

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), and (D),

6 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012,

7 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (3), 1218.1(A),

8 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26,

9 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 2352(introductory paragraph), (3),

10 (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5),

11 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and

12 (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A),

13 (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441,

14 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E),

15 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2),

16 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1),

17 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2)

18 and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S.

19 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a),

20 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D),

1 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),
2 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading),
3 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B
4 of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
5 40:1021(introductory paragraph), 1024(B), 1046(Section heading),
6 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2),
7 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section
8 heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3,
9 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,
10 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and
11 (3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory
12 paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii),
13 2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q),
14 2193.1(B)(5)(introductory paragraph), and 2321, R.S. 46:236.1.2(A)(introductory
15 paragraph), 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and
16 (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 460.3, 977, 1906(C),
17 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A),
18 2742(C), 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891, and Children's
19 Code Articles 301 and 1150(2)(b) and to repeal R.S. 37:796(F) and 2465(D), R.S.
20 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), and
21 Section 4 of Act No. 449 of the 2006 Regular Session, relative to various provisions
22 of Titles 28, 37, 39, 40, and 46 of the Louisiana Revised Statutes of 1950, the
23 Louisiana Children's Code, and uncodified law; to make technical corrections in
24 provisions relative to behavioral health, human services, administration of the
25 Louisiana Department of Health, administration of the Department of Children and
26 Family Services, healthcare institutions and services, professions and occupations,
27 boards and commissions, public health, food and drugs, public welfare and
28 assistance, child welfare, and other matters within or relating to the purview of the
29 legislative committees on health and welfare; to make corrective changes including

1 corrections in legal citations and in names of organizations, programs, publications,
2 institutions, agencies, boards, commissions, departments, and offices and officers of
3 departments; to remove references to agencies, other legal entities, and programs that
4 have been repealed or no longer exist; to repeal obsolete findings and references to
5 outdated information; to designate undesignated statutory provisions; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §2. Definitions

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

13 * * *

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

1 practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq.
 2 For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have
 3 at least two years of training, primary experience, or both, in diagnosis and treatment
 4 of mental illness. For purposes of this Chapter, a psychiatric mental health nurse
 5 practitioner shall also have authority from the Louisiana State Board of Nursing to
 6 prescribe legend and certain controlled drugs, in accordance with the provisions of
 7 R.S. 37:913(3)(b), (8), and (9).

8 * * *

9 §51.1. Treatment facility; staff membership and institutional privileges; certain
 10 healthcare providers

11 A.

12 * * *

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

17 * * *

18 (b) The applicant psychiatric mental health nurse practitioner shall have a
 19 valid, current, and unrestricted advanced practice registered nurse license, as a nurse
 20 practitioner or clinical nurse specialist, issued by the Louisiana State Board of
 21 Nursing, and have been granted limited prescriptive authority pursuant to ~~LAC~~
 22 ~~46:XLV.4513~~ LAC 46:XLVII.4513.

23 * * *

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

29 * * *

1 §70. Written treatment plan for involuntary outpatient treatment

2 A. The court shall not order involuntary outpatient treatment unless an
3 examining physician, psychiatric mental health nurse practitioner, or psychologist
4 develops and provides to the court a proposed written treatment plan. The
5 respondent, and any other individual whom the respondent may designate, shall be
6 afforded a reasonable opportunity to participate in the development of the written
7 treatment plan. The treatment plan shall reflect the expressed preferences of the
8 respondent to the extent the preferences are reasonable and consistent with the
9 respondent's best interests. The written treatment plan shall be deemed appropriate
10 by the director. The written treatment plan shall include appropriate services to
11 provide care coordination. The written treatment plan shall also include appropriate
12 categories of services, as set forth in Subsection D of this Section, which the
13 respondent is recommended to receive and are available to the respondent. The
14 written treatment plan shall specify a provider that has agreed to provide each of the
15 specified services. If the written treatment plan includes medication, it shall state
16 whether the medication should be self-administered or administered by authorized
17 personnel, and shall specify the type and dosage range of medication most likely to
18 provide maximum benefit for the respondent.

19 * * *

20 §915. Districts and authorities; functions, powers, and duties; sole-source
21 contracting

22 * * *

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

25 * * *

26 (3) Operation, management, and performance of functions and services
27 relating to the ~~Louisiana Vital Records Registry~~ vital records registry and the
28 collection of vital statistics within the office of public health pursuant to R.S. 40:5,
29 R.S. 40:32 through 79, R.S. 44:401 et seq., and R.S. 40: 1061.17, including the

1 ~~Putative Father Registry~~ putative father registry and the vital records management
2 information system.

3 * * *

4 Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2)
5 and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1),
6 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading),
7 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A),
8 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph)
9 and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1),
10 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory
11 paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1),
12 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362,
13 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441,
14 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E),
15 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4),
16 (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph)
17 and (4)(a), and 3071(B)(1) and (2) are hereby amended and reenacted to read as follows:

18 §752. Exemptions from license

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

20 * * *

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

26 (b) Dental hygiene schools or colleges approved by the ~~Louisiana State~~
27 ~~Board of Dentistry~~ board; the practice of dental hygiene by students in dental or
28 dental hygiene schools or colleges approved by the board when acting under the
29 direction and supervision of registered dentists or dental hygienists, licensed and

1 acting as instructors or professors; interns in any hospital or institution, but not
2 residents.

3 * * *

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

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

23 * * *

24 (9)

25 * * *

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

28 (i) "Clinical" means those activities described in ~~R.S. 37:751(A)(5)~~ R.S.
29 37:751(A)(6).

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

3 (iii) "Personal representative" has the same meaning as provided in ~~R.S.~~
4 ~~9:2260.1(11)~~ R.S. 9:2260.1.

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

6 * * *

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

10 * * *

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

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

17 * * *

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

20 * * *

21 §761. Requirements of applicants for dental license

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

23 * * *

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

27 * * *

28 (4) Present satisfactory evidence of having taken an examination in the
29 theory and practice of the science of the profession given by the Joint Commission

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

* * *

14 §764. Dental hygienist; application for license

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

16 * * *

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

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

1 Commission on National Dental Examinations, he ~~must~~ shall successfully retake the
2 Louisiana clinical licensing examination after providing satisfactory evidence of
3 subsequently passing the examination given by the Joint Commission on National
4 Dental Examinations.

5 * * *

6 §771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's
7 contracted reimbursement amount

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

15 B. For the purposes of this Section:

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

19 * * *

20 §786.1. Stay of board decision

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

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

28 * * *

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

2 * * *

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

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

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

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

16 * * *

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

20 * * *

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

23 * * *

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

1 ~~Dentistry board~~ to whom the board has issued a permit to administer nitrous oxide
2 inhalation analgesia.

3 * * *

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

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

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

11 * * *

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

16 * * *

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

20 * * *

21 §796.1. Requirements to provide dental services at mobile dental clinics and
22 locations other than the dental office; permit; hold harmless

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

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

28 (2) Have received a permit from ~~Louisiana State Board of Dentistry~~ the
29 board to provide dental services at a mobile dental clinic or a location other than the

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1 dental office. The permit shall be issued pursuant to the provisions of this Section
2 and in accordance with rules adopted pursuant to the Administrative Procedure Act.

3 * * *

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

5 * * *

6 §925. Violations; penalty

7 * * *

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

12 * * *

13 §929. Exceptions

14 The provisions of this Part shall not apply to:

15 * * *

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

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

20 * * *

21 §966. Meetings; quorum

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

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

25 * * *

26 §971. Examination; licensing

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

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

4 * * *

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

6 A. A school of practical nursing which wishes to be accredited may make
7 application to the board. After investigation and approval of the curricula of the
8 school the board may approve the school and issue a certificate as an accredited
9 school of practical nursing.

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

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

17 * * *

18 §1007. Nursing Supply and Demand Council; creation; membership; vacancies;
19 compensation; staff and facilities; powers and duties

20 A.

21 * * *

22 (2)

23 * * *

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

26 * * *

1 §1012. Definitions

2 As used in this Part, the following terms have the meaning ascribed in this

3 Section:

4 (1) "Approved school" means any school of nursing preparing registered
5 nurse applicants, approved by the board and including Charity Hospital School of
6 Nursing, which is approved by the Louisiana State Board of Nursing.

7 ~~A. (2) "Board" means the Board of Regents.~~

8 ~~B. (3) "Committee" means the committee of deans, directors, and department~~
9 ~~heads of the approved schools and programs of nursing which prepare registered~~
10 ~~nurse applicants and a nonvoting representative of the board.~~

11 ~~C. "Approved school" means any school of nursing preparing registered~~
12 ~~nurse applicants, approved by the board and including Charity Hospital School of~~
13 ~~Nursing, which is approved by the Louisiana State Board of Nursing.~~

14 * * *

15 §1015. Procedure for applications

16 A. Faculty members requesting stipends for the purpose of acquiring a
17 master's or doctoral degree in nursing or a doctoral degree in a related field shall
18 submit to the committee an application including that includes all of the following:

19 (1) Notation of approval by the applicant's dean, director, or department head
20 of nursing and other required institutional permission;

21 (2) An authorized letter of acceptance from the institution which the
22 applicant plans to enter;

23 (3) The specific period of time for which the stipend is requested; ~~and~~

24 (4) Other data and qualifications as deemed pertinent by the committee.

25 * * *

26 C. The university, college, or school budget administrator shall submit to the
27 board a list of faculty members from the institution who were granted stipends by the
28 committee. Upon request, each institution ~~will~~ shall be reimbursed on a monthly or
29 semester basis by the Board of Regents for authorized stipends paid.

1 §1016. Stipends

2 Each person granted a stipend in accordance with the provisions of this Part
3 shall receive seventy-five ~~per cent~~ percent of his ~~or her~~ current contractual annual
4 salary for the period of approved stipend program participation. Stipends for the fall
5 and spring semester shall each be calculated on a four and one-half month basis.
6 Stipends granted for a quarter session shall be calculated on a three-month basis.
7 Summer stipends may be authorized at seventy-five ~~per cent~~ percent of the salary of
8 the individual in accordance with institutional policy. Stipends shall be used
9 exclusively for study in Louisiana graduate programs approved by the board. A
10 stipend may, however, be granted for out-of-state study if the committee determines
11 that the necessary course of study is not available in the approved graduate programs
12 of this state or for such other valid reasons as may be determined by the committee.

13 §1017. Procedure and stipends for non-faculty applications

14 A. The committee may administer a program by which ~~they loan~~ it loans
15 each year to an applicant eligible pursuant to R.S. 37:1013(B) not more than
16 seventy-five percent of the lowest faculty salary being paid at the time of the
17 application to be forgiven in exchange for completing the degree and for serving on
18 the faculty for not less than three years more than the length of time taken to acquire
19 the degree.

20 * * *

21 §1176. Removal

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

24 * * *

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

27 * * *

1 §1218. Administration of influenza immunization

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

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

9 * * *

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

16 * * *

17 §1218.1. Administration of immunizations and vaccines other than influenza
18 immunizations

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

1 deterioration through the aging process or loss of motor skills; ~~and/or~~, or excessive
2 use or abuse of drugs, including alcohol.

3 * * *

4 §1360.24. Licensure

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

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

8 * * *

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

14 * * *

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

19 * * *

20 §1360.26. Inactive license

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

1 inactive status shall be required to pay the current renewal fees and shall be required
2 to meet the criteria for renewal as provided for in R.S. 37:1360.27.

3 * * *

4 §1360.31. Services performed by physician assistants

5 * * *

6 C.

7 * * *

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

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

21 * * *

22 §1360.37. Injunctive proceedings

23 * * *

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

27 * * *

1 §1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

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

5 * * *

6 §2352. Definition of terms

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

9 * * *

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

13 * * *

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

16 (9) "Psychologist" means any person licensed as a psychologist ~~under~~ in
17 accordance with the provisions of this Chapter. A person represents himself to be
18 a psychologist by using any title or description of services incorporating the words
19 "psychology", "psychological", or "psychologist", or by using any other terms which
20 imply that he is qualified to practice psychology or that he possesses expert
21 qualification in any area of psychology or if that person offers to the public or
22 renders to individuals or to groups of individuals services defined as the practice of
23 psychology in this Chapter.

24 * * *

25 §2353. State board of examiners; organization; duties; meetings; fees

26 A.

27 * * *

28 (2) The governor shall appoint members for terms of five years. Each
29 appointment by the governor shall be subject to Senate confirmation. A board

1 member shall not be eligible to succeed himself. All psychologist appointments shall
 2 be from a list provided by the Louisiana Psychological Association. The list shall
 3 report the results of an election in which persons qualified for board membership
 4 may nominate themselves and in which licensed members of the Louisiana
 5 Psychological Association and other persons licensed ~~under~~ in accordance with the
 6 provisions of this Chapter are entitled to one vote for each vacancy on the board.
 7 The consumer member may apply directly to the office of the governor. The
 8 governor shall ensure that his appointments demonstrate race, gender, ethnic, and
 9 geographical diversity.

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

16 * * *

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

18 * * *

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

22 * * *

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

25 (5) Conduct hearings upon complaints concerning the disciplining of a
 26 person licensed pursuant to the provisions of this Chapter and within the limitations
 27 established ~~under in~~ Chapter 1-A of ~~Title 37 of the Louisiana Revised Statutes of~~
 28 ~~1950~~ this Title.

29 * * *

1 §2355. Records

2 * * *

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

6 §2356. Licensure of psychologists by written and oral examination

7 * * *

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

14 * * *

15 F. ~~In the event~~ If a candidate fails to receive a passing grade on the
16 ~~written/oral~~ examination, he may apply for re-examination and shall be allowed
17 to take a subsequent ~~written/oral~~ examination upon payment of such fee as is required
18 by this Chapter.

19 * * *

20 H. If the board reasonably believes that a person applying for a license or for
21 renewal of a license is not physically and mentally competent to render
22 psychological services with reasonable skill and safety to his patients, or is afflicted
23 with a disease or condition, either physical or mental, which would impair his
24 competency to render psychological services, the board may request that the person
25 submit to a physical examination by a medical doctor approved by the board, ~~and/or~~
26 ~~submit to~~ a mental health examination by a psychologist ~~and/or~~ or psychiatrist
27 approved by the board, or both a physical examination and a mental health
28 examination. If the person refuses to submit to the examination, the board, after
29 contradictory hearing and upon finding reasonable cause, may issue an order

1 requiring the person to submit to the examination. A person who is ordered to
 2 submit to an examination in accordance with this Subsection shall not be eligible for
 3 licensure or renewal of license prior to the examination. Proceedings ~~under~~ pursuant
 4 to this Subsection shall be conducted in compliance with the Administrative
 5 Procedure Act, R.S. 49:950 et seq.

6 §2356.1. Authorization to obtain criminal history record information

7 * * *

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

14 * * *

15 §2356.2. Provisional licensed psychologist; renewal; continuing education

16 * * *

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

22 * * *

23 §2356.3. Specialist in school psychology; licensure; scope of practice

24 A.

25 * * *

26 (2) If the board reasonably believes that a person applying for a license or
 27 for a renewal of a license is not physically and mentally competent to render
 28 psychological services with reasonable skill and safety to his patients, or is afflicted
 29 with a disease or condition, either physical or mental, that would impair his

1 competency to render psychological services, the board may request that the person
 2 submit to a physical examination by a medical doctor approved by the board or a
 3 mental health examination by a psychologist or psychiatrist approved by the board.
 4 If the person refuses to submit to the examination, the board, after contradictory
 5 hearing and upon finding reasonable cause, may issue an order requiring the person
 6 to submit to the physical or mental health examination. A person who is ordered to
 7 submit to a physical or mental health examination shall not be eligible for licensure
 8 or renewal of license prior to such examination. Proceedings ~~under~~ pursuant to this
 9 Paragraph shall be conducted in compliance with the Administrative Procedure Act.

* * *

11 §2357. Renewal of license

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

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

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

* * *

1 §2359. Denial, revocation, or suspension of license; psychologist; provisional
2 license; specialist in school psychology

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

6 * * *

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

16 * * *

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

21 * * *

22 §2360. Violation and penalties

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

24 (1) For any person not licensed ~~under~~ in accordance with the provisions of
25 this Chapter or Part VI of Chapter 15 of this Title to represent himself as a
26 psychologist; ~~or,~~

27 (2) For any person not licensed ~~under~~ in accordance with the provisions of
28 this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of
29 psychology; ~~or,~~

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

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

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

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

13 §2361. Injunctive proceedings

14 * * *

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

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

21 §2362. Advertisement of psychological services

22 The board may promulgate regulations to prohibit deceptive advertisements
23 and representations concerning psychological services and ~~the board~~ may enforce
24 this Section and its regulations ~~under~~ in accordance with the provisions of R.S.
25 37:2361.

26 §2363. Privileged communications

27 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative
28 and administrative proceedings, and proceedings preliminary and ancillary thereto,
29 a patient or client, or his legal representative, may refuse to disclose or prevent the

1 disclosure of confidential information, including information contained in
2 administrative records, communicated to a psychologist or a licensed specialist in
3 school psychology licensed ~~under~~ in accordance with the provisions of this Chapter,
4 or persons reasonably believed by the patient or client to be so licensed, or to their
5 employees or other persons under their supervision, for the purpose of diagnosis,
6 evaluation, or treatment of any mental or emotional condition or disorder.

7 * * *

8 §2365. Scope of Chapter

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

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

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

26 * * *

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

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

4 * * *

5 §2366. Drugs; medicine

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

10 §2367. Orders to nurses

11 Notwithstanding any law₂ ~~or~~ rule₂ or regulation to the contrary, including but
12 not limited to the provisions of Chapter 11 of ~~Title 37 of the Louisiana Revised~~
13 ~~Statutes of 1950~~ this Title, it shall be ~~considered to be~~ within the scope of the
14 practice of nursing as defined in Chapter 11 of ~~said Title 37~~ this Title for a registered
15 nurse, licensed practical nurse, and any other ~~health care~~ healthcare provider licensed
16 ~~under~~ in accordance with the provisions of Chapter 11 of ~~Title 37~~ this Title to
17 execute and effectuate any order or direction otherwise within the scope of ~~the~~
18 practice of ~~said health care~~ healthcare provider when ~~that~~ the order is within the
19 scope of practice of psychology and given to him by a psychologist licensed ~~under~~
20 in accordance with the provisions of this Chapter and, when given in an institutional
21 setting, the order is within the scope of the privileges granted to the psychologist by
22 that institution.

23 * * *

24 §2441. Registration and licensing required

25 In order to protect the public welfare, aid the Department of Revenue in
26 collecting sales taxes on labor and on retail prices of hearing aids, and material used
27 in the service and maintenance of hearing aids; to protect privately owned property
28 and to provide an adequate supply of licensed dealers throughout the state by the
29 establishment of the apprenticeship training program by the board; any person

1 rendering or offering to render services for the sale, maintenance, and repair of any
 2 type of hearing aid as defined in R.S. 37:2442 shall hereafter be required to be
 3 registered and licensed ~~as hereinafter provided~~ in accordance with the provisions of
 4 this Chapter, and it shall be unlawful for any person to engage in or offer to engage
 5 in the state hearing aid sales and repair service as defined in R.S. 37:2442 unless
 6 duly registered and licensed in accordance with this Chapter or as an audiologist
 7 ~~under~~ in accordance with the provisions of Chapter 34 of ~~Title 37 of the Louisiana~~
 8 ~~Revised Statutes of 1950~~ this Title; that there is hereby created a board to be known
 9 as the Louisiana Board for Hearing Aid Dealers.

10 §2442. Definitions

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

13 * * *

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

15 * * *

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

21 * * *

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

26 * * *

1 §2447. Scope of examination

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

8 * * *

9 §2449. Temporary training permit

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

13 * * *

14 C. No temporary training permit shall be issued by the board ~~under~~ pursuant
15 to this Section unless the applicant shows to the satisfaction of the board that he is
16 or will be supervised and trained by a person, hereinafter "sponsor", who holds a
17 valid license or certificate of endorsement issued ~~under~~ in accordance with the
18 provisions of this Chapter.

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

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

1 §2449.1. Guidelines for training of temporary training permit holders

2 * * *

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

6 * * *

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

11 * * *

12 §2453. Revocation or suspension of license or certificate; grounds

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

16 * * *

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

19 * * *

20 §2457. Powers and duties of board

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

23 * * *

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

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

27 * * *

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

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

3 * * *

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

7 * * *

8 §2462. Notice and hearing on revocation or suspension

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

16 * * *

17 §2464. Application of Chapter; exceptions

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

24 B. This Chapter shall not apply to any physician or surgeon licensed ~~under~~
25 ~~the Louisiana State Medical Practice Act,~~ in accordance with the provisions of R.S.
26 37:1261; et seq.

27 C. This Chapter shall not apply to a ~~person holding a certificate of clinical~~
28 ~~competence in audiology awarded by the American Speech-Language-Hearing~~

1 ~~Association and licensed as an~~ any audiologist licensed by the Louisiana Board of
2 Examiners for Speech-Language Pathology and Audiology.

3 §2465. Licensing requirements; ~~applicability; exceptions~~

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

9 B. If the person who owns, maintains, or operates an office or place of
10 business ~~under~~ described in Subsection A of this Section is a partnership, each
11 partner shall be licensed as provided by this Section. If the person who owns,
12 maintains, or operates an office or place of business ~~under~~ described in Subsection
13 A of this Section is a corporation or other legal entity, the chief executive officer of
14 the corporation or legal entity shall be licensed as provided by this Chapter.

15 C.(1) All persons licensed ~~under~~ pursuant to the requirements of this Section
16 shall file annually on or before the first day of the calendar year with the board a list
17 of all licensed hearing aid dealers directly or indirectly employed by it, and shall also
18 file with the board a statement on a form approved by the board that it submits itself
19 to the rules and regulations of the board and the provisions of this Chapter, and shall
20 register with the board its intention to engage in the selling and fitting of hearing aids
21 or accessories, provided that the above is completed prior to such organization
22 selling or offering for sale hearing aids or accessories.

23 * * *

24 §3003. Definitions

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

27 * * *

28 (4)(a) "Occupational therapy" means the application of any activity in which
29 one engages for the purposes of evaluation, interpretation, treatment planning, and

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

* * *

17 §3071. License of electrologists; qualifications; examinations; issuance of license;
 18 waiver

* * *

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

- 25 (a) ~~At~~ He is at least eighteen years of age~~;~~
- 26 (b) ~~Is~~ He is of good moral character~~;~~
- 27 (c) ~~Is~~ He is free of any infectious disease~~;~~
- 28 (e) ~~Has~~ He has graduated from an accredited high school~~;~~

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

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

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

9 (2) Each applicant shall provide his subject for the practical demonstration.

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

20 * * *

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

23 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
24 Fund, and the TOPS Fund

25 * * *

26 B. Appropriations from the Health Excellence Fund shall be restricted to the
27 following purposes:

28 * * *

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

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

* * *

§98.4. Louisiana Fund

* * *

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

* * *

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

27 (a) A program of research grants and projects that encourage the pursuit of
 28 innovation in advanced health care sciences; such program shall support clinical and
 29 laboratory research efforts based in Louisiana universities, as well as institutions
 30 represented in the membership of the Medical Education Commission as provided

1 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied
 2 research in advanced health care sciences; such program shall encourage institutional
 3 commitment and leveraging of state monies to secure private and federal funds and
 4 shall be administered by the Board of Regents through an objective, competitive
 5 process subject to peer review. The Board of Regents shall annually submit to the
 6 legislature and the governor, not less than forty-five days prior to the beginning of
 7 each regular session of the legislature, a proposed program and budget for the
 8 expenditure of the funds appropriated to the Board of Regents for these purposes.

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

13 * * *

14 §1536. Assessment of premiums

15 A.

16 * * *

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

22 * * *

23 §1543. Unit of risk analysis and loss prevention

24 * * *

25 D. For the purposes of this Section, the term "agency" for higher education
 26 entities shall mean each individual board, institution, or entity within postsecondary
 27 education and the administration and each individual hospital within the Louisiana

1 State University Health Sciences Center ~~Health Care Services Division~~ health care
2 services division.

3 * * *

4 §1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services
5 by a state agency from an accredited facility

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

15 Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii),
16 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E),
17 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),
18 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading), 961(introductory
19 paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40
20 of the Louisiana Revised Statutes of 1950, R.S. 40:1021(introductory paragraph), 1024(B),
21 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii),
22 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8),
23 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3,
24 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,
25 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i),
26 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and
27 (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory
28 paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory
29 paragraph), and 2321 are hereby amended and reenacted to read as follows:

1 §4. Sanitary Code

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

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

20 (b)

21 * * *

22 (ii) Subject to the appropriation of funds by the legislature, the state health
23 officer in conjunction with the ~~Louisiana~~ Department of Agriculture and Forestry
24 shall institute a public safety marketing campaign to warn the public about the risks
25 of consuming seafood from the People's Republic of China deemed to be safe by the
26 Seafood Inspection Program but which nevertheless contains hazardous substances.
27 The campaign shall include a warning label program as more specifically provided
28 for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of

1 understanding with the ~~Louisiana~~ Department of Agriculture and Forestry to
2 implement this marketing campaign.

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

7 * * *

8 §5. General powers and jurisdiction

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

11 * * *

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

15 * * *

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

21 * * *

22 §5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food
23 safety certificates

24 * * *

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

28 C. ~~On or after January 1, 1999, the~~ The state health officer and the office of
29 public health of the Louisiana Department of Health shall require, at a minimum, the

1 owner or a designated employee of a food service establishment to hold a food safety
 2 certificate; however, the state health officer and the office of public health of the
 3 Louisiana Department of Health shall not require more than one owner or employee
 4 per establishment to hold a food safety certificate. Provisions for the issuance and
 5 renewal of such certificate shall be made part of the state's sanitary code in
 6 accordance with the provisions of R.S. 40:4 and the following requirements,
 7 conditions, and authorizations:

8 (1) The office of public health shall approve training programs for applicants
 9 which impart and test knowledge of the nature, prevention, and control of ~~foodborne~~
 10 foodborne illness transmission and of methods for identifying and monitoring critical
 11 control points for safeguarding the production, processing, preparation, and serving
 12 of food. Such training programs shall include but not be limited to instructions in
 13 the standards set forth in the Applied Food Service Sanitation Program established
 14 by the Educational Foundation of the National Restaurant Association or other
 15 programs recognized in the food service industry. The office of public health shall
 16 approve training programs administered or approved by another state, a political
 17 subdivision, or other jurisdiction with standards that meet or exceed those
 18 established by this Subsection.

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

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

27 * * *

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

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

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

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

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

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

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

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

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

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

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

19 (h) A nursing facility.

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

21 * * *

22 §5.5.2. Chinese seafood warning label program

23 * * *

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

30 * * *

1 §5.8. Definitions

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

4 * * *

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

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

13 * * *

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

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

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

25 * * *

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

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

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

6 * * *

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

8 * * *

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

17 * * *

18 §75. Adult adoption; name changes

19 A. Adult adoptions and name changes resulting from the adoptions pursuant
20 to R.S. 9:465 shall have no effect on birth certificates maintained by the ~~Vital~~
21 ~~Records Registry~~ vital records registry, except that when a name change is effected
22 pursuant to R.S. 9:465 and an affidavit is presented from the district attorney of the
23 parish or place of residence of the requesting party indicating that there is no
24 objection of the district attorney to the adoptee's name change along with a certified
25 copy of the notarial act of adoption and the appropriate fee, the registrar of vital
26 records shall prepare a new birth certificate to reflect the new name. If there is an
27 objection from the district attorney, the registrar of vital records shall not seal the
28 adopted person's birth certificate nor prepare a new certificate until the grounds for

1 the objection have been removed and confirmed by a supplemental affidavit from the
2 district attorney.

3 * * *

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

6 * * *

7 §961. Definitions

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

10 * * *

11 (23) "Industrial hemp" means the plant Cannabis sativa and any part of that
12 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
13 acids, and salts of isomers, whether growing or not, with a
14 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
15 weight basis and cultivated and processed in accordance with the U.S. Agriculture
16 Improvement Act of 2018, or the plan submitted by the ~~Louisiana~~ Department of
17 Agriculture and Forestry that is in compliance with the U.S. Department of
18 Agriculture rules.

19 * * *

20 (27)

21 * * *

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

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

27 * * *

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

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

6 * * *

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

12 * * *

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

14 DRUG-RELATED OBJECTS PROHIBITED

15 §1021. Definitions

16 ~~As~~ As used in this Part, unless the context clearly otherwise indicates, the
17 term "drug paraphernalia" ~~shall mean and include~~ means and includes, but is not
18 ~~be~~ limited to:

19 * * *

20 §1024. Exceptions; defenses; local needle exchanges

21 * * *

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

28 * * *

1 §1046. Recommendation and dispensing of marijuana for therapeutic use; rules and
2 regulations of the ~~Louisiana State Board of Medical Examiners and~~
3 Louisiana Board of Pharmacy; production facility licensing by the
4 Department of Agriculture and Forestry

5 * * *

6 §1047. ~~Louisiana~~ Department of Agriculture and Forestry; authorization to obtain
7 criminal history record information

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

10 * * *

11 (4) "Department" means ~~Louisiana~~ the Department of Agriculture and
12 Forestry.

13 * * *

14 §1061.17. Woman's right to know

15 * * *

16 B. Informed consent; requirements. After a woman is determined to be
17 pregnant, no abortion shall be performed or induced without the voluntary and
18 informed consent of the woman upon whom the abortion is to be performed or
19 induced. Except in the case of a medical emergency, consent to an abortion is
20 voluntary and informed if and only if:

21 * * *

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

26 * * *

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

29 * * *

1 §1122.1. Louisiana Rare Disease Advisory Council

2 * * *

3 B.

4 * * *

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

9 * * *

10 §1123.3. Restroom access

11 * * *

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

14 * * *

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

18 * * *

19 §1133.15. Hazardous substance transportation emergencies; payment for emergency
20 medical services

21 The person or entity who in the course of transporting hazardous substances
22 or materials causes or contributes to a discharge of a hazardous substance or material
23 that causes an emergency condition shall be obligated to pay the reasonable costs of
24 any emergency medical services provider whose presence or service, including
25 standby, is requested at such hazardous substance emergency by any person
26 authorized by the Department of Public Safety and Corrections or the Department
27 of Environmental Quality to respond to a hazardous substance transportation
28 emergency. Nothing ~~is~~ in this Section shall affect the rights of any party to recover
29 under any other provision of law.

30 * * *

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

1 §1139.6. Powers and duties of the commission

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

4 * * *

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

9 * * *

10 §1168.3. Data system; components; reporting; design in collaboration with ~~medical~~
11 ~~schools~~ certain higher education institutions; public records exception

12 * * *

13 §1203.1. Definitions

14 For the purposes of this Part:

15 * * *

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

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

19 * * *

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

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

22 * * *

23 (h) A home- and community-based service provider; as defined in R.S.
24 40:2120.2.

25 * * *

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

27 * * *

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

29 * * *

1 §1203.3. Refusal to hire or contract; termination of employment; exemption; appeal
2 procedure; waiver

3 * * *

4 D.

5 * * *

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

8 * * *

9 §1223.3. Definitions

10 As used in this Part, the following terms have the meaning ascribed in this
11 Section:

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

15 (2) "Distant site" means the site at which the healthcare provider delivering
16 the service is located at the time the service is provided via a telecommunications
17 system.

18 (3) "Healthcare provider" means a person, partnership, limited liability
19 partnership, limited liability company, corporation, facility, or institution licensed
20 or certified by this state to provide healthcare or professional services as a physician
21 assistant, hospital, nursing home, dentist, registered nurse, advanced practice
22 registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified
23 nurse assistant, offshore health service provider, ambulance service, licensed
24 midwife, pharmacist, speech-language pathologist, audiologist, optometrist,
25 podiatrist, chiropractor, physical therapist, occupational therapist, certified or
26 licensed athletic trainer, psychologist, medical psychologist, social worker, licensed
27 professional counselor, licensed perfusionist, licensed respiratory therapist, licensed
28 radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory
29 scientist.

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

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

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

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

22 (ii) Facsimile transmissions.

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

28 * * *

1 §1249.2. Definitions

2 As used in this Part, the following terms have the meaning ascribed in this

3 Section:

4 * * *

5 (5) "Person with a developmental disability" means an individual of any age
6 who has a developmental disability as defined in ~~R.S. 28:451.2(12)~~ R.S. 28:451.2.

7 * * *

8 §1249.3. Medical assistance programs

9 A. The department shall adopt rules and regulations in accordance with the
10 Administrative Procedure Act with regards to the following:

11 * * *

12 (4) Developing and implementing a ~~budget neutral~~ budget-neutral pilot
13 program in selected areas of the state for an integrated, coordinated, prepaid delivery
14 model for long-term care services for the elderly and people with adult-onset
15 disabilities.

16 * * *

17 §2012.2. Admission of pay patients; disposition of proceeds

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

23 §2012.3. Transportation of indigent patients to hospital; expenses

24 A. Upon being shown the certificate of the superintendent of the hospital
25 entitling an indigent tuberculosis patient to admission to a state owned tuberculosis
26 hospital, the parish sheriff shall arrange for the transportation of the patient to such
27 hospital.

28 B. The sheriff may collect from the parish five cents per mile for the distance
29 the patient is transported from the parish to the hospital designated. Where more

1 than one patient is transported at a time, the sheriff shall receive five cents a per mile
2 for each patient transported. This five cents per mile shall be made to cover any
3 means of transportation, sleeping accommodations, and sustenance of patients during
4 their transportation. In addition to ~~the above~~ these amounts, the sheriff may collect
5 for his own expenses an additional five cents per mile for each mile traveled in
6 transporting the patient or patients to the hospital and in returning. The sheriff shall
7 take the most direct route possible in going to and returning from the hospital. If any
8 parish fails or refuses to pay the transportation charges to any sheriff justly entitled
9 to them, the sheriff may proceed by summary writ of mandamus in the district court,
10 without cost, against the governing authority of the parish to enforce payment.

11 §2017.10. Emergency medical services program; cooperation of other state
12 departments

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

28 B. In order to effectuate the emergency medical services program ~~herein~~
29 provided for in this Section, the department shall have authority to adopt and enforce

1 rules and regulations pertaining thereto and to do and perform all things and acts
2 which it deems necessary or desirable for the purpose.

3 * * *

4 §2018.3. Louisiana Sickle Cell Commission

5 * * *

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

8 * * *

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

11 * * *

12 §2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose;
13 termination

14 * * *

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

16 * * *

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

22 * * *

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

24 * * *

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

29 * * *

1 C.

2 * * *

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

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

8 * * *

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

12 * * *

13 (i) AARP Louisiana (~~AARP~~).

14 * * *

15 §2109. Rules, regulations, and minimum standards

16 * * *

17 E.

18 * * *

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

22 * * *

23 §2113.2. Rules, regulations, and contracts

24 The Louisiana Department of Health shall prescribe rules and regulations to
25 govern the necessary contracts, agreements, and financial arrangements to properly
26 conduct training and research programs. Such rules and regulations shall govern
27 contracts and agreements with colleges and universities, both publicly and privately
28 owned, within the state for the purpose of promoting research and training in relation
29 to illnesses of all types. All rules, regulations, and contracts adopted under the

1 former authority of R.S. 46:663.2 are continued in effect and made subject to the
2 provisions herein enacted.

3 * * *

4 §2120.33. Definitions

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

8 * * *

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

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

15 * * *

16 §2166.5. Rules and regulations; licensing standards; fees

17 * * *

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

20 * * *

21 (12)

22 * * *

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

24 * * *

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

28 * * *

29 §2180.25. Rules and regulations; licensing standards

30 * * *

1 B.

2 * * *

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

5 * * *

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

9 * * *

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

11 * * *

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

14 * * *

15 §2193.1. Purpose and definitions

16 * * *

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

18 * * *

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

25 * * *

1 §2321. Definitions

2 As used in this Chapter:

3 "~~Water~~ water pollution control projects" means any waste treatment facilities
4 or any plants or other works which accomplishes the treating, stabilizing, or holding
5 of untreated or inadequately treated sewage or other wastes.

6 Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory
7 paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3),
8 450.6(A) and (B)(1), 460.3, 977, 1906(C), 1933(B), 1952(introductory paragraph),
9 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(introductory paragraph) and
10 (e), 2761, and 2891 are hereby amended and reenacted to read as follows:

11 §236.1.2. Family and child support programs; responsibilities

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

16 * * *

17 §450.3. WIC participants; homeless

18 * * *

19 C. For purposes of this Section, the following terms shall have the following
20 meanings:

21 * * *

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

1 §450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare
2 coverage

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

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

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

15 D. In keeping with the Medicaid disease management program of the
16 Louisiana Department of Health, ~~Medicaid program's disease management program,~~
17 patients receiving Medicaid benefits who are at risk for chronic kidney disease will
18 be tracked regarding appropriate diagnostic testing. Medicaid providers will be
19 educated and disease management strategies implemented in order to increase the
20 rate of evaluation and treatment for chronic kidney disease according to accepted
21 practice guidelines including:

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

24 * * *

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

26 * * *

27 §450.6. Election of Chafee Option

28 A. To the extent federal financial participation is available pursuant to an
29 approved state Medicaid plan amendment, the Louisiana Department of Health shall

1 exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent
2 foster care adolescents as defined by 42 U.S.C. 1396d(w)(1) who are not otherwise
3 ~~Medicaid-eligible~~ Medicaid-eligible in accordance with such requirements as were
4 in effect as of April 1, 2008, either of the following types of benefits:

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

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

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

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

12 * * *

13 §460.3. Adult basic education; literacy training; vocational educational training

14 To the extent allowed by federal law and notwithstanding any other state law,
15 rule, or regulation to the contrary, adult basic education and literacy training shall be
16 included in the definition of vocational educational training for purposes of
17 calculating work participation rates under the Temporary Assistance for Needy
18 Families programs. This law shall apply to any person receiving such education or
19 training, regardless of the person's age. ~~Any rule or regulation in conflict with this~~
20 ~~Section is hereby repealed.~~

21 * * *

22 §977. Vaccinations for certain juveniles in state custody

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

28 * * *

1 §1906. Delinquents and children in need of services; custody, supervision, services

2 * * *

3 C. With respect to children between the ages of twelve and nineteen who
4 have been placed in the custody of the local juvenile detention facility, each child
5 shall be immunized with the ~~Hepatitis~~ hepatitis B vaccine during the intake process
6 at any state or ~~nonstate-owned~~ nonstate-owned facility. The Vaccines for Children
7 Program through the office of public health shall be responsible for providing and
8 dispensing the ~~Hepatitis~~ hepatitis B vaccine to each facility as provided for in R.S.
9 46:977. The office of public health shall utilize the Louisiana Immunization
10 Network for Kids (LINKS) to track the ~~Hepatitis~~ hepatitis B vaccination, as well as
11 all other vaccinations given to juveniles while in the custody of local juvenile
12 detention facilities. Detainees released before completion of the series of three
13 immunizations shall be referred to health units or other providers for completion of
14 the series of doses.

15 * * *

16 §1933. Organization and powers

17 * * *

18 B. Any multiparish juvenile detention home district may acquire title by
19 purchase or donation to ~~real and personal~~ immovable property for public purposes;
20 and may own, operate, or maintain facilities for the housing, care, supervision,
21 maintenance, and education of juveniles under the age of eighteen years, and for
22 individuals eighteen years of age and over who were under eighteen years of age
23 when they committed an alleged offense.

24 * * *

25 §1952. Definitions

26 As used in this Chapter;

27 * * *

1 §2169.1. Powers and duties

2 The office shall have the following powers and duties:

3 * * *

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

7 * * *

8 §2626. Fees on emergency ground ambulance service providers; disposition of fees

9 * * *

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

13 * * *

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

18 * * *

19 §2741. Legislative findings and purpose

20 A.(1)~~(a)~~ The current methodology for reimbursement of services to Medicaid
21 recipients provided by nursing homes was implemented in 1984 prior to major
22 changes in federal laws relative to nursing home staffing, provision of patient care,
23 enforcement, and regulatory requirements.

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

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

1 as: total dollars requested by appropriate budget categories and, to the extent
 2 appropriate, by program and by organizational unit; the number and classification
 3 of necessary personnel, by program and organizational unit; explanation of how the
 4 requirements will be provided, including the transfer and utilization of the personnel,
 5 funds, facilities, and equipment of transferred entities; how functions, including
 6 management and finance related functions and data processing, will be consolidated;
 7 and how services may be provided more effectively.

8 * * *

9 §2761. Uncompensated Care Hospital Payments

10 A.(1) The Louisiana Department of Health shall specify in the Medicaid
 11 State Plan how uncompensated care is defined and calculated and shall determine
 12 what facilities qualify for uncompensated care payments and the amount of the
 13 payments. In determining payments as provided in this Subsection, the department
 14 shall prioritize local access to care; and shall distribute uncompensated care
 15 payments in proportion to the amount and type of uncompensated care reported by
 16 all qualified facilities as required by rule and as allocated in appropriations to the
 17 ~~Medical Vendor Payments Program~~ medical vendor payments program. The
 18 secretary shall require, as a condition of payment of uncompensated care costs
 19 provided ~~under~~ pursuant to this Subsection, that all state and non-state hospitals,
 20 excluding rural hospitals included in the Rural Hospital Preservation Act and their
 21 ~~provider based~~ provider-based rural health clinics, and other ~~health care~~ healthcare
 22 facilities report to the department ~~patient-specific~~ patient-specific Louisiana
 23 Medicaid universal billing revenue code format data on the amount and type of
 24 uncompensated care provided and all requested data on the amount and type of other
 25 services and activities financed by uncompensated care payments. This data shall
 26 be reported electronically by each hospital or other facility on a quarterly schedule
 27 as required by the department. The secretary shall provide, after the close of each
 28 quarter, a detailed summary of reported information to the governor and the
 29 legislature. Hospitals defined ~~under~~ in the Rural Hospital Preservation Act shall

1 continue to report the data collected on the Louisiana Department of ~~Health~~ Health
2 form "Schedule of Uncompensated Care Cost" in accordance with the state plan as
3 approved by the Centers for Medicare and Medicaid Services. The secretary of the
4 Louisiana Department of Health shall provide an annual report of the submitted
5 information and related payments to the governor and the legislature and shall make
6 such data available to the public on the ~~Louisiana Department of Health~~'
7 department's website. In addition, if a hospital or other ~~health-care~~ healthcare facility
8 does not provide the required ~~patient specific~~ patient-specific data, the secretary of
9 the department may withhold an amount equal to five percent of Medicaid payments
10 due that provider. Such withholding shall increase by five percent for each
11 successive month that the required data is not received, but the total amount withheld
12 shall not exceed twenty-five percent of the total monthly amount due the facility.
13 Upon receipt of the required data, the department shall pay the facility all amounts
14 previously withheld as a result of the failure to submit the required data. A hospital
15 or other ~~health-care~~ healthcare facility subject to withholding ~~under this provision~~
16 pursuant to this Paragraph may request an administrative review as provided by R.S.
17 46:437.4. The format of the data submission shall be defined as the current
18 mandated Louisiana Medicaid ~~Program~~ program format by the secretary of the
19 department.

20 (2) Nothing in this Subsection shall be construed to impede or preclude the
21 Louisiana Department of Health from implementing the provisions of the Rural
22 Hospital Preservation Act.

23 B. The secretary of the Louisiana Department of Health shall, subject to
24 approval from the Centers for Medicare and Medicaid Services, amend the ~~State~~
25 ~~Medicaid Plan~~ state Medicaid plan to provide for Medicaid disproportionate share
26 payments to hospitals operated by the LSU Health Sciences Center-New Orleans
27 under the provision of federal law that permits the reimbursement of uncompensated
28 cost up to one hundred and seventy-five percent of allowable cost. ~~In state fiscal~~
29 ~~years 2003-2004 and 2004-2005, Medicaid disproportionate share payments retained~~

1 ~~by the hospitals shall not exceed a cap as agreed upon by the division and the~~
2 ~~Louisiana Department of Health and as reflected in appropriations to the Medical~~
3 ~~Vendor Payments Program for each year.~~

4 * * *

5 §2891. Physician upper payment limit methodology

6 The Louisiana Department of Health is hereby authorized to develop
7 mechanisms to support the continued operation of state-funded ~~healthcare~~ healthcare
8 programs, specifically Medicaid, through the utilization of physician upper payment
9 limit reimbursement methodologies. ~~The~~ Any such methodology utilized shall be
10 designed to continue access and delivery of healthcare services to the poor. The
11 implementation of this methodology ~~is~~ shall be subject to federal law and approval
12 ~~of~~ by the Centers for Medicare and Medicaid Services. Participation in the
13 utilization of physician upper payment limit reimbursement methodologies shall be
14 limited exclusively to ~~only those~~ hospitals which certify public expenditures to the
15 state ~~of Louisiana~~.

16 Section 6. Children's Code Articles 301 and 1150(2)(b) are hereby amended and
17 reenacted to read as follows:

18 Art. 301. Definitions

19 As used in this Title:

20 "~~Nonmetropolitan~~ nonmetropolitan area" means a parish whose largest city
21 has a population of fifty thousand or less and where the population of the entire
22 parish is less than one hundred thousand.

23 * * *

24 Art. 1150. Definitions

25 As used in this Chapter:

26 * * *

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

28 * * *

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

7 * * *

8 Section 7. R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B),
 9 and 1249.2(1), R.S. 46:2757(C)(2), and Section 4 of Act No. 449 of the 2006 Regular
 10 Session are hereby repealed in their entirety.

11 Section 8. The Louisiana State Law Institute is hereby authorized and directed to
 12 arrange in alphabetical order and renumber the defined terms comprising R.S. 37:1026.3 and
 13 2833, R.S. 40:1061.9, 1105.1, 1105.9(D), 1251.4, 1269.2, 1300.32, 2010.1, 2010.7,
 14 2017.12(B), 2120.2, and 2472, R.S. 46:1 and 1072, and Children's Code Articles 811.3 and
 15 1351.

16 Section 9.(A) The Louisiana State Law Institute is hereby authorized and directed
 17 to redesignate Part XII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950,
 18 comprised of R.S. 40:1123.1 through 1123.4 as amended by Section 4 of this Act, as Part
 19 V of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of
 20 R.S. 40:1300.41 through 1300.44, and is further directed to retain the heading of the Part.

21 (B) The Louisiana State Law Institute is hereby authorized and directed to
 22 redesignate Chapter 60 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of
 23 R.S. 46:2761 as amended by Section 5 of this Act, as Subpart A-1 of Part I of Chapter 5-E
 24 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1242, and
 25 is further directed to apply to the Subpart the heading "Uncompensated Care Hospital
 26 Payments".

27 (C) The Louisiana State Law Institute is hereby authorized and directed to
 28 redesignate Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of
 29 R.S. 46:2891 as amended by Section 5 of this Act, as Subpart B-1 of Part I of Chapter 5-E

1 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1244.1, and
 2 is further directed to apply to the Subpart the heading "Physician Upper Payment Limit
 3 Methodology".

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 Reengrossed

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.

Proposed law authorizes and directs the La. State Law Institute to redesignate certain segments of present law as follows:

- (1) Redesignate Part XII of Ch. 5-B of Title 40 of the La. Revised Statutes, comprised of R.S. 40:1123.1 through 1123.4, as Part V of Ch. 5-G of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1300.41 through 1300.44.
- (2) Redesignate Ch. 60 of Title 46 of the La. Revised Statutes, comprised of R.S. 46:2761, as Subpart A-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1242.
- (3) Redesignate Ch. 64 of Title 46 of the La. Revised Statutes, comprised of R.S. 46:2891, as Subpart B-1 of Part I of Ch. 5-E of Title 40 of the La. Revised Statutes, to be comprised of R.S. 40:1244.1.

(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), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976,

1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A), 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. 40:1021(intro. para.), 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, 1249.2(intro. para.) and (5), 1249.3(A)(4), 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)(intro. para.), (m)(intro. para.) and (v), and (q), 2193.1(B)(5)(intro. para.), and 2321, 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), 460.3, 977, 1906(C), 1933(B), 1952(intro. para.), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), 2757(C)(1)(intro. para.) and (e), 2761, and 2891, and Ch.C. Art. 301 and 1150(2)(b); Repeals R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), 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.

The House Floor Amendments to the engrossed bill:

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