

Regular Session, 2014

HOUSE BILL NO. 185

BY REPRESENTATIVE HAVARD

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. The provisions of this Part shall not apply to gratuitous care provided by
13 friends or members of the individual's family. The provisions of this Part shall apply
14 to all direct service workers employed by a licensed agency, or employed as part of
15 an authorized departmental self-directed program, and who attend to individuals
16 receiving home- and community-based long-term services and who are not
17 authorized to perform these tasks under other state laws or regulations. An
18 individual being served shall meet the following criteria:

19 (1) Is eligible for home- and community-based long-term care services
20 licensed by the Department of Health and Hospitals.

21 (2) ~~Is able to self-direct the services or resides~~ Resides in a residence where
22 there is daily monitoring by a family member, a direct service worker, or other health
23 care provider.

24 (3) Has a current plan of care.

1 (4) Receives a periodic assessment by a registered nurse based on the
2 individual's health status.

3 (5) Requires assistance with medication administration or other noncomplex
4 medical tasks.

5 * * *

6 §1033. Required training

7 A. In order to be authorized to perform the procedures specified in R.S.
8 37:1032, a direct service worker shall be employed by a licensed agency or
9 employed as part of an authorized departmental self-directed program ~~and~~. If the
10 direct service worker is employed as part of an authorized departmental self-directed
11 program, the training he will receive shall be developed by the Department of Health
12 and Hospitals in conjunction with the Louisiana State Board of Nursing. If the direct
13 service worker is employed by a licensed agency he shall receive the following
14 training:

15 * * *

16 Section 2.(A) The legislature hereby finds that personal care and other services and
17 supports provided to persons with disabilities in home- and community-based settings can
18 be of immense value in enhancing those persons' well-being and quality of life.

19 (B) This Act shall be known as "Bailey's Law" in recognition of the advocacy efforts
20 on behalf of persons with disabilities that have been inspired by Bailey Caroline Durham.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____