
DIGEST

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Harrison

HB No. 1256

Abstract: Creates the Dept. of Health and Hospitals and Children and Family Services, abolishes the Dept. of Health and Hospitals (DHH) and the Dept. of Children and Family Services (DCFS), and provides for health and hospitals services and children and family services as separate, independent entities in the new department as the successors of DHH and DCFS respectively.

Present constitution provides that all offices, agencies, and other instrumentalities of the executive branch of state government and their functions, powers, duties, and responsibilities shall be allocated according to function within not more than 20 departments. Expects the offices of governor and lieutenant governor from such allocation. Provides that such allocation shall be as provided by law.

Present law provides for the 20 departments and includes within the 20 departments the Dept. of Health and Hospitals (DHH) and Dept. of Children and Family Services (DCFS). Present law provides for department structure, including offices and officers and their powers and duties. Present law provides for the allocation of agencies and functions of abolished agencies to the departments.

Proposed law abolishes DHH and DCFS and provides for the Dept. of Health and Hospitals and Children and Family Services (DHHCFCS). Gives the new department the responsibilities of the two abolished departments. Provides that the department is composed of the executive office of the secretary, health and hospitals services, children and family services, and such other offices as shall be created by law.

Proposed law provides that there may be a department secretary who, if appointed, is to be appointed by the governor with consent of the Senate to serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. Provides for the secretary's powers and duties. However, these are limited by grants of authority to the deputy secretaries.

Proposed law provides the same components for health and hospitals services as present law provides for DHH. Provides that health and hospitals services shall include the office of management and finance for health and hospitals services, 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 shall also include the deputy secretary for health and hospitals services, the undersecretary for the office of management and finance for health and hospitals

services, the assistant secretaries of the offices included in health and hospitals services, and personnel necessary to carry out their functions, as well as all agencies transferred to the new department whose functions are related to health and hospitals services and all functions of abolished agencies transferred to the department that are related to health and hospitals services and related personnel.

Proposed law provides the same components for children and family services as present law provides for DCFS. Provides that children and family services shall include the division of programs, the division of operations, the office of children and family services, the division of management and finance of the office of children and family services, and shall also include the deputy secretary for children and family services, the assistant deputy secretary of programs, the assistant deputy secretary of operations, the assistant secretary of the office of children and family services, the undersecretary of the division of management and finance of the office of children and family services, and personnel necessary to carry out their functions, as well as all agencies transferred to the department whose functions are related to children and family services and all functions of abolished agencies transferred to the department that are related to children and family services and related personnel.

Proposed law provides that the deputy secretary for health and hospitals services and the deputy secretary for children and family services shall be appointed by the governor with Senate consent and serve at the governor's pleasure at a salary set by the governor. They report directly to the governor and are subject to his overall direction and control.

Proposed law grants the deputy secretary for health and hospitals services present law powers of the DHH secretary relative to Medicaid, the State Children's Health Insurance Program, the Drinking Water Revolving Loan Fund. Provides that he is the chief administrative officer of health and hospitals services and has responsibility for the overall administration, control, and operation of the affairs of health and hospitals services. The secretary cannot change his duties and functions. Health and hospitals services and all of its component entities are under the supervision and direction of the deputy secretary for health and hospitals services. He has personnel authority for health and hospitals services. He is granted other specific powers and responsibilities relative to health and hospital services that present law gives the DHH secretary, including rulemaking for health and hospitals services, licensing of health related professionals and facilities, and Medicare and Medicaid certification.

Proposed law provides that the deputy secretary for children and family services shall serve as the chief administrative officer of children and family services and has responsibility for the overall administration, control, and operation of the affairs of children and family services. The secretary cannot change his duties and functions. Children and family services and all of its component entities are under the supervision and direction of the deputy secretary for children and family services. He has personnel authority for children and family services. He is granted other specific powers and responsibilities relative to children and family services that present law gives the DCFS secretary, including rulemaking for children and family services. He is responsible for management and program analysis and policy planning and evaluation. He has responsibility for the state plan for participation in the Child Care and Development Block Grant

Program and in the Title IV-A federal program to assist families at risk of welfare dependency.

Present law provides for a deputy secretary for programs and a deputy secretary of operations for DCFS. Proposed law provides instead for assistant deputy secretaries who are appointed by the deputy secretary (present law provides for appointment by the DCFS secretary) with the same responsibilities as in present law.

Present law provides for an office of management and finance in DHH headed by an undersecretary appointed by the governor. Proposed law provides for an office of management and finance of health and hospitals services headed by an undersecretary appointed in the same manner and with the same duties and responsibilities for health and hospitals services as present law provides for DHH. The undersecretary of health and hospitals services is directly responsible to the deputy secretary for health and hospitals services.

Present law provides for an undersecretary for DCFS who heads the division of management and finance, within the office of children and family services in DCFS. He is appointed by the governor. Proposed law provides for an undersecretary for children and family who heads the division of management and finance, within the office of children and family services in children and family services with the same duties and responsibilities for children and family services as provided in present law for DCFS. He is directly responsible to the deputy secretary for children and family services.

Present law and proposed law provide for an assistant secretary for each office except the office of management and finance. Proposed law also excepts the office of children and family services, which shall be under the immediate supervision and direction of the deputy secretary for children and family services. Provides that the duties and functions of each office and its assistant secretary shall be determined by and exercised under the direct supervision and control of the appropriate deputy secretary.

Proposed law transfers the agencies placed by present law in DHH and DCFS into the new department in accordance with the same provisions as provided in present law.

Proposed law provides for implementation and provides that on Aug. 1, 2014, any pending or unfinished business of the prior departments shall be taken over and be completed by the new department with the same power and authorization as that of the prior departments, with business of DHH to be taken over and completed by health and hospitals services and business of DCFS to be taken over and completed by children and family services. Provides that the new department through health and hospitals services and children and family services shall be the successor in every way to the prior departments for the purpose of completing such business. Provides for the transfer of references in laws and documents, employees, property, obligations, and books and records. 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 provides that the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, the office of aging and adult services, and the office of children and family services of the prior departments shall be continued as offices of the new department. Provides that the office of management and finance for health and hospitals services shall be the successor of the office of management and finance of DHH. Provides that new offices shall each be the successor of the prior office. Also provides that the deputy secretary of health and hospitals services shall be the successor of the DHH secretary and the deputy secretary for children and family services shall be the successor of the DCFS secretary.

Proposed law provides for the Louisiana State Law Institute to change all references in law to the Department of Health and Hospitals, the Department of Children and Family Services, or to both departments to the name of the new department and references to the secretary of health and hospitals to the deputy secretary for health and hospitals and references to the secretary of children and family services to the deputy secretary for children and family services and shall make appropriate changes in references to other offices and officers of the former departments to the appropriate offices and officers of the new department.

Proposed law provides, since the Act has the effect of abolishing one of the twenty departments in the executive branch of state government, that on Aug. 1, 2014, pursuant to Act No. 384 of the 2013 RS, Sections 1 through 7 of Act No. 384 of the 2013 RS (establishing and providing for the Dept. of Elderly Affairs) shall become effective.

Effective on August 1, 2014.

(Amends R.S. 36:4(A)(5), 251, 252, 253, 254(A)(2), (3), (6), and (7), (B)(1)(a)(intro. para.), and (C), 254.1(A), (B), and (C)(intro. para.), (2) and (4), 254.2, 255, 256, 257, 258(A) and (F), and 259; Adds R.S. 36:258(M); Repeals R.S. 36:4(A)(10), 254(A)(9) through (14), (B)(5)-(7), and (9), and (D), and 471-478)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Removes provisions of proposed law that provided for DCFS to be a state agency and transferred it into DHH subject to provisions (R.S. 36:801.1) making it an independent agency within DHH.
2. Removes present law provisions for DHH and DCFS and provides for the Dept. of Health and Hospitals and Children and Family Services comprised of health and hospital services (as the successor of DHH) and children and family services (as the

successor of DCFS). Provides for the component entities of health and hospitals services and children and family services and for their officers. Provides for the deputy secretary of health and hospital services to be the successor of the secretary of DHH and for the deputy secretary of children and family services to be the successor of the secretary of DCFS. Transfers powers and duties of the departments and of the secretaries to their successors.