

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), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c),
7 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory
8 paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C),
9 1515(A)(1), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a)
10 and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H),
11 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and
12 (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory
13 paragraph), (2), and (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6)(r)
14 and (t), 2447, 2449(A) and (C) through (E), 2449.1(C)(introductory paragraph) and
15 (E), 2453(introductory paragraph) and (2), 2457(4), (5), (7), (8), and (10), 2462,
16 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph) and (4)(a), and
17 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2),
18 1543(D), and 1658, R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and
19 (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3),
20 and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and

1 (a), 31.13(1), 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading),
2 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B
3 of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1024(B),
4 1046(Section heading), 1047(A)(introductory paragraph) and (4),
5 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory
6 paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z),
7 1203.3(D)(2), 1223.3, 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h),
8 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i),
9 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory
10 paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii),
11 2180.25(B)(2)(m)(v) and (q), and 2193.1(B)(5)(introductory paragraph), R.S.
12 46:236.1.2(A)(introductory paragraph), 450.3(introductory paragraph) and (C)(2),
13 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3), 450.6(A) and
14 (B)(1), 977, 1906(C), 1933(B), 1952(introductory paragraph), 2169.1(7),
15 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(e), and Children's Code Article
16 1150(2)(b) and to repeal R.S. 37:2465(D), R.S. 40:5.5(F) and (G) and 1249.1(A) and
17 (B), and Section 4 of Act No. 449 of the 2006 Regular Session, relative to various
18 provisions of Titles 28, 37, 39, 40, and 46 of the Louisiana Revised Statutes of 1950,
19 the Louisiana Children's Code, and uncodified law; to make technical corrections in
20 provisions relative to behavioral health, human services, administration of the
21 Louisiana Department of Health, administration of the Department of Children and
22 Family Services, healthcare institutions and services, professions and occupations,
23 boards and commissions, public health, food and drugs, public welfare and
24 assistance, child welfare, and other matters within or relating to the purview of the
25 legislative committees on health and welfare; to make corrective changes including
26 corrections in legal citations and in names of organizations, programs, publications,
27 institutions, agencies, boards, commissions, departments, and offices and officers of
28 departments; to remove references to agencies, other legal entities, and programs that
29 have been repealed or no longer exist; to repeal obsolete findings and references to

1 outdated information; to designate undesignated statutory provisions; and to provide
2 for related matters.

3 Be it enacted by the Legislature of Louisiana:

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

6 §2. Definitions

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

9 * * *

10 (28) "Psychiatric mental health nurse practitioner" means an advanced
11 practice registered nurse licensed to practice as a nurse practitioner or clinical nurse
12 specialist by the Louisiana State Board of Nursing, in accordance with the provisions
13 of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or
14 populations across the life span at risk for developing or having a diagnosis of
15 psychiatric disorders, mental health problems, or both. A psychiatric mental health
16 nurse practitioner means a specialist who provides primary mental health care to
17 patients seeking mental health services in a wide range of settings. Primary mental
18 health care provided by a psychiatric mental health nurse practitioner involves the
19 continuous and comprehensive services necessary for the promotion of optimal
20 mental health, prevention and treatment of psychiatric disorders, and health
21 maintenance. Such primary health care includes the assessment, diagnosis, and
22 management of mental health problems and psychiatric disorders. A psychiatric
23 mental health nurse practitioner means a provider of direct mental health care
24 services who synthesizes theoretical, scientific, and clinical knowledge for the
25 assessment and management of both health and illness states and who is licensed to
26 practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.
27 For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have
28 at least two years of training, primary experience, or both, in diagnosis and treatment
29 of mental illness. For purposes of this Chapter, a psychiatric mental health nurse

1 practitioner shall also have authority from the Louisiana State Board of Nursing to
2 prescribe legend and certain controlled drugs, in accordance with the provisions of
3 R.S. 37:913(3)(b), (8), and (9).

4 * * *

5 §51.1. Treatment facility; staff membership and institutional privileges; certain
6 healthcare providers

7 A.

8 * * *

9 (3) Staff membership, specifically delineated institutional privileges, which
10 may include the ability to prepare and execute orders for the admission of patients
11 to a treatment facility, or both, granted to a psychiatric mental health nurse
12 practitioner shall be conditioned upon all of the following requirements:

13 * * *

14 (b) The applicant psychiatric mental health nurse practitioner shall have a
15 valid, current, and unrestricted advanced practice registered nurse license, as a nurse
16 practitioner or clinical nurse specialist, issued by the Louisiana State Board of
17 Nursing, and have been granted limited prescriptive authority pursuant to ~~LAC~~
18 ~~46:XLV.4513~~ LAC 46:XLVII.4513.

19 * * *

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

25 * * *

26 §70. Written treatment plan for involuntary outpatient treatment

27 A. The court shall not order involuntary outpatient treatment unless an
28 examining physician, psychiatric mental health nurse practitioner, or psychologist
29 develops and provides to the court a proposed written treatment plan. The

1 respondent, and any other individual whom the respondent may designate, shall be
 2 afforded a reasonable opportunity to participate in the development of the written
 3 treatment plan. The treatment plan shall reflect the expressed preferences of the
 4 respondent to the extent the preferences are reasonable and consistent with the
 5 respondent's best interests. The written treatment plan shall be deemed appropriate
 6 by the director. The written treatment plan shall include appropriate services to
 7 provide care coordination. The written treatment plan shall also include appropriate
 8 categories of services, as set forth in Subsection D of this Section, which the
 9 respondent is recommended to receive and are available to the respondent. The
 10 written treatment plan shall specify a provider that has agreed to provide each of the
 11 specified services. If the written treatment plan includes medication, it shall state
 12 whether the medication should be self-administered or administered by authorized
 13 personnel, and shall specify the type and dosage range of medication most likely to
 14 provide maximum benefit for the respondent.

* * *

16 §915. Districts and authorities; functions, powers, and duties; sole-source
 17 contracting

* * *

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

* * *

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

* * *

1 Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2)
 2 and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1),
 3 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), (D), and (F), 796.1(A), 911(Section heading),
 4 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(1) and (3), 1218.1(A),
 5 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26, 1360.31(C)(4)
 6 and (D), 1360.37(C), 1515(A)(1), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2)
 7 and (3)(a) and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H),
 8 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360,
 9 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and
 10 (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and
 11 (C) through (E), 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph)
 12 and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1),
 13 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2) are hereby amended and
 14 reenacted to read as follows:

15 §752. Exemptions from license

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

17 * * *

18 (3)(a) Dental schools or colleges approved by the ~~Louisiana State Board of~~
 19 ~~Dentistry~~ board; the practice of dentistry by students in dental schools or colleges
 20 approved by the board when acting under the direction and supervision of registered
 21 dentists, licensed and acting as instructors or professors; interns in any hospital or
 22 institution, but not residents.

23 (b) Dental hygiene schools or colleges approved by the ~~Louisiana State~~
 24 ~~Board of Dentistry~~ board; the practice of dental hygiene by students in dental or
 25 dental hygiene schools or colleges approved by the board when acting under the
 26 direction and supervision of registered dentists or dental hygienists, licensed and
 27 acting as instructors or professors; interns in any hospital or institution, but not
 28 residents.

29 * * *

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

8 (7) The making and repairing of prosthetic dentures, bridges, artificial
 9 restorations or other structures to be used or worn as substitutes for natural teeth, or
 10 appliances for the correction of disease, loss, deformity, malposition, dislocation,
 11 fracture of or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated
 12 tissues or parts upon a written work order or prescription furnished by a licensed and
 13 registered dentist on a form approved by the ~~Louisiana State Board of Dentistry~~
 14 board as hereinafter set forth and constructed on, or by use of, casts or models made
 15 from impressions taken by a licensed and registered dentist if these prosthetic or
 16 orthodontic appliances, or the services rendered in the construction, repair, or
 17 alteration thereof are not offered for sale, or use, or delivery to the public or placed
 18 or adjusted in the oral cavity, except by licensed and registered dentists.

19 * * *

20 (9)

21 * * *

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

24 (i) "Clinical" means those activities described in ~~R.S. 37:751(A)(5)~~ R.S.
 25 37:751(A)(6).

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

28 (iii) "Personal representative" has the same meaning as provided in ~~R.S.~~
 29 ~~9:2260.1(11)~~ R.S. 9:2260.1.

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

2 * * *

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

6 * * *

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

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

13 * * *

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

16 * * *

17 §761. Requirements of applicants for dental license

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

19 * * *

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

23 * * *

24 (4) Present satisfactory evidence of having taken an examination in the
25 theory and practice of the science of the profession given by the Joint Commission
26 on National Dental Examinations before being accepted for the regular examination
27 given by the board, or pass an examination given by the board in the theory and
28 practice of the science of dentistry in addition to the regular examination given by
29 the ~~Louisiana State Board of Dentistry~~ board. Upon receipt of information that the

1 applicant has passed the examination in the theory and practice of the science of the
 2 profession given by the Joint Commission on National Dental Examinations, he may
 3 be awarded a dental license, but only when all other requirements for licensure have
 4 been met. If the applicant fails the examination given by the Joint Commission on
 5 National Dental Examinations, he ~~must~~ shall successfully retake the Louisiana
 6 clinical licensing examination after providing satisfactory evidence of subsequently
 7 passing the examination given by the Joint Commission on National Dental
 8 Examinations.

* * *

10 §764. Dental hygienist; application for license

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

12 * * *

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

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

1 subsequently passing the examination given by the Joint Commission on National
2 Dental Examinations.

3 * * *

4 §771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's
5 contracted reimbursement amount

6 A. Notwithstanding any state or federal provisions to the contrary, a
7 contracted dentist licensed to practice dentistry by the ~~Louisiana State Board of~~
8 ~~Dentistry~~ board may offer a discount for dental care services rendered to an
9 uninsured individual. Any such discount granted by a contracted dentist to an
10 uninsured individual shall not reduce the contracted reimbursement amount between
11 a dentist and a health or dental insurance issuer for dental care services rendered to
12 the issuer's enrollees, insureds, and subscribers.

13 B. For the purposes of this Section:

14 (1) "Contracted dentist" means a dentist licensed to practice dentistry by the
15 ~~Louisiana State Board of Dentistry~~ board who has executed a direct, specific contract
16 with a health insurance issuer.

17 * * *

18 §786.1. Stay of board decision

19 A. Absent agreement of counsel for all parties, no stay of enforcement of a
20 decision issued under R.S. 37:780, or for a violation of R.S. 37:788, during the
21 pendency of an appeal under R.S. 37:786 shall be granted unless the civil district
22 court for the parish of Orleans finds that the applicant has established:

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

26 * * *

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

28 * * *

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

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

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

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

14 * * *

15 §793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral
 16 sedation; deep sedation; general anesthesia; definitions; permits; credentials;
 17 reporting; fees; limitations; exceptions

18 * * *

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

21 * * *

22 (2) The administration of nitrous oxide inhalation analgesia shall be limited
 23 to qualified dentists and dental hygienists licensed by the board for use on dental
 24 patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only
 25 under the direct supervision of a dentist licensed by the ~~Louisiana State Board of~~
 26 ~~Dentistry~~ board to whom the board has issued a permit to administer nitrous oxide
 27 inhalation analgesia.

28 * * *

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

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

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

8 * * *

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

13 * * *

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

17 * * *

18 F. Notwithstanding any other provision of law to the contrary, the failure to
19 adopt rules as provided by the provisions of Subsection B of this Section by January
20 1, 2011, shall be grounds for the immediate removal of the members of the ~~Louisiana~~
21 ~~State Board of Dentistry~~ board.

22 §796.1. Requirements to provide dental services at mobile dental clinics and
23 locations other than the dental office; permit; hold harmless

24 A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a
25 person offering dental services at a mobile dental clinic or a location other than the
26 dental office shall:

27 (1) Be a dentist licensed in Louisiana who is in good standing with the
28 ~~Louisiana State Board of Dentistry~~ board.

1 (2) Have received a permit from ~~Louisiana State Board of Dentistry~~ the
2 board to provide dental services at a mobile dental clinic or a location other than the
3 dental office. The permit shall be issued pursuant to the provisions of this Section
4 and in accordance with rules adopted pursuant to the Administrative Procedure Act.

5 * * *

6 §911. Legislative findings; intent; purpose of ~~part~~ Part

7 * * *

8 §925. Violations; penalty

9 * * *

10 C. If a person licensed to practice as a registered nurse or advanced practice
11 registered nurse is found guilty of violating any provision of ~~the~~ this Part, the board
12 may suspend, probate, limit, or otherwise restrict, or revoke the license of such
13 person.

14 * * *

15 §929. Exceptions

16 The provisions of this Part shall not apply to:

17 * * *

18 (3)(a) The rendering of nursing assistance by any individual in the case of
19 immediate emergency.

20 (b) The rendering of nursing assistance by any individual in a disaster in
21 accordance with the rules and regulations established by the board.

22 * * *

23 §966. Meetings; quorum

24 A. The board shall meet annually at a time and place to be fixed by it, and
25 at such other times as may be necessary.

26 B. A majority of the board constitutes a quorum.

27 * * *

1 §971. Examination; licensing

2 A. Applicants for licenses under this Part shall pass a written examination
3 in all subjects required by the board. The written examination may be supplemented
4 by an oral or practical examination.

5 B. If the applicant passes the examination provided for in Subsection A of
6 this Section, the board shall issue a license to practice as a practical nurse and
7 authorize the use of the title "Licensed Practical Nurse" or the abbreviation "L.P.N."

8 * * *

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

10 A. A school of practical nursing which wishes to be accredited may make
11 application to the board. After investigation and approval of the curricula of the
12 school the board may approve the school and issue a certificate as an accredited
13 school of practical nursing.

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

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

21 * * *

22 §1007. Nursing Supply and Demand Council; creation; membership; vacancies;
23 compensation; staff and facilities; powers and duties

24 A.

25 * * *

26 (2)

27 * * *

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

3 * * *

4 §1176. Removal

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

7 * * *

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

10 * * *

11 §1218. Administration of influenza immunization

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

15 (1) The pharmacist shall administer influenza immunizations in conformance
16 with the most current annual influenza vaccination administration protocol as set
17 forth by the United States Centers for Disease Control and Prevention ~~(CDC)~~
18 Advisory Committee on Immunization Practice ~~(ACIP)~~.

19 * * *

20 (3) The pharmacist shall report all adverse events he observes or which are
21 reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System ~~(VAERS)~~,
22 the cooperative program of the ~~CDC~~ United States Centers for Disease Control and
23 Prevention and the United States Food and Drug Administration for vaccine safety,
24 or its successor program; and further, the pharmacist shall refer the patient with an
25 adverse event to the influenza immunization for appropriate medical care.

26 * * *

1 §1218.1. Administration of immunizations and vaccines other than influenza
2 immunizations

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

13 ~~(1)~~ (2) The pharmacist shall report each immunization to the Louisiana
14 Department of Health, office of public health's Louisiana Immunization Network for
15 Kids Statewide at the time of the immunization or as soon as reasonably practicable
16 thereafter, as this is the official state vaccination record.

17 ~~(2)~~ (3) The pharmacist shall report all adverse events he observes or which
18 are reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System, the
19 cooperative program of the United States Centers for Disease Control and Prevention
20 and the United States Food and Drug Administration for vaccine safety, or its
21 successor program; and further, the pharmacist shall refer the patient with an adverse
22 event to an immunization for appropriate medical care.

23 ~~(3)~~ (4) The pharmacist shall maintain for at least two years a record of each
24 immunization administered.

25 ~~(4)~~ (5) The pharmacist shall obtain the appropriate credentials to administer
26 immunizations from the board, as administratively defined, prior to administering
27 any such immunization.

28 ~~(5)~~ (6) The pharmacist shall request the name of a patient's primary care
29 provider prior to the administering of any immunization. If the patient identifies such

1 primary care provider to the pharmacist, the pharmacist shall notify the primary care
2 provider, by written or electronic communication, as soon as reasonably possible
3 thereafter that the immunization was administered.

4 * * *

5 §1285. Causes for nonissuance; suspension; revocation; or the imposition of
6 restrictions; fines; reinstatement; publication of action; stays

7 A. The board may refuse to issue, or may suspend or revoke any license or
8 permit, or impose probationary or other restrictions on any license or permit issued
9 pursuant to this Part for the following causes:

10 * * *

11 (25) Inability to practice medicine with reasonable skill or safety to patients
12 because of mental illness or deficiency; physical illness, including but not limited to
13 deterioration through the aging process or loss of motor skills; ~~and/or~~, or excessive
14 use or abuse of drugs, including alcohol.

15 * * *

16 §1360.24. Licensure

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

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

20 * * *

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

26 * * *

27 B. A personal interview of a physician assistant applicant shall be required
28 only in those cases where the ~~assistant~~ applicant is making his first application before

1 the board and where discrepancies exist in the application or the applicant has been
2 subject to prior adverse licensure, certification, or registration action.

3 * * *

4 §1360.26. Inactive license

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

14 * * *

15 §1360.31. Services performed by physician assistants

16 * * *

17 C.

18 * * *

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

28 D. The activities listed ~~above~~ in this Section may be performed in any setting
29 authorized by the supervising physician including but not limited to clinics,

1 hospitals, ambulatory surgical centers, patient homes, nursing homes, other
2 institutional settings, and health manpower shortage areas.

3 * * *

4 §1360.37. Injunctive proceedings

5 * * *

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

9 * * *

10 §1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

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

14 * * *

15 §2352. Definition of terms

16 As used in this Chapter, the following terms ~~mean~~ have the meaning ascribed
17 in this Section:

18 * * *

19 (3) "Candidate" means any person whose application and related materials
20 have been approved by the board. Only candidates are eligible to take the
21 ~~written/oral~~ written and oral examination.

22 * * *

23 (8) "Provisional licensed psychologist" means a person provisionally
24 licensed ~~under~~ in accordance with the provisions of this Chapter.

25 (9) "Psychologist" means any person licensed as a psychologist ~~under~~ in
26 accordance with the provisions of this Chapter. A person represents himself to be
27 a psychologist by using any title or description of services incorporating the words
28 "psychology", "psychological", or "psychologist", or by using any other terms which
29 imply that he is qualified to practice psychology or that he possesses expert

1 qualification in any area of psychology or if that person offers to the public or
2 renders to individuals or to groups of individuals services defined as the practice of
3 psychology in this Chapter.

4 * * *

5 §2353. State board of examiners; organization; duties; meetings; fees

6 A.

7 * * *

8 (2) The governor shall appoint members for terms of five years. Each
9 appointment by the governor shall be subject to Senate confirmation. A board
10 member shall not be eligible to succeed himself. All psychologist appointments shall
11 be from a list provided by the Louisiana Psychological Association. The list shall
12 report the results of an election in which persons qualified for board membership
13 may nominate themselves and in which licensed members of the Louisiana
14 Psychological Association and other persons licensed ~~under~~ in accordance with the
15 provisions of this Chapter are entitled to one vote for each vacancy on the board.
16 The consumer member may apply directly to the office of the governor. The
17 governor shall ensure that his appointments demonstrate race, gender, ethnic, and
18 geographical diversity.

19 (3)(a) Each psychologist board member shall be a citizen of the United
20 States, resident of the state of Louisiana, shall have rendered service, teaching,
21 training, or research in psychology for at least five years, shall have held a doctoral
22 degree in psychology from a school or college as defined in this Chapter for a period
23 of five years, and shall be licensed ~~under~~ in accordance with the provisions of this
24 Chapter for a minimum of five years.

25 * * *

26 C. The board is hereby authorized and empowered to do all of the following:

27 * * *

1 (2) Employ, within the limits of the funds received by the board, an
2 administrative assistant, general legal counsel, or other personnel necessary for the
3 proper performance of work ~~under~~ conducted pursuant to this Chapter.

4 * * *

5 (4) Examine for, deny, approve, revoke, suspend, and renew the licenses of
6 applicants, candidates, and psychologists as provided ~~under~~ in this Chapter.

7 (5) Conduct hearings upon complaints concerning the disciplining of a
8 person licensed pursuant to the provisions of this Chapter and within the limitations
9 established ~~under~~ in Chapter 1-A of ~~Title 37 of the Louisiana Revised Statutes of~~
10 ~~1950~~ this Title.

11 * * *

12 §2355. Records

13 * * *

14 B. The board shall publish or cause to be published annually a list of
15 psychologists or licensed specialists in school psychology licensed ~~under~~ in
16 accordance with the provisions of this Chapter.

17 §2356. Licensure of psychologists by written and oral examination

18 * * *

19 B. Upon investigation of the application and other evidence submitted, the
20 board shall, not less than thirty days prior to the examination, notify each applicant
21 that the application and evidence submitted for licensure is satisfactory and accepted
22 and that the applicant has been admitted to candidacy status, or unsatisfactory and
23 rejected; if rejected, ~~said notice~~ the notice to the applicant shall state the reasons for
24 such rejection.

25 * * *

26 F. ~~In the event~~ If a candidate fails to receive a passing grade on the
27 ~~written/oral~~ examination, he may apply for re-examination and shall be allowed to

1 take a subsequent ~~written/oral~~ examination upon payment of such fee as is required
2 by this Chapter.

3 * * *

4 H. If the board reasonably believes that a person applying for a license or for
5 renewal of a license is not physically and mentally competent to render
6 psychological services with reasonable skill and safety to his patients, or is afflicted
7 with a disease or condition, either physical or mental, which would impair his
8 competency to render psychological services, the board may request that the person
9 submit to a physical examination by a medical doctor approved by the board, ~~and/or~~
10 ~~submit to~~ a mental health examination by a psychologist ~~and/or~~ or psychiatrist
11 approved by the board, or both a physical examination and a mental health
12 examination. If the person refuses to submit to the examination, the board, after
13 contradictory hearing and upon finding reasonable cause, may issue an order
14 requiring the person to submit to the examination. A person who is ordered to
15 submit to an examination in accordance with this Subsection shall not be eligible for
16 licensure or renewal of license prior to the examination. Proceedings ~~under~~ pursuant
17 to this Subsection shall be conducted in compliance with the Administrative
18 Procedure Act, R.S. 49:950 et seq.

19 §2356.1. Authorization to obtain criminal history record information

20 * * *

21 E. If the criminal history record information reported by the bureau to the
22 board does not provide grounds for disqualification of the applicant for licensure
23 ~~under~~ in accordance with the applicable law administered by the board, the board
24 shall have the authority to forward the applicant's fingerprints and such other
25 identifying information as may be required to the FBI with a request for a search of
26 national criminal history record information relative to the applicant.

27 * * *

28 §2356.2. Provisional licensed psychologist; renewal; continuing education

29 * * *

1 C.(1) A provisional licensed psychologist shall be eligible for renewal of
2 licensure without regard to any subsequent changes in the requirements for licensure
3 upon payments of the fees ~~established under~~ provided for in R.S. 37:2354 and
4 compliance with the requirements established pursuant to this Subsection. A
5 provisional license may be renewed a maximum of three times.

6 * * *

7 §2356.3. Specialist in school psychology; licensure; scope of practice

8 A.

9 * * *

10 (2) If the board reasonably believes that a person applying for a license or
11 for a renewal of a license is not physically and mentally competent to render
12 psychological services with reasonable skill and safety to his patients, or is afflicted
13 with a disease or condition, either physical or mental, that would impair his
14 competency to render psychological services, the board may request that the person
15 submit to a physical examination by a medical doctor approved by the board or a
16 mental health examination by a psychologist or psychiatrist approved by the board.
17 If the person refuses to submit to the examination, the board, after contradictory
18 hearing and upon finding reasonable cause, may issue an order requiring the person
19 to submit to the physical or mental health examination. A person who is ordered to
20 submit to a physical or mental health examination shall not be eligible for licensure
21 or renewal of license prior to such examination. Proceedings ~~under~~ pursuant to this
22 Paragraph shall be conducted in compliance with the Administrative Procedure Act.

23 * * *

24 §2357. Renewal of license

25 A.(1) Persons licensed as psychologists ~~under~~ in accordance with the
26 provisions of this Chapter shall be eligible for renewal of licensure without regard
27 to any subsequent changes in the requirements for licensure upon payment of the
28 fees ~~established under~~ provided for in R.S. 37:2354 and compliance with the
29 ~~requirement established pursuant to~~ requirements of Paragraph (2) of this Subsection.

1 (2) The board shall establish continuing education requirements to be
 2 fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall
 3 cause the license to lapse. For a period of two years from the date of lapse of the
 4 license, the license may be renewed upon proof of fulfilling all continuing education
 5 requirements applicable through the date of reinstatement and upon payment of all
 6 fees due ~~under~~ as required by R.S. 37:2354.

7 B.(1) Persons licensed as a specialist in school psychology ~~under~~ in
 8 accordance with the provisions of this Chapter shall be eligible for renewal of
 9 licensure without regard to any subsequent changes in the requirements for licensure
 10 upon payment of fees required by this Chapter and compliance with the provisions
 11 of this Subsection.

12 * * *

13 §2359. Denial, revocation, or suspension of license; psychologist; provisional
 14 license; specialist in school psychology

15 A. A psychologist and anyone under the supervision of a psychologist shall
 16 conduct ~~their~~ his activities in conformity with ethical and professional standards
 17 promulgated by the board ~~under~~ pursuant to its current rules and regulations.

18 * * *

19 C.(1) Proceedings for disciplinary action or for the denial or withholding of
 20 a license or provisional license ~~under~~ pursuant to the authority of this Section shall
 21 be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et
 22 seq. The board may require a person against whom it has taken disciplinary action,
 23 after hearing or informal resolution, to pay reasonable costs of the proceedings
 24 incurred by the board for hearing and any judicial review in accordance with the
 25 provisions of this Chapter. These costs shall be paid no later than ninety days after
 26 the adjudication by the board becomes final. No license or provisional license shall
 27 be issued, reinstated, or renewed until such costs have been paid.

28 * * *

1 F. A person who has been refused a license or provisional license, or whose
2 license has been revoked, ~~under~~ in accordance with the provisions of this Section;
3 may reapply for licensure after more than two years have elapsed from the date such
4 denial or revocation is legally effective.

5 * * *

6 §2360. Violation and penalties

7 A. ~~It~~ Each of the following shall be a misdemeanor:

8 (1) For any person not licensed ~~under~~ in accordance with the provisions of
9 this Chapter or Part VI of Chapter 15 of this Title to represent himself as a
10 psychologist; ~~or~~.

11 (2) For any person not licensed ~~under~~ in accordance with the provisions of
12 this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of
13 psychology; ~~or~~.

14 (3) Except for medical psychologists duly licensed by the Louisiana State
15 Board of Medical Examiners, for any person to represent himself as a psychologist
16 during the time that his license as a psychologist ~~shall be~~ is suspended, ~~or~~ revoked,
17 or lapsed; ~~or~~.

18 (4) For any person to otherwise violate the provisions of this Chapter.

19 B. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be
20 prosecuted by the district attorney of the judicial district in which the offense was
21 committed in the name of the people of the state of Louisiana.

22 C. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be
23 punishable upon conviction by imprisonment for not more than six months; or by a
24 fine of not less than one hundred dollars nor more than five hundred dollars, or ~~by~~
25 both ~~such fine and imprisonment~~. Each violation shall be deemed a separate offense.

26 §2361. Injunctive proceedings

27 * * *

1 D. In case of violation of any injunction issued ~~under~~ pursuant to the
2 provisions of this Section, the court may summarily try and punish the offender for
3 contempt of court.

4 E. ~~Such~~ The injunctive proceedings provided for in this Section shall be in
5 addition to, and not in lieu of, all penalties and other remedies as provided in this
6 Chapter.

7 §2362. Advertisement of psychological services

8 The board may promulgate regulations to prohibit deceptive advertisements
9 and representations concerning psychological services and ~~the board~~ may enforce
10 this Section and its regulations ~~under~~ in accordance with the provisions of R.S.
11 37:2361.

12 §2363. Privileged communications

13 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative
14 and administrative proceedings, and proceedings preliminary and ancillary thereto,
15 a patient or client, or his legal representative, may refuse to disclose or prevent the
16 disclosure of confidential information, including information contained in
17 administrative records, communicated to a psychologist or a licensed specialist in
18 school psychology licensed ~~under~~ in accordance with the provisions of this Chapter,
19 or persons reasonably believed by the patient or client to be so licensed, or to their
20 employees or other persons under their supervision, for the purpose of diagnosis,
21 evaluation, or treatment of any mental or emotional condition or disorder.

22 * * *

23 §2365. Scope of Chapter

24 A. Members of other professions ~~which~~ who are licensed or certified ~~under~~
25 in accordance with the laws of this state shall be permitted to render services
26 consistent with their professional training and code of ethics, ~~provided if~~ if they do not
27 represent themselves as psychologists or their work as psychological. The provisions
28 of this Subsection shall not apply to those persons duly licensed as medical
29 psychologists by the Louisiana State Board of Medical Examiners.

1 B. Duly ordained clergy and Christian Science practitioners shall be
2 permitted to function in their ministerial capacity ~~provided~~ if they do not represent
3 themselves as psychologists, or their work as psychological, unless they have been
4 licensed ~~under~~ in accordance with the provisions of this Chapter or Part VI of
5 Chapter 15 of this Title.

6 C. The following persons may engage in activities defined as the practice of
7 psychology, ~~provided~~ if they do not represent themselves by any title which
8 incorporates the word "psychologist" and ~~provided~~ they perform their activities
9 under the supervision and functional authority of a psychologist licensed ~~under~~ in
10 accordance with the provisions of this Chapter, ~~subject to applicable~~ in accordance
11 ~~with~~ regulations promulgated by the board:

12 * * *

13 (2) An individual pursuing post-doctoral training or experience in
14 psychology, including persons seeking to fulfill the requirements for licensure ~~under~~
15 in accordance with the provisions of this Chapter.

16 (3) An assistant who is qualified ~~under~~ in accordance with regulations
17 promulgated by the board and who is employed by, or otherwise directly accountable
18 to, a psychologist licensed ~~under~~ in accordance with the provisions of this Chapter.

19 * * *

20 §2366. Drugs; medicine

21 ~~Except as provided in Part II of this Chapter, nothing~~ Nothing in this Chapter
22 shall be construed as permitting a psychologist licensed ~~under~~ in accordance with the
23 provisions of this Chapter to administer or prescribe drugs, or in any manner engage
24 in the practice of medicine as defined by the laws of this state.

25 §2367. Orders to nurses

26 Notwithstanding any law₂ ~~or~~ rule₂ or regulation to the contrary, including but
27 not limited to the provisions of Chapter 11 of ~~Title 37 of the Louisiana Revised~~
28 ~~Statutes of 1950~~ this Title, it shall be ~~considered to be~~ within the scope of the
29 practice of nursing as defined in Chapter 11 of ~~said Title 37~~ this Title for a registered

1 nurse, licensed practical nurse, and any other ~~health care~~ healthcare provider licensed
 2 ~~under~~ in accordance with the provisions of Chapter 11 of ~~Title 37~~ this Title to
 3 execute and effectuate any order or direction otherwise within the scope of ~~the~~
 4 practice of ~~said health care~~ that healthcare provider when ~~that the~~ the order is within the
 5 scope of practice of psychology and given to him by a psychologist licensed ~~under~~
 6 in accordance with the provisions of this Chapter and, when given in an institutional
 7 setting, the order is within the scope of the privileges granted to the psychologist by
 8 that institution.

9 * * *

10 §2441. Registration and licensing required

11 In order to protect the public welfare, aid the Department of Revenue in
 12 collecting sales taxes on labor and on retail prices of hearing aids, and material used
 13 in the service and maintenance of hearing aids; to protect privately owned property
 14 and to provide an adequate supply of licensed dealers throughout the state by the
 15 establishment of the apprenticeship training program by the board; any person
 16 rendering or offering to render services for the sale, maintenance, and repair of any
 17 type of hearing aid as defined in R.S. 37:2442 shall hereafter be required to be
 18 registered and licensed ~~as hereinafter provided~~ in accordance with the provisions of
 19 this Chapter, and it shall be unlawful for any person to engage in or offer to engage
 20 in the state hearing aid sales and repair service as defined in R.S. 37:2442 unless
 21 duly registered and licensed in accordance with this Chapter or as an audiologist
 22 ~~under in accordance with~~ the provisions of Chapter 34 of ~~Title 37 of the Louisiana~~
 23 ~~Revised Statutes of 1950~~ this Title; that there is hereby created a board to be known
 24 as the Louisiana Board for Hearing Aid Dealers.

25 §2442. Definitions

26 The following words ~~or~~ and phrases, when used in this Chapter, ~~shall~~ have
 27 the following meanings:

28 * * *

1 (6) "Unethical conduct" includes but is not limited to the following:

2 * * *

3 (r) Sharing of any profits or sharing of any percentage of a licensee's income
4 with any person, firm, corporation, or other business enterprise other than a person
5 licensed to fit and sell hearing aids ~~under~~ in accordance with the provisions of this
6 Chapter who is a resident of this state and associated with the licensee in fitting and
7 selling hearing aids.

8 * * *

9 (t) Representing or implying that a hearing aid is or will be custom made,
10 "~~made to order~~," "~~prescription made~~," "made to order", "prescription made", or in
11 any other sense specially fabricated for an individual person when such is not the
12 case.

13 * * *

14 §2447. Scope of examination

15 The examination provided in R.S. 37:2446 shall consist of tests of knowledge
16 in the areas of hearing testing and other areas to determine capability of fitting and
17 selling hearing aids. The tests ~~under~~ provided for in this Section shall not include
18 questions requiring a formal college, medical, surgical, or audiological education.
19 The examination shall be determined and proctored by the Louisiana Board for
20 Hearing Aid Dealers.

21 * * *

22 §2449. Temporary training permit

23 A. An applicant who fulfills the requirements of R.S. 37:2445 and who has
24 not previously applied to take the examination provided ~~under~~ for in R.S. 37:2446
25 may apply to the board for a temporary training permit.

26 * * *

27 C. No temporary training permit shall be issued by the board ~~under~~ pursuant
28 to this Section unless the applicant shows to the satisfaction of the board that he is
29 or will be supervised and trained by a person, hereinafter "sponsor", who holds a

1 valid license or certificate of endorsement issued ~~under~~ in accordance with the
2 provisions of this Chapter.

3 D. If a person who holds a temporary training permit issued ~~under~~ in
4 accordance with the provisions of this Section does not take the next required
5 examination given after the date of issue, the temporary training permit shall not be
6 renewed, except for good cause shown to the satisfaction of the board.

7 E. If a person who holds a temporary training permit issued ~~under~~ in
8 accordance with the provisions of this Section takes and fails to pass the next
9 required examination given after the date of issue, the board may renew the
10 temporary training permit for a period ending thirty days after the conclusion of the
11 next examination given. In no event shall more than one renewal be permitted. The
12 fee for renewal shall be seventy-five dollars.

13 §2449.1. Guidelines for training of temporary training permit holders

14 * * *

15 C. The training period ~~begins~~ shall begin on the date of the issuance of the
16 temporary permit. A temporary training permit holder ~~must~~ shall complete at least
17 one hundred fifty hours of directly supervised practicum that includes:

18 * * *

19 E. On completion of the directly supervised practicum required ~~under~~ by the
20 provisions of Subsection C of this Section, the temporary training permit holder shall
21 continue the permit holder's training under the direct supervision of the permit
22 holder's sponsor or co-sponsor.

23 * * *

24 §2453. Revocation or suspension of license or certificate; grounds

25 Any person registered ~~under~~ in accordance with the provisions of this
26 Chapter may have his license or certificate revoked or suspended for a fixed period
27 to be determined by the board for any of the following causes:

28 * * *

1 (2) By securing a license or certificate ~~under~~ provided for in this Chapter
2 through fraud or deceit.

3 * * *

4 §2457. Powers and duties of board

5 The powers and duties of the Louisiana Board for Hearing Aid Dealers are
6 as follows:

7 * * *

8 (4) To purchase and maintain or rent audiometric equipment and facilities
9 necessary to carry out the examination of applicants for ~~license~~ licensure.

10 (5) To issue and renew licenses and ~~certificate~~ certificates of endorsement.

11 * * *

12 (7) To appoint representatives to conduct or supervise the examination of
13 applicants for ~~license~~ licensure.

14 (8) To designate the time and place for examining applicants for ~~license~~
15 licensure.

16 * * *

17 (10) To require the periodic inspection and calibration of audiometric testing
18 equipment and to carry out the periodic inspection of facilities of persons licensed
19 ~~under~~ in accordance with the provisions of this Chapter.

20 * * *

21 §2462. Notice and hearing on revocation or suspension

22 Any person whose license or temporary training permit is sought to be
23 revoked or suspended ~~under~~ pursuant to the provisions of this Chapter shall be given
24 thirty days notice, in writing, enumerating the charges and specifying a date for
25 public hearing thereon. The hearing shall be held in the parish where the person's
26 business is conducted. The board may issue subpoenas, compel the attendance and
27 testimony of witnesses, and place them under oath, in the same manner as in a
28 district court in the parish where the hearing takes place.

29 * * *

1 §2464. Application of Chapter; exceptions

2 A. This Chapter ~~does~~ shall not apply to a person while he is engaged in the
3 fitting of hearing aids, ~~provided it if that activity~~ is part of the academic curriculum
4 of an accredited institution of higher education or part of a program conducted by a
5 public, tax-supported institution or agency or nonprofit organization, unless such
6 person, ~~or institution, or agency~~ sells hearing aids, ~~and/or~~ or accessories, except
7 earmolds.

8 B. This Chapter shall not apply to any physician or surgeon licensed ~~under~~
9 ~~the Louisiana State Medical Practice Act~~, in accordance with the provisions of R.S.
10 37:1261; et seq.

11 C. This Chapter shall not apply to a ~~person holding a certificate of clinical~~
12 ~~competence in audiology awarded by the American Speech-Language-Hearing~~
13 ~~Association and licensed as an~~ any audiologist licensed by the Louisiana Board of
14 Examiners for Speech-Language Pathology and Audiology.

15 §2465. Licensing requirements; applicability; ~~exceptions~~

16 A. Any person who owns, maintains, or operates an office or place of
17 business in which the person employs or engages under contract a person who
18 practices the selling and fitting of hearing aids is considered to be practicing the
19 selling and fitting of hearing aids ~~under~~ as provided in this Chapter and is required
20 to be licensed ~~under~~ in accordance with the provisions of this Chapter.

21 B. If the person who owns, maintains, or operates an office or place of
22 business ~~under~~ described in Subsection A of this Section is a partnership, each
23 partner shall be licensed as provided by this Section. If the person who owns,
24 maintains, or operates an office or place of business ~~under~~ described in Subsection
25 A of this Section is a corporation or other legal entity, the chief executive officer of
26 the corporation or legal entity shall be licensed as provided by this Chapter.

27 C.(1) All persons licensed ~~under~~ pursuant to the requirements of this Section
28 shall file annually on or before the first day of the calendar year with the board a list
29 of all licensed hearing aid dealers directly or indirectly employed by it, and shall also

1 file with the board a statement on a form approved by the board that it submits itself
2 to the rules and regulations of the board and the provisions of this Chapter, and shall
3 register with the board its intention to engage in the selling and fitting of hearing aids
4 or accessories, provided that the above is completed prior to such organization
5 selling or offering for sale hearing aids or accessories.

6 * * *

7 §3003. Definitions

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

10 * * *

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

28 * * *

1 §3071. License of electrologists; qualifications; examinations; issuance of license;
2 waiver

3 * * *

4 B.(1) The board shall license as an electrologist and issue an appropriate
5 certificate to any person who files with it a verified application therefor,
6 accompanied by the application fee required by this Part, together with evidence,
7 verified by oath and satisfactory to the board, that he is meets all of the following
8 qualifications:

- 9 (a) ~~At~~ He is at least eighteen years of age;
- 10 (b) ~~Is~~ He is of good moral character;
- 11 (c) ~~Is~~ He is free of any infectious disease;
- 12 (e) ~~Has~~ He has graduated from an accredited high school;
- 13 (f) ~~After~~ He has, after high school graduation, ~~has~~ successfully completed
14 a course in practical training in electrolysis in a school of electrology that maintains
15 the standards established and approved by the board or ~~that he~~ has completed a like
16 number of hours in the subject areas specified in an apprenticeship program
17 approved by the board at the time of certification;
- 18 (g) ~~Has~~ He has passed an examination given and graded by the board, which
19 shall consist of a written examination and a practical demonstration of abilities;
- 20 (h) ~~Has~~ He has paid any other fees required by this Chapter.

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

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

1 required to repeat and take the entire examination within one year of the date of the
2 original examination.

3 * * *

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

6 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
7 Fund, and the TOPS Fund

8 * * *

9 B. Appropriations from the Health Excellence Fund shall be restricted to the
10 following purposes:

11 * * *

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

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

28 * * *

1 §98.4. Louisiana Fund

2 * * *

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

7 * * *

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

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

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

26 * * *

27 §1536. Assessment of premiums

28 A.

29 * * *

1 paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40
2 of the Louisiana Revised Statutes of 1950, R.S. 40:1024(B), 1046(Section heading),
3 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2),
4 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e),
5 (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h),
6 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2),
7 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and (a),
8 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(m)(v) and (q), and
9 2193.1(B)(5)(introductory paragraph) are hereby amended and reenacted to read as follows:

10 §4. Sanitary Code

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

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

1 (b)

2 * * *

3 (ii) Subject to the appropriation of funds by the legislature, the state health
4 officer in conjunction with the ~~Louisiana~~ Department of Agriculture and Forestry
5 shall institute a public safety marketing campaign to warn the public about the risks
6 of consuming seafood from the People's Republic of China deemed to be safe by the
7 Seafood Inspection Program but which nevertheless contains hazardous substances.
8 The campaign shall include a warning label program as more specifically provided
9 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of
10 understanding with the ~~Louisiana~~ Department of Agriculture and Forestry to
11 implement this marketing campaign.

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

16 * * *

17 §5. General powers and jurisdiction

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

20 * * *

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

24 * * *

25 (21)(a) To conduct health, safety, and sanitation inspections, through ~~state~~
26 ~~employed~~ state-employed licensed sanitarians, of any place upon receipt of a
27 complaint that the department determines shows appropriate and sufficient grounds

1 to indicate a health hazard or sanitary code violation may exist, regardless of whether
2 such place is licensed or not, or otherwise regulated.

3 * * *

4 §5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food
5 safety certificates

6 * * *

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

10 C. ~~On or after January 1, 1999, the~~ The state health officer and the office of
11 public health of the Louisiana Department of Health shall require, at a minimum, the
12 owner or a designated employee of a food service establishment to hold a food safety
13 certificate; however, the state health officer and the office of public health of the
14 Louisiana Department of Health shall not require more than one owner or employee
15 per establishment to hold a food safety certificate. Provisions for the issuance and
16 renewal of such certificate shall be made part of the state's sanitary code in
17 accordance with the provisions of R.S. 40:4 and the following requirements,
18 conditions, and authorizations:

19 (1) The office of public health shall approve training programs for applicants
20 which impart and test knowledge of the nature, prevention, and control of ~~food borne~~
21 foodborne illness transmission and of methods for identifying and monitoring critical
22 control points for safeguarding the production, processing, preparation, and serving
23 of food. Such training programs shall include but not be limited to instructions in
24 the standards set forth in the Applied Food Service Sanitation Program established
25 by the Educational Foundation of the National Restaurant Association or other
26 programs recognized in the food service industry. The office of public health shall
27 approve training programs administered or approved by another state, a political
28 subdivision, or other jurisdiction with standards that meet or exceed those
29 established by this Subsection.

1 (2) A food safety certificate shall be issued to any ~~individual~~ person who
2 files an application upon a form and in such a manner as prescribed by the sanitary
3 code, ~~provided if~~ such ~~individual~~ person furnishes satisfactory evidence that he has
4 completed an approved training program or has passed a written examination
5 provided by the individual or group providing approved training programs.

6 (3) A fee, not to exceed twenty-five dollars, may be imposed on and
7 collected from an individual or a food service establishment for a food safety
8 certificate to defer expenses in the administration of this Subsection.

9 * * *

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

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

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

18 (a) A private home ~~private homes~~ where food is prepared or served for
19 individual family consumption;

20 (b) A private club ~~private clubs~~ where food is prepared and served
21 exclusively for member consumption;

22 (c) Religious ~~religious~~ or charitable food sales;

23 (d) An ~~any~~ establishment that heats or prepares boudin or sausage for
24 personal consumption;

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

26 (f) A ~~temporary and or seasonal establishments,~~ establishment.

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

28 (h) A nursing facility.

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

2 * * *

3 §5.5.2. Chinese seafood warning label program

4 * * *

5 D. With the cooperation and assistance of the Louisiana Retailers
6 Association, the Louisiana Restaurant Association, and other necessary
7 organizations, the state health officer in conjunction with the Louisiana Department
8 of Agriculture and Forestry shall encourage the display of the signage and other
9 promotional literature as provided for in Subsection C of this Section where seafood
10 sales occur.

11 * * *

12 §5.8. Definitions

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

15 * * *

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

21 (a) Any collection, treatment, storage, and distribution facilities under the
22 control of the operator of the system and used primarily in connection with the
23 system; ~~and~~.

24 * * *

25 §31.13. Development of immunization registry and tracking and recall system;
26 standards

27 The office of public health, a public health unit, or both, or their agents or
28 other providers may develop an immunization registry and an associated tracking
29 and recall system. The developer of any system shall consult providers in
30 developing the system to provide for a simple and efficient system of transferring

1 information. The registry and associated tracking system shall be named the
2 Louisiana Immunization Network (LINKS), and shall include but not be limited to
3 the following:

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

6 * * *

7 §39.1. Certified copies of birth certificates and death certificates; clerks of district
8 courts and the Second City Court of the city of New Orleans; Vital Records
9 Conversion Fund

10 A. The state registrar of vital records shall promulgate rules to implement
11 the issuance of certified copies of birth certificates and death certificates through the
12 office of the clerk of district court in each parish and the office of clerk of the Second
13 City Court of the city of New Orleans. Such rules shall apply only to issuance of
14 those birth and death records that are available for electronic issuance from the ~~Vital~~
15 ~~Records Registry~~ birth and death databases of the vital records registry and shall
16 include access to the following items:

17 * * *

18 §50. Issuance of death certificates; duties of state registrar

19 * * *

20 C. A local registrar may issue certified copies of any death certificate during
21 the ten day period it is retained by him, and the certification of the local registrar
22 shall have the same legal effect as certification by the state registrar, as otherwise
23 provided by law. The local registrar shall forward each death certificate to the state
24 registrar on the tenth day after the certificate is filed with him. Each month the state
25 registrar shall notify each parish registrar of voters as to the name, address, and age
26 of each resident of that parish over eighteen years of age for whom a death certificate
27 has been received.

28 * * *

1 §75. Adult adoption; name changes

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

14 * * *

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

17 * * *

18 §961. Definitions

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

21 * * *

22 (23) "Industrial hemp" means the plant Cannabis sativa and any part of that
23 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
24 acids, and salts of isomers, whether growing or not, with a
25 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
26 weight basis and cultivated and processed in accordance with the U.S. Agriculture
27 Improvement Act of 2018, or the plan submitted by the ~~Louisiana~~ Department of

1 Agriculture and Forestry that is in compliance with the U.S. Department of
2 Agriculture rules.

3 * * *

4 (27)

5 * * *

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

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

11 * * *

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

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

17 * * *

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

23 * * *

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

25 DRUG-RELATED OBJECTS PROHIBITED

26 * * *

27 §1024. Exceptions; defenses; local needle exchanges

28 * * *

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

7 * * *

8 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
9 regulations of the ~~Louisiana State Board of Medical Examiners and~~
10 Louisiana Board of Pharmacy; production facility licensing by the
11 Department of Agriculture and Forestry

12 * * *

13 §1047. ~~Louisiana~~ Department of Agriculture and Forestry; authorization to obtain
14 criminal history record information

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

17 * * *

18 (4) "Department" means ~~Louisiana~~ the Department of Agriculture and
19 Forestry.

20 * * *

21 §1061.17. Woman's right to know

22 * * *

23 B. Informed consent; requirements. After a woman is determined to be
24 pregnant, no abortion shall be performed or induced without the voluntary and
25 informed consent of the woman upon whom the abortion is to be performed or
26 induced. Except in the case of a medical emergency, consent to an abortion is
27 voluntary and informed if and only if:

28 * * *

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

5 * * *

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

8 * * *

9 §1122.1. Louisiana Rare Disease Advisory Council

10 * * *

11 B.

12 * * *

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

17 * * *

18 §1123.3. Restroom access

19 * * *

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

22 * * *

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

26 * * *

27 §1133.15. Hazardous substance transportation emergencies; payment for emergency
28 medical services

29 The person or entity who in the course of transporting hazardous substances
30 or materials causes or contributes to a discharge of a hazardous substance or material

1 that causes an emergency condition shall be obligated to pay the reasonable costs of
2 any emergency medical services provider whose presence or service, including
3 standby, is requested at such hazardous substance emergency by any person
4 authorized by the Department of Public Safety and Corrections or the Department
5 of Environmental Quality to respond to a hazardous substance transportation
6 emergency. Nothing ~~is~~ in this Section shall affect the rights of any party to recover
7 under any other provision of law.

8 * * *

9 §1139.6. Powers and duties of the commission

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

12 * * *

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

17 * * *

18 §1168.3. Data system; components; reporting; design in collaboration with ~~medical~~
19 ~~schools~~ certain higher education institutions; public records exception

20 * * *

21 §1203.1. Definitions

22 For the purposes of this Part:

23 * * *

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

26 (a) A nursing facility, as defined in R.S. 40:2009.2.

27 * * *

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

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

3 * * *

4 (h) A home- and community-based service provider; as defined in R.S.
5 40:2120.2.

6 * * *

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

8 * * *

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

10 * * *

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

13 * * *

14 D.

15 * * *

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

18 * * *

19 §1223.3. Definitions

20 As used in this Part, the following terms have the meaning ascribed in this
21 Section:

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

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

28 (3) "Healthcare provider" means a person, partnership, limited liability
29 partnership, limited liability company, corporation, facility, or institution licensed

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

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

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

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

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

4 (ii) Facsimile transmissions.

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

10 * * *

11 §2012.2. Admission of pay patients; disposition of proceeds

12 Patients suffering with tuberculosis who are able to pay for hospitalization
13 in a hospital operated by the department shall reimburse the hospital for expenses of
14 their hospitalization, medical services, drugs, and medicines at rates to be fixed by
15 the department, and the proceeds of fees paid by such patients shall be transmitted
16 to the state treasurer in accordance with state laws.

17 §2012.3. Transportation of indigent patients to hospital; expenses

18 A. Upon being shown the certificate of the superintendent of the hospital
19 entitling an indigent tuberculosis patient to admission to a state owned tuberculosis
20 hospital, the parish sheriff shall arrange for the transportation of the patient to such
21 hospital.

22 B. The sheriff may collect from the parish five cents per mile for the distance
23 the patient is transported from the parish to the hospital designated. Where more
24 than one patient is transported at a time, the sheriff shall receive five cents a per mile
25 for each patient transported. This five cents per mile shall be made to cover any
26 means of transportation, sleeping accommodations, and sustenance of patients during
27 their transportation. In addition to ~~the above~~ these amounts, the sheriff may collect
28 for his own expenses an additional five cents per mile for each mile traveled in
29 transporting the patient or patients to the hospital and in returning. The sheriff shall

1 take the most direct route possible in going to and returning from the hospital. If any
2 parish fails or refuses to pay the transportation charges to any sheriff justly entitled
3 to them, the sheriff may proceed by summary writ of mandamus in the district court,
4 without cost, against the governing authority of the parish to enforce payment.

5 §2017.10. Emergency medical services program; cooperation of other state
6 departments

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

22 B. In order to effectuate the emergency medical services program ~~herein~~
23 provided for in this Section, the department shall have authority to adopt and enforce
24 rules and regulations pertaining thereto and to do and perform all things and acts
25 which it deems necessary or desirable for the purpose.

26 * * *

27 §2018.3. Louisiana Sickle Cell Commission

28 * * *

1 B.(1) Thirteen members shall be appointed by the governor, subject to
2 Senate confirmation, as follows:

3 * * *

4 (h) One member from a list of nominees submitted by ~~the~~ Southwest
5 Louisiana Sickle Cell Anemia, Inc.

6 * * *

7 §2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose;
8 termination

9 * * *

10 B. For purposes of this Section, the following definitions ~~shall~~ apply:

11 * * *

12 (3) "Palliative care" means an approach that improves the quality of life of
13 patients and their families facing the problems associated with life-threatening
14 illnesses, through the prevention and relief of suffering by means of early
15 identification and impeccable assessment and treatment of pain and other problems,
16 physical, psychosocial, and spiritual. "Palliative care" services:

17 * * *

18 (b) Affirm life and ~~regards~~ regard dying as a normal process.

19 * * *

20 (i) Are applicable early in the course of illness, in conjunction with other
21 therapies that are intended to prolong life, such as chemotherapy or radiation therapy,
22 and ~~includes~~ include those investigations needed to better understand and manage
23 distressing clinical complications.

24 * * *

25 C.

26 * * *

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

28 (a) Four physician members, including two who are ~~board certified~~ board-
29 certified in hospice and palliative care, one who shall be ~~board certified~~ board-

1 certified in pain management, and one who shall be ~~board-certified~~ board-certified
2 in pediatric care appointed by the Louisiana State Board of Medical Examiners.

3 * * *

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

7 * * *

8 (i) AARP Louisiana (~~AARP~~).

9 * * *

10 §2109. Rules, regulations, and minimum standards

11 * * *

12 E.

13 * * *

14 (2) ~~However, the~~ The provisions of this Subsection shall not be construed to
15 authorize the secretary to close any hospital without approval as otherwise provided
16 by law.

17 * * *

18 §2113.2. Rules, regulations, and contracts

19 The Louisiana Department of Health shall prescribe rules and regulations to
20 govern the necessary contracts, agreements, and financial arrangements to properly
21 conduct training and research programs. Such rules and regulations shall govern
22 contracts and agreements with colleges and universities, both publicly and privately
23 owned, within the state for the purpose of promoting research and training in relation
24 to illnesses of all types. All rules, regulations, and contracts adopted under the
25 former authority of R.S. 46:663.2 are continued in effect and made subject to the
26 provisions herein enacted.

27 * * *

1 §2120.33. Definitions

2 As used in this Part, the following ~~definitions shall apply unless the content~~
3 ~~clearly states~~ terms have the meaning ascribed in this Section unless the context
4 clearly indicates otherwise:

5 * * *

6 (7) "Cognitive rehabilitation" means a systematic, functionally oriented
7 service of therapeutic cognitive activities based on an assessment and an
8 understanding of the behavior of a client. Services are directed to achieve functional
9 improvement by ~~either~~ any of the following methods:

10 (a) Reinforcing, strengthening, or re-establishing previously learned patterns
11 of behavior; ~~or,~~

12 * * *

13 §2166.5. Rules and regulations; licensing standards; fees

14 * * *

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

17 * * *

18 (12)

19 * * *

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

21 * * *

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

25 * * *

26 §2180.25. Rules and regulations; licensing standards

27 * * *

28 B.

29 * * *

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

3 * * *

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

7 * * *

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

9 * * *

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

12 * * *

13 §2193.1. Purpose and definitions

14 * * *

15 B. For purposes of this Part, the following definitions apply:

16 * * *

17 (5) "Pediatric day health care facility" means a facility that may operate
18 seven days a week, not to exceed twelve hours a day, to provide care for medically
19 fragile children under the age of twenty-one, including ~~technology-dependent~~
20 technology-dependent children who require close supervision. Care and services to
21 be provided by the pediatric day health care facility shall include but shall not be
22 limited to:

23 * * *

24 Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory
25 paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3),
26 450.6(A) and (B)(1), 977, 1906(C), 1933(B), 1952(introductory paragraph), 2169.1(7),
27 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(e) are hereby amended and reenacted to
28 read as follows:

1 §236.1.2. Family and child support programs; responsibilities

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

6 * * *

7 §450.3. WIC participants; homeless

8 * * *

9 C. For purposes of this Section, the following terms shall have the following
10 meanings:

11 * * *

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

19 §450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare
20 coverage

21 A. Any enrollee in Medicaid who is eligible for services and who has a
22 diagnosis of diabetes or hypertension, or who has a family history of kidney disease,
23 shall be evaluated for kidney disease through routine clinical laboratory assessments
24 of kidney function.

25 B. Any enrollee in Medicaid who is eligible for services and who has been
26 diagnosed with diabetes or hypertension or who has a family history of kidney
27 disease, and who has received a diagnosis of kidney disease, shall be classified as a
28 chronic kidney patient.

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

5 D. In keeping with the Medicaid disease management program of the
6 Louisiana Department of Health, ~~Medicaid program's disease management program,~~
7 patients receiving Medicaid benefits who are at risk for chronic kidney disease will
8 be tracked regarding appropriate diagnostic testing. Medicaid providers will be
9 educated and disease management strategies implemented in order to increase the
10 rate of evaluation and treatment for chronic kidney disease according to accepted
11 practice guidelines including:

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

14 * * *

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

16 * * *

17 §450.6. Election of Chafee Option

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

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

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

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

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

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

2 * * *

3 §977. Vaccinations for certain juveniles in state custody

4 The office of public health shall be responsible for providing and dispensing
5 the ~~Hepatitis~~ hepatitis B vaccine, through the Vaccines for Children Program, to
6 children between the ages of twelve and nineteen who have been placed in the
7 custody of the division of youth services of the Department of Public Safety and
8 Corrections.

9 * * *

10 §1906. Delinquents and children in need of services; custody, supervision, services

11 * * *

12 C. With respect to children between the ages of twelve and nineteen who
13 have been placed in the custody of the local juvenile detention facility, each child
14 shall be immunized with the ~~Hepatitis~~ hepatitis B vaccine during the intake process
15 at any state or ~~nonstate-owned~~ nonstate-owned facility. The Vaccines for Children
16 Program through the office of public health shall be responsible for providing and
17 dispensing the ~~Hepatitis~~ hepatitis B vaccine to each facility as provided for in R.S.
18 46:977. The office of public health shall utilize the Louisiana Immunization
19 Network for Kids (LINKS) to track the ~~Hepatitis~~ hepatitis B vaccination, as well as
20 all other vaccinations given to juveniles while in the custody of local juvenile
21 detention facilities. Detainees released before completion of the series of three
22 immunizations shall be referred to health units or other providers for completion of
23 the series of doses.

24 * * *

25 §1933. Organization and powers

26 * * *

27 B. Any multiparish juvenile detention home district may acquire title by
28 purchase or donation to real and personal property for public purposes; and may
29 own, operate, or maintain facilities for the housing, care, supervision, maintenance,

1 and education of juveniles under the age of eighteen years, and for individuals
2 eighteen years of age and over who were under eighteen years of age when they
3 committed an alleged offense.

4 * * *

5 §1952. Definitions

6 As used in this Chapter;

7 * * *

8 §2169.1. Powers and duties

9 The office shall have the following powers and duties:

10 * * *

11 (7) To assist state departments and agencies and other stakeholders in
12 drafting plans to maximize the impact of the use of ~~such~~ funds identified in
13 Paragraph (6) of this Section.

14 * * *

15 §2626. Fees on emergency ground ambulance service providers; disposition of fees

16 * * *

17 H.(1) No additional assessment shall be collected and any assessment shall
18 be terminated for the remainder of the fiscal year from the date on which any of the
19 following occur:

20 * * *

21 (d) The amount of the reimbursement for emergency and nonemergency
22 ground ambulance services payable by any ~~participant in the Bayou Health Plan or~~
23 Medicaid managed care organization falls below one hundred percent of the
24 Medicaid rate in effect at the time the service is rendered.

25 * * *

26 §2741. Legislative findings and purpose

27 A.(1)(a) The current methodology for reimbursement of services to Medicaid
28 recipients provided by nursing homes was implemented in 1984 prior to major

1 changes in federal laws relative to nursing home staffing, provision of patient care,
2 enforcement, and regulatory requirements.

3 ~~(b)~~ (2) The current methodology did not anticipate changes in Medicare and
4 other health insurance programs that have resulted in patients with more complex
5 medical problems being discharged to nursing homes.

6 ~~(c)~~ (3) The current methodology provides a disincentive for capital formation
7 to maintain and update physical plants of nursing homes and provides a disincentive
8 to admit patients with high care needs.

9 ~~(d)~~ (4) The legislature finds that a number of state Medicaid programs have
10 adopted case mix reimbursement systems which factor into nursing homes' rates the
11 care level and resource needs of the patients receiving services.

12 ~~(e)~~ (5) The legislature further finds that a rental system for reimbursing
13 capital costs would encourage investment in the renovation and replacement of
14 nursing homes creating a more homelike environment and better quality of life for
15 the patients.

16 * * *

17 §2742. Case mix reimbursement

18 * * *

19 C. In the event the Louisiana Department of Health is required to implement
20 reductions in the nursing home program as a result of a budget shortfall, a budget
21 reduction category shall be created. This category shall reduce the statewide average
22 Medicaid rate, without changing the parameters established in this Section, by
23 reducing the reimbursement rate paid to each nursing home using an equal amount
24 per patient per day. The direct care spending floor shall be decreased one percentage
25 point for each ~~thirty-cent~~ thirty-cent reduction in the average Medicaid rate computed
26 under this system not to be reduced to below ninety percent of the median.

27 * * *

28 §2757. Single state entity for children; additional duties and functions

29 * * *

1 C.(1) Based on the findings and intent of the legislature as declared in
2 Subsections A and B of this Section, the commission shall develop no later than
3 March 1, 2004, a plan for the creation of a single state entity to provide services to
4 children and their families, which plan shall:

5 * * *

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

16 * * *

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

19 Art. 1150. Definitions

20 As used in this Chapter:

21 * * *

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

23 * * *

24 (b) Any of the following medical clinics during normal and customary hours
25 of operation: local or parish public health units, licensed rural health clinics, licensed
26 ambulatory surgical centers, and ~~Federally Qualified Health Centers~~ federally
27 qualified health centers. Offices, clinics, or other types of treatment facilities,

1 private physicians, or dentists not listed above are not designated emergency care
2 facilities within the meaning of this Subparagraph.

3 * * *

4 Section 7. R.S. 37:2465(D), R.S. 40:5.5(F) and (G) and 1249.1(A) and (B), and
5 Section 4 of Act No. 449 of the 2006 Regular Session are hereby repealed in their entirety.

6 Section 8. The Louisiana State Law Institute is hereby authorized and directed to
7 arrange in alphabetical order and renumber the defined terms comprising R.S. 37:1026.3 and
8 2833 and R.S. 40:1061.9, 1105.1, 1300.32, and 2120.2.

9 Section 9. The Louisiana State Law Institute is hereby authorized and directed to
10 redesignate Part XII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 40:1123.1 through 1123.4, as Part V of Chapter 5-G of Title 40 of the
12 Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.41 through 1300.44,
13 and is further directed to retain the heading of the Part.

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 Engrossed

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), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1176(A)(3), 1218(1) and (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), 2352(intro. para.), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(intro. para.), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(intro. para.), (2), and (3), 2366, 2367, 2441, 2442(intro. para.) and (6)(r) and (t), 2447, 2449(A) and (C)-(E), 2449.1(C)(intro. para.) and (E), 2453(intro. para.) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(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.), 50(C), 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, 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(intro. para.), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2), 2113.2, 2120.33(intro. para.) and (7)(intro. para.) and (a), 2166.5(B)(12)(e)(intro. para.) and (ii), 2180.25(B)(2)(m)(v) and (q), and 2193.1(B)(5)(intro. para.), 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), 977, 1906(C), 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. 37:2465(D), 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.)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make corrections in present law consistent with the provisions of proposed law.
2. Make technical and conforming changes.