
DIGEST

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Harrison

HB No. 152

Abstract: Abolishes the Dept. of Health and Hospitals and the Dept. of Children and Family Services and creates the Dept. of Health and Social Services. Provides for the department officers and offices and for reorganization and consolidation of the powers, duties, functions, and responsibilities of the former departments into the new department.

Proposed law, effective Nov. 1, 2014, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS) (prior departments) and creates the Dept. of Health and Social Services (new department). Provides that the new department is the successor of the prior departments. Provides that, in accordance with the purposes of the Executive Reorganization Act, the purpose of the Act is to promote economy and efficiency in the operation and management of state functions relative to health and social services, to strengthen the executive capacity of the new department for effective, efficient, and economic administration while improving the quality of the functions performed and the programs and services rendered, and to eliminate duplication of effort within the executive branch of state government. Provides that the Act is intended to serve these purposes by providing for the reorganization and consolidation of the powers, duties, functions, and responsibilities of state agencies and entities relating to health and social services.

Proposed law creates offices in the new department that duplicate the offices of the prior departments and provides that each office shall be the successor of the prior office(s) having the same name. Offices of the new department include the executive office of the secretary, the office of management and finance, and (as successors to DHH offices) the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, and the office of aging and adult services, and (as successor to the DCFS office) the office of children and family services.

Proposed law provides for department officers, including the secretary, the deputy secretary, the undersecretary, and an assistant secretary for each of the programmatic offices. Grants the secretary essentially the same authority as provided in present law for the secretaries of the prior departments. In present law the secretary of DCFS, but not the secretary of DHH, has responsibility for "management and program analysis" for the department. (This responsibility for most departments is in the office of management and finance). Proposed law places this responsibility with the secretary of the new department. Present law (R.S. 36:8), relative to department responsibilities for fiscal oversight and program evaluation, provides for certain powers and duties for each department's undersecretary; however, for DCFS some of these powers have been transferred to the secretary. Proposed law places these same responsibilities in

the secretary of the new department rather than the undersecretary. Present law makes the secretary of DHH responsible for grants management for the department. In present law this function is in the office of management and finance in DCFS. Proposed law places this responsibility in the office of the secretary rather than in the office of management and finance.

Proposed law provides for the transfer of all unfinished business, references in laws and documents, employees, property, obligations, and books and records of the prior departments to the new department and provides similarly for the transfer of all unfinished business, references in laws and documents, and obligations of the former offices to their successor offices. Provides for the continued effectiveness of rules and policies of the prior departments and offices. Provides for the continuation of pending legal proceedings and the effectiveness of related documents in the name of the new department and new offices. Continues dedications and allocations of revenues and sources of revenues made to or for either of the prior departments or offices in the same manner, to the same extent, and for the same purposes, unless and until other provision is made therefor. Provides that the Act shall not be construed or applied to prevent full compliance by the state, or any department, office, or agency thereof, with the requirements of any Act of the U.S. Congress or any regulation providing for federal assistance.

Proposed law requires DHH and DCFS secretaries jointly to prepare a workable transition plan for abolition of the two departments and the creation of the new department and for the merger and consolidation of the powers, duties, functions, responsibilities, and programs of the two departments into the new department in accordance with the Act, such plan to include provisions for the assignment, consolidation, and coordination of powers, duties, functions, responsibilities, and programs and procedures for the transfer and utilization of positions, personnel, funds, office space, facilities, and equipment, and other detail necessary to effectuate the Act's purposes. Requires that the plan be completed and submitted to the Joint Legislative Committee on the Budget and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs no later than Oct. 1, 2014, and that a copy thereof be submitted to the governor and to the commissioner of administration. Provides that the plan shall be implemented beginning on Nov. 1, 2014.

Proposed law requires that the governor appoint the secretary, undersecretary, and assistant secretaries of the new department not later than Aug. 1, 2014, such appointments to be effective on Nov. 1, 2014. Authorizes the secretary, after his appointment, to appoint the deputy secretary and other necessary personnel, appointments to become effective on Nov. 1, 2014.

Proposed law further requires that, not later than March 1, 2015, the secretary of the new department submit to the Joint Legislative Committee on the Budget, with copies sent to the governor and the commissioner of administration, a comprehensive written report on reorganization of the department to include:

- (1) A detailed statement of reorganization accomplishments completed at the time of the report, including details of implementation of the transition plan required to be submitted to the joint committee by Oct. 1, 2014, and identifying any provisions of the transition plan which have not been fully implemented.

- (2) A statement and explanation of the department's proposals for further reorganization, consolidation, and improved and more efficient operation and management to accomplish the purposes of the Act and the Executive Reorganization Act. Requires the secretary to provide for a comprehensive study and examination of the organization and operations of the department in order to determine such proposals, such study to include consideration of merger and consolidation of functions, abolition of agencies, consolidation of offices, elimination of job positions, elimination of duplication of functions, full implementation of the office of management and finance and consolidation of its functions, and efficiency and economy in delivery of services.
- (3) A statement and explanation of the budget proposals for the department to implement its proposals for further reorganization, consolidation, and improved and more efficient management, including the number and classification of personnel requested broken down by office; the amount of total funds requested by office broken down to reflect the proposed use of such funds; information concerning use of vehicles by each office and budget requirements therefor; information concerning consolidation of the operations of the office of management and finance; information concerning the budget and personnel effects and effects on service delivery of each proposal in the report; and information concerning utilization of building space, supplies, and equipment, and improved delivery of services.
- (4) Any proposals for legislation necessary to accomplish the department's proposals or the purposes of the Act.

Requires the joint committee to conduct such hearings as it deems appropriate to review the secretary's report and requires the department to furnish the joint committee any information it requests concerning department reorganization and to appear before the committee to provide such information if requested. Provides that, based on its review of the report and any other related committee findings, the joint committee shall make recommendations to the legislature to carry out the Act's purposes. Authorizes recommendations for this purpose to the appropriate legislative committees and recommendations related to the "Sunset Law" concerning the termination of agencies, and provides for recommendations to the Joint Legislative Audit Advisory Council or to the appropriate standing committee of any problem area that should be the subject of a detailed program evaluation.

Proposed law changes references to the former departments to the new department. Also provides that in the La. Revised Statutes (as amended), the Code of Civil Procedure, the Code of Evidence, and the Children's Code, "Department of Health and Hospitals" or "Department of Children and Family Services" shall mean the "Department of Health and Social Services". Requires the La. State Law Institute to change all references to the Dept. of Health and Hospitals or the Dept. of Children and Family Services in such bodies of law (that are not amended in the bill) to the Dept. of Health and Social Services and to change references to offices and officers of the former departments to the appropriate officers of the new department.

Provisions for the abolition of the former departments and creation of the new department, for

changes in references, and for the secretary's report on continued reorganization and committee action thereon become effective on Nov. 1, 2014.

Provisions for the transition plan for reorganization, for appointment of department officers, and for effectiveness of the Act are effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:555(A)(12) and (16) and R.S. 36:3(4) and (7), 4(A)(5), 8(E)(2)(d), 9(C), 108(B)(6), 251, 252(C), 253, 254(A)(11) and (12)(b) and (c) and (B)(1)(a)(intro. para.), (6), and (9), 254.1(C)(intro. para.), 254.2, 256(A) and (B), 257(A), 258(A) and (F), 259(B), (C), (D)(intro. para.), (E)(intro. para.), (F)-(L), (N)-(Q), and (S), 605(B)(4)(a), 801(intro. para.), 801.1(A), 802(intro. para.), 802.9, 901(A), 919.2, 919.4, and the heading of Chapter 6 of Title 36 of the La. Revised Statutes, and R.S. 46:(F)(9)(h) and 1428(B)(1); Adds R.S. 36:254(A)(15) and (L), 254.1(D), 258(E), and 259(E)(15), (22), (24), (26), and (27), (M), and (R); Repeals R.S. 15:555(A)(17) and R.S. 36:4(A)(10), 254.1(C)(4), (5), and (6), 259 (T), (U), (W), (X), (BB)-(GG), (MM), and (NN), and 471-478)