

Regular Session, 2014

HOUSE BILL NO. 1058

BY REPRESENTATIVES HARRISON, ADAMS, ARMES, BADON, BARROW, BERTHELOT, BILLIOT, STUART BISHOP, BROADWATER, BROSSETT, BROWN, BURFORD, HENRY BURNS, BURRELL, CARMODY, CARTER, CHAMPAGNE, CHANEY, CONNICK, COX, CROMER, DIXON, DOVE, EDWARDS, FOIL, GAINES, GISCLAIR, GUINN, HARRIS, HAVARD, HAZEL, HENRY, HILL, HODGES, HOFFMANN, HOWARD, HUNTER, KATRINA JACKSON, JEFFERSON, JOHNSON, JONES, KLECKLEY, TERRY LANDRY, LEBAS, LOPINTO, LORUSSO, MACK, MILLER, MONTOUCET, MORENO, JIM MORRIS, NORTON, PIERRE, PONTI, POPE, PRICE, PUGH, PYLANT, REYNOLDS, RITCHIE, SCHEXNAYDER, SCHRODER, SIMON, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, PATRICK WILLIAMS, WILLMOTT, AND WOODRUFF

HEALTH/DHH: Requires the Dept. of Health and Hospitals to provide information concerning Down syndrome to healthcare providers and on its website

1 AN ACT

2 To enact Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1300.381 through 1300.382, relative to public information
4 concerning Down syndrome; to provide for definitions; to require the Department
5 of Health and Hospitals to disseminate information regarding Down syndrome to
6 healthcare providers and to publish such information electronically; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part LXXV of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 40:1300.381 through 1300.382, is hereby enacted to read as
11 follows:

1 PART LXXV. PUBLIC INFORMATION CONCERNING DOWN SYNDROME2 §1300.381. Definitions

3 As used in this Part, the following terms have the meaning ascribed in this
4 Section:

5 (1) "Department" means the Department of Health and Hospitals.

6 (2) "Down syndrome" means a chromosomal condition caused by the
7 presence of an extra whole or partial copy of chromosome 21.

8 (3) "Healthcare facility" means a facility, including but not limited to a
9 hospital, or an office where a healthcare provider furnishes care to patients for health
10 needs or medical conditions.

11 (4)(a) "Healthcare provider" means a person who is licensed, certified, or
12 otherwise authorized by the laws of this state to provide health care or medical
13 treatment in the ordinary course of business or practice of a profession.

14 (b) "Healthcare provider" includes a genetic counselor.

15 (5) "Hospital" means a facility that is duly licensed as a hospital in
16 accordance with the provisions of the Hospital Licensing Law, R.S. 40:2100 et seq.

17 §1300.382. Public information concerning Down syndrome

18 A. The department shall identify current, evidence-based, written
19 information concerning Down syndrome that meets all of the following criteria:

20 (1) Has been reviewed by medical experts and national and local Down
21 syndrome organizations.

22 (2) Is designed for use by an expectant parent who receives a prenatal test
23 result for Down syndrome or a parent of a child who receives a diagnosis of Down
24 syndrome.

25 (3) Does not engage in discrimination based on disability or genetic variation
26 by explicitly or implicitly presenting pregnancy termination as a neutral or
27 acceptable option when a prenatal test indicates a probability or diagnosis that the
28 unborn child has Down syndrome or any other health condition.

1 (4) Is culturally and linguistically appropriate for potential recipients of the
2 information and includes all of the following:

3 (a) Information addressing physical, developmental, educational, and
4 psychosocial outcomes, life expectancy, clinical course, and intellectual and
5 functional development and treatment options for individuals with Down syndrome.

6 (b) Contact information for national and local Down syndrome education
7 and support programs and services, including information hotlines, resource centers,
8 and clearinghouses.

9 B. With respect to public information concerning Down syndrome, the
10 department shall do all of the following:

11 (1) Provide the information identified pursuant to Subsection A of this
12 Section to healthcare facilities and healthcare providers that furnish prenatal care,
13 postnatal care, or genetic counseling to expectant parents who receive a prenatal test
14 result for Down syndrome and parents of a child diagnosed with Down syndrome.

15 (2) Make available the information identified pursuant to Subsection A of
16 this Section on its Internet website.

17 C.(1) Upon receipt of a positive result from a test for Down syndrome, a
18 healthcare facility or healthcare provider shall provide to the expectant parent or the
19 parent of the child diagnosed with Down syndrome the written information provided
20 or made available by the department pursuant to Subsection B of this Section.

21 (2) All information provided pursuant to the provisions of this Section shall
22 be culturally and linguistically appropriate for the recipient of the information, and
23 shall not engage in discrimination based on disability or genetic variation by
24 explicitly or implicitly presenting pregnancy termination as a neutral or acceptable
25 option when a prenatal test indicates a probability or diagnosis that the unborn child
26 has Down syndrome or any other health condition.

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)]

Harrison

HB No. 1058

Abstract: Requires the Department of Health and Hospitals to provide information concerning Down syndrome to healthcare providers and on its website.

Proposed law provides relative to public information concerning Down syndrome, a chromosomal condition caused by the presence of an extra whole or partial copy of chromosome 21.

Proposed law requires the Department of Health and Hospitals (DHH) to identify current, evidence-based, written information concerning Down syndrome that meets all of the following criteria:

- (1) Has been reviewed by medical experts and national and local Down syndrome organizations.
- (2) Is designed for use by an expectant parent who receives a prenatal test result for Down syndrome or a parent of a child who receives a diagnosis of Down syndrome.
- (3) Does not engage in discrimination based on disability or genetic variation by explicitly or implicitly presenting pregnancy termination as a neutral or acceptable option when a prenatal test indicates a probability or diagnosis that the unborn child has Down syndrome or any other health condition.
- (4) Is culturally and linguistically appropriate for potential recipients of the information and includes all of the following:
 - (a) Information addressing physical, developmental, educational, and psychosocial outcomes, life expectancy, clinical course, and intellectual and functional development and treatment options for individuals with Down syndrome.
 - (b) Contact information for national and local Down syndrome education and support programs and services, including information hotlines, resource centers, and clearinghouses.

Proposed law requires DHH to do all of the following:

- (1) Provide the information identified pursuant to proposed law to healthcare facilities and healthcare providers that furnish prenatal care, postnatal care, or genetic counseling to expectant parents who receive a prenatal test result for Down syndrome and parents of a child diagnosed with Down syndrome.
- (2) Make available the information identified pursuant to proposed law on its website.

Proposed law provides that upon receipt of a positive result from a test for Down syndrome, a healthcare facility or healthcare provider shall provide to the expectant parent or the parent of the child diagnosed with Down syndrome the written information provided or made available by DHH pursuant to proposed law.

Proposed law stipulates that all information provided pursuant thereto shall be culturally and linguistically appropriate for recipients, and that such information not engage in discrimination based on disability or genetic variation by explicitly or implicitly presenting pregnancy termination as a neutral or acceptable option when a prenatal test indicates a probability or diagnosis that the unborn child has Down syndrome or any other health condition.

(Adds R.S. 40:1300.381-1300.382)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Deleted reference to an error in cell division as a cause of Down syndrome.
2. Among criteria for information on Down syndrome that DHH is required to identify for publication, added a requirement that such information not engage in discrimination based on disability or genetic variation by explicitly or implicitly presenting pregnancy termination as a neutral or acceptable option when a prenatal test indicates a probability or diagnosis that the unborn child has Down syndrome or any other health condition.
3. Added a requirement that information provided pursuant to proposed law not engage in discrimination based on disability or genetic variation by explicitly or implicitly presenting pregnancy termination as a neutral or acceptable option when a prenatal test indicates a probability or diagnosis that the unborn child has Down syndrome or any other health condition.

House Floor Amendments to the engrossed bill.

1. Made technical change.