

2022 Regular Session

SENATE BILL NO. 268

BY SENATORS MIZELL AND BARROW

HEALTH CARE. Provides relative to opioid treatment programs for pregnant women.
(1/1/23)

1 AN ACT

2 To amend and reenact R.S. 40:2156(B)(4) and to enact R.S. 40:2159.2, relative to opioid
3 treatment programs for pregnant women; to establish requirements for treatment
4 facilities licensed as behavioral health services providers that provide treatment for
5 opioid use disorder to pregnant women; to prohibit certain actions against behavioral
6 health services provider licenses prior to a specific date; to provide for definitions;
7 to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:2156(B)(4) is hereby amended and reenacted and R.S. 40:2159.2
10 is hereby enacted to read as follows:

11 §2156. Rules and regulations; licensing standards; fees

12 * * *

13 B. The department shall prescribe, promulgate, and publish rules,
14 regulations, and licensing standards for behavioral health services providers. The
15 rules, regulations, and licensing standards shall include but are not limited to the
16 following:

17 * * *

1 (4) Practice standards to assure the health, safety, welfare, and comfort of
2 persons receiving care and services, **including pregnant women as provided for**
3 **in R.S. 40:2159.2.**

4 * * *

5 **§2159.2. Substance use disorder facilities treating pregnant women**

6 **A.(1) Each substance use disorder facility licensed pursuant to this Part**
7 **as a behavioral health services provider that provides treatment for opioid use**
8 **disorder to pregnant women shall provide onsite access to at least one form of**
9 **FDA-approved opioid agonist treatment.**

10 **(2) For purposes of this Section, "onsite access" shall mean delivery of**
11 **the treatment to the patient at the location of the substance use disorder facility.**
12 **"Onsite access" shall not mean that the substance use disorder facility is**
13 **required to maintain stock of the medication-assisted treatment at the facility.**

14 **(3) A substance use disorder facility shall not be found to be in violation**
15 **of this Section if prior authorization from a patient's health insurer, including**
16 **the Medicaid program, is required and the preapproval request is denied by the**
17 **patient's health insurer.**

18 **B. Each substance use disorder facility licensed pursuant to this Part as**
19 **a behavioral health services provider which provides treatment for opioid use**
20 **disorder to pregnant women shall submit to the department on its initial**
21 **licensing application or its annual licensing renewal application an attestation**
22 **as to whether it is complying with the requirements of Subsection A of this**
23 **Section. The requirement for submission of the attestation shall commence on**
24 **January 1, 2023. If the licensed facility is not fully complying with the**
25 **requirements of Subsection A of this Section, then the attestation that the**
26 **facility submits shall include a report addressing its progress toward satisfying**
27 **those requirements.**

28 Section 2.(A) The Louisiana Department of Health shall not take any action to
29 enforce the requirements of R.S. 40:2159.2(B), as enacted by Section 1 of this Act, prior to

1 January 1, 2023.

2 (B) The Louisiana Department of Health shall not take any action against the license
3 of a behavioral health services provider which holds a license on the effective date of this
4 Act for failure to comply with the requirements of R.S. 40:2159.2(A), as enacted by Section
5 1 of this Act, prior to January 1, 2023.

6 (C) The Louisiana Department of Health shall monitor provider compliance with the
7 requirements of R.S. 40:2159.2(A) to ensure continued access to treatment for pregnant
8 women and report annually to the Senate and House committees on health and welfare the
9 number of pregnant women receiving medications for opioid use disorder and the number
10 of providers licensed to provide that treatment prior to the Act going into effect and each
11 year thereafter.

12 Section 3. This Act shall become effective on January 1, 2023.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SB 268 Engrossed

2022 Regular Session

Mizell

Present law provides for the licensure of behavioral health services providers by the La. Dept. of Health (LDH). Proposed law retains present law and adds specific licensure requirements for substance use disorder facilities that treat pregnant women.

Proposed law requires substance use disorder facilities that treat pregnant women to provide onsite access to at least one form of FDA-approved opioid agonist treatment. Proposed law defines onsite access.

Proposed law provides that the substance use disorder facility shall not be in violation of proposed law if the pregnant woman's health insurance will not cover the cost of treatment.

Proposed law provides that substance use disorder facilities will self-attest their compliance with proposed law or progress towards compliance in their initial license application or upon license renewal.

Proposed law prohibits enforcement by LDH until January 1, 2023. Proposed law provides that LDH will submit a report to the Senate and House committees on health and welfare on the number of pregnant women receiving medications for opioid use disorder and the number of providers licensed to provide that treatment prior to and after implementation of proposed law.

Effective January 1, 2023.

(Amends R.S. 40:2156(B)(4); adds R.S. 40:2159.2)