

New law defines "behavioral health services", "behavioral health services provider", "client", "department", "financial viability", "license", "Licensed Mental Health Professional (LMHP)", "mental health service", "outpatient services", "physician", "physician assistant", "secretary", "standards", and "substance abuse/addiction treatment service".

New law establishes the behavioral health services provider license for providers of mental health services, substance abuse/addiction treatment services, or a combination of such services.

New law requires all behavioral health services providers to be licensed.

New law requires the Dept. of Health and Hospitals (DHH) to promulgate and publish rules, regulations, and licensing standards to provide for the licensure of behavioral health services providers, to provide for the health, safety, and welfare of persons receiving care and services from providers, and to provide for the safe operation and maintenance of providers.

New law sets forth the procedures for application for licensure, the issuance of the license including onsite inspections, and the renewal of licenses.

New law prohibits a behavioral health services provider from operating without a license issued by DHH, authorizes DHH to seek an injunction, and establishes criminal penalties.

New law prohibits DHH from licensing any opioid treatment programs under the behavioral health services provider license unless DHH, in its discretion, determines that there is a need for another opioid treatment program in a certain geographic location.

New law requires every behavioral health services provider that has applied for a license or is licensed to be open at all reasonable times for inspection by DHH, the state fire marshal, municipal boards of health, and any other authorized governmental entity.

New law defines a drug free zone as an area inclusive of any property used as a behavioral health services provider which has a substance abuse/addiction treatment module, or within 2,000 feet of the property, and requires visible signs or other markings to indicate the drug free zone. New law prohibits a person from covering, removing, defacing, altering, or destroying any sign or other marking identifying a drug free zone and provides that any violation shall be punishable by a fine of not more than \$1,000 or by a jail sentence of not more than six months, or both.

With respect to licensing fees, new law changes the licensing category for "substance abuse/addiction treatment facility" used in prior law to "behavioral health services provider".

Prior law (R.S. 28:567-573) established licensing criteria and procedures for the licensing of mental health clinics.

New law repeals prior law.

Prior law (R.S. 40:1058.1-1058.10) established licensing criteria and procedures for the licensing of substance abuse/addiction treatment facilities.

New law repeals prior law.

Effective June 17, 2013. However, the repeal of prior law and the change in terms with respect to licensing fees shall become effective upon promulgation and publication by DHH of the final rules for the Behavioral Health Services Provider license.

(Amends R.S. 40:2006(A)(2)(b), (B)(2)(e), and (E)(2)(b); Adds R.S. 40:2151-2161; Repeals R.S. 28:567-573 and R.S. 40:1058.1-1058.10)