years of age;

4 (b) ~~Is~~ He is of good moral character;

5 (c) ~~Is~~ He is free of any infectious disease;

6 (e) ~~Has~~ He has graduated from an accredited high school;

7 (f) ~~After~~ He has, after high school graduation, ~~has~~ successfully completed
8 a course in practical training in electrolysis in a school of electrology that maintains
9 the standards established and approved by the board or ~~that he~~ has completed a like
10 number of hours in the subject areas specified in an apprenticeship program
11 approved by the board at the time of certification;

12 (g) ~~Has~~ He has passed an examination given and graded by the board, which
13 shall consist of a written examination and a practical demonstration of abilities;

14 (h) ~~Has~~ He has paid any other fees required by this Chapter.

15 (2) Each applicant shall provide his subject for the practical demonstration.
16 Within ten days after each examination, the official in charge shall deliver the
17 ~~question and answer~~ question-and-answer papers to the board. The board shall
18 examine and rate the answers and shall transmit an official report to each applicant
19 for license stating the rating of the candidate in each subject and whether or not the
20 board approves the candidate for a license. If a candidate fails one or more parts of
21 an examination, he may take the parts in which he has failed in a subsequent
22 examination upon payment of a fifteen dollar examination fee. If after two attempts
23 the examination is not satisfactorily completed, the candidate thereafter shall be
24 required to repeat and take the entire examination within one year of the date of the
25 original examination.

26 * * *

27 Section 3. R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D),
28 and 1658 are hereby amended and reenacted to read as follows:

1 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
2 Fund, and the TOPS Fund

3 * * *

4 B. Appropriations from the Health Excellence Fund shall be restricted to the
5 following purposes:

6 * * *

7 (2) A program of research grants and projects that encourage the pursuit of
8 innovation in advanced health care sciences; such program shall support clinical and
9 laboratory research efforts based in Louisiana universities, as well as institutions
10 represented in the membership of the Medical Education Commission as provided
11 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied
12 research in advanced health care sciences; such program shall encourage institutional
13 commitment and leveraging of state monies to secure private and federal funds and
14 shall be administered by the Board of Regents through an objective, competitive
15 process subject to peer review. The Board of Regents shall annually submit to the
16 legislature and the governor, not less than forty-five days prior to the beginning of
17 each regular session of the legislature, a proposed program and budget for the
18 expenditure of the funds appropriated to the Board of Regents for these purposes.

19 (3) Provision of comprehensive chronic disease management services,
20 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the
21 facilities of the Louisiana State University Health Sciences Center, including but not
22 limited to the ~~Health Care Services Division~~ health care services division.

23 * * *

24 §98.4. Louisiana Fund

25 * * *

26 B. Appropriations from the Fund shall be restricted to the following purposes
27 provided in this Subsection, and no annual appropriation for any one of the purposes
28 enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent
29 of the total amount of monies appropriated from the Fund in any fiscal year:

30 * * *

1 (3) Initiatives to benefit the citizens of Louisiana with respect to health care
2 through:

3 (a) A program of research grants and projects that encourage the pursuit of
4 innovation in advanced health care sciences; such program shall support clinical and
5 laboratory research efforts based in Louisiana universities, as well as institutions
6 represented in the membership of the Medical Education Commission as provided
7 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied
8 research in advanced health care sciences; such program shall encourage institutional
9 commitment and leveraging of state monies to secure private and federal funds and
10 shall be administered by the Board of Regents through an objective, competitive
11 process subject to peer review. The Board of Regents shall annually submit to the
12 legislature and the governor, not less than forty-five days prior to the beginning of
13 each regular session of the legislature, a proposed program and budget for the
14 expenditure of the funds appropriated to the Board of Regents for these purposes.

15 (b) Provision of comprehensive chronic disease management services,
16 including outpatient pharmacy for indigent and needy citizens of Louisiana, by the
17 facilities of the Louisiana State University Health Sciences Center, included but not
18 limited to the ~~Health Care Services Division~~ health care services division.

19 * * *

20 §1536. Assessment of premiums

21 A.

22 * * *

23 (2) For the purposes of this Section, the term "agency" for higher education
24 entities shall mean each individual board, institution, or entity within postsecondary
25 education and the administration and each individual hospital within the Louisiana
26 State University Health Sciences Center ~~Health Care Services Division~~ health care
27 services division.

28 * * *

1 §1543. Unit of risk analysis and loss prevention

2 * * *

3 D. For the purposes of this Section, the term "agency" for higher education
4 entities shall mean each individual board, institution, or entity within postsecondary
5 education and the administration and each individual hospital within the Louisiana
6 State University Health Sciences Center ~~Health Care Services Division~~ health care
7 services division.

8 * * *

9 §1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services
10 by a state agency from an accredited facility

11 Notwithstanding any other provision of law to the contrary, regulations
12 promulgated by the commissioner of administration or other purchasing entity
13 governing the purchase of prostheses, orthoses, prosthetic services, or orthotic
14 services shall require that such services shall be purchased only from an accredited
15 facility as provided in ~~R.S. 40:1300.281~~ R.S. 40:1225.1; however, nothing in this
16 Section shall prohibit a licensed occupational therapist or a licensed physical
17 therapist from practicing within his scope of practice. In addition, the provisions of
18 this Section shall not apply to a licensed optometrist, ophthalmologist, podiatrist, or
19 orthopedist.

20 Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii),
21 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E),
22 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),
23 39.1(A)(introductory paragraph), 75(A), 654(Section heading), 961(introductory paragraph),
24 (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40 of the
25 Louisiana Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading),
26 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2),
27 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e),
28 (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory
29 paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(introductory paragraph)

1 and (ii), and 2180.25(B)(2)(m)(v) and (q) are hereby amended and reenacted to read as
2 follows:

3 §4. Sanitary Code

4 A. The state health officer acting through the office of public health of the
5 Louisiana Department of Health shall prepare, promulgate, and enforce rules and
6 regulations embodied within the state's Sanitary Code covering all matters within his
7 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
8 Code shall be accomplished in strict accordance with the provisions of the
9 Administrative Procedure Act; and, further, in conformity with the following
10 guidelines and directives:

11 (1)(a) In order to protect the consuming public against ~~food-borne~~ foodborne
12 disease, the rules and regulations contained in the Sanitary Code shall be designed
13 so as to provide and require that all food products, including milk and milk products,
14 ice, bottled water, marine and freshwater seafood, animal products, frozen desserts
15 and toppings, and related similar foods, are produced from a safe and sanitary source,
16 and are prepared, processed, packaged, handled, stored, and transported in a sanitary
17 manner which will prevent contamination, spoilage, or adulteration. These food
18 product rules and regulations shall be further designed so as to provide that all
19 facilities, material, and equipment that may come into direct contact with any food
20 or food product must be of nontoxic content to ensure a sanitary, wholesome, and
21 nutritious product.

22 (b)

23 * * *

24 (ii) Subject to the appropriation of funds by the legislature, the state health
25 officer in conjunction with the ~~Louisiana~~ Department of Agriculture and Forestry
26 shall institute a public safety marketing campaign to warn the public about the risks
27 of consuming seafood from the People's Republic of China deemed to be safe by the
28 Seafood Inspection Program but which nevertheless contains hazardous substances.
29 The campaign shall include a warning label program as more specifically provided

1 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of
2 understanding with the ~~Louisiana~~ Department of Agriculture and Forestry to
3 implement this marketing campaign.

4 (iii) The Louisiana Retailers Association shall work with the ~~Louisiana~~
5 Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and
6 Research Board, and other respective agencies to develop a voluntary assessment for
7 the implementation of the public safety marketing campaign.

8 * * *

9 §5. General powers and jurisdiction

10 A. The state health officer and the office of public health of the Louisiana
11 Department of Health shall have exclusive jurisdiction, control, and authority:

12 * * *

13 (19) To conduct health inspections and issue health permits through ~~state~~
14 ~~employed~~ state-employed licensed sanitarians, or by licensed sanitarians of parish
15 health units or departments.

16 * * *

17 (21)(a) To conduct health, safety, and sanitation inspections, through ~~state~~
18 ~~employed~~ state-employed licensed sanitarians, of any place upon receipt of a
19 complaint that the department determines shows appropriate and sufficient grounds
20 to indicate a health hazard or sanitary code violation may exist, regardless of whether
21 such place is licensed or not, or otherwise regulated.

22 * * *

23 §5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food
24 safety certificates

25 * * *

26 B. No person, other than a representative of the restaurant, shall be notified
27 by the department of the time and place of the inspection prior thereto ~~and shall be~~
28 ~~nontransferable~~.

1 E.(1) For purposes of this Section, except as provided in Paragraph (2) of
2 this Subsection, "food service establishment" shall mean means an establishment
3 which ~~meets the following criteria:~~

4 (1) ~~The establishment~~ prepares food for human consumption, either for
5 individual service or for a group of people, whether consumption is on or off the
6 premises and regardless if of whether there is a charge for the food.

7 (2) The term "food service establishment" ~~does~~ shall not include any of the
8 following:

9 (a) A private home ~~private homes~~ where food is prepared or served for
10 individual family consumption;.

11 (b) A private club ~~private clubs~~ where food is prepared and served
12 exclusively for member consumption;.

13 (c) Religious ~~religious~~ or charitable food sales;.

14 (d) An ~~any~~ establishment that heats or prepares boudin or sausage for
15 personal consumption;.

16 (e) A ~~a~~ bar or lounge that serves beverages only;.

17 (f) A temporary ~~and or~~ seasonal ~~establishments;~~ establishment.

18 (g) A ~~and~~ bed and breakfast ~~operations~~ operation.

19 (h) A nursing facility.

20 (i) A public, private, or parochial school.

21 * * *

22 §5.5.2. Chinese seafood warning label program

23 * * *

24 D. With the cooperation and assistance of the Louisiana Retailers
25 Association, the Louisiana Restaurant Association, and other necessary
26 organizations, the state health officer in conjunction with the ~~Louisiana~~ Department
27 of Agriculture and Forestry shall encourage the display of the signage and other
28 promotional literature as provided for in Subsection C of this Section where seafood
29 sales occur.

30 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §5.8. Definitions

2 The following terms as used in this Chapter relative to public water systems
3 shall have the following meanings:

4 * * *

5 (6) "Public water system" means a system for the provision to the public of
6 water for potable purposes, through pipes or other constructed conveyances, if the
7 system has at least fifteen service connections or regularly serves an average of at
8 least twenty-five individuals daily at least sixty days out of the year. The term
9 includes all of the following:

10 (a) Any collection, treatment, storage, and distribution facilities under the
11 control of the operator of the system and used primarily in connection with the
12 system;~~and,~~

13 * * *

14 §31.13. Development of immunization registry and tracking and recall system;
15 standards

16 The office of public health, a public health unit, or both, or their agents or
17 other providers may develop an immunization registry and an associated tracking
18 and recall system. The developer of any system shall consult providers in
19 developing the system to provide for a simple and efficient system of transferring
20 information. The registry and associated tracking system shall be named the
21 Louisiana Immunization Network (LINKS), and shall include but not be limited to
22 the following:

23 (1) Immunization records of all clients born or living within the jurisdiction
24 of the agency that develops the ~~register~~ registry.

25 * * *

26 §39.1. Certified copies of birth certificates and death certificates; clerks of district
27 courts and the Second City Court of the city of New Orleans; Vital Records
28 Conversion Fund

29 A. The state registrar of vital records shall promulgate rules to implement
30 the issuance of certified copies of birth certificates and death certificates through the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 office of the clerk of district court in each parish and the office of clerk of the Second
2 City Court of the city of New Orleans. Such rules shall apply only to issuance of
3 those birth and death records that are available for electronic issuance from the ~~Vital~~
4 ~~Records Registry~~ birth and death databases of the vital records registry and shall
5 include access to the following items:

6 * * *

7 §75. Adult adoption; name changes

8 A. Adult adoptions and name changes resulting from the adoptions pursuant
9 to R.S. 9:465 shall have no effect on birth certificates maintained by the ~~Vital~~
10 ~~Records Registry~~ vital records registry, except that when a name change is effected
11 pursuant to R.S. 9:465 and an affidavit is presented from the district attorney of the
12 parish or place of residence of the requesting party indicating that there is no
13 objection of the district attorney to the adoptee's name change along with a certified
14 copy of the notarial act of adoption and the appropriate fee, the registrar of vital
15 records shall prepare a new birth certificate to reflect the new name. If there is an
16 objection from the district attorney, the registrar of vital records shall not seal the
17 adopted person's birth certificate nor prepare a new certificate until the grounds for
18 the objection have been removed and confirmed by a supplemental affidavit from the
19 district attorney.

20 * * *

21 §654. Food processing plants; ~~food-borne~~ foodborne illness reporting and testing
22 requirements

23 * * *

24 §961. Definitions

25 As used in this Part, the following terms ~~shall~~ have the meaning ascribed to
26 them in this Section unless the context clearly indicates otherwise:

27 * * *

28 (23) "Industrial hemp" means the plant Cannabis sativa and any part of that
29 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,

1 acids, and salts of isomers, whether growing or not, with a
2 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
3 weight basis and cultivated and processed in accordance with the U.S. Agriculture
4 Improvement Act of 2018, or the plan submitted by the ~~Louisiana~~ Department of
5 Agriculture and Forestry that is in compliance with the U.S. Department of
6 Agriculture rules.

7 * * *

8 (27)

9 * * *

10 (b) "Marijuana" shall not include the following:

11 (i) Industrial hemp that is in the possession, custody, or control of a person
12 who holds a license issued by the ~~Louisiana~~ Department of Agriculture and Forestry,
13 or is cultivated and processed in accordance with the U.S. Agriculture Improvement
14 Act of 2018.

15 * * *

16 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
17 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
18 heroin

19 A. Manufacture; distribution. Except as authorized by this Part, it shall be
20 unlawful for any person knowingly or intentionally:

21 * * *

22 (3) To cultivate, possess, process, or sell industrial hemp, industrial hemp
23 products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture
24 Improvement Act of 2018 or the plan submitted by the ~~Louisiana~~ Department of
25 Agriculture and Forestry that is in compliance with ~~the~~ U.S. Department of
26 Agriculture rules.

27 * * *

1 PART X-B. TRANSACTIONS IN ~~DRUG-RELATED~~

2 DRUG-RELATED OBJECTS PROHIBITED

3 * * *

4 §1024. Exceptions; defenses; local needle exchanges

5 * * *

6 B. It shall be an affirmative defense that the person to whom the ~~drug-related~~
7 drug-related object or advertisement or notice was distributed had a prescription
8 from a licensed medical practitioner or psychiatrist for marijuana or the controlled
9 substance for which the object is primarily intended to be used. It is also an
10 affirmative defense that the ~~drug-related~~ drug-related object was designed or
11 marketed as useful primarily for veterinary or agricultural purposes.

12 * * *

13 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
14 regulations of the ~~Louisiana State Board of Medical Examiners and~~
15 Louisiana Board of Pharmacy; production facility licensing by the
16 Department of Agriculture and Forestry

17 * * *

18 §1047. ~~Louisiana~~ Department of Agriculture and Forestry; authorization to obtain
19 criminal history record information

20 A. As used in this Section, the following terms shall have the ~~following~~
21 meaning ascribed to them in this Subsection:

22 * * *

23 (4) "Department" means ~~Louisiana~~ the Department of Agriculture and
24 Forestry.

25 * * *

26 §1061.17. Woman's right to know

27 * * *

28 B. Informed consent; requirements. After a woman is determined to be
29 pregnant, no abortion shall be performed or induced without the voluntary and

1 informed consent of the woman upon whom the abortion is to be performed or
2 induced. Except in the case of a medical emergency, consent to an abortion is
3 voluntary and informed if and only if:

4 * * *

5 (3)(a) Written information from the physician. Except as provided in
6 Subparagraph (c) of this Paragraph, at least seventy-two hours before the abortion,
7 the physician who is to perform the abortion or the referring physician has informed
8 the woman, in writing and read orally and in person of:

9 * * *

10 (iii) Whether the physician is currently ~~board-certified~~ board-certified and,
11 if so, the medical specialty and the certifying organization.

12 * * *

13 §1122.1. Louisiana Rare Disease Advisory Council

14 * * *

15 B.

16 * * *

17 (2) The Louisiana Rare Disease Advisory Council ~~hereby~~, referred to
18 hereafter in this Part as the "advisory council", shall serve only in a resource capacity
19 to any public and private agency located in this state that provide services for a
20 person who has been diagnosed with a rare disease.

21 * * *

22 §1123.3. Restroom access

23 * * *

24 B. This Section shall not apply to any retail establishment that meets either
25 of the following criteria:

26 * * *

27 (2) It maintains records or information that ~~is~~ are subject to the Health
28 Insurance Portability and Accountability Act of 1996, if the employee restroom is
29 located in an area where the records or information may be accessed.

30 * * *

1 §1133.15. Hazardous substance transportation emergencies; payment for emergency
2 medical services

3 The person or entity who in the course of transporting hazardous substances
4 or materials causes or contributes to a discharge of a hazardous substance or material
5 that causes an emergency condition shall be obligated to pay the reasonable costs of
6 any emergency medical services provider whose presence or service, including
7 standby, is requested at such hazardous substance emergency by any person
8 authorized by the Department of Public Safety and Corrections or the Department
9 of Environmental Quality to respond to a hazardous substance transportation
10 emergency. Nothing is in this Section shall affect the rights of any party to recover
11 under any other provision of law.

12 * * *

13 §1139.6. Powers and duties of the commission

14 In addition to ~~the~~ its duties defined elsewhere, the commission shall have the
15 duty and authority:

16 * * *

17 (8) To enter into contractual arrangements with recognized and duly
18 constituted ambulance providers which are primarily engaged in the operation of
19 ~~ambulance-related~~ ambulance-related functions in order to enhance Medicaid
20 funding and reimbursement, and for related matters.

21 * * *

22 §1168.3. Data system; components; reporting; design in collaboration with ~~medical~~
23 ~~schools~~ certain higher education institutions; public records exception

24 * * *

25 §1203.1. Definitions

26 For the purposes of this Part:

27 * * *

28 (4) "Employer" means any of the following facilities, agencies, providers,
29 or programs:

1 (a) A nursing facility; as defined in R.S. 40:2009.2.

2 * * *

3 (e) A home health agency; as defined in R.S. 40:2116.31.

4 (f) A hospice; as defined in R.S. 40:2182.

5 * * *

6 (h) A home- and community-based service provider; as defined in R.S.
7 40:2120.2.

8 * * *

9 (n) A pediatric day health care facility; as defined in R.S. 40:2193.1(B)(5).

10 * * *

11 (z) A free-standing birth center; as defined in R.S. 40:2180.23.

12 * * *

13 §1203.3. Refusal to hire or contract; termination of employment; exemption; appeal
14 procedure; waiver

15 * * *

16 D.

17 * * *

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

20 * * *

21 §1223.3. Definitions

22 As used in this Part, the following terms shall have the meaning ascribed in
23 this Section:

24 (1) "Asynchronous store and forward transfer" means the transmission of a
25 patient's medical information from an originating site to the provider at the distant
26 site without the patient being present.

27 (2) "Distant site" means the site at which the healthcare provider delivering
28 the service is located at the time the service is provided via a telecommunications
29 system.

1 (3) "Healthcare provider" means a person, partnership, limited liability
2 partnership, limited liability company, corporation, facility, or institution licensed
3 or certified by this state to provide healthcare or professional services as a physician
4 assistant, hospital, nursing home, dentist, registered nurse, advanced practice
5 registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified
6 nurse assistant, offshore health service provider, ambulance service, licensed
7 midwife, pharmacist, speech-language pathologist, audiologist, optometrist,
8 podiatrist, chiropractor, physical therapist, occupational therapist, certified or
9 licensed athletic trainer, psychologist, medical psychologist, social worker, licensed
10 professional counselor, licensed perfusionist, licensed respiratory therapist, licensed
11 radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory
12 scientist.

13 (4) "Originating site" means the location of the patient at the time the service
14 is furnished via a telecommunications system or when the asynchronous store and
15 forward transfer occurs.

16 (5) "Synchronous interaction" means communication through interactive
17 technology that enables a healthcare provider and a patient at two locations separated
18 by distance to interact via two-way video and audio transmissions simultaneously.
19 The healthcare provider may utilize interactive audio without the requirement of
20 video if, after access and review of the patient's medical records, the provider
21 determines that he is able to meet the same standard of care as if the healthcare
22 services were provided in person.

23 (6)(a) "Telehealth" means healthcare services, including behavioral health
24 services, provided by a healthcare provider, as defined in this Section, to a person
25 through the use of electronic communications, information technology, asynchronous
26 store-and-forward transfer technology, or synchronous interaction between a
27 provider at a distant site and a patient at an originating site, including but not limited
28 to assessment of, diagnosis of, consultation with, treatment of, and remote

1 monitoring of a patient, and transfer of medical data. The term "telehealth" shall not
2 include any of the following:

3 (i) Electronic mail messages and text messages that are not compliant with
4 applicable requirements of the Health Insurance Portability and Accountability Act
5 of 1996, as amended, 42 U.S.C. 1320d et seq.

6 (ii) Facsimile transmissions.

7 (b) For purposes of this Paragraph, "behavioral health services" means those
8 services as defined in R.S. 40:2153 that are appropriate for the patient and delivered
9 by a licensed mental health professional, acting within the scope of applicable state
10 laws and his professional license for services identified by Louisiana Department of
11 Health, to treat mental illness or substance use.

12 * * *

13 §2017.10. Emergency medical services program; cooperation of other state
14 departments

15 A. The Louisiana Department of Health shall establish, maintain, and operate
16 an effective program which will provide adequate emergency medical services for
17 persons injured on the roads and highways of the state, whether through the
18 excessive use of alcoholic beverages or otherwise. The program shall be
19 administered by the department, with such assistance and use of facilities of other
20 agencies of the state and its political subdivisions as will best and most efficiently
21 serve the interests of public health and safety of the citizens of Louisiana through the
22 furnishing of emergency medical services deemed by the department to be best
23 calculated to protect and preserve the health and welfare of persons injured on the
24 roads and highways and in emergency situations contributing to such injuries and
25 report the results of such services. To this end the Department of Public Safety, ~~the~~
26 ~~Civil Defense Agency~~ and Corrections and such other boards, commissions,
27 departments, and agencies of the state and its political subdivisions as the department
28 shall deem necessary therefor shall cooperate with and assist the department, at its
29 request.

1 and ~~includes~~ include those investigations needed to better understand and manage
2 distressing clinical complications.

3 * * *

4 C.

5 * * *

6 (2) The council shall be composed of the following seventeen members:

7 (a) Four physician members, including two who are ~~board-certified~~ board-
8 certified in hospice and palliative care, one who shall be ~~board-certified~~ board-
9 certified in pain management, and one who shall be ~~board-certified~~ board-certified
10 in pediatric care appointed by the Louisiana State Board of Medical Examiners.

11 * * *

12 (3) The council may engage and solicit, as necessary, input,
13 recommendations, and guidance pertaining to palliative care from interested parties
14 and stakeholders including but not limited to the following:

15 * * *

16 (i) AARP Louisiana (~~AARP~~).

17 * * *

18 §2166.5. Rules and regulations; licensing standards; fees

19 * * *

20 B. The department shall prescribe, promulgate, and publish rules,
21 regulations, and licensing standards including but not limited to the following:

22 * * *

23 (12)

24 * * *

25 (e) For purposes of this Paragraph, the following definitions ~~shall~~ apply:

26 * * *

27 (ii) "Resident" means ~~the~~ a resident of ~~the~~ a licensed adult residential care
28 ~~providers~~ provider facility or ~~the~~ his legal or designated representative ~~of the~~
29 resident.

30 * * *

1 §2180.25. Rules and regulations; licensing standards

2 * * *

3 B.

4 * * *

5 (2) The rules, regulations, and licensing standards shall have the effect of
6 law and shall include, but not be limited to:

7 * * *

8 (m) Requirements for each free-standing birth center to have agreements or
9 written policies and procedures with other agencies, institutions, or individuals, for
10 services to clients including but not limited to:

11 * * *

12 (v) ~~Obstetric/newborn~~ Obstetric and newborn acute care in hospitals.

13 * * *

14 (q) Requirements for documentation and evidence that the delivery is
15 expected to be ~~low-risk~~ low-risk, singleton birth, and vertex presentation.

16 * * *

17 Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory
18 paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3),
19 450.6(A) and (B)(1), 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d),
20 2741(A), 2742(C), and 2757(C)(1)(e) are hereby amended and reenacted to read as follows:

21 §236.1.2. Family and child support programs; responsibilities

22 A. The department is hereby authorized to develop and implement a program
23 of family support in FITAP cases, Title IV-E Foster Care cases, ~~Medicaid only~~
24 Medicaid-only cases, and any other category of cases to which the state is required
25 by federal law or regulation to provide services, designed to do the following:

26 * * *

27 §450.3. WIC participants; homeless

28 * * *

1 C. For purposes of this Section, the following terms shall have the following
2 meanings:

3 * * *

4 (2) "Qualified organization" means any organization, association,
5 corporation, coalition, confederation, company, business, alliance, establishment,
6 enterprise, firm, club, league, lodge, order, fellowship, fraternity, brotherhood, union,
7 society, group, governmental entity, or other similar body that has met the
8 requirements set forth in rules of the Louisiana Department of Health for proper
9 registration with the ~~Vital Records Registry~~ vital records registry as an organization
10 which may confirm the identity of displaced persons.

11 §450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare
12 coverage

13 A. Any enrollee in Medicaid who is eligible for services and who has a
14 diagnosis of diabetes or hypertension₂ or who has a family history of kidney disease,
15 shall be evaluated for kidney disease through routine clinical laboratory assessments
16 of kidney function.

17 B. Any enrollee in Medicaid who is eligible for services and who has been
18 diagnosed with diabetes or hypertension or who has a family history of kidney
19 disease, and who has received a diagnosis of kidney disease₂ shall be classified as a
20 chronic kidney patient.

21 C. The diagnostic criteria ~~which~~ that define chronic kidney disease (~~CKD~~)
22 should be generally recognized clinical practice guidelines; which identify chronic
23 kidney disease or its complications based on the presence of kidney damage and
24 level of kidney function.

25 D. In keeping with the Medicaid disease management program of the
26 Louisiana Department of Health, ~~Medicaid program's disease management program,~~
27 patients receiving Medicaid benefits who are at risk for chronic kidney disease will
28 be tracked regarding appropriate diagnostic testing. Medicaid providers will be
29 educated and disease management strategies implemented in order to increase the

1 rate of evaluation and treatment for chronic kidney disease according to accepted
2 practice guidelines including:

3 (1) Managing risk factors, which may prolong kidney function or delay
4 progression to kidney replacement therapy.

5 * * *

6 (3) Improving the nutritional status of chronic kidney disease patients.

7 * * *

8 §450.6. Election of Chafee Option

9 A. To the extent federal financial participation is available pursuant to an
10 approved state Medicaid plan amendment, the Louisiana Department of Health shall
11 exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent
12 foster care adolescents as defined by 42 U.S.C. 1396d(w)(1) who are not otherwise
13 ~~Medicaid-eligible~~ Medicaid-eligible in accordance with such requirements as were
14 in effect as of April 1, 2008, either of the following types of benefits:

15 (1) ~~an~~ An alternative benefits package authorized by 42 U.S.C. 1396u-7 as
16 set forth in Subsection B of this Section; ~~or~~ or

17 (2) ~~regular~~ Regular Medicaid benefits ~~under~~ as provided in the Medical
18 Assistance Plan.

19 B. For purposes of Subsection A of this Section, the alternative benefits
20 package may include:

21 (1) A ~~high deductible~~ high-deductible private insurance policy.

22 * * *

23 §1933. Organization and powers

24 * * *

25 B. Any multiparish juvenile detention home district may acquire title by
26 purchase or donation to real and personal property for public purposes; and may
27 own, operate, or maintain facilities for the housing, care, supervision, maintenance,
28 and education of juveniles under the age of eighteen years, and for individuals

1 March 1, 2004, a plan for the creation of a single state entity to provide services to
2 children and their families, which plan shall:

3 * * *

4 (e) Identify and provide specifics concerning requirements for implementing
5 the single state agency, including but not limited to necessary personnel, funds,
6 office space, facilities, and equipment. Such specifics shall include such information
7 as: total dollars requested by appropriate budget categories and, to the extent
8 appropriate, by program and by organizational unit; the number and classification
9 of necessary personnel, by program and organizational unit; explanation of how the
10 requirements will be provided, including the transfer and utilization of the personnel,
11 funds, facilities, and equipment of transferred entities; how functions, including
12 management and finance related functions and data processing, will be consolidated;
13 and how services may be provided more effectively.

14 * * *

15 Section 6. Children's Code Article 1150(2)(b) is hereby amended and reenacted to
16 read as follows:

17 Art. 1150. Definitions

18 As used in this Chapter:

19 * * *

20 (2) "Designated emergency care facility" means any of the following:

21 * * *

22 (b) Any of the following medical clinics during normal and customary hours
23 of operation: local or parish public health units, licensed rural health clinics, licensed
24 ambulatory surgical centers, and ~~Federally Qualified Health Centers~~ federally
25 qualified health centers. Offices, clinics, or other types of treatment facilities,
26 private physicians, or dentists not listed above are not designated emergency care
27 facilities within the meaning of this Subparagraph.

28 * * *

1 Section 7. R.S. 40:5.5(F) and (G) and 1249.1(A) and (B) and Section 4 of Act No.
2 449 of the 2006 Regular Session are hereby repealed in their entirety.

3 Section 8. The Louisiana State Law Institute is hereby authorized and directed to
4 arrange in alphabetical order and renumber the defined terms comprising R.S. 40:1061.9,
5 1105.1, and 2120.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 314 Original

2022 Regular Session

Turner

Abstract: Makes technical corrections to provisions of law in Titles 28, 37, 39, 40, and 46 of the La. Revised Statutes, the La. Children's Code, and uncodified law within or relating to the subject matter of the legislative committees on health and welfare.

Proposed law provides relative to present law in Titles 28, 37, 39, 40, and 46 of the La. Revised Statutes, the La. Children's Code, and uncodified law concerning matters within and relating to the subject matter jurisdiction of the legislative committees on health and welfare.

Proposed law makes technical corrections in present law relative to behavioral health, human services, administration of the La. Department of Health, administration of the Department of Children and Family Services, healthcare institutions and services, professions and occupations, boards and commissions, public health, food and drugs, public welfare and assistance, and child welfare.

Proposed law makes corrective changes including corrections in legal citations and in names of organizations, programs, publications, institutions, agencies, boards, commissions, departments, and offices and officers of departments.

Proposed law removes references to agencies, other legal entities, and programs that have been repealed or no longer exist. Repeals obsolete findings and references to outdated information.

Proposed law provides for the proper designation of undesignated provisions of present law.

(Amends R.S. 28:2(intro. para.) and (28), 51.1(A)(3)(b) and (d), 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(intro. para.) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(3), 1218.1(A), 1285(A)(25), 1360.24(A)(intro. para.) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 3003(intro. para.) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(intro. para.) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(intro. para.) and (1)-(3), and (E), 5.5.2(D), 5.8(intro. para.) and (6)(intro. para.) and (a), 31.13(1), 39.1(A)(intro. para.), 75(A), 654(Section heading), 961(intro. para.), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Ch. 4 of Title 40 of the La. Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading), 1047(A)(intro. para.) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(intro. para.) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(intro. para.), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2166.5(B)(12)(e)(intro. para.)

and (ii), and 2180.25(B)(2)(m)(v) and (q), R.S. 46:236.1.2(A)(intro. para.), 450.3(intro. para.) and (C)(2), 450.5(A)-(C) and (D)(intro. para.), (1), and (3), 450.6(A) and (B)(1), 1933(B), 1952(intro. para.), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(e), and Ch.C. Art. 1150(2)(b); Repeals R.S. 40:5.5(F) and (G) and 1249.1(A) and (B) and §4 of Act No. 449 of the 2006 R.S.)