

Regular Session, 2014

HOUSE BILL NO. 185

BY REPRESENTATIVE HAVARD

HEALTH/HOME CARE: Provides relative to home- and community-based long-term care services provided by direct service workers

1 AN ACT

2 To amend and reenact R.S. 37:1031(A) and 1033(A)(introductory paragraph), relative to
3 care for individuals receiving certain home- and community-based services; to
4 provide for applicability of laws relative to services rendered by direct service
5 workers; to revise criteria for individuals who are served by direct service workers;
6 to provide for requirements relative to authorization for direct service workers to
7 perform certain procedures; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:1031(A) and 1033(A)(introductory paragraph) are hereby
10 amended and reenacted to read as follows:

11 §1031. Applicability

12 A.(1) The provisions of this Part shall not apply to any of the following:

13 (a) Gratuitous ~~gratuitous~~ care provided by friends or members of the
14 individual's family.

15 (b) Care provided as part of an authorized departmental self-directed
16 program.

17 (2) The provisions of this Part shall apply to all direct service workers who
18 meet each of the following criteria:

19 (a) Are employed by a licensed agency, ~~or employed as part of an authorized~~
20 ~~departmental self-directed program, and who.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Havard

HB No. 185

Abstract: Revises requirements relative to care provided by direct service workers and criteria relative to individuals receiving certain home- and community-based long-term care services.

Present law (R.S. 37:1031 et seq.) provides relative to direct service workers. Defines "direct service worker" as an unlicensed person who provides personal care or other services and supports to persons with disabilities or who are elderly, through services that involve face-to-face direct contact with service recipients, in order to enhance service recipients' well-being. Establishes requirements for training of direct service workers and for authorization of procedures that such workers may perform. Proposed law generally retains present law.

Present law stipulates that present law does not apply to gratuitous care provided by friends or members of the individual's family. Proposed law adds stipulation that present law and proposed law do not apply to care provided as part of an authorized departmental self-directed program.

Present law applies to all direct service workers employed by a licensed agency, or employed as part of a self-directed program authorized by the Dept. of Health and Hospitals (DHH), and who attend to individuals receiving home- and community-based long-term services and are not authorized to perform these tasks under other state laws or regulations. Proposed law deletes persons employed as part of a self-directed program authorized by DHH as a class of persons to whom present law and proposed law applies.

Present law requires that an individual being served by a direct service worker meet, among other criteria, one of the following conditions:

- (1) He is able to self-direct the services.
- (2) He resides in a residence where there is daily monitoring by a family member, a direct service worker, or other health care provider.

Proposed law deletes requirement of ability to self-direct services as a condition of receiving services of a direct service worker.

Present law provides that in order to be authorized to perform procedures specified in present law, a direct service worker shall receive training as specified in present law and meet at least one of the following requirements:

- (1) Be employed by a licensed agency.
- (2) Be employed as part of an authorized departmental self-directed program.

Proposed law deletes employment as part of an authorized departmental self-directed program as a qualification, in part, for a direct service worker to perform procedures specified in present law.

Proposed law provides a legislative finding affirming the value of personal care and other services and supports provided to persons with disabilities in home- and community-based settings in enhancing those persons' well-being and quality of life.

Proposed law provides that proposed law shall be known as "Bailey's Law" in recognition of the advocacy efforts on behalf of persons with disabilities that have been inspired by Bailey Caroline Durham.

(Amends R.S. 37:1031(A) and 1033(A)(intro. para.))