

2022 Regular Session

HOUSE BILL NO. 314

BY REPRESENTATIVES TURNER AND BAGLEY

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),
21 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),
22 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading),

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

1 have been repealed or no longer exist; to repeal obsolete findings and references to
2 outdated information; to designate undesignated statutory provisions; and to provide
3 for related matters.

4 Be it enacted by the Legislature of Louisiana:

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

7 §2. Definitions

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

10 * * *

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

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

4 * * *

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

7 A.

8 * * *

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

13 * * *

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

19 * * *

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

25 * * *

26 §70. Written treatment plan for involuntary outpatient treatment

27 A. The court shall not order involuntary outpatient treatment unless an
28 examining physician, psychiatric mental health nurse practitioner, or psychologist
29 develops and provides to the court a proposed written treatment plan. The
30 respondent, and any other individual whom the respondent may designate, shall be

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

* * *

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

* * *

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

* * *

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

* * *

28 Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2)
 29 and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1),
 30 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading),

1 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A),
 2 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph)
 3 and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1),
 4 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory
 5 paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1),
 6 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362,
 7 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441,
 8 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E),
 9 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4),
 10 (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph)
 11 and (4)(a), and 3071(B)(1) and (2) are hereby amended and reenacted to read as follows:

§752. Exemptions from license

The licensing provisions of this Chapter shall not apply to:

* * *

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

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

* * *

(6) The making of artificial restorations, substitutes, appliances, or materials
 for the correction of diseases, loss, deformity, malposition, dislocation, fracture,
 injury of the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts,
 upon written work orders or prescriptions furnished by a licensed and registered

1 dentist on a form approved by the ~~Louisiana State Board of Dentistry~~ board as
2 hereinafter set forth, and the use in connection with ~~said~~ the work order or
3 prescription of casts, models or from impressions furnished by a licensed or
4 registered dentist.

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

16 * * *

17 (9)

18 * * *

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

21 (i) "Clinical" means those activities described in ~~R.S. 37:751(A)(5)~~ R.S.
22 37:751(A)(6).

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

25 (iii) "Personal representative" has the same meaning as provided in ~~R.S.~~
26 ~~9:2260.1(11)~~ R.S. 9:2260.1.

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

28 * * *

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

4 * * *

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

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

11 * * *

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

14 * * *

15 §761. Requirements of applicants for dental license

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

17 * * *

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

21 * * *

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

1 §771.1. Dentist fees; discount to an uninsured individual; effect on a dentist's
2 contracted reimbursement amount

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

10 B. For the purposes of this Section:

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

14 * * *

15 §786.1. Stay of board decision

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

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

23 * * *

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

25 * * *

26 B. Any dental assistant who does not meet the employment criteria set forth
27 in ~~R.S. 37:792(A)~~ Subsection A of this Section shall attend and successfully
28 complete a course in x-ray function and safety approved by the ~~Louisiana State~~
29 ~~Board of Dentistry~~ board within six months after commencement of employment by

1 a licensed dentist. Any such assistant shall be deemed to be authorized to take dental
2 x-rays only upon compliance with this Subsection.

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

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

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

10 * * *

11 §793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral
12 sedation; deep sedation; general anesthesia; definitions; permits; credentials;
13 reporting; fees; limitations; exceptions

14 * * *

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

17 * * *

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

24 * * *

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

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

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

2 * * *

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

7 * * *

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

11 * * *

12 §796.1. Requirements to provide dental services at mobile dental clinics and
13 locations other than the dental office; permit; hold harmless

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

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

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

23 * * *

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

25 * * *

26 §925. Violations; penalty

27 * * *

28 C. If a person licensed to practice as a registered nurse or advanced practice
29 registered nurse is found guilty of violating any provision of ~~the~~ this Part, the board

1 may suspend, probate, limit, or otherwise restrict, or revoke the license of such
2 person.

3 * * *

4 §929. Exceptions

5 The provisions of this Part shall not apply to:

6 * * *

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

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

11 * * *

12 §966. Meetings; quorum

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

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

16 * * *

17 §971. Examination; licensing

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

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

24 * * *

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

26 A. A school of practical nursing which wishes to be accredited may make
27 application to the board. After investigation and approval of the curricula of the
28 school the board may approve the school and issue a certificate as an accredited
29 school of practical nursing.

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

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

8 * * *

9 §1007. Nursing Supply and Demand Council; creation; membership; vacancies;
 10 compensation; staff and facilities; powers and duties

11 A.

12 * * *

13 (2)

14 * * *

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

17 * * *

18 §1012. Definitions

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

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

24 A: (2) "Board" means the Board of Regents.

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

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

31 * * *

1 §1015. Procedure for applications

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

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

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

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

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

11 * * *

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

16 §1016. Stipends

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

28 §1017. Procedure and stipends for non-faculty applications

29 A. The committee may administer a program by which ~~they loan~~ it loans
30 each year to an applicant eligible pursuant to R.S. 37:1013(B) not more than

1 seventy-five percent of the lowest faculty salary being paid at the time of the
2 application to be forgiven in exchange for completing the degree and for serving on
3 the faculty for not less than three years more than the length of time taken to acquire
4 the degree.

5 * * *

6 §1176. Removal

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

9 * * *

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

12 * * *

13 §1218. Administration of influenza immunization

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

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

21 * * *

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

28 * * *

1 provider, by written or electronic communication, as soon as reasonably possible
2 thereafter that the immunization was administered.

3 * * *

4 §1285. Causes for nonissuance; suspension; revocation; or the imposition of
5 restrictions; fines; reinstatement; publication of action; stays

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

9 * * *

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

14 * * *

15 §1360.24. Licensure

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

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

19 * * *

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

25 * * *

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

30 * * *

1 §1360.26. Inactive license

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

11 * * *

12 §1360.31. Services performed by physician assistants

13 * * *

14 C.

15 * * *

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

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

29 * * *

1 §1360.37. Injunctive proceedings

2 * * *

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

6 * * *

7 §1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

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

11 * * *

12 §2352. Definition of terms

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

15 * * *

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

19 * * *

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

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

30 * * *

1 §2353. State board of examiners; organization; duties; meetings; fees

2 A.

3 * * *

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

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

21 * * *

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

23 * * *

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

27 * * *

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

1 (5) Conduct hearings upon complaints concerning the disciplining of a
 2 person licensed pursuant to the provisions of this Chapter and within the limitations
 3 established ~~under~~ in Chapter 1-A of ~~Title 37 of the Louisiana Revised Statutes of~~
 4 ~~1950~~ this Title.

* * *

6 §2355. Records

* * *

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

11 §2356. Licensure of psychologists by written and oral examination

* * *

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

* * *

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

* * *

25 H. If the board reasonably believes that a person applying for a license or for
 26 renewal of a license is not physically and mentally competent to render
 27 psychological services with reasonable skill and safety to his patients, or is afflicted
 28 with a disease or condition, either physical or mental, which would impair his
 29 competency to render psychological services, the board may request that the person
 30 submit to a physical examination by a medical doctor approved by the board, ~~and/or~~

1 upon payment of fees required by this Chapter and compliance with the provisions
2 of this Subsection.

3 * * *

4 §2359. Denial, revocation, or suspension of license; psychologist; provisional
5 license; specialist in school psychology

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

9 * * *

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

19 * * *

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

24 * * *

25 §2360. Violation and penalties

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

27 (1) 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 represent himself as a
29 psychologist; ~~or~~.

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

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

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

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

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

16 §2361. Injunctive proceedings

17 * * *

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

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

24 §2362. Advertisement of psychological services

25 The board may promulgate regulations to prohibit deceptive advertisements
26 and representations concerning psychological services and ~~the board~~ may enforce
27 this Section and its regulations ~~under~~ in accordance with the provisions of R.S.
28 37:2361.

1 §2363. Privileged communications

2 A. In judicial proceedings, whether civil, criminal, or juvenile, legislative
3 and administrative proceedings, and proceedings preliminary and ancillary thereto,
4 a patient or client, or his legal representative, may refuse to disclose or prevent the
5 disclosure of confidential information, including information contained in
6 administrative records, communicated to a psychologist or a licensed specialist in
7 school psychology licensed ~~under~~ in accordance with the provisions of this Chapter,
8 or persons reasonably believed by the patient or client to be so licensed, or to their
9 employees or other persons under their supervision, for the purpose of diagnosis,
10 evaluation, or treatment of any mental or emotional condition or disorder.

11 * * *

12 §2365. Scope of Chapter

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

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

24 C. The following persons may engage in activities defined as the practice of
25 psychology, ~~provided~~ if they do not represent themselves by any title which
26 incorporates the word "psychologist" and ~~provided~~ they perform their activities
27 under the supervision and functional authority of a psychologist licensed ~~under~~ in
28 accordance with the provisions of this Chapter or a medical psychologist licensed by
29 the Louisiana State Board of Medical Examiners, subject to applicable in accordance
30 ~~with~~ regulations promulgated by the board:

31 * * *

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

12 §2442. Definitions

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

15 * * *

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

17 * * *

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

23 * * *

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

28 * * *

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

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

* * *

14 §3071. License of electrologists; qualifications; examinations; issuance of license;
 15 waiver

* * *

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

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

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

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

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

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

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

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

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

15 * * *

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

18 §98.3. Appropriations from the Health Excellence Fund, the Education Excellence
19 Fund, and the TOPS Fund

20 * * *

21 B. Appropriations from the Health Excellence Fund shall be restricted to the
22 following purposes:

23 * * *

24 (2) A program of research grants and projects that encourage the pursuit of
25 innovation in advanced health care sciences; such program shall support clinical and
26 laboratory research efforts based in Louisiana universities, as well as institutions
27 represented in the membership of the Medical Education Commission as provided
28 in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied
29 research in advanced health care sciences; such program shall encourage institutional
30 commitment and leveraging of state monies to secure private and federal funds and

1 shall be administered by the Board of Regents through an objective, competitive
2 process subject to peer review. The Board of Regents shall annually submit to the
3 legislature and the governor, not less than forty-five days prior to the beginning of
4 each regular session of the legislature, a proposed program and budget for the
5 expenditure of the funds appropriated to the Board of Regents for these purposes.

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

10 * * *

11 §98.4. Louisiana Fund

12 * * *

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

17 * * *

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

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

1 each regular session of the legislature, a proposed program and budget for the
2 expenditure of the funds appropriated to the Board of Regents for these purposes.

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

7 * * *

8 §1536. Assessment of premiums

9 A.

10 * * *

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

16 * * *

17 §1543. Unit of risk analysis and loss prevention

18 * * *

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

24 * * *

25 §1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services
26 by a state agency from an accredited facility

27 Notwithstanding any other provision of law to the contrary, regulations
28 promulgated by the commissioner of administration or other purchasing entity
29 governing the purchase of prostheses, orthoses, prosthetic services, or orthotic
30 services shall require that such services shall be purchased only from an accredited

1 facility as provided in ~~R.S. 40:1300.28~~ R.S. 40:1225.1; however, nothing in this
 2 Section shall prohibit a licensed occupational therapist or a licensed physical
 3 therapist from practicing within his scope of practice. In addition, the provisions of
 4 this Section shall not apply to a licensed optometrist, ophthalmologist, podiatrist, or
 5 orthopedist.

6 Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii),
 7 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E),
 8 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1),
 9 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading), 961(introductory
 10 paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40
 11 of the Louisiana Revised Statutes of 1950, R.S. 40:1021(introductory paragraph), 1024(B),
 12 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii),
 13 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8),
 14 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3,
 15 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10,
 16 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i),
 17 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and
 18 (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory
 19 paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory
 20 paragraph), and 2321 are hereby amended and reenacted to read as follows:

21 §4. Sanitary Code

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

29 (1)(a) In order to protect the consuming public against ~~food-borne~~ foodborne
 30 disease, the rules and regulations contained in the Sanitary Code shall be designed

1 so as to provide and require that all food products, including milk and milk products,
 2 ice, bottled water, marine and freshwater seafood, animal products, frozen desserts
 3 and toppings, and related similar foods, are produced from a safe and sanitary source,
 4 and are prepared, processed, packaged, handled, stored, and transported in a sanitary
 5 manner which will prevent contamination, spoilage, or adulteration. These food
 6 product rules and regulations shall be further designed so as to provide that all
 7 facilities, material, and equipment that may come into direct contact with any food
 8 or food product must be of nontoxic content to ensure a sanitary, wholesome, and
 9 nutritious product.

10 (b)

11 * * *

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

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

25 * * *

26 §5. General powers and jurisdiction

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

29 * * *

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

4 * * *

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

10 * * *

11 §5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food
12 safety certificates

13 * * *

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

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

26 (1) The office of public health shall approve training programs for applicants
27 which impart and test knowledge of the nature, prevention, and control of ~~food borne~~
28 foodborne illness transmission and of methods for identifying and monitoring critical
29 control points for safeguarding the production, processing, preparation, and serving
30 of food. Such training programs shall include but not be limited to instructions in

1 the standards set forth in the Applied Food Service Sanitation Program established
 2 by the Educational Foundation of the National Restaurant Association or other
 3 programs recognized in the food service industry. The office of public health shall
 4 approve training programs administered or approved by another state, a political
 5 subdivision, or other jurisdiction with standards that meet or exceed those
 6 established by this Subsection.

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

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

15 * * *

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

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

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

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

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

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

29 (d) An any establishment that heats or prepares boudin or sausage for
 30 personal consumption;

1 registrar shall notify each parish registrar of voters as to the name, address, and age
2 of each resident of that parish over eighteen years of age for whom a death certificate
3 has been received.

4 * * *

5 §75. Adult adoption; name changes

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

18 * * *

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

21 * * *

22 §961. Definitions

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

25 * * *

26 (23) "Industrial hemp" means the plant Cannabis sativa and any part of that
27 plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers,
28 acids, and salts of isomers, whether growing or not, with a
29 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry
30 weight basis and cultivated and processed in accordance with the U.S. Agriculture

1 Improvement Act of 2018, or the plan submitted by the ~~Louisiana~~ Department of
2 Agriculture and Forestry that is in compliance with the U.S. Department of
3 Agriculture rules.

4 * * *

5 (27)

6 * * *

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

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

12 * * *

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

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

18 * * *

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

24 * * *

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

26 DRUG-RELATED OBJECTS PROHIBITED

27 §1021. Definitions

28 A. As used in this Part, unless the context clearly otherwise indicates, the
29 term "drug paraphernalia" ~~shall mean and include~~ means and includes but is not
30 be limited to:

31 * * *

1 §1024. Exceptions; defenses; local needle exchanges

2 * * *

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

9 * * *

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

14 * * *

15 §1047. ~~Louisiana~~ Department of Agriculture and Forestry; authorization to obtain
16 criminal history record information

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

19 * * *

20 (4) "Department" means ~~Louisiana~~ the Department of Agriculture and
21 Forestry.

22 * * *

23 §1061.17. Woman's right to know

24 * * *

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

30 * * *

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

5 * * *

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

8 * * *

9 §1122.1. Louisiana Rare Disease Advisory Council

10 * * *

11 B.

12 * * *

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

17 * * *

18 §1123.3. Restroom access

19 * * *

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

22 * * *

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

26 * * *

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

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

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

8 * * *

9 §1139.6. Powers and duties of the commission

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

12 * * *

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

17 * * *

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

20 * * *

21 §1203.1. Definitions

22 For the purposes of this Part:

23 * * *

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

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

27 * * *

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

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

30 * * *

1 (h) A home- and community-based service provider; as defined in R.S.
2 40:2120.2.

3 * * *

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

5 * * *

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

7 * * *

8 §1203.3. Refusal to hire or contract; termination of employment; exemption; appeal
9 procedure; waiver

10 * * *

11 D.

12 * * *

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

15 * * *

16 §1223.3. Definitions

17 As used in this Part, the following terms have the meaning ascribed in this
18 Section:

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

22 (2) "Distant site" means the site at which the healthcare provider delivering
23 the service is located at the time the service is provided via a telecommunications
24 system.

25 (3) "Healthcare provider" means a person, partnership, limited liability
26 partnership, limited liability company, corporation, facility, or institution licensed
27 or certified by this state to provide healthcare or professional services as a physician
28 assistant, hospital, nursing home, dentist, registered nurse, advanced practice
29 registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified
30 nurse assistant, offshore health service provider, ambulance service, licensed

1 midwife, pharmacist, speech-language pathologist, audiologist, optometrist,
 2 podiatrist, chiropractor, physical therapist, occupational therapist, certified or
 3 licensed athletic trainer, psychologist, medical psychologist, social worker, licensed
 4 professional counselor, licensed perfusionist, licensed respiratory therapist, licensed
 5 radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory
 6 scientist.

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

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

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

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

28 (ii) Facsimile transmissions.

29 (b) For purposes of this Paragraph, "behavioral health services" means those
 30 services as defined in R.S. 40:2153 that are appropriate for the patient and delivered

1 by a licensed mental health professional, acting within the scope of applicable state
2 laws and his professional license for services identified by Louisiana Department of
3 Health, to treat mental illness or substance use.

4 * * *

5 §1249.2. Definitions

6 As used in this Part, the following terms have the meaning ascribed in this
7 Section:

8 * * *

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

11 * * *

12 §1249.3. Medical assistance programs

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

15 * * *

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

20 * * *

21 §2012.2. Admission of pay patients; disposition of proceeds

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

27 §2012.3. Transportation of indigent patients to hospital; expenses

28 A. Upon being shown the certificate of the superintendent of the hospital
29 entitling an indigent tuberculosis patient to admission to a state owned tuberculosis

1 hospital, the parish sheriff shall arrange for the transportation of the patient to such
 2 hospital.

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

15 §2017.10. Emergency medical services program; cooperation of other state
 16 departments

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

1 shall deem necessary therefor shall cooperate with and assist the department, at its
2 request.

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

7 * * *

8 §2018.3. Louisiana Sickle Cell Commission

9 * * *

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

12 * * *

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

15 * * *

16 §2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose;
17 termination

18 * * *

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

20 * * *

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

26 * * *

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

28 * * *

29 (i) Are applicable early in the course of illness, in conjunction with other
30 therapies that are intended to prolong life, such as chemotherapy or radiation therapy,

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

3 * * *

4 C.

5 * * *

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

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

11 * * *

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

15 * * *

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

17 * * *

18 §2109. Rules, regulations, and minimum standards

19 * * *

20 E.

21 * * *

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

25 * * *

26 §2113.2. Rules, regulations, and contracts

27 The Louisiana Department of Health shall prescribe rules and regulations to
28 govern the necessary contracts, agreements, and financial arrangements to properly
29 conduct training and research programs. Such rules and regulations shall govern
30 contracts and agreements with colleges and universities, both publicly and privately

1 owned, within the state for the purpose of promoting research and training in relation
2 to illnesses of all types. All rules, regulations, and contracts adopted under the
3 former authority of R.S. 46:663.2 are continued in effect and made subject to the
4 provisions herein enacted.

5 * * *

6 §2120.33. Definitions

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

10 * * *

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

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

17 * * *

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

19 * * *

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

22 * * *

23 (12)

24 * * *

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

26 * * *

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

30 * * *

1 §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
30 exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent

1 foster care adolescents as defined by 42 U.S.C. 1396d(w)(1) who are not otherwise
2 ~~Medicaid-eligible~~ Medicaid-eligible in accordance with such requirements as were
3 in effect as of April 1, 2008, either of the following types of benefits:

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

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

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

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

11 * * *

12 §460.3. Adult basic education; literacy training; vocational educational training

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

20 * * *

21 §977. Vaccinations for certain juveniles in state custody

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

27 * * *

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 * * *

28 §2169.1. Powers and duties

29 The office shall have the following powers and duties:

30 * * *

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

4 * * *

5 §2626. Fees on emergency ground ambulance service providers; disposition of fees

6 * * *

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

10 * * *

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

15 * * *

16 §2741. Legislative findings and purpose

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

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

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

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

1 (5) The legislature further finds that a rental system for reimbursing
 2 capital costs would encourage investment in the renovation and replacement of
 3 nursing homes creating a more homelike environment and better quality of life for
 4 the patients.

* * *

6 §2742. Case mix reimbursement

* * *

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

* * *

17 §2757. Single state entity for children; additional duties and functions

* * *

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

* * *

24 (e) Identify and provide specifics concerning requirements for implementing
 25 the single state agency, including but not limited to necessary personnel, funds,
 26 office space, facilities, and equipment. Such specifics shall include such information
 27 as: total dollars requested by appropriate budget categories and, to the extent
 28 appropriate, by program and by organizational unit; the number and classification
 29 of necessary personnel, by program and organizational unit; explanation of how the
 30 requirements will be provided, including the transfer and utilization of the personnel,

1 funds, facilities, and equipment of transferred entities; how functions, including
2 management and finance related functions and data processing, will be consolidated;
3 and how services may be provided more effectively.

4 * * *

5 §2761. Uncompensated Care Hospital Payments

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

1 such data available to the public on the ~~Louisiana Department of Health~~
 2 ~~department's website~~. In addition, if a hospital or other ~~health care~~ healthcare facility
 3 does not provide the required ~~patient specific~~ patient-specific data, the secretary of
 4 the department may withhold an amount equal to five percent of Medicaid payments
 5 due that provider. Such withholding shall increase by five percent for each
 6 successive month that the required data is not received, but the total amount withheld
 7 shall not exceed twenty-five percent of the total monthly amount due the facility.
 8 Upon receipt of the required data, the department shall pay the facility all amounts
 9 previously withheld as a result of the failure to submit the required data. A hospital
 10 or other ~~health care~~ healthcare facility subject to withholding ~~under this provision~~
 11 pursuant to this Paragraph may request an administrative review as provided by R.S.
 12 46:437.4. The format of the data submission shall be defined as the current
 13 mandated Louisiana Medicaid ~~Program~~ program format by the secretary of the
 14 department.

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

18 B. The secretary of the Louisiana Department of Health shall, subject to
 19 approval from the Centers for Medicare and Medicaid Services, amend the ~~State~~
 20 ~~Medicaid Plan~~ state Medicaid plan to provide for Medicaid disproportionate share
 21 payments to hospitals operated by the LSU Health Sciences Center-New Orleans
 22 under the provision of federal law that permits the reimbursement of uncompensated
 23 cost up to one hundred ~~and~~ seventy-five percent of allowable cost. ~~In state fiscal~~
 24 ~~years 2003-2004 and 2004-2005, Medicaid disproportionate share payments retained~~
 25 ~~by the hospitals shall not exceed a cap as agreed upon by the division and the~~
 26 ~~Louisiana Department of Health and as reflected in appropriations to the Medical~~
 27 ~~Vendor Payments Program for each year.~~

28 * * *

1 §2891. Physician upper payment limit methodology

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

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

14 Art. 301. Definitions

15 As used in this Title:

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

19 * * *

20 Art. 1150. Definitions

21 As used in this Chapter:

22 * * *

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

24 * * *

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

1 is further directed to apply to the Subpart the heading "Physician Upper Payment Limit
2 Methodology".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____