

ACT No. 206

2018 Regular Session

HOUSE BILL NO. 326

BY REPRESENTATIVES HENSGENS AND HOFFMANN

1 AN ACT

2 To amend and reenact R.S. 28:2(16)(introductory paragraph), 52(F), 53(B)(4)(introductory
3 paragraph), (D), (G)(4) and (7)(a)(introductory paragraph) and (i), (I), (O), and
4 (P)(1)(a), 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C)
5 through (E), 70(D) and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C),
6 215.1, 215.2(3), 215.5(B)(7), 454.5(D)(2) and (3)(introductory paragraph) and (d),
7 469(C)(1)(a)(introductory paragraph), (i), and (ii), 470(E), 757, 772(D), 823(11),
8 911(6), 915(A)(2), and 932(B)(2), R.S. 36:254(A)(6)(b) and (10)(a) through (e),
9 (B)(1) and (6), (D)(1)(a)(i), (E)(1), (F)(1), (H)(1), (I)(1), (J)(1), (K)(1), and (L),
10 254.1, 254.3, 258(G) through (L), 259(E)(10), 474(B)(1) and (6), and 477(B)(1), R.S.
11 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1), 843,
12 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E),
13 1033(A)(3) and (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12),
14 1164(3), (7), (10), (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13),
15 (17), and (18) and (B)(1) and (6), 1226.1(B), 1226.2(D)(1), 1277(A)(3),
16 1281(A)(1)(a), (3)(a)(ii) and (c), and (5), 1307(1), (7), and (8), 1340(introductory
17 paragraph), 1543(A)(3)(b)(ii) and (5), 1721, 1731(A)(2)(a) and (d), 1732.1,
18 1742.1(G)(introductory paragraph) and (5), 1743(C), 1743.1(E), 1744(A), (B), and
19 (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of Chapter 20 of Title 37
20 of the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111, 2114, 2351,
21 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and
22 (6)(introductory paragraph), (c) through (e), (j), (k), (m), (n), (r), (u), and (v), 2443,

1 2446, 2458, 2459, 2465(D)(introductory paragraph) and (1), 2503(A)(2)(d),
 2 2504(A)(1) and (5), 2802(C), 2816(A)(2), (4), (6), (8), (13), and (15), (B), and
 3 (F)(2), 2819(Section heading), 2950(B) and (D)(1)(a)(viii), 3014, 3214(1),
 4 3241(introductory paragraph) and (1), 3258(C), 3302(4)(b)(i) and (iv), 3309.1(A),
 5 3386.1(introductory paragraph), (1), (2), (6), (7), (9), (11), (12), and (16), 3387(A),
 6 (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6), 3387.2(A), (C), (D),
 7 and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1), 3387.5(D),
 8 (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and (7),
 9 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11),
 10 3389(A) and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D),
 11 3428(B), and 3703(B)(7), R.S. 40:1, 3, 3.1(D), 4(A)(1)(a), (2)(b)(i) and (c)(i) and
 12 (vii), (3)(a), (6), (8)(a), and (9) through (13) and (B)(3)(b) and (c), (4), and (5), 4.3,
 13 4.6, 4.10(C)(2)(introductory paragraph), (3) through (5), and (7), 5.3(E), 5.9(A)(7),
 14 7, 9, 13, 18, 23, 24, 31.1, 31.3(B)(2) and (4), 31.32(E)(2), 31.36(D), 41(E), 64(9) and
 15 (10), 600.34(C), 608.1(B), 625(A) and (B), 634, 641, 671, 682, 700.1, 700.5(C),
 16 700.6, 700.7(A) and (E), 700.8, 700.9, 700.10(A), 700.12(A), 701(introductory
 17 paragraph), 701.1(A) and (D), 701.2 through 701.4, 781(3), 824, 853, 940.51(A),
 18 952(C) and (D), 953, 962(B), (C)(introductory paragraph) and (8), and (D) through
 19 (H), 962.1(A) and (B)(introductory paragraph), 962.1.1(A)(2), 963(introductory
 20 paragraph), 964(Schedule III)(F)(1) and (Schedule V)(E)(3)(b) and (4), 965,
 21 968(A)(introductory paragraph), 969(A)(introductory paragraph),
 22 970(A)(introductory paragraph), 971.1(B), 972(A) and (B)(introductory paragraph),
 23 973(A), (B)(1) and (2), (C), (E), (F), and (G)(1) and (2)(a), 974(A)(introductory
 24 paragraph) and (C), 975(A) through (E) and (G)(1) and (3), 976, 976.1(H),
 25 978(F)(1)(introductory paragraph) and (d) and (H)(2)(b), 978.1(A)(1)(c), 978.3(B),
 26 980, 982, 984(introductory paragraph), 986(A)(1), (3), and (4) and (B)(introductory
 27 paragraph), (1), (2), (3)(introductory paragraph) and (b), (4), and (5)(introductory
 28 paragraph), (a), and (b), 987, 988(A)(introductory paragraph), (B), and (C), 989.1(F),
 29 989.2(F), 990, 992(A)(introductory paragraph), (B)(introductory paragraph), and (C)
 30 through (E), 993(A), (B), and (D), 995, 996.1(M), 996.3(C), 1003(12) and (14),

1 1005(Section heading), 1006(E), 1007(B) and (I)(introductory paragraph), 1046(F),
2 1049.7(Section heading), 1058, 1071.1(introductory paragraph), 1079.1(D),
3 1087.1(A) and (B)(2)(introductory paragraph) and (3), 1089.2(1), 1089.3(C)(2)(b),
4 1089.4(A)(3), (B), and (C), 1101.1(1), 1105.3(3), 1105.6(E), 1105.8(F),
5 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F), 1117.1(B),
6 1121.11, 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B), 1165.1(C)(2),
7 1165.3(B), 1171.1, 1171.2, the heading of Subpart C of Part IV of Subchapter A of
8 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
9 40:1173.2(1)(a), 1173.3(3) and (8), 1173.4(B), 1173.5(A) through (C), 1173.6(B)
10 and (E), 1183.2(A)(1) and (5), 1183.4(A)(1), 1189.2(A)(1), 1201.1, 1203.1(3)(o) and
11 (5), 1211.4(B)(2), 1217.16, 1219.2(1) and (3), 1219.3(A) and (B),
12 1219.4(A)(introductory paragraph), 1221.2(2), 1226.1(2)(c), 1231.5(E)(1)(c),
13 1237.1(J), the heading of Subpart B of Part I of Chapter 5-E of Title 40 of the
14 Louisiana Revised Statutes of 1950, R.S. 40:1243.1(A), 1243.3(A), 1253.3(A)(9),
15 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1 through 1281.1, 1285.3,
16 1285.4(A)(1), 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and (B)(1),
17 1300.21, 1356(A), 1732(1), the heading of Chapter 11 of Title 40 of the Louisiana
18 Revised Statutes of 1950, R.S. 40:2009.1(C)(2)(a) and (D), 2009.2(2), (3)(b) through
19 (d) and (f), and (7), 2009.6(A)(1) through (3) and (B)(1) through (3), 2009.12,
20 2009.18, 2009.21(Section heading), 2017.9, 2018.1(B)(2)(c) and (d), 2019(C)(9),
21 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C), and (D), 2116(D)(1)(c),
22 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and (10)(a), 2120.5(E),
23 2120.44(B)(9), 2120.45(D), 2120.47(B)(1) and (2), 2144(A), (C), (F)(2)(introductory
24 paragraph), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and (13),
25 2175.14(E), 2179(D), 2180.11, 2189, 2193.1(A)(8), 2193.4(9), 2194.2(4) through
26 (6), 2195.1(A)(5), (8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5),
27 2196.1(4), 2197(A) and (D) through (G), 2199(A)(1) and (5) and (F)(2),
28 2199.1(A)(introductory paragraph), 2202(3) and (5)(a) and (e)(i), 2203(C), 2223,
29 2243, 2253, 2353, 2404(5), 2477, 2481, 2530.4(B)(introductory paragraph) and (3),
30 2845(A)(6) and (C), and 2845.1, R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 54, 56(A),

1 (B)(1), (F)(4)(b), and (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D),
2 114(E)(1)(introductory paragraph), 114.3(A), 121(1)(introductory paragraph),
3 123(D)(3) and (K)(3), 153(C), 153.4(F)(2), 156(A) and (B), 157 through 159,
4 159.1(C) and (D), 160.1(10), 231.2(A)(1)(introductory paragraph) and
5 (B)(introductory paragraph), 231.4(E), 232, 234, 234.1, 236, 236.1.2(B)(1) and (I),
6 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E), 236.11.1(D), 237(B)(15),
7 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B) through (E),
8 447.2(A)(2), (B)(1) and (3), and (D)(introductory paragraph), (1), and (2), 450.1(A)
9 and (B)(6), 450.3(B)(introductory paragraph), 460.1, 460.4(D), 465, 923(A) and (B),
10 924(A) and (B), 932(14), 936, 972, 975(C)(2), 976(A)(3)(c) and (5)(a) through (c)
11 and (d)(i), (B)(3)(b), (C)(introductory paragraph), and (E), 977.2, 977.3(3),
12 977.5(A)(2) and (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(4), 979.4(H),
13 1052(introductory paragraph), 1056(A), 1057(introductory paragraph), (10), and
14 (11), the heading of Chapter 10-D of Title 46 of the Louisiana Revised Statutes of
15 1950, R.S. 46:1194(introductory paragraph) and (1), 1195(A)(2) and (B) through
16 (D), 1402, 1403.1, 1433(Section heading), 1602(A), (D), and (F)(1)(a)(i) through
17 (iii) and (b), 1906.2, 1953(F), 1954(B), 2121(C), 2125(A), 2127(C), 2135(C),
18 2136(A)(4)(b) and (c), 2200, 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and (5),
19 2603(A)(4) and (B)(introductory paragraph), 2692(C), 2702(8) and (9), 2704(B),
20 2722(B), 2731(B)(2), (C)(3), (D)(3) and (4), (E), and (F), and 2758.2(C)(1), and
21 Children's Code Articles 1015(4)(i), 1354, 1409(F), and 1461.1(A)(2), to enact R.S.
22 37:1103(introductory paragraph), 3387.5(G) and (H), 3387.6(H) and (I), and R.S.
23 40:1081.9(D) and 1221.2(introductory paragraph), and to repeal R.S. 46:932(13)(c)
24 and 2692(A)(1), relative to the various provisions of Titles 28, 36, 37, 40, and 46 of
25 the Louisiana Revised Statutes of 1950 and the Louisiana Children's Code; to make
26 technical corrections in provisions relative to behavioral health, mental health,
27 human services, administration of the Louisiana Department of Health,
28 administration of the Department of Children and Family Services, health
29 professions and occupations, boards and commissions, public health, health care,
30 food and drugs, public welfare and assistance, child welfare, and other matters within

1 or relating to the purview of the legislative committees on health and welfare; to
 2 make corrective changes including corrections in legal citations and in names of
 3 assistance programs, publications, agencies, boards, commissions, offices and
 4 officers of departments, and other entities; to remove references to agencies, offices,
 5 divisions, and programs that have been repealed or no longer exist; to designate
 6 undesignated statutory provisions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 28:2(16)(introductory paragraph), 52(F), 53(B)(4)(introductory
 9 paragraph), (D), (G)(4) and (7)(a)(introductory paragraph) and (i), (I), (O), and (P)(1)(a),
 10 53.2(C)(2) and (4) and (G)(1), 58, 63(A)(2) and (C), 69(A)(1) and (C) through (E), 70(D)
 11 and (E)(2)(b), 72(B), 98.2, 171(F), (G), and (K), 185(C), 206(C), 215.1, 215.2(3),
 12 215.5(B)(7), 454.5(D)(2) and (3)(introductory paragraph) and (d), 469(C)(1)(a)(introductory
 13 paragraph), (i), and (ii), 470(E), 757, 772(D), 823(11), 911(6), 915(A)(2), and 932(B)(2) are
 14 hereby amended and reenacted to read as follows:

15 §2. Definitions

16 Whenever used in this Title, the masculine shall include the feminine, the
 17 singular shall include the plural, and the following definitions shall apply:

18 * * *

19 (16) "Major surgical procedure" means an invasive procedure of a serious
 20 nature with incision upon the body or parts thereof under general, local₂ or spinal
 21 anesthesia, utilizing surgical instruments, for the purpose of diagnosis or treatment
 22 of a medical condition. Diagnostic procedures, including, but not limited to, the
 23 following, shall not be considered as major surgical procedures:

24 * * *

25 §52. Voluntary admissions; general provisions

26 * * *

27 F. Every patient admitted on a voluntary admission status shall be informed
 28 in writing at the time of admission of the procedures for requesting release from the
 29 treatment facility, the availability of counsel, information about the mental health
 30 advocacy service, the rights enumerated in R.S. 28:171₂ and rules and regulations

1 applicable to or concerning his conduct while a patient in the treatment facility. If
 2 the person is illiterate or does not read or understand English, appropriate provisions
 3 ~~should~~ shall be made to supply him this information. In addition, a copy of the
 4 information listed in this Subsection ~~must~~ shall be posted in any area where patients
 5 are confined and treated.

6 * * *

7 §53. Admission by emergency certificate; extension; payment for services rendered

8 * * *

9 B.

10 * * *

11 (4) In the case of an emergency certificate issued pursuant to an examination
 12 conducted by telemedicine pursuant to Paragraph (1) of this Subsection and
 13 Paragraph (J)(1) of this Section, the licensed ~~health-care~~ healthcare professional
 14 present during the actual examination shall be responsible for obtaining, recording,
 15 and attaching to the emergency certificate the following information regarding the
 16 video conference:

17 * * *

18 D. Prior to or during confinement, under the provisions of this Title, any
 19 person or his attorney shall have the right to demand a judicial hearing to determine
 20 if probable cause exists for his continued confinement under an emergency
 21 certificate. The hearing shall be held within five days of the filing of the petition.
 22 The petition shall be filed in the court of the jurisdiction in which the patient is
 23 confined. The hearing shall be held in that court and no other except for good cause
 24 shown. If the person is confined, the judge of the court where the petition was filed
 25 may hold the hearing at the treatment facility where the person is confined; ~~if,~~ in the
 26 opinion of the director of the treatment facility, ~~it will be detrimental to the patient's~~
 27 ~~health, welfare,~~ or dignity, ~~to travel to the court where the petition was filed.~~
 28 Pending the decision of the court, the patient shall remain confined unless the court
 29 orders release or a less restrictive status.

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G.

* * *

(4) In making either the initial examination or the second examination, when the coroner or his deputy examines the person and executes an emergency certificate and a reexamination of the person and reexecution of a certificate is necessary for any reason to ~~insure~~ ensure the validity of the certificate, both the first examiner and the reexaminer shall be entitled to the fee for the service, unless they are one and the same.

* * *

(7) As it relates to the parish of St. Tammany, all of the following shall apply:

(a) The coroner or deputy coroner, who is a physician, preferably a psychiatrist, may conduct an examination and execute an emergency certificate, as provided in Subparagraph (b) of this Paragraph, by telemedicine utilizing video conferencing equipment, provided that all of the following are met:

(i) A licensed ~~health-care~~ healthcare professional, who can adequately and accurately assist with obtaining any necessary information including but not limited to that information in Paragraph (B)(4) of this Section and where such ~~health-care~~ healthcare professional will be present in the examining room with the patient at the time of the video conferencing.

* * *

I. Every patient admitted by emergency certificate shall be informed in writing at the time of his admission of the procedures of requesting release from the treatment facility, the availability of counsel, information about the mental health advocacy service, the rights enumerated in R.S. 28:171, and the rules and regulations applicable to or concerning his conduct while a patient in the treatment facility. If the person is illiterate or does not read or understand English, appropriate provisions ~~should~~ shall be made to supply ~~him~~ this information to him. In addition, a copy of

1 the information mentioned in this Subsection ~~must~~ shall be posted in any area where
2 patients are confined and treated.

3 * * *

4 O.(1) For the purposes of this Chapter, "public and private general hospital
5 personnel" shall mean all persons who provide services or furnish assistance to a
6 public or private general hospital in connection with the operations or delivery of
7 patient care, including employees, independent contractors, and ~~or~~ volunteers.

8 (2) Notwithstanding the provisions of this Section or R.S. 28:63, "public and
9 private general hospital personnel" does not include a physician, psychiatric mental
10 health nurse practitioner, medical psychologist, or psychologist as defined in R.S.
11 28:2, for the purpose of nonviolent crisis intervention training.

12 P.(1) Notwithstanding any provision of law to the contrary, no claim for
13 payment for inpatient behavioral health services provided to a person while admitted
14 and detained in a facility that provides mental health services under an emergency
15 certificate, issued in accordance with the provisions of this Section, shall be denied
16 by Medicaid, an entity contracted with the state for the provision of Medicaid
17 services, or any hospital, health, or medical expense insurance policy, hospital or
18 medical service contract, employee welfare benefit plan, contract or other agreement
19 with a health maintenance organization or a preferred provider organization, health
20 and accident insurance policy, or any other insurance contract of this type in this
21 state, including a group insurance plan, a self-insurance plan, and the Office of
22 Group Benefits programs, on the basis of medical necessity if all of the following
23 conditions are met:

24 (a) Claims for payment ~~of~~ for services issued in accordance with this
25 Subsection shall be limited to behavioral health expenditures and shall exclude
26 payment for non-behavioral health services or other medical expenses not directly
27 related to the provision of behavioral health care, treatment, or services with the
28 exception of usual and customary laboratory services necessary to monitor patient
29 progress.

30 * * *

1 §53.2. Order for custody; grounds; civil liability; criminal penalty for making a false
2 statement

3 * * *

4 C. The order for custody shall be in writing, in the name of the state of
5 Louisiana, signed by the district judge or parish coroner, and shall state the
6 following:

7 * * *

8 (2) The name of the person to be taken into custody; or, if his name is not
9 known, a designation of the person by any name or description by which he can be
10 identified with reasonable certainty.

11 * * *

12 (4) That the person shall be taken to a community mental health center, a
13 public or private general hospital, a public or private mental hospital, coroner's
14 office, or a detoxification center.

15 * * *

16 G.(1) If refused or obstructed from admittance, any elected coroner or his
17 support staff, accompanied by a law enforcement officer, who has announced his
18 authority and purpose, may apply to a court of competent jurisdiction for an order
19 to break open an outer or inner door or window of any vehicle, water craft, aircraft,
20 structure, or dwelling in order to restrain and transport the person subject to a request
21 and order for protective custody and examination after a mental health professional
22 has intervened and attempted to counsel the person regarding his voluntary
23 surrender.

24 * * *

25 §58. ~~R.S. 15:267~~ Code of Criminal Procedure Article 641 et seq. not affected

26 Whenever it appears that a person against whom an indictment has been
27 found or information filed in any court in this state is insane or mentally defective
28 to the extent that he is unable to understand the proceedings against him or to assist
29 in his defense, or whenever the existence of insanity or mental defect on the part of
30 the defendant at the time of the alleged commission of the offense charged becomes

1 an issue in the cause, all proceedings to determine the fact of the insanity or mental
2 defect shall be in accordance with the provisions of ~~R.S. 15:267 (Article 267 of the~~
3 ~~Code of Criminal Procedure)~~ Code of Criminal Procedure Article 641 et seq.

4 * * *

5 §63. Standard of care; limitation of liability; penalties

6 A.

7 * * *

8 (2) The provisions of this Subsection shall not affect the provisions of R.S.
9 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42
10 ~~USC U.S.C.~~ 1395dd.

11 * * *

12 C.(1)(a) Any person who acts in good faith to assist in the apprehension or
13 taking into protective custody, examination and confinement of a patient will not be
14 subject to civil or criminal penalties, unless the damage or injury was caused by
15 willful or wanton negligence or gross misconduct. This limitation of liability shall
16 only apply to public and private general hospital personnel who within the preceding
17 twelve-month period have received appropriate training in nonviolent crisis
18 intervention and such training has been documented in their personnel files. The
19 training shall be provided by an instructor who has attended a course in crisis
20 intervention taught by a certified instructor.

21 ~~(2) The provisions of this Subsection shall not affect the provisions of R.S.~~
22 ~~40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42~~
23 ~~USC 1395dd.~~

24 ~~(3)~~ (b) Any public or private general hospital to which a patient has been
25 transported pursuant to an order of protective custody or an emergency certificate or
26 for the purpose of examination for an emergency commitment certificate shall not
27 be held civilly liable or subject to criminal prosecution for damage or injury to the
28 patient arising from the detention or treatment of the patient if the public or private
29 general hospital personnel have used reasonable care and diligence and their best
30 judgment in the application of their skills under similar circumstances in the same

1 or a similar community or locality, unless the damage or injury was caused by willful
 2 or wanton negligence or gross misconduct. This limitation of liability shall only
 3 apply to public and private general hospital personnel who within the preceding
 4 twelve-month period have received appropriate training in nonviolent crisis
 5 intervention and such training has been documented in their personnel file. The
 6 training shall be provided by an instructor who has attended a course in crisis
 7 intervention taught by a certified instructor.

8 ~~(4)~~ (2) The provisions of this Subsection shall not affect the provisions of
 9 R.S. 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act,
 10 42 ~~USC~~ U.S.C. 1395dd.

11 ~~(5)~~ (3) A person who willfully advises or participates in the making of a false
 12 application or certificate shall be imprisoned with or without hard labor for not more
 13 than two years or fined not more than ten thousand dollars, or both.

14 * * *

15 §69. Procedure

16 A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court shall
 17 assign a time and place for a hearing, which may be conducted before any judge in
 18 the judicial district, within five days, and shall cause reasonable notice thereof and
 19 a copy of the petition to be served upon the respondent, respondent's attorney, the
 20 petitioner and the director of the local governing entity in the parish where the
 21 petition has been filed. The notice shall inform the respondent that he has a right to
 22 be present, a right to counsel, which may be appointed, if he is indigent or otherwise
 23 qualified, has the right to counsel appointed to represent him by the Mental Health
 24 Advocacy Service, and a right to ~~cross-examine~~ cross-examine witnesses.
 25 Continuances shall be granted only for good cause shown.

26 * * *

27 C. The court shall not order involuntary outpatient treatment unless an
 28 examining physician, psychiatric mental health nurse practitioner, or psychologist,
 29 who has personally examined the patient within the time period commencing ten
 30 days before the filing of the petition, testifies at the hearing.

1 D. If the patient has refused to be examined by a physician, psychiatric
 2 mental health nurse practitioner, or psychologist, the court may request the subject
 3 to consent to an examination by a physician, psychiatric mental health nurse
 4 practitioner, or psychologist appointed by the court. If the patient does not consent
 5 and the court finds reasonable cause to believe that the allegations in the petition are
 6 true, the court may order peace officers, police officers, or the sheriff's department
 7 to take the patient into custody and transport him to a hospital or emergency
 8 receiving center for examination. Retention of the patient in accordance with the
 9 court order shall not exceed twenty-four hours. The examination of the patient may
 10 be performed by the physician, psychiatric mental health nurse practitioner, or
 11 psychologist whose affidavit accompanied the petition pursuant to R.S. 28:68(B), if
 12 he is privileged or otherwise authorized by the hospital or emergency receiving
 13 center. If such examination is performed by another physician, psychiatric mental
 14 health nurse practitioner, or psychologist, he shall be authorized to consult with the
 15 physician, psychiatric mental health nurse practitioner, or psychologist whose
 16 affidavit accompanied the petition regarding the issues of whether the allegations in
 17 the petition are true and whether the patient meets the criteria for involuntary
 18 outpatient treatment.

19 E. A physician, psychiatric mental health nurse practitioner, or psychologist
 20 who testifies pursuant to Subsection C of this Section shall state the facts which
 21 support the allegation that the patient meets each of the criteria for involuntary
 22 outpatient treatment, the treatment is the least restrictive alternative, the
 23 recommended involuntary outpatient treatment, and the rationale. If the
 24 recommended involuntary outpatient treatment includes medication, the testimony
 25 of the physician, psychiatric mental health nurse practitioner, or medical
 26 psychologist shall describe the types or classes of medication which should be
 27 authorized, the beneficial and detrimental physical and mental effects of such
 28 medication, and whether the medication should be self-administered or administered
 29 by authorized personnel.

* * *

1 §70. Written treatment plan for involuntary outpatient treatment

2 * * *

3 D. The court shall not order involuntary outpatient treatment unless a
4 physician, psychiatric mental health nurse practitioner, or psychologist testifies
5 regarding the categories of involuntary outpatient treatment recommended, the
6 rationale for each category, facts which establish that such treatment is the least
7 restrictive alternative, and, if recommended, the beneficial and detrimental physical
8 and mental effects of medication, and whether such medication should be
9 self-administered or administered by an authorized professional.

10 E.

11 * * *

12 (2) Services may include, but are not limited to, the following:

13 * * *

14 (b) Laboratory testing to include periodic blood testing for therapeutic
15 metabolic effects, toxicology testing, and breath analysis.

16 * * *

17 §72. Application for additional periods of treatment

18 * * *

19 B. The procedure for obtaining an extension shall be the same as for
20 obtaining the original order. However, the time periods provided in R.S. 28:66(A)(4)
21 shall not be applicable in determining the appropriateness of the extension. The
22 court order requiring blood or laboratory testing shall be subject to review after six
23 months by the physician, psychiatric mental health nurse practitioner, or
24 psychologist who developed the written treatment plan or who is designated by the
25 director, and the blood or laboratory testing may be terminated without further action
26 of the court.

27 * * *

28 §98.2. Immunity of psychiatric hospital and director or administrator

29 Any detentions, confinements, commitments, or discharges made of a patient
30 who has a mental illness in accordance with this Chapter to any state or private

1 psychiatric hospital by the director or administrator thereof, acting in good faith,
 2 reasonably and without negligence, are ~~hereby~~ declared to be administrative acts of
 3 the director, administrator, or the hospital, and the director, administrator, and the
 4 hospital are ~~hereby~~ granted immunity from liability for damages to any patient so
 5 detained, confined, or committed for false imprisonment or otherwise; provided,
 6 however, that the director, administrator, or the hospital shall not thereby be exempt
 7 from liability for negligence in the care or treatment of such patient.

* * *

9 §171. Enumerations of rights guaranteed

10 * * *

11 F.(1) No patient confined by emergency certificate, judicial commitment, or
 12 ~~non-contested~~ noncontested status shall receive major surgical procedures or
 13 electroshock therapy without the written consent of a court of competent jurisdiction
 14 after a hearing.

15 (2) If the director of the treatment facility, in consultation with two
 16 physicians, determines that the condition of such a patient is of such a critical nature
 17 that it may be ~~life-threatening~~ life-threatening unless major surgical procedures or
 18 electroshock therapy are administered, such emergency measures may be performed
 19 without the consent otherwise provided for in this Section. No physician shall be
 20 liable for a good faith determination that a medical emergency exists.

21 G. Every patient shall have the right to wear his own clothes; and to keep
 22 and use his personal possessions, including toilet articles, unless determined by a
 23 physician, medical psychologist, or psychiatric mental health nurse practitioner that
 24 these are medically inappropriate and the reasons therefor are documented in his
 25 medical record. The patient shall also be allowed to spend a reasonable sum of his
 26 own money for canteen expenses and small purchases, and to have access to
 27 individual storage spaces for his private use. If the patient is financially unable to
 28 provide these articles for himself, the treatment facility shall provide a reasonable
 29 supply of clothing and toiletries.

30 * * *

1 K. Every patient shall have the right to engage a private attorney. If a patient
 2 is indigent, he shall be provided an attorney by the mental health advocacy service,
 3 if he so requests. The attorneys provided by the mental health advocacy service or
 4 appointed by a court shall be interested in and qualified by training ~~and/or~~ or
 5 experience in the field of mental health statutes and jurisprudence.

6 * * *

7 §185. Unlicensed counseling

8 * * *

9 C. All persons found to be in violation of this Section; shall be reported to
 10 the Louisiana Department of Health, where a database shall be kept of all violators.

11 * * *

12 §206. Continuum of care for the emotionally and behaviorally disturbed; statement
 13 of policy; determination of need and site

14 * * *

15 C. Any site designated under this ~~section~~ Section shall comply with any
 16 applicable local and state building or zoning ordinances and laws.

17 * * *

18 §215.1. Coroner's Strategic Initiative for a Health Information and Intervention
 19 Program; creation

20 The office of the coroner in the parish of St. Tammany is hereby authorized
 21 to establish within his office a Coroner's Strategic Initiative for a Health Information
 22 and Intervention Program, ~~hereinafter~~ referred to hereafter in this Part as "CSI/HIP".

23 §215.2. Coroner's Strategic Initiative for a Health Information and Intervention
 24 Program; powers and duties

25 Subject to the availability of adequate funding, a CSI/HIP may perform any
 26 of the following functions:

27 * * *

28 (3) Apply for and receive any grants, funds, or monies from any foundation,
 29 nonprofit organization, or state or federal governmental agency or entity.

30 * * *

1 §215.5. Coroner's Strategic Initiative for a Health Information and Intervention
2 Program; advisory board

3 * * *

4 B. The membership of the advisory board shall be the following:

5 * * *

6 (7) One member appointed by the coroner who is a member of a civic
7 organization which provides charitable resources or services to ~~low-income~~ low-
8 income patients in the parish where the CSI/HIP is located.

9 * * *

10 §454.5. Involuntary admission; determination of probable cause

11 * * *

12 D. Upon the filing of the petition, the court shall:

13 * * *

14 (2) ~~Shall assign~~ Assign a place for a hearing upon the petition.

15 (3) ~~Shall cause~~ Cause notice thereof to be personally served at least ten days
16 prior to the hearing on the respondent and the attorney for the respondent. The
17 notice shall satisfy the following requirements:

18 * * *

19 (d) The notice shall inform the respondent that he has the right to present
20 evidence and ~~cross-examine~~ cross-examine witnesses at any hearing on such
21 application.

22 * * *

23 §469. System of payments; authority of the Louisiana Department of Health; cost
24 participation schedule

25 * * *

26 C.(1)(a) The department shall promulgate rules in accordance with the
27 Administrative Procedure Act that establish a schedule of monthly cost participation
28 for early intervention services per qualifying family. Cost participation shall be
29 based on a sliding scale and shall consider elements; including but not limited to
30 adjusted gross income, family size, financial hardship, extraordinary expenses

1 associated with the child, and Medicaid eligibility. The department shall be subject
2 to all of the following limitations and requirements relative to the cost participation
3 schedule:

4 (i) The department shall utilize the most recent federal poverty guidelines
5 ~~issued~~ published in the Federal Register by the United States Department of Health
6 and Human Services, referred to hereafter in this Subsection as the "federal poverty
7 guidelines", as the basis for determining the income threshold based on family size
8 for eligibility for cost participation.

9 (ii) The department shall not assess any fee or other charge through the cost
10 participation schedule upon a family which has an annual income of less than three
11 hundred percent of the applicable federal poverty ~~level~~ guideline.

12 * * *

13 §470. Louisiana State Interagency Coordinating Council for Early Steps:
14 Louisiana's Early Intervention Program for Infants and Toddlers with
15 Disabilities and Their Families

16 * * *

17 E.(1) The council shall have the following duties:

18 ~~(1)~~ (a) To advise and assist the department in the performance of
19 responsibilities established pursuant to this Chapter, particularly the identification
20 of sources of fiscal and other support for services for early intervention programs,
21 assignment of financial responsibility to the appropriate agency, and the promotion
22 of interagency agreements.

23 ~~(2)~~ (b) To advise and assist the department in the preparation of applications
24 and amendments thereto.

25 ~~(3)~~ (c) To advise and assist the department relative to the transition of
26 toddlers with disabilities to preschool and other appropriate services.

27 ~~(4)~~ (d) To prepare and submit an annual report to the governor and to the
28 United States Secretary of Education on the status of early intervention programs for
29 infants and toddlers with disabilities and their families operated within the state.

1 ~~(5) The council may advise appropriate agencies in the state with respect to~~
 2 ~~the integration of services for infants and toddlers with disabilities and at-risk infants~~
 3 ~~and toddlers and their families, regardless of whether at-risk infants and toddlers are~~
 4 ~~eligible for early intervention services in the state.~~

5 ~~(6)~~ (e) To prepare and submit an annual report to the Legislature of
 6 Louisiana on the status of the early intervention program of this state for infants and
 7 toddlers with disabilities and their families.

8 (2) The council may advise appropriate agencies in the state with respect to
 9 the integration of services for infants and toddlers with disabilities and at-risk infants
 10 and toddlers and their families, regardless of whether at-risk infants and toddlers are
 11 eligible for early intervention services in the state.

12 * * *

13 §757. Council staffing

14 The council shall have full appointing authority for all personnel purposes
 15 and shall be empowered to hire and supervise sufficient staff to ~~insure~~ ensure the
 16 council's ability to fulfill its responsibilities. Two of these positions shall be
 17 unclassified civil service positions, pursuant to Article X, Section 2(B)(7) of the
 18 Constitution of Louisiana, and the State Civil Service Commission may provide that
 19 others among these positions shall be unclassified positions.

20 * * *

21 §772. Funding of regional addictive disorder services

22 * * *

23 D. In the event that the secretary or assistant secretary of the department
 24 determines that compliance with this Section would jeopardize federal funding, the
 25 secretary or assistant secretary may allocate more or fewer funds to one or more
 26 regions if such action is approved by the House and Senate ~~Committees on Health~~
 27 ~~and Welfare~~ committees on health and welfare.

28 * * *

1 §823. Principles

2 The following ideals shall be the guiding principles for the development of
3 a Community and Family Support System plan:

4 * * *

5 (11) The system shall be flexible to ~~insure~~ ensure that unanticipated needs
6 are met and that the provision of supports and services is not limited to the location
7 and types of existing services.

8 * * *

9 §911. Definitions

10 As used in this Chapter and unless the context clearly requires otherwise:

11 * * *

12 (6) "Human services district or authority" ~~or~~ and "district or authority";
13 ~~means~~ mean a local governing entity, as identified in R.S. 28:912(A), with local
14 accountability and management of behavioral health, intellectual disability, and
15 developmental disability services as well as any public health or other services
16 contracted to the district or authority by the department.

17 * * *

18 §915. Districts and authorities; functions, powers, and duties; sole-source
19 contracting

20 A. Pursuant to a contract with the department, all human services districts
21 and authorities shall:

22 * * *

23 (2) Be responsible for community-based programs and functions relating to
24 the care, diagnosis, training, treatment, case management, and education of persons
25 with intellectual disabilities, persons with developmental disabilities, and persons
26 with autism.

27 * * *

28 §932. Intervention and stabilization units; establishment and operation; duties of
29 human services districts and authorities

30 * * *

1 B. Subject to appropriation for this purpose, a human services district or
2 authority may establish and operate an intervention and stabilization unit in any
3 parish that meets all of the following criteria:

4 * * *

5 (2) The parish experienced the closure of a hospital provided for in R.S.
6 17:1519.2 that had been operated by the ~~Health Care Services Division~~ health care
7 services division of the LSU Health Sciences Center-New Orleans.

8 * * *

9 Section 2. R.S. 36:254(A)(6)(b) and (10)(a) through (e), (B)(1) and (6), (D)(1)(a)(i),
10 (E)(1), (F)(1), (H)(1), (I)(1), (J)(1), (K)(1), and (L), 254.1, 254.3, 258(G) through (L),
11 259(E)(10), 474(B)(1) and (6), and 477(B)(1) are hereby amended and reenacted to read as
12 follows:

13 §254. Powers and duties of the secretary of the Louisiana Department of Health

14 A. In addition to the functions, powers, and duties otherwise vested in the
15 secretary by law, he shall:

16 * * *

17 (6)

18 * * *

19 (b) Act as the sole agent of the state or, in necessary cases, designate one of
20 the offices within the department or its assistant secretary to cooperate with the
21 federal government and with other state and local agencies in the administration of
22 federal funds granted to the state pursuant to the State Children's Health Insurance
23 Program, Title XXI of the Social Security Act. For this purpose he may take such
24 actions, in accordance with any applicable state law, necessary to meet such federal
25 standards as are established for the administration and use of such federal funds,
26 except as otherwise specifically provided in this Title or by the constitution and laws
27 of this state, and provided that if the department develops a private health insurance
28 model, the department and the Department of Insurance shall jointly promulgate the
29 necessary rules in accordance with the Administrative Procedure Act to establish the
30 private health insurance model. Any rules or regulations promulgated pursuant to

1 the private health insurance model shall be subject to review by the House
2 Committee on Health and Welfare, ~~and~~ the Senate Committee on Health and
3 Welfare, ~~and~~ the House Committee on Insurance, and the Senate Committee on
4 Insurance.

5 * * *

6 (10) Perform the functions of the state relating to:

7 (a) Licensing of ~~health-related~~ health-related professionals;

8 (b) Licensing of health facilities, including hospitals and nursing homes;

9 (c) Licensing of institutions for persons with intellectual disabilities;

10 (d) Licensing of systems of distribution for controlled dangerous substances;

11 (e) Licensing of child care institutions funded under Title XIX of the Social
12 Security Act; ~~and~~.

13 * * *

14 B. The secretary shall have authority to:

15 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 803:

16 (i) Employ, appoint, remove, assign, and promote such personnel as is
17 necessary for the efficient administration of the executive office of the secretary and
18 the performance of its powers, duties, functions, and responsibilities and such other
19 personnel, who are not assigned to an office, as may be necessary for the efficient
20 administration of the department and for the performance of the responsibilities,
21 powers, duties, and functions of agencies transferred to it;

22 (ii) Employ, assign, and remove all personnel employed for the department
23 on a contractual basis; ~~and~~.

24 (iii) Transfer the personnel of the department as necessary for the efficient
25 administration of the department and its programs.

26 (b) All of the ~~above are to~~ functions provided for in this Paragraph shall be
27 accomplished in accordance with applicable civil service law, rules, and regulations,
28 and with policies and rules of the department, and all are subject to budgetary control
29 and applicable laws.

30 * * *

1 (6) Grant rights of way, servitudes, and easements across state-owned lands
 2 under his jurisdiction to other public bodies, either state or local, for any public
 3 purpose. The secretary shall also have authority to grant rights of way, servitudes,
 4 and easements across state lands under his jurisdiction to any other person or entity
 5 for the purpose of laying pipelines, gas lines, and water lines₂, and for the
 6 transmission of electricity for power and light, and also for telephone and telegraph
 7 lines, for railroad lines or tracks, for road construction, and for drainage purposes,
 8 and to enter into the necessary contracts therefor, which shall provide for the
 9 payment of an adequate consideration. Such payment, in order to be considered as
 10 adequate consideration, shall be based on payments made for other comparable
 11 contracts in the vicinity, when available, providing compensation for rights of way,
 12 servitudes, easements, and for damages relative thereto.

13 * * *

14 D.(1)(a)(i) The secretary shall direct and be responsible for the Medical
 15 Assistance Program, Title XIX of the Social Security Act, including eligibility
 16 determination and those health planning and resource development functions as are
 17 permissible under provisions of Title XIX of the Social Security Act, Title XXI of
 18 the Social Security Act, and R.S. 46:976. Any modification to the Medical
 19 Assistance Program approved by waiver by the United States Department of Health
 20 and Human Services, Health Care Financing Administration or its successor, that
 21 provides for a managed care or voucher system shall be implemented by the
 22 secretary but only after the approved plan and any modifications thereto have been
 23 approved by the House and Senate ~~Committees on Health and Welfare~~ committees
 24 on health and welfare and the Joint Legislative Committee on the Budget. Unless
 25 approved by such committees as provided in this Subparagraph, modifications to the
 26 medical assistance program as provided herein shall not be considered avoidance of
 27 a budget deficit in the case of medical assistance programs, shall not be considered
 28 a means of securing new or enhanced federal funding in medical assistance
 29 programs, and shall not be considered necessary to avoid imminent peril to the public

1 health, safety, or welfare; such modification shall not be promulgated as emergency
2 rules under the provisions of R.S. 49:953(B) unless approved by such committees.

3 * * *

4 E.(1) The functions relative to the operation and management of mental
5 health, intellectual disabilities, and substance abuse services for Jefferson Parish
6 having been transferred by department rules to the Jefferson Parish Human Services
7 Authority in accordance with ~~Chapter 14~~ Part I of Chapter 21 of Title 28 of the
8 Louisiana Revised Statutes of 1950 shall be the responsibility of and shall be
9 performed by the Jefferson Parish Human Services Authority.

10 * * *

11 F.(1) The functions relative to the operation and management of
12 community-based mental health, developmental disabilities, substance abuse
13 services, and certain community-based public health services for the parishes of
14 Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton
15 Rouge, and West Feliciana transferred in accordance with ~~R.S. 28:901~~ R.S. 28:910
16 et seq., shall be the responsibility of and shall be performed by the Capital Area
17 Human Services District. If funds are not appropriated by the legislature for the
18 district to perform these functions in those parishes, the functions shall be the
19 responsibility of and shall be performed by the department in those parishes.

20 * * *

21 H.(1) The functions relative to the operation and management of
22 community-based mental health, developmental disabilities, and addictive disorder
23 services for the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and
24 Washington transferred in accordance with ~~R.S. 28:851~~ R.S. 28:910 et seq. shall be
25 the responsibility of and shall be performed by the Florida Parishes Human Services
26 Authority. If funds are not appropriated by the legislature for the authority to
27 perform these functions in those parishes, the functions shall be the responsibility of
28 and shall be performed by the department in those parishes.

29 * * *

1 I.(1) The functions relative to the operation and management of
2 community-based mental health, developmental disabilities, and addictive disorder
3 services for the parishes of Orleans, St. Bernard, and Plaquemines transferred in
4 accordance with ~~R.S. 28:861~~ R.S. 28:910 et seq. shall be the responsibility of and
5 shall be performed by the Metropolitan Human Services District. If funds are not
6 appropriated by the legislature for the district to perform these functions in those
7 parishes, the functions shall be the responsibility of and shall be performed by the
8 department in those parishes.

9 * * *

10 J.(1) The functions relative to the operation and management of
11 community-based mental health, developmental disabilities, and addictive disorder
12 services for the parishes of Assumption, Lafourche, St. Charles, St. James, St. John
13 the Baptist, St. Mary, and Terrebonne transferred in accordance with ~~R.S. 28:871~~
14 R.S. 28:910 et seq., shall be the responsibility of and shall be performed by the South
15 Central Louisiana Human Services District. If funds are not appropriated by the
16 legislature for the district to perform these functions in those parishes, the functions
17 shall be the responsibility of and shall be performed by the department in those
18 parishes.

19 * * *

20 K.(1) The functions relative to the operation and management of
21 community-based mental health, developmental disabilities, and addictive disorder
22 services for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln,
23 Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll
24 transferred in accordance with ~~R.S. 28:871~~ R.S. 28:910 et seq., shall be the
25 responsibility of and shall be performed by the Northeast Delta Human Services
26 Authority. If funds are not appropriated by the legislature for the authority to
27 perform these functions in those parishes, the functions shall be the responsibility of
28 and shall be performed by the department in those parishes.

29 * * *

1 L. Any salary adjustment or cost of living adjustment for any employee or
 2 board member of a board, entity, agency, or commission transferred to the Louisiana
 3 Department of Health and enumerated in R.S. 36:259 or any employee of a human
 4 services district or authority established and enumerated in R.S. 28:912 shall not be
 5 granted in any year after a deficit is declared without express written approval of
 6 two-thirds of the members of the respective governing board. The express written
 7 approval shall be submitted to the secretary in accordance with the reporting
 8 provided for in R.S. 36:803.

9 §254.1. Power of the secretary of the Louisiana Department of Health to issue tax-
 10 exempt or taxable debt relative to the Drinking Water Revolving Loan Fund

11 A. The secretary of the department is authorized and empowered to
 12 administer, maintain, and operate the Drinking Water Revolving Loan Fund as
 13 created and provided in R.S. 40:2821 ~~through 2826~~ et seq.

14 B. In connection with such administration, maintenance, and operation, the
 15 department is authorized to incur debt and issue bonds, notes, or other evidence of
 16 indebtedness, and is authorized to pledge the sums in, credited to, or payable to the
 17 Drinking Water Revolving Loan Fund as security for the debt of other entities, and
 18 is authorized to arrange, provide for, and pay the cost of credit enhancement devices
 19 for its debt and the debt of other entities in order to provide funds in connection with
 20 the Drinking Water Revolving Loan Fund Program. Any such evidence of
 21 indebtedness, guarantee, pledge, or credit enhancement device shall be authorized,
 22 executed, and delivered by the secretary or his designee in accordance with the
 23 provisions of and subject to the limitations provided in R.S. 40:2821 ~~through 2826~~
 24 ~~of the Drinking Water Revolving Loan Fund~~ et seq.

25 C. In connection with the ~~above~~ power and duties involving the Drinking
 26 Water Revolving Loan Fund provided in Subsections A and B of this Section, the
 27 secretary of the department is ~~authorized to~~ may do all of the following:

28 (1) ~~To authorize~~ Authorize, by executive order, the issuance, sale, execution,
 29 and delivery of bonds, notes, or other evidences of indebtedness of the department,
 30 obligations representing guarantees by the department of the debt of other entities,

1 and the granting of pledges of the sums deposited in, credited to, or payable to the
 2 Drinking Water Revolving Loan Fund as created and provided in R.S. 40:2821 et
 3 seq., including sums to be received pursuant to letters of credit, as security for the
 4 debts of other entities, subject to the approval of the State Bond Commission.

5 (2) ~~To administer~~ Administer the financial aspects of the Drinking Water
 6 Revolving Loan Fund as established in R.S. 40:2821 ~~through 2826~~ et seq. The
 7 secretary ~~is also authorized to~~ may also enter into contracts and other agreements in
 8 connection with the operation of the Drinking Water Revolving Loan Fund to the
 9 extent necessary or convenient for the implementation of the Drinking Water
 10 Revolving Loan Fund Program.

11 (3) ~~To adopt~~ Adopt and promulgate rules and regulations for the
 12 administration of the Drinking Water Revolving Loan Fund, provided such rules and
 13 regulations shall not take effect unless approved by the ~~House of Representatives~~
 14 ~~Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee~~
 15 House Committee on Ways and Means and the Senate Committee on Revenue and
 16 Fiscal Affairs.

17 (4) ~~The secretary of the Louisiana Department of Health, hereafter the~~
 18 ~~"department", is hereby authorized to issue~~ Issue, incur, and deliver debt evidenced
 19 by bonds, notes, or other evidences of indebtedness, payable from or secured by
 20 sums deposited in, credited to, or to be received in, including sums received pursuant
 21 to letters of credit, by the department in the Drinking Water Revolving Loan Fund
 22 as created and established in R.S. 40:2821 ~~through 2826~~ et seq. The department is
 23 ~~further authorized to~~ may also undertake, ~~and to issue,~~ and deliver evidences of its
 24 guarantee of the debt of other entities and ~~is authorized to~~ may enter and execute
 25 pledges of the sums deposited in, credited to, or to be received in the Drinking Water
 26 Revolving Loan Fund, including payments pursuant to letters of credit, to secure the
 27 debt of other entities. Such bonds, notes, or other evidences of indebtedness, such
 28 guarantees, and such pledges issued and delivered pursuant to the authority hereof
 29 shall constitute special and limited obligations of the department, and shall not be
 30 secured by the full faith and credit of the state of Louisiana, any source of revenue

1 of the state of Louisiana other than those sums on deposit in, credited to, or to be
 2 received in the Drinking Water Revolving Loan Fund including payments to be made
 3 pursuant to letters of credit. ~~It is hereby found and determined that such~~ Such bonds,
 4 notes, or other evidences of indebtedness, guarantees, and pledges shall constitute
 5 revenue bonds, debts, or obligations within the meaning of Article VII, Section 6(C)
 6 of the Constitution of Louisiana and shall not constitute the incurring of state debt
 7 thereunder. Withdrawals from the Drinking Water Revolving Loan Fund to pay debt
 8 service on any bond, note, or other evidence of indebtedness, obligation of guarantee
 9 of any debt, or pledge to secure any debt does not constitute and shall not be subject
 10 to annual appropriation by the legislature as provided by Article III, Section 16 of
 11 the Constitution of Louisiana.

12 (5) ~~The department is hereby authorized to issue~~ Issue, execute, and deliver
 13 refunding bonds, notes, or other evidences of indebtedness for the purpose of
 14 refunding, readjusting, restructuring, refinancing, extending, or unifying in whole or
 15 any part of its outstanding obligations, ~~and further the department is hereby~~
 16 ~~authorized to issue~~

17 (6) Issue short-term revenue notes for the purposes of anticipating any
 18 revenues to be received by the department in connection with the Drinking Water
 19 Revolving Loan Fund.

20 ~~(6) D.~~ D. Bonds, notes, or other evidences of indebtedness of the department
 21 may bear, and the department may guarantee or pledge the assets of the Drinking
 22 Water Revolving Loan Fund to the payment of debt of other entities that bear, a rate
 23 or rates of interest at fixed, variable, or adjustable rates. Any such obligation may
 24 be non-interest bearing in the form of capital appreciation obligations.

25 * * *

26 §254.3. Criminal history information; access to federal tax information

27 The Department of Health, ~~medicaid~~ Medicaid eligibility section, is
 28 authorized to perform criminal history records checks of current and prospective
 29 employees, contractors, and subcontractors in accordance with the procedures
 30 provided in R.S. 15:587.5. Pursuant to this authorization and to implement the

1 requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations
2 with regard to this matter.

3 * * *

4 §258. Offices; purposes and functions

5 * * *

6 G. Notwithstanding the provisions of Subsections C, D, and E of this
7 Section, the Jefferson Parish Human Services Authority shall be responsible for and
8 shall perform the functions relative to the operation and management of mental
9 health, developmental disabilities, and substance abuse services for Jefferson Parish
10 only, and the department shall not be responsible for nor perform such functions
11 unless the contract between the department and the authority has been terminated
12 pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

13 H. Notwithstanding the provisions of Subsections B, C, D, and E of this
14 Section, the Capital Area Human Services District shall be responsible for and shall
15 perform the functions relative to the operation and management of community-based
16 mental health, developmental disabilities, substance abuse services, and certain
17 community-based public health services for the parishes of Ascension, East Baton
18 Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West
19 Feliciana only unless the contract between the department and the authority has been
20 terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

21 I. Notwithstanding the provisions of Subsections C, D, and E of this Section,
22 the Florida Parishes Human Services Authority shall be responsible for and shall
23 perform the functions relative to the operation and management of mental health,
24 developmental disabilities, and addictive disorder services for the parishes of
25 Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington, and the
26 department shall not be responsible for nor perform such functions unless the
27 contract between the department and the authority has been terminated pursuant to
28 ~~R.S. 28:919(H)~~ R.S. 28:918(E).

29 J. Notwithstanding the provisions of Subsections C, D, and E of this Section,
30 the South Central Louisiana Human Services District shall be responsible for and

1 shall perform the functions relative to the operation and management of mental
 2 health, developmental disabilities, and addictive disorder services for the parishes
 3 of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and
 4 Terrebonne, and the department shall not be responsible for nor perform such
 5 functions unless the contract between the department and the authority has been
 6 terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

7 K. Notwithstanding the provisions of Subsections C, D, and E of this
 8 Section, the Metropolitan Human Services District shall be responsible for and shall
 9 perform the functions relative to the operation and management of mental health,
 10 developmental disabilities, and addictive disorder services for the parishes of
 11 Orleans, St. Bernard, and Plaquemines, and the department shall not be responsible
 12 for nor perform such functions unless the contract between the department and the
 13 authority has been terminated pursuant to ~~R.S. 28:919(H)~~ R.S. 28:918(E).

14 L. Notwithstanding the provisions of Subsections C, D, and E of this Section,
 15 the Northeast Delta Human Services Authority shall be responsible for and shall
 16 perform the functions relative to the operation and management of mental health,
 17 developmental disabilities, and addictive disorder services for the parishes of
 18 Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita,
 19 Richland, Tensas, Union, and West Carroll, and the department shall not be
 20 responsible for nor perform such functions unless the contract between the
 21 department and the authority has been terminated pursuant to ~~R.S. 28:919(H)~~ R.S.
 22 28:918(E).

23 §259. Transfer of agencies and functions to Louisiana Department of Health

24 * * *

25 E. The following agencies, as defined in R.S. 36:3, are transferred to and
 26 hereafter shall be within the Louisiana Department of Health, as provided in R.S. 36:803:

27 * * *

28 (10) Louisiana State Board of Examiners of Psychologists (R.S. 37:2351 et
 29 seq.)

30 * * *

1 §474. Powers and duties of the secretary of the Department of Children and Family
2 Services

3 * * *

4 B. The secretary shall have authority to:

5 (1)(a) Except as otherwise specifically provided in R.S. 36:801 and 802.9:

6 (i) Employ, appoint, remove, assign, and promote such personnel as is
7 necessary for the efficient administration of the department and the performance of
8 its powers, duties, functions, and responsibilities and such other personnel as may
9 be necessary for the efficient administration and the performance of the
10 responsibilities, powers, duties, and functions of agencies transferred to it;

11 (ii) Employ, assign, and remove all personnel employed for the department
12 on a contractual basis, ~~and~~.

13 (iii) Transfer the personnel of the department as necessary for the efficient
14 administration of the department and its programs.

15 (b) All of the ~~above are to~~ functions provided for in this Paragraph shall be
16 accomplished in accordance with applicable civil service law, rules, and regulations,
17 and with policies and rules of the Department of Children and Family Services, and
18 all are subject to budgetary control and applicable laws.

19 * * *

20 (6) Grant rights of way, servitudes, and easements across state-owned lands
21 under his jurisdiction to other public bodies either state or local, for any public
22 purpose. The secretary shall also have authority to grant rights of way, servitudes,
23 and easements across state lands under his jurisdiction to any other person or entity
24 for the purpose of laying pipelines, gas lines, and water lines, and for the
25 transmission of electricity for power and light, and also for telephone and telegraph
26 lines, for railroad lines or tracks, for road construction, and for drainage purposes,
27 and to enter into the necessary contracts therefor, which shall provide for the
28 payment of an adequate consideration. Such payment, in order to be considered as
29 adequate consideration, shall be based on payments made for other comparable

1 contracts in the vicinity, when available, providing compensation for rights of way,
2 servitudes, and easements, and for damages relative thereto.

3 * * *

4 §477. Office; purposes and functions

5 * * *

6 B.(1) The office of children and family services shall perform the services
7 of the state relating to public assistance programs to provide aid to dependent
8 children and to adults, who due to age, disability, or infirmity, are unable to
9 adequately meet their basic needs. It shall also administer the food stamp program
10 or its successor, child support programs, establishment of paternity programs,
11 disaster relief grant programs for individuals and families, and such other programs
12 as assigned by the secretary. It shall also conduct disability and other client
13 eligibility determinations, and may conduct medical assistance client eligibility
14 determinations. The office is authorized to enter into interagency agreements with
15 other state agencies to conduct eligibility determinations. The office shall provide
16 for the public child welfare functions of the state including but not limited to
17 prevention services that promote, facilitate, and support activities to prevent child
18 abuse and neglect; child protective services; voluntary family strengthening and
19 support services; making permanent plans for foster children and meeting their daily
20 maintenance needs of food, shelter, clothing, necessary physical medical services,
21 school supplies, and incidental personal needs; and adoption placement services for
22 foster children freed for adoption. It shall also perform the functions of the state
23 relating to the licensing of facilities regulated under Chapter 14 of Title 46 of the
24 Louisiana Revised Statutes of 1950. The office shall issue and monitor domestic
25 violence services contracts.

26 * * *

27 Section 3. R.S. 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1),
28 843, 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E), 1033(A)(3)
29 and (C), 1048(4), (5)(a), (8), (9), and (12), 1056, 1103(11) and (12), 1164(3), (7), (10),
30 (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13), (17), and (18) and (B)(1)

1 and (6), 1226.1(B), 1226.2(D)(1), 1277(A)(3), 1281(A)(1)(a), (3)(a)(ii) and (c), and (5),
 2 1307(1), (7), and (8), 1340(introductory paragraph), 1543(A)(3)(b)(ii) and (5), 1721,
 3 1731(A)(2)(a) and (d), 1732.1, 1742.1(G)(introductory paragraph) and (5), 1743(C),
 4 1743.1(E), 1744(A), (B), and (C)(2), 1745(A), (B), and (C)(3), the heading of Part VIII of
 5 Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111,
 6 2114, 2351, 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and
 7 (6)(introductory paragraph), (c) through (e), (j), (k), (m), (n), (r), (u), and (v), 2443, 2446,
 8 2458, 2459, 2465(D)(introductory paragraph) and (1), 2503(A)(2)(d), 2504(A)(1) and (5),
 9 2802(C), 2816(A)(2), (4), (6), (8), (13), and (15), (B), and (F)(2), 2819(Section heading),
 10 2950(B) and (D)(1)(a)(viii), 3014, 3214(1), 3241(introductory paragraph) and (1), 3258(C),
 11 3302(4)(b)(i) and (iv), 3309.1(A), 3386.1(introductory paragraph), (1), (2), (6), (7), (9), (11),
 12 (12), and (16), 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A), (C), (D), and (E)(6),
 13 3387.2(A), (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1),
 14 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and
 15 (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11), 3389(A)
 16 and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and
 17 3703(B)(7) are hereby amended and reenacted and R.S. 37:1103(introductory paragraph),
 18 3387.5(G) and (H), and 3387.6(H) and (I) are hereby enacted to read as follows:

19 §9. Rules and regulations

20 The governor may prescribe such general administrative rules for the conduct
 21 of the affairs of the administrative departments, not inconsistent with law, as he
 22 thinks necessary or expedient. The director may prescribe such administrative rules,
 23 not inconsistent with this ~~chapter~~ Chapter or with the general rules of the governor,
 24 as he thinks necessary or expedient for the proper conduct of the work of the
 25 department and for making effective the provisions of law.

26 * * *

27 §21. Limitations on disciplinary proceedings by professional or occupational boards
 28 and commissions

29 * * *

1 B. The provisions of this Section shall not apply to the following:

2 * * *

3 (6) The Louisiana Board of Examiners for ~~Speech~~ Speech-Language
4 Pathology and Audiology.

5 * * *

6 §751. Definitions; licensure; presumption; short title

7 A. As used in this Chapter:

8 * * *

9 (2) "Another state" means each of the several states, other than Louisiana,
10 and includes the District of Columbia, the Commonwealth of Puerto Rico, and the
11 Virgin Islands of the United States.

12 * * *

13 §757. Patient records

14 * * *

15 B. The dentist shall maintain, preserve, and provide copies of the dental
16 treatment records in conformity with ~~R.S. 40:1299.96~~ R.S. 40:1165.1.

17 * * *

18 §779. Filing of administrative complaint or charge; appointment of committee to
19 hear charge; quorum

20 * * *

21 B. Where the charge is made by a citizen, he should state to the
22 secretary-treasurer, or any member of the board, the source of his information and
23 the grounds of his belief, and the secretary-treasurer, a member, an inspector, or any
24 agent of the board shall substantiate the charge by determining that the citizen is
25 informed and has reasonable cause to believe that the charge is true; after which an
26 administrative complaint or charge may be issued, and noticed and docketed for
27 hearing by the board, as set forth in Subsection A of this Section.

28 * * *

1 §781. Issuance of subpoenas; production of patient records; maintenance of
2 confidentiality

3 * * *

4 E. Any person or entity charging the board a fee for the production of
5 documents ordered to be produced by the board under a subpoena or subpoena duces
6 tecum issued by the board shall conform to those charges set forth in ~~R.S.~~
7 ~~40:1299.96~~ R.S. 40:1165.1 to reflect reasonable or adequate compensation.

8 * * *

9 §790. Forgery; penalty

10 A. No person shall file or attempt to file, as his own, the diploma or license
11 of another, or a forged affidavit of identification or qualification.

12 B. Whoever violates this Section shall be fined not more than five thousand
13 dollars, or imprisoned with or without hard labor for not more than ten years, or both.

14 * * *

15 §796.1. Requirements to provide dental services at mobile dental clinics and
16 locations other than the dental office; permit; hold harmless

17 A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a
18 person offering dental services at a mobile dental clinic or a location other than the
19 dental office shall:

20 (1) Be a dentist licensed in Louisiana who is in good standing with the
21 Louisiana State Board of Dentistry.

22 * * *

23 §843. Registration and display of certificate

24 A. The board shall register each certificate in the office of ~~health services~~
25 ~~and environmental quality~~ public health of the Louisiana Department of Health.

26 B. ~~Each~~ Every certificate holder shall display his certificate in a conspicuous
27 place in his office or place of business.

28 * * *

1 §846. Refusal to grant or renew licenses; revocation or suspension; grounds;
2 hearings

3 A. The board may refuse to grant, refuse to renew, suspend, or revoke any
4 license, or impose a sanction or fine in keeping with the penalty provision of this Part
5 for any licensee or registrant when he is found guilty of any of the following acts or
6 omissions:

7 * * *

8 (3)(a) Solicitation which is intimidating, overreaching, fraudulent, or
9 misleading, that uses undue influence, or that takes advantage of a person's lack of
10 knowledge or emotional vulnerability, or engaging in any of the following:

11 * * *

12 (iv) Contacting a person suffering ill health or the relatives, caregivers,
13 acquaintances, ~~health care~~ healthcare providers, or persons having the right to control
14 the disposition of the remains of an individual whose death is impending or whose
15 death has recently occurred for the purposes of soliciting preneed funeral contracts
16 or the sale of funeral goods and services or making funeral or disposition
17 arrangements for that individual without first having been specifically requested by
18 that person seeking information about funeral goods or services.

19 * * *

20 §883. Liability; authorizing agent; funeral director, funeral establishment, and
21 crematory authority; refusal to arrange or perform a cremation; refusal to
22 release cremated human remains

23 * * *

24 C. There shall be no liability for a funeral director, funeral establishment, or
25 crematory authority in relying on information provided by the coroner or ~~health care~~
26 healthcare providers pursuant to R.S. 37:877(B)(1)(b)(iii) and ~~R.S. 40:1099.1~~ R.S.
27 40:1271.2 or their failure to provide such information.

28 * * *

1 §930. Anesthetics; authority to administer; penalty

2 A. No registered professional nurse shall administer any form of anesthetic
 3 to any person under ~~their~~ his care unless the following conditions are met:

4 (1) The registered nurse has successfully completed the prescribed
 5 educational program in a school of anesthesia which is accredited by a nationally
 6 recognized accrediting agency approved by the United States Department of Health,
 7 Education, and Welfare, or its successor.

8 (2) ~~is~~ The registered nurse is a registered nurse anesthetist certified by a
 9 nationally recognized certifying agency for nurse anesthetists following completion
 10 of the educational program referred to in Paragraph (1) of this Subsection and
 11 participates in a continuing education program of a nationally approved accreditation
 12 agency as from time to time required, which program shall be recognized as the
 13 Continuing Education Program for Certified Registered Nurse Anesthetists; ~~and.~~

14 (3) ~~Administers~~ The registered nurse administers anesthetics and ancillary
 15 services under the direction and supervision of a physician or dentist who is licensed
 16 to practice under the laws of the state of Louisiana.

17 B.(1) No registered professional nurse licensed in the state of Louisiana who
 18 has been employed to administer anesthetics for six months prior to October 1, 1976,
 19 shall be required to meet the requirements set forth in Paragraphs (A)(1) and (2) of
 20 ~~Subsection A herein~~ this Section, and such registered professional nurse may
 21 continue to administer anesthetics provided that such employment is continuous in
 22 the state of Louisiana and is not broken for a period of more than one year.
 23 However, any registered professional nurse licensed in this state who is employed
 24 to administer anesthetics after October 1, 1976, shall be required to meet the
 25 requirements of this Section.

26 * * *

27 (3) The requirements set forth in Paragraphs (A)(1) and (2) of ~~Subsection A~~
 28 ~~herein~~, this Section shall not apply to a graduate nurse anesthetist awaiting
 29 certification results, provided that the application for certification is made as soon
 30 as possible upon completion of the prescribed educational program in a school of

1 anesthesia and provided further that this is the initial attempt for passage of the
2 certification exam.

3 (4) The requirements set forth in Paragraphs (A)(1) and (2) of ~~Subsection A~~
4 of this Section shall not apply to an emergency situation as determined by the
5 appropriate supervising physician or dentist.

6 (5) No registered professional nurse who on and after October 1, 1976,
7 possesses a permit, a temporary license, or a permanent license to practice nursing
8 in Louisiana in accordance with the ~~provision~~ provisions of the Nurse Practice Act
9 and who is duly enrolled as a bona fide student pursuing a course in a nurse
10 anesthesia school which is approved by a nationally recognized accrediting body and
11 whose graduates are acceptable for certification by a nationally recognized certifying
12 body shall be required to meet the requirements set forth in Paragraphs (A)(1) and
13 (2) of ~~Subsection A, herein~~ this Section, insofar as the administering of anesthetics
14 is confined to the educational requirements of the course and under direct
15 supervision of a qualified instructor.

16 * * *

17 D. Nothing ~~herein~~ in this Section shall prohibit the injection of local
18 anesthetic agents under the skin or application of topical anesthetic agents by a
19 registered nurse when prescribed by a physician or dentist who is licensed to practice
20 in this state; however, this provision shall not permit a registered nurse to administer
21 local anesthetics perineurally, peridurally, epidurally, intrathecally, or intravenously.
22 This Subsection shall not be applicable to certified registered nurse anesthetists
23 provided for in Subsection A of this Section.

24 E. Nothing ~~herein~~ in this Section shall prohibit the administration of a digital
25 block or a pudendal block by an advanced practice registered nurse who has been
26 trained to administer such procedure in accordance with a collaborative practice
27 agreement.

28 * * *

1 §1033. Required training

2 A. In order to be authorized to perform the procedures specified in R.S.
3 37:1032, a direct service worker shall be employed by a licensed agency or
4 employed as part of an authorized departmental self-directed program. If the direct
5 service worker is employed as part of an authorized departmental self-directed
6 program, the training he will receive shall be developed by the Louisiana Department
7 of Health in conjunction with the Louisiana State Board of Nursing. If the direct
8 service worker is employed by a licensed agency he shall receive the following
9 training:

10 * * *

11 (3) In order to administer noncomplex tasks, complete didactic training, and
12 demonstration of competency in accordance with guidelines established and
13 approved by the Louisiana Department of Health and the Louisiana State Board of
14 Nursing.

15 * * *

16 C. A direct service worker shall undergo an annual competency validation,
17 specified in rules adopted by the Louisiana State Board of Nursing and the Louisiana
18 Department of Health, performed by a registered nurse, to determine whether the
19 direct service worker continues to perform the authorized, person-specific tasks
20 appropriately. Documentation of the annual competency review provided by the
21 registered nurse shall be submitted to and maintained by the direct service worker's
22 employing agency.

23 * * *

24 §1048. Powers of the board

25 The board shall be responsible for the control and regulation of the practice
26 of optometry and may:

27 * * *

28 (4) Summon witnesses and compel the attendance of witnesses. No
29 subpoena shall be issued until the party who wishes to subpoena the witness first
30 deposits with the agency a sum of money sufficient to pay all fees and expenses to

1 which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671.
 2 A summons may order a person to appear ~~and/or~~ at a hearing, or appear and produce
 3 at ~~the~~ a hearing; books, papers, documents, or any other tangible things in his
 4 possession or under his control, if a reasonably accurate description thereof is given.

5 (5)(a) Conduct hearings on proceedings, and generally enforce those
 6 provisions of this Chapter, relating to conduct and competence, including but not
 7 limited to revocation, summary suspension, suspension, probation, reprimand, fines,
 8 and warnings, when evidence has been presented showing violation of any of the
 9 provisions of this Chapter.

10 * * *

11 (8) Inspect during hours of operation any licensed, permitted, certified, or
 12 registered person including, but not limited to, pertinent records for the purpose of
 13 determining if any ~~provisions~~ provision of law governing the legal distribution of
 14 drugs or devices or the practice of optometry is being violated.

15 (9) Cooperate with all agencies charged with the enforcement of the laws of
 16 the United States, of this state, and of all other states relating to drugs, devices, or the
 17 practice of optometry.

18 * * *

19 (12) Educate the public and optometrists on issues of public health, safety,
 20 and welfare by sponsoring, promoting, managing, operating, or improving ~~health~~
 21 ~~related~~ health-related education services, programs, or facilities in the state.

22 * * *

23 §1056. Annual renewal of license to practice

24 All licensed optometrists shall annually:

25 ~~1:~~ (1) Pay to the board the annual renewal fee provided in R.S. 37:1058 on
 26 or before the first day of March of each year; ~~and~~.

27 ~~2:~~ (2) Accompany the payment of the annual renewal fee with evidence
 28 satisfactory to the board of attendance and completion of twelve hours of continuing
 29 education pertaining to subjects required for licensing as set forth in R.S. 37:1051
 30 ~~and/or~~ or subjects pertaining to current visual and ~~health-care~~ healthcare practices as

1 are applicable to the practice of optometry. All licensed optometrists who have
2 attained the age of sixty years as of March 1, 1969, shall be exempt from this
3 continuing education requirement.

4 * * *

5 §1103. Definitions

6 As used in this Chapter, the following terms have the meaning ascribed to
7 them in this Section:

8 * * *

9 (11) "Provisional licensed marriage and family therapist" means any person
10 who has completed the requirements provided in R.S. 37:1116(C) and in applicable
11 rules of the board and who has been issued a provisional license pursuant to the
12 provisions of this Chapter, and such provisional license is in force and not suspended
13 or revoked. Provisional licensed marriage and family therapists may use the title
14 "provisional licensed marriage and family therapist" only under the direction and
15 active supervision of a ~~board-approved~~ board-approved supervisor and only while
16 obtaining the post-graduate degree experience required for licensure as a marriage
17 and family therapist. A provisional licensed marriage and family therapist shall not,
18 under any circumstances, provide or advertise that he is authorized to provide
19 marriage and family therapy independently.

20 (12) "Provisional licensed professional counselor" means any person who
21 has completed the requirements provided in R.S. 37:1107(F) and in applicable rules
22 of the board, and who has been issued a provisional license to provide mental health
23 counseling services and to practice mental health counseling. Provisional licensed
24 professional counselors may use the title "provisional licensed professional
25 counselor" and shall practice mental health counseling only under the direction and
26 active supervision of a ~~board-approved~~ board-approved supervisor and only while
27 obtaining the post-graduate degree experience required for licensure as a professional
28 counselor. A provisional licensed professional counselor shall not, under any

1 circumstances, practice mental health counseling independently or advertise that he
2 is authorized to practice independently.

3 * * *

4 §1164. Definitions

5 As used in this Chapter, the following terms have the meaning ascribed to
6 them by this Section:

7 * * *

8 (3)(a) "Automated medication system" includes, but is not limited to, a
9 mechanical system that perform operations or activities, other than compounding or
10 administration, relative to the storage, packaging, or delivery of medications, and
11 which collects, controls, and maintains all transaction information. An automated
12 medication system may be ~~profile-driven~~ profile-driven, ~~non-profile-driven~~ non-
13 profile-driven, or a combination of both.

14 ~~(a) Profile-driven~~ (b) A profile-driven system requires that medication
15 ~~orders/prescriptions~~ orders or prescriptions be reviewed by the pharmacist for
16 appropriateness, dosage, and contraindications prior to, or concomitantly with, being
17 entered into the system, and before access is allowed into the system for medication
18 administration.

19 ~~(b)(i) Non-profile-driven~~ (c)(i) A non-profile-driven system does not require
20 prior or concomitant pharmacist review of medication ~~orders/prescriptions~~ orders or
21 prescriptions in order to gain access to the system for medication administration. A
22 ~~non-profile-driven~~ non-profile-driven system may include, but is not limited to, a
23 night drug cabinet, emergency drug kit, or floor ~~stock/first~~ stock or first dose cabinet.

24 (ii) "Floor ~~stock/first~~ stock or first dose cabinet" is a medication storage
25 device, which shall be used by personnel, authorized by a protocol established by the
26 pharmacist-in-charge, to gain access to doses as needed and first doses in
27 patient-care areas. In addition, a floor ~~stock/first~~ stock or first dose cabinet may be
28 used to store medications in such specialty areas including but not limited to an
29 emergency room, surgery suite, and endoscopy suite.

30 * * *

1 (7) "Confidential information" means information accessed, maintained by,
 2 or transmitted to a pharmacist in the patient's records or which is communicated to
 3 the patient as part of patient counseling, which is privileged and may be released
 4 only to the patient or; to those practitioners, other authorized ~~health-care~~ healthcare
 5 professionals, and other pharmacists when, in a pharmacist's professional judgment,
 6 such release is necessary to protect the patient's health and well being; and to such
 7 other persons or agencies authorized by law to receive such confidential information
 8 regardless of whether such information is in the form of paper, preserved on
 9 microfilm, or is stored on electronic media.

* * *

11 (10) "Device" means an instrument, apparatus, implement, machine,
 12 contrivance, implant, or other similar or related article, including any component part
 13 or accessory, which is required under federal law to bear the label, "Caution: Federal
 14 or State law requires dispensing by or on the order of a physician", ~~and/or~~ the label
 15 "Rx Only", or both, or any other designation required under federal law.

* * *

17 (13) "Drug" means:
 18 (a) Any substance recognized as a drug in the official compendium, or
 19 supplement thereto, designated by the board for use in the diagnosis, cure,
 20 mitigation, treatment, or prevention of diseases in humans or other animals.

* * *

22 (16) "Emergency drug kit (~~EDK~~)" for long-term care facilities (~~LTCF~~) or
 23 other ~~board-approved~~ board-approved sites, other than a hospital, means a drug kit
 24 containing designated drugs which may be required to meet the immediate
 25 therapeutic emergency needs of a resident or patient.

* * *

27 (29) "Off-site facility" means and refers to the location of a building that
 28 houses a licensee of the Louisiana Department of Health, but which does not house
 29 a ~~board-permitted~~ board-permitted pharmacy.

1 (30) "On-site facility" means and refers to the location of a building that
2 houses a ~~board-permitted~~ board-permitted pharmacy.

3 * * *

4 (43) "Practice of pharmacy" or "practice of the profession of pharmacy"
5 means and includes the compounding, filling, dispensing, exchanging, giving,
6 offering for sale, or selling, drugs, medicines, or poisons, pursuant to prescriptions
7 or orders of physicians, dentists, veterinarians, or other licensed practitioners, or any
8 other act, service, operation, or transaction incidental to or forming a part of any of
9 the foregoing acts, requiring, involving, or employing the science or art of any
10 branch of the pharmacy profession, study, or training.

11 * * *

12 (46) "Prescription" or "prescription drug order" means an order from a
13 practitioner authorized by law to prescribe for a drug or device that is ~~patient specific~~
14 patient-specific and is communicated by any means to a pharmacist in a permitted
15 pharmacy, and is to be preserved on file as required by law or regulation.

16 * * *

17 (57) "Wholesale drug distribution" means distribution of legend drugs to a
18 party other than the consumer or patient, including but not limited to distribution by
19 manufacturers, repackers, own label distributors, jobbers, and wholesale drug
20 distributors.

21 (58) "Wholesale drug distributor" means any person who sells legend drugs
22 to a party other than the consumer or the patient, including but not limited to
23 manufacturers, repackers, own label distributors, jobbers, brokers, agents, and
24 pharmacies.

25 * * *

26 §1182. Powers and duties of the board

27 A. The board shall be responsible for the control and regulation of the
28 practice of pharmacy and shall:

29 * * *

1 (13) Establish minimum specifications for the physical facilities, technical
2 equipment, environment, supplies, personnel, and procedures for the storage,
3 compounding, ~~and/or~~ and dispensing of drugs or devices.

4 * * *

5 (17) Except as otherwise provided to the contrary, ~~the board shall~~ exercise
6 all of its duties, powers, and authority in accordance with the Administrative
7 Procedure Act.

8 (18) Make, keep, and preserve all books, registers, and records.

9 * * *

10 B. The board may:

11 (1) Join such professional organizations and associations organized
12 exclusively to promote the improvement of the standards of the practice of pharmacy
13 for the protection of the health, safety, and welfare of the public ~~and/or~~ or whose
14 activities assist and facilitate the work of the board.

15 * * *

16 (6) Employ or contract for inspectors, chemists, agents, clerical help, legal
17 assistance, and other personnel necessary for the proper operation of the board office
18 and for any other purpose under this Chapter.

19 * * *

20 §1226.1. Communication to the prescriber

21 * * *

22 B. The required communication included in Subsection A of this Section
23 may be done by any means.

24 * * *

25 §1226.2. Prescription drug returns, exchanges, and redispensing; donation
26 requirements; authority to promulgate rules; limitation of liability

27 * * *

28 D.(1) No person, including a drug manufacturer, ~~health care~~ healthcare
29 facility, or governmental agency who donates prescription drugs to a charitable
30 pharmacy, as well as the charitable pharmacy, any pharmacist who originally

1 dispensed the donated prescription drugs, any pharmacist dispensing donated
 2 prescription drugs, or the ~~board of pharmacy~~ Louisiana Board of Pharmacy shall be
 3 subject to any professional disciplinary action, criminal prosecution, liability in tort
 4 or other civil action for injury, death, or loss to person or property related to the
 5 donating, accepting, or dispensing of donated prescription drugs.

6 * * *

7 §1277. Louisiana State Board of Medical Examiners; authorization to obtain
 8 criminal history record information

9 A. As used in this Section the following terms shall have the following
 10 meaning:

11 * * *

12 (3) "Applicant" means an individual who has made application to the board
 13 for the issuance, renewal, or reinstatement of any form of health care practitioner
 14 licensure which the board is authorized by law to issue, including but not limited to
 15 licensure as a physician or surgeon pursuant to R.S. 37:1261 ~~through 1291~~ et seq.;
 16 as a podiatrist pursuant to R.S. 37:611 ~~through 628~~ et seq.; as a physician assistant
 17 pursuant to R.S. 37:1360.21 ~~through 1360.38~~ et seq.; as a midwife practitioner
 18 pursuant to R.S. 37:3240 ~~through 3257~~ et seq.; as a respiratory therapist or
 19 respiratory therapy assistant pursuant to R.S. 37:3351 ~~through 3361~~ et seq.; as an
 20 occupational therapist or occupational therapy assistant pursuant to R.S. 37:3001
 21 ~~through 3014~~ et seq.; as a clinical laboratory scientist pursuant to R.S. 37:1311
 22 ~~through 1329~~ et seq.; as a clinical exercise physiologist pursuant to R.S. 37:3421
 23 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S. 37:3301 ~~through 3312~~ et
 24 seq.; as an acupuncturist or acupuncturist's assistant pursuant to R.S. 37:1356
 25 ~~through 1360~~ et seq.; as a private ~~radiological~~ radiologic technologist pursuant to
 26 R.S. 37:1292; or as a dispensing physician pursuant to ~~L.A.C. LAC~~ LAC 46:XLV.6501
 27 ~~through 6561~~ et seq.

28 * * *

1 §1281. Fees and costs

2 A.(1) As used in this Section, the following terms shall have the following
3 meaning:

4 (a) "Allied health care practitioner" means an individual who holds any form
5 of health care practitioner licensure that the board is authorized to issue, other than
6 as a physician, including but not limited to licensure as a podiatrist pursuant to R.S.
7 37:611 ~~through 628~~ et seq.; as a physician assistant pursuant to R.S. 37:1360.21
8 ~~through 1360.38~~ et seq.; as a midwife pursuant to R.S. 37:3240 ~~through 3257~~ et seq.;
9 as a respiratory therapist or respiratory therapy assistant pursuant to R.S. 37:3351
10 ~~through 3361~~ et seq.; as an occupational therapist or occupational therapy assistant
11 pursuant to R.S. 37:3001 ~~through 3014~~ et seq.; as a clinical laboratory scientist
12 pursuant to R.S. 37:1311 ~~through 1329~~ et seq.; as a clinical exercise physiologist
13 pursuant to R.S. 37:3421 ~~through 3433~~ et seq.; as an athletic trainer pursuant to R.S.
14 37:3301 ~~through 3312~~ et seq.; as an acupuncturist or acupuncturist's assistant
15 pursuant to R.S. 37:1356 ~~through 1360~~ et seq.; or as a private ~~radiological~~ radiologic
16 technologist pursuant to R.S. 37:1292.

17 * * *

18 (3) Notwithstanding the provisions of any other Chapter, the fees and costs
19 established and collectable by the board for the issuance, renewal, or reinstatement
20 of any license, certificate, registration, or permit issued to a physician or allied health
21 care practitioner shall not exceed the following amounts:

22 (a) Physicians:

23 * * *

24 (ii) Any initial restricted, provisional, or temporary license, certificate,
25 registration, or permit issued by the board to a physician, including but not limited
26 to an institutional license or permit, graduate education temporary permit, military
27 physician permit, military intern permit, mini-residency preceptorship permit, post
28 graduate training registration or permit, dispensing registration, reduced fee license,
29 or visiting physician permit, shall not exceed three hundred dollars.

30 * * *

1 (c) A physician or allied health care practitioner applicant ~~that~~ who has failed
 2 to renew a license, certificate, registration, or permit timely, shall pay a delinquency
 3 fee, in addition to the renewal fee and all other applicable fees and costs, not to
 4 exceed an amount equal to the renewal fee.

* * *

6 (5) In the event of a conflict between the provisions of this ~~Chapter~~ Part
 7 respecting fees and costs and those contained elsewhere in ~~any other Chapter~~ this
 8 Title, including but not limited to ~~R.S. 37:611 through 628, R.S. 37:1360.21 through~~
 9 ~~1360.38, R.S. 37:3240 through 3257, R.S. 37:3351 through 3361, R.S. 37:3001~~
 10 ~~through 3014, R.S. 37:1311 through 1329, R.S. 37:3421 through 3433, R.S. 37:3301~~
 11 ~~through 3312, and R.S. 37:1356 through 1360~~ Chapters 7, 39, 46, 48, 49, and 52 of
 12 this Title and Parts II, IV, and V of this Chapter, the provisions of ~~R.S. 37:1281~~ this
 13 Section shall govern.

* * *

§1307. Definitions

As used in this Part, the following terms shall have the following meanings unless the context requires otherwise:

(1) "Commercially reasonable terms and conditions" means those terms and conditions that would be reasonable to a prudent individual operating a business of similar type and size as a rural hospital even in the absence of referrals to the rural hospital or healthcare facility by a physician who owns, or whose immediate family member owns, an interest in the healthcare facility in which the rural hospital has been offered the opportunity to participate as an owner. The provisions of ~~42 USC~~ U.S.C. 1395nn, also known as "Stark II"; 2, the regulations promulgated by the Centers for Medicare and Medicaid Services, its predecessor or successor, to implement Stark II, and any regulatory guidance issued by the Centers for Medicare and Medicaid Services, its predecessor or successor, shall be considered in determining whether terms and conditions are commercially reasonable.

* * *

1 (7) "Proposing party" means a person or entity that offers to enter into a joint
 2 venture with a rural hospital as well as any person or entity related to the proposing
 3 party by common ownership or control as such terms are defined for purposes of 42
 4 ~~C.F.R.~~ CFR 413.17, or its successor provision.

5 (8) "Rural hospital" shall be defined as provided for in ~~R.S. 40:1300.143~~
 6 R.S. 40:1189.3, as such law existed on April 1, 2006.

7 * * *

8 §1340. Advisory Committee on Perfusion; duties

9 Under the authority of the Louisiana State Board of Medical Examiners, the
 10 committee shall:

11 * * *

12 §1543. Application

13 A. In order to obtain a certificate of approval as a registered veterinary
 14 technician, the applicant shall comply with the following provisions:

15 * * *

16 (3) The applicant shall submit evidence that he:

17 * * *

18 (b)

19 * * *

20 (ii) Has successfully completed a ~~board-approved~~ board-approved program
 21 in veterinary technology at an accredited institution of higher education and has two
 22 years actual experience working in a veterinary practice under the direct supervision
 23 of a licensed veterinarian.

24 * * *

25 (5) The applicant shall have passed any state ~~and/or~~ or national examination
 26 for veterinary technology as named and required in rules prescribed by the board.

27 * * *

28 §1721. Restrictions on advertising reserved to legislature

29 No state board, commission, department, bureau, or similar agency of the
 30 state regulating the practice of a trade or profession and exercising rulemaking

1 powers shall make any rule or regulation which limits or restricts the right to
 2 advertise, provided that this Section shall not apply to any board, commission,
 3 department, bureau, or similar agency of the state created and regulated under the
 4 rulemaking power of the Supreme Court of Louisiana or to the Louisiana State Board
 5 of Medical Examiners, the Louisiana State Board of Barber Examiners, the
 6 Louisiana State Board of Dentistry, the State Board of Certified Public Accountants
 7 of Louisiana, Louisiana Board of Pharmacy, the Louisiana Board of Chiropractic
 8 Examiners, the Louisiana ~~State~~ Board of Veterinary Medicine ~~Examiners~~, and the
 9 Louisiana State Board of Optometry Examiners, and further provided that nothing
 10 herein contained shall be construed to prevent the prohibition of false or misleading
 11 advertising by any board, commission, department, bureau, or similar agency of the
 12 state. The right to regulate advertising except as herein provided is reserved to the
 13 legislature.

14 §1731. Gratuitous service at scene of emergency; emergency care at hospitals;
 15 limitation of liability

16 A.

17 * * *

18 (2)(a) A physician, on-call physician, or surgeon or oral and maxillofacial
 19 surgeon, or his professional medical or dental corporation or limited liability
 20 company or nurse, licensed or qualified as provided in Paragraph (A)(1) of this
 21 Section, or an intern, or resident of a public or private hospital or other medical
 22 ~~health care~~ healthcare facility licensed in this state, who in good faith responds to an
 23 imminent life-threatening situation or emergency within the hospital or facility and
 24 whose actual duty in the hospital or facility did not require a response to an
 25 emergency situation shall not be liable for civil damages resulting from any act or
 26 omission in rendering the emergency care or service or from failure to provide or
 27 arrange for further medical care or treatment of the person involved, unless the
 28 damage or injury was caused by willful or wanton misconduct or gross negligence.

29 * * *

1 (d) For purposes of this Subsection, "on-call physician" means a physician,
 2 or oral and maxillofacial surgeon or his professional medical or dental corporation
 3 or limited liability company, who is not primarily employed or contracted by the
 4 hospital or other licensed medical ~~health care~~ healthcare facility to treat emergency
 5 room or department patients, but whose actual duties may include treating
 6 emergency room or department patients due to the requirements of 42 ~~C.F.R.~~ CFR
 7 489.24 or R.S. 40:2113.4 to respond to the emergency room or department on an
 8 on-call basis and as a condition of the privilege or ability to practice his profession
 9 within the hospital or facility.

10 * * *

11 §1732.1. Immunity from liability for volunteer supervising physicians

12 A. A physician licensed to practice medicine by the Louisiana State Board
 13 of Medical Examiners, who gratuitously volunteers to supervise a licensed ~~health~~
 14 ~~care~~ healthcare professional performing ultrasound procedures at a nonprofit
 15 pregnancy resource center in this state, shall not be liable for any civil damages as
 16 a result of any act or omission in the supervising or performing of the ultrasound
 17 procedure, or the interpretation of the results of the procedure, unless the damage or
 18 injury was caused by willful or wanton misconduct or gross negligence.

19 B. For the purposes of this Section:

20 (1) "~~licensed health care~~ Licensed healthcare professional" means a licensed
 21 ~~health care~~ healthcare professional who is qualified in this state and trained to
 22 perform ultrasound procedures, ~~and~~.

23 (2) "~~nonprofit~~ Nonprofit pregnancy resource center" means an organization
 24 qualified as a tax-exempt organization under Section 501(c) of the Internal Revenue
 25 Code of 1954, as amended, that provides pregnancy information and counseling
 26 services to an individual at no cost.

27 * * *

28 §1742.1. Disclosure

29 * * *

1 G. As used in this Part, "lifestyle modifications" means the broad domain of
2 traditional or homeopathic ~~health care~~ healthcare practices and other complementary
3 health practices and services provided by a person who is not licensed, certified, or
4 registered to perform, and who shall be prohibited from performing any of the
5 following designated services or practices:

6 * * *

7 (5) Holding out, stating, indicating, advertising, or otherwise implying he is
8 a health care provider, as defined in ~~R.S. 40:1299.41(A)(1)~~ R.S. 40:1231.1(A), or a
9 physician, or medical doctor, or in any way licensed to practice medicine pursuant
10 to Part I of Chapter 15 of this Title ~~37 of the Louisiana Revised Statutes of 1950.~~

11 * * *

12 §1743. Prohibition on direct solicitations

13 * * *

14 C. As used in this Section "health care provider" means any "health care
15 provider" as defined in ~~R.S. 40:1299.41~~ R.S. 40:1231.1.

16 §1743.1. Use of the title "Doctor" or "Dr." by certain healthcare providers

17 * * *

18 E. The provisions of this Section shall not apply to a physician as defined by
19 Medicare pursuant to ~~42 USC~~ U.S.C. 1395x(r).

20 §1744. Disclosure of financial interest by referring ~~health care~~ healthcare providers

21 A. For the purposes of this Section, the following terms ~~shall~~ have the
22 following meanings:

23 (1) "Board" means Louisiana State Board of Medical Examiners, Louisiana
24 State Board of Dentistry, Louisiana Board of Chiropractic Examiners, Louisiana
25 State Board of Optometry Examiners, Louisiana ~~State Board of Physical Therapy~~
26 ~~Examiners Board~~, Louisiana State Board of Examiners ~~for~~ of Psychologists,
27 Louisiana State Board of Nursing, Louisiana Licensed Professional Counselors
28 Board of Examiners, Louisiana State Board of Practical Nurse Examiners, Louisiana
29 Licensed Professional Counselors Board of Examiners, or Louisiana Board of
30 Pharmacy.

1 (2) ~~"Health care provider" means a person, partnership, or corporation,~~
 2 ~~licensed by this state to provide health care or professional services as a physician,~~
 3 ~~dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, medical~~
 4 ~~psychologist, licensed professional counselor, registered or licensed practical nurse,~~
 5 ~~pharmacist, and any officer, employee, or agent thereof acting in the course and~~
 6 ~~scope of his employment.~~

7 (3) "Financial interest" means a significant ownership or investment interest
 8 established through debt, equity, or other means and held by a ~~health care~~ healthcare
 9 provider or a member of a ~~health care~~ healthcare provider's immediate family, or any
 10 form of direct or indirect remuneration for referral.

11 (3) "Healthcare provider" means a person, partnership, or corporation,
 12 licensed by this state to provide health care or professional services as a physician,
 13 dentist, chiropractor, podiatrist, optometrist, physical therapist, psychologist, medical
 14 psychologist, licensed professional counselor, registered or licensed practical nurse,
 15 pharmacist, and any officer, employee, or agent thereof acting in the course and
 16 scope of his employment.

17 B. No ~~health care~~ healthcare provider shall make referrals outside the same
 18 group practice as that of the referring ~~health care~~ healthcare provider to any other
 19 ~~health care~~ healthcare provider, licensed ~~health care~~ healthcare facility, or provider
 20 of ~~health care~~ healthcare goods and services including but not limited to providers
 21 of clinical laboratory services, diagnostic services, medicinal suppliers, and
 22 therapeutic services when the referring ~~health care~~ healthcare provider has a financial
 23 interest served by such referral, unless in advance of any such referral the referring
 24 ~~health care~~ healthcare provider discloses to the patient, in writing, the existence of
 25 such financial interest.

26 C.

27 * * *

28 (2) Notwithstanding any other law to the contrary, any ~~health care~~ healthcare
 29 provider who violates the provisions of this Section shall refund all such sums
 30 received in payment for the goods and services furnished or rendered without

1 disclosure of financial interest. Such a refund shall be paid to the individual patient,
2 third-party payor, or other entity who made the payment.

3 * * *

4 §1745. Prohibition on payment for patient referrals

5 A. For the purposes of this Section, the following terms ~~shall~~ have the
6 following meanings:

7 (1) "Board" means the Louisiana State Board of Medical Examiners,
8 Louisiana Board of Chiropractic Examiners, Louisiana State Board of Dentistry,
9 Louisiana State Board of Optometry Examiners, Louisiana ~~State Board of~~ Physical
10 Therapy ~~Examiners Board~~, Louisiana State Board of Examiners ~~for~~ of Psychologists,
11 Louisiana State Board of Nursing, Louisiana Licensed Professional ~~Counselor~~
12 Counselors Board of Examiners, Louisiana State Board of Practical Nurse
13 Examiners, or Louisiana Board of Pharmacy.

14 (2) "~~Health care~~ Healthcare provider" means a person, partnership, or
15 corporation licensed by the state to provide health care or professional services as a
16 physician, chiropractor, dentist, dental hygienist, podiatrist, optometrist, physical
17 therapist, psychologist, medical psychologist, licensed professional counselor,
18 registered or licensed practical nurse, pharmacist, and any officer, employee, or
19 agent thereof acting in the course and scope of his employment.

20 B. No ~~health care~~ healthcare provider shall offer, make, solicit, or receive
21 payment, directly or indirectly, overtly or covertly, in cash or in-kind, for referring
22 or soliciting patients. Payments representing a return on investment based upon a
23 percentage of ownership are not considered a direct or indirect payment for the
24 purposes of this Section.

25 C.

26 * * *

27 (3) Violation of Subsection B of this Section by a ~~health care~~ healthcare
28 provider may constitute grounds for suspension or revocation of license or other
29 credentials by the appropriate board.

30 * * *

PART VIII. ~~HEALTH CARE~~ HEALTHCARE PROVIDERS - HEPATITIS
OR HIV CARRIERS

§1746. Definitions

For purposes of this Part, the following terms ~~shall~~ have the following meanings:

(1) ~~"Health care provider" means a person licensed by this state to provide health care or professional services as a physician, dentist, registered or licensed practical nurse, certified registered nurse, anesthetist, nurse midwife, chiropractor, or podiatrist.~~

~~(2)~~ "Board" means the Louisiana State Board of Dentistry, Louisiana State Board of Nursing, Louisiana State Board of Practical Nurse Examiners, Louisiana Board of Chiropractic Examiners, or the Louisiana State Board of Medical Examiners.

(2) "Healthcare provider" means a person licensed by this state to provide health care or professional services as a physician, dentist, registered or licensed practical nurse, certified registered nurse, anesthetist, nurse midwife, chiropractor, or podiatrist.

§1747. Hepatitis B or human immunodeficiency carriers; practice requirements; report procedures; exemptions

A. Each board licensing ~~health care~~ healthcare providers shall establish by rule practice requirements based on applicable guidelines from the ~~Federal~~ federal Centers for Disease Control and Prevention which will protect the public from the transmission of the hepatitis B virus or human immunodeficiency virus in the practice of a profession regulated by the appropriate board.

B. The boards shall by rule, based on applicable guidelines from the ~~Federal~~ federal Centers for Disease Control and Prevention, establish requirements and procedures for a licensee and a licensure applicant to report his status as a carrier of the hepatitis B virus or human immunodeficiency virus to the board and shall enforce such requirements and procedures.

1 C. Each report of hepatitis B virus carrier status or human immunodeficiency
 2 virus carrier status filed by a licensee or licensure applicant in compliance with this
 3 Section and each record maintained and meeting held by the boards in the course of
 4 monitoring a licensee for compliance with the practice requirement established by
 5 Subsection A of this Section are confidential and exempt from the public records by
 6 R.S. 44:4(7), (9), and (11), except for the purpose of the investigation or prosecution
 7 of alleged violations of this Part by the boards.

8 * * *

9 §2111. Qualifications of applicants

10 A person aspiring to become a licensed sanitarian in the state of Louisiana
 11 shall be a graduate of an accredited college or university with a bachelor's degree and
 12 concentration of courses in environmental sanitation or the general area of
 13 environmental health. In lieu thereof, a person aspiring to become a licensed
 14 sanitarian shall be a graduate of an accredited college or university with a bachelor's
 15 degree which includes at least thirty semester hours, or the equivalent, of courses in
 16 physical and biological sciences, with a minimum of six hours in the physical
 17 sciences and a minimum of ten hours in the biological sciences. Prior to being issued
 18 a license as a sanitarian, all sanitarian trainees shall have completed a minimum of
 19 one year of field experience, which shall include the successful completion of a
 20 ~~board-approved~~ board-approved training course in environmental sanitation or
 21 environmental health. The board may, by rule, specify the particular types of
 22 physical and biological science courses which will be deemed acceptable to fulfill
 23 the educational requirements of this Section. The board of examiners shall be vested
 24 with the authority to designate in detail the types and length of the required training
 25 in environmental sanitation or environmental health and the types of experience
 26 necessary.

27 * * *

1 §2114. Grounds for denial, suspension, or revocation of license

2 The state board of examiners shall have the power to refuse to grant, or may
3 suspend or revoke, any license or permit issued ~~under~~ pursuant to the provisions of
4 this Chapter for causes hereafter enumerated:

5 ~~1.~~ (1) Conviction of a crime.

6 ~~2.~~ (2) Fraud, deceit, or perjury in obtaining a license or permit.

7 ~~3.~~ (3) Habitual drunkenness.

8 ~~4.~~ (4) Habitual use of morphine, opium, cocaine, or any drug having a
9 similar effect.

10 ~~5.~~ (5) Defrauding the public or attempting to do so.

11 ~~6.~~ (6) Impersonation of a licensed sanitarian.

12 * * *

13 §2351. Declaration of purpose

14 It is hereby declared that the creation of a ~~State Board of Examiners of~~
15 ~~Psychologists~~ state board of examiners of psychologists is necessary in order to
16 safeguard life, health, property, and the public welfare of this state, and in order to
17 protect the people of this state against unauthorized, unqualified, and improper
18 application of psychology.

19 §2352. Definition of terms

20 As used in this Chapter the following terms mean:

21 * * *

22 (2) "Board" means the Louisiana State Board of Examiners of Psychologists.

23 * * *

24 §2354. Fees

25 A. All monies received by the board ~~under~~ pursuant to this Chapter shall be
26 paid into the treasury of the Louisiana State Board of Examiners of Psychologists
27 and may be expended by the board without appropriation for costs of administration
28 and other expenses, and any surplus at the end of a fiscal year or a biennium may be

1 retained by the board for future expenditures and the board is not required to pay any
2 such surplus into the general fund of the state of Louisiana.

3 * * *

4 §2356.2. Provisional licensed psychologist; renewal; continuing education

5 A. The board shall issue a provisional license to each person who files an
6 application with the board upon a form and in such a manner as the board prescribes,
7 submits the fee for a provisional license, and furnishes evidence to the board that the
8 person meets all the following requirements:

9 * * *

10 (6) Has completed a minimum of one year of experience practicing
11 psychology under the supervision of a licensed psychologist or has completed an
12 approved predoctoral internship as defined in the rules and regulations of the board.

13 * * *

14 B. If the board reasonably believes that a person applying for a provisional
15 license or for renewal of a provisional license is not physically or mentally
16 competent to render psychological services with reasonable skill and safety to his
17 patients, or is afflicted with a disease or condition, either physical or mental, which
18 would impair his competency to render psychological services, the board may
19 request the person to submit to a physical examination by a medical doctor approved
20 by the board or submit to a mental health examination by a psychologist or
21 psychiatrist approved by the board. If the person refuses to submit to the
22 examination, the board, after a contradictory hearing and upon finding reasonable
23 cause, may issue an order requiring the person to submit to the examination. A
24 person who is ordered to submit to an examination shall not be eligible for a
25 provisional licensure or renewal of a provisional license prior to such examination.
26 Proceedings ~~under~~ pursuant to this Subsection shall be conducted in compliance with
27 the Administrative Procedure Act.

28 * * *

1 §2371. Definitions

2 As used in this Part, the following terms shall be defined as follows:

3 (1) "Board" shall mean the Louisiana State Board of Examiners of
4 Psychologists.

5 * * *

6 §2404. Board meetings; quorum; officers; compensation

7 * * *

8 C. Each board or committee member shall be entitled to a per diem of one
9 hundred fifty dollars for attendance at board meetings or other official ~~board~~
10 ~~approved~~ board-approved business or activities, plus reimbursement of actual
11 expenses reasonably necessary for attending board or committee meetings or for
12 representing the board or participating in an official ~~board-approved~~ board-approved
13 activity. Board employees shall be entitled to reimbursement of actual expenses
14 reasonably necessary for participating in or carrying out an official ~~board-approved~~
15 board-approved activity.

16 * * *

17 §2442. Definitions

18 The following words or phrases, when used in this Chapter, shall have the
19 following meanings:

20 * * *

21 (2) "Hearing aid" means any wearable instrument or device designed for or
22 represented as aiding or compensating for defective human hearing and any parts,
23 attachments, or accessories of such an instrument or device.

24 * * *

25 (4) "Practice of selling and fitting hearing aids" means the necessary
26 audiometry and other acoustic measurements essential to determine the parameters
27 needed in amplification, selection, and adaptation of the appropriate hearing
28 instruments, the making of a proper ear impression for the instrument selected, fitted,
29 and delivered, the inspection of the ear canal with an otoscope before taking the

1 impression, and all of the instruction and guidance necessary to maximize use of
2 amplification.

3 * * *

4 (6) "Unethical conduct" includes but is not limited to the following:

5 * * *

6 (c) Using or causing or prompting the use of any advertising matter,
7 promotional literature, testimonial, guarantee, warranty label, brand, insignia, or any
8 other representation, however disseminated or published, which is misleading,
9 deceiving, improbable, or untruthful.

10 (d) Advertising a particular model, type, or kind of hearing aid for sale when
11 purchasers or prospective purchasers responding to the advertisement cannot
12 purchase or are dissuaded from purchasing the advertised model, type, or kind where
13 it is established that the purpose of the advertisement is to obtain prospects for the
14 sale of a different model, type, or kind than that advertised.

15 (e) Representing that the professional services or advice of a physician or
16 audiologist will be used or made available in the selling, fitting, adjustment,
17 maintenance, or repair of hearing aids when that is not true, or using the words
18 "doctor", "clinic", "clinical", ~~and/or~~ or "research audiologist", "audiologic", or any
19 other like words, abbreviations, or symbols which tend to connote audiological or
20 professional services, when such use is not accurate.

21 * * *

22 (j) To display competitive products in his show window, shop, or in his
23 advertising in such manner as falsely to disparage them; ~~or~~.

24 (k) To represent falsely that competitors are unreliable but that the
25 disparager is not; ~~or~~.

26 * * *

27 (m) To imitate or simulate the trademarks, trade names, brands, or labels of
28 competitors, with the capacity and tendency or effect of misleading or deceiving
29 purchasers or prospective purchasers; ~~or~~.

1 (n) To use in his advertising the name, model name, or trademark of a
2 particular manufacturer or hearing aids in such manner as to imply a relationship
3 with the manufacturer that does not exist or otherwise to mislead or deceive
4 purchasers or prospective purchasers;~~or,~~

5 * * *

6 (r) Sharing of any profits or sharing of any percentage of a licensee's income
7 with any person, firm, corporation, or other business enterprise other than a person
8 licensed to fit and sell hearing aids under the provisions of this Chapter who is a
9 resident of this state and associated with ~~said~~ the licensee in fitting and selling
10 hearing aids.

11 * * *

12 (u) Stating or implying that the use of any hearing aid will restore or
13 preserve hearing, or prevent or retard progression of a hearing impairment.

14 (v) To sell a hearing aid intended to be used by a person twelve years of age
15 or less without an otologic examination by a medical physician licensed in this ~~State~~
16 state who is acting with audiologic evaluation.

17 §2443. License or certificate required; display

18 No person shall engage in the selling and fitting of hearing aids or display a
19 sign or in any other way advertise or hold himself out as a person who engages in the
20 selling and fitting of hearing aids unless he holds a current, unsuspended, unrevoked
21 license issued by the board as provided in this Chapter, or unless he holds a current,
22 unsuspended, unrevoked certificate of endorsement pursuant to R.S. 37:2448. The
23 license or certificate required by this ~~section~~ Section shall be kept conspicuously
24 posted in his office or place of business at all times.

25 * * *

26 §2446. Examination by written and practical tests

27 A. An applicant for a license who is notified by the board that he has
28 fulfilled the requirements of R.S. 37:2445 shall appear at a time, place, and before
29 such persons as the ~~Board~~ board may designate, to be examined by written and

1 practical tests in order to demonstrate that he is qualified to engage in the fitting and
2 selling of hearing aids.

3 B. The board shall give at least one examination of the type prescribed in this
4 ~~section~~ Section each year, and such additional examinations as the volume of
5 applications may make appropriate.

6 * * *

7 §2458. Meetings of board

8 The Louisiana Board ~~of~~ for Hearing Aid Dealers shall meet at least once each
9 year at a place and time determined by the chairman. The board shall also meet at
10 such other times and places as are specified by the chairman to carry out the purpose
11 of this Chapter.

12 §2459. Disposition of fees; expenses

13 All fees and moneys received by the board ~~under~~ pursuant to this chapter
14 Chapter shall be paid into the treasury of the Louisiana Board for Hearing Aid
15 Dealers and may be expended by the board without appropriation for costs of
16 administration and other expenses, and any surplus at the end of a fiscal year or a
17 biennium may be retained by the board for such future expenditures and the board
18 is not required to pay any such surplus into the general fund of the State of
19 Louisiana. No member of the board is to receive any compensation for duties
20 performed; provided, that such member of the board shall be reimbursed for all
21 reasonable and necessary travel expenses in attending any meeting of the board
22 within this state, or may be reimbursed all reasonable and necessary travel expenses
23 when incurred by authorization of the board.

24 * * *

25 §2465. Licensing requirements; applicability; exceptions

26 * * *

27 D. This Chapter ~~does~~ shall not apply to any of the following persons:

28 (1) A physician licensed by the Louisiana State Board of Medical
29 Examiners; ~~or,~~

30 * * *

1 §2503. Board of Examiners ~~for~~ of Nursing Facility Administrators

2 A.

3 * * *

4 (2) The ex officio members of the board shall be:

5 * * *

6 (d) The director of the ~~Bureau of Health Services Financing~~ bureau of health
7 services financing of the Louisiana Department of Health or his designee.

8 * * *

9 §2504. Functions and duties of the board

10 A. It shall be the function and duty of the board to:

11 (1) Develop, impose, and enforce standards which must be met by
12 individuals in order to receive a license as a nursing facility administrator, which
13 standards shall be designed to ~~insure~~ ensure that nursing facility administrators will
14 be individuals who are of good character and are otherwise suitable, and who, by
15 training or experience in the field of institutional administration, are qualified to
16 serve as nursing facility administrators.

17 * * *

18 (5) Establish procedures designed to ~~insure~~ ensure that individuals licensed
19 as nursing facility administrators will, during any period that they serve as such,
20 comply with the requirements of the board.

21 * * *

22 §2802. Board of chiropractic examiners

23 * * *

24 C. Any vacancy occurring in the membership of the board, except by
25 expiration of the term, shall be filled for the unexpired term in the manner provided
26 in Subsection A of this ~~section~~ Section.

27 * * *

1 §2816. Suspension or revocation of license; causes; hearing; advertisement;
2 reinstatement

3 A. After notice and an opportunity for hearing, the board may suspend or
4 revoke any license or certificate, or impose probationary or any other restrictions on
5 any license or certificate, issued to any chiropractor for any of the following causes:

6 * * *

7 (2) Fraud, deceit, or perjury in obtaining a diploma or certificate of licensure.

8 * * *

9 (4) Habitual use of morphine, opium, cocaine, or other drugs having similar
10 effect.

11 * * *

12 (6) Obtaining or attempting to obtain payment for chiropractic services by
13 fraud, deceit, or perjury.

14 * * *

15 (8) Intentional violation of federal, state, or municipal laws or regulations
16 relative to contagious and infectious diseases or other public health matters.

17 * * *

18 (13) Prescribing, dispensing, or administering any medicines or drugs.

19 * * *

20 (15) Using the title "Doctor," "Dr." or its equivalent, without using the term
21 "chiropractor," or its equivalent, as a suffix or in connection therewith, under such
22 circumstances as to induce the belief that the practitioner is entitled to practice any
23 portion of the healing arts other than chiropractic as defined herein.

24 B. The board may, as a probationary condition, or as a condition of the
25 reinstatement of any license or certificate suspended or revoked ~~hereunder~~ in
26 accordance with the provisions of this Chapter, require the license holder or
27 certificate holder to pay all costs of the board proceedings, including investigators',
28 stenographers', and attorneys' fees, and to pay a fine not to exceed ten thousand

1 dollars. Failure to pay such costs, fees, or fines may result in refusal of license
2 renewal by the board as provided in R.S. 37:2810(D).

3 * * *

4 F.

5 * * *

6 (2) The Louisiana Board of Chiropractic Examiners shall make rules
7 governing advertising consistent with state and federal laws.

8 * * *

9 §2819. Louisiana ~~State~~ Board of Chiropractic Examiners; chiropractic scholarships;
10 creation

11 * * *

12 §2950. Criminal record effect on trade, occupational, and professional licensing

13 * * *

14 B. Any decision which prohibits an applicant from engaging in the
15 occupation, trade, or profession for which the license, permit, or certificate is sought,
16 which is based in whole or in part on conviction of any crime, as described in
17 Subsection A of this Section, shall explicitly state in writing the reasons for the
18 decision.

19 * * *

20 D.(1)(a) This Section shall not be applicable to:

21 * * *

22 (viii) The Louisiana ~~State~~ Board of Pharmacy.

23 * * *

24 §3014. False representation of licensure prohibited

25 ~~(A)~~ A. No person who is not licensed ~~under~~ pursuant to this Chapter as an
26 occupational therapist or an occupational therapy assistant, or whose license has been
27 suspended or revoked, shall use, in connection with his name or place of business,
28 the words "occupational therapy assistant", "occupational therapist", "licensed
29 occupational therapist", "occupational therapist, registered", "licensed certified
30 occupational therapy assistant", "certified occupational therapy assistant", or the

1 letters, "OT", "LOT", "OTA", "LOTA", "LOTR", "OTR", "LCOTA", "COTA", or
 2 any other words, letters, abbreviations, or insignia indicating or implying that he is
 3 an occupational therapist or an occupational therapy assistant, or in any way, orally,
 4 in writing, in print or by sign, directly or by implication, represent himself as an
 5 occupational therapist or an occupational therapy assistant.

6 ~~(B)~~ B. Whoever violates the provisions of this Section shall be fined not
 7 more than five hundred dollars or be imprisoned for not more than six months, or
 8 both.

9 * * *

10 §3214. Licensure; persons exempt

11 The requirements of a license shall not apply to:

12 (1) A student enrolled in and attending a ~~board-approved~~ board-approved
 13 educational program or college of radiologic technology who applies ionizing
 14 radiation to humans while under the supervision of a licensed practitioner or a
 15 licensed radiologic technologist.

16 * * *

17 §3241. Definitions

18 As used in this Chapter, the following ~~terms~~ definitions shall apply unless the
 19 context clearly states otherwise:

20 (1) "Apprentice permit" means a permit issued by the Louisiana Department
 21 of Health to authorize a person desiring to become a licensed midwife to obtain
 22 clinical experience under supervision of a physician, certified nurse midwife,
 23 certified nurse practitioner specially qualified by the Louisiana State Board of
 24 Nursing, or licensed midwife.

25 * * *

26 §3258. Professional liability

27 * * *

1 C. No physician or other health care provider as defined in ~~R.S. 40:1299.41~~
2 R.S. 40:1231.1, no hospital as defined in R.S. 40:2102, ~~or~~ and no institution, facility,
3 or clinic licensed by the department shall be:

4 * * *

5 §3302. Definitions

6 As used in this Chapter, the following words and phrases have the meanings
7 hereinafter ascribed to them:

8 * * *

9 (4) "Board-approved organization" means one of the following:

10 * * *

11 (b) An organization, whose athletic activity meets one or more of the
12 following:

13 (i) Has an ~~officially-designated~~ officially designated coach or individual who
14 has the responsibility for athletic activities of the organization.

15 * * *

16 (iv) Has a policy that requires documentation of having a signed medical
17 clearance by a licensed physician or other ~~board-authorized health care~~ board-
18 authorized healthcare provider as a condition for participation for the athletic
19 activities of the organization.

20 * * *

21 §3309.1. Hearing; consent order

22 A. Denial, refusal to renew, suspension, or revocation of a license, or the
23 imposition of probationary terms, conditions, or restrictions upon a licensee, may be
24 ordered by the board in a decision made after a hearing in accordance with
25 procedures established by the Administrative Procedure Act, R.S. 49:950 et seq., or
26 by consent of the parties.

27 * * *

1 §3386.1. Definitions

2 As used in this Chapter the following definitions shall apply:

3 (1) "Addiction counselor" means any person who is licensed₂ ~~or~~ certified₂ or
 4 registered in accordance with the provisions of this Chapter and procedures
 5 established by the department and who₂ by means of his special knowledge acquired
 6 through formal education or practical experience₂ is qualified to provide addiction
 7 counseling services to those individuals afflicted with or suffering from an addictive
 8 disorder or certain co-occurring disorders. The counseling services provided shall
 9 be those which utilize ~~KSA's~~ KSA or core functions, as determined by the
 10 department to be appropriate for the addictive disorder or disorders presented.

11 (2) "Addictive disorder" means the repeated pathological use of substances
 12 including but not limited to alcohol, drugs, or tobacco, or repeated pathological
 13 compulsive behaviors including but not limited to gambling₂ which cause physical,
 14 psychological, emotional, economic, legal, social₂ or other harms to the individual
 15 afflicted with the addiction or to others affected by the individual's affliction. As
 16 used ~~herein in this Chapter~~, "addictive disorder" shall include not only those
 17 instances where withdrawal from or tolerance to the substance or behaviors are
 18 present but also those instances involving use and abuse of substances.

19 * * *

20 (6) "Compulsive gambling counselor" means any person holding a necessary
 21 credential as a licensed, certified₂ or registered addiction counselor, or a necessary
 22 credential as a qualified mental health professional, who is certified by the
 23 department, in accordance with the provisions of this Chapter, as possessing special
 24 knowledge acquired through formal education and clinical experience and thus is
 25 qualified to provide gambling addiction counseling to persons who have a gambling
 26 addiction disorder or who exhibit gambling addictive behaviors.

27 (7) "Co-occurring disorder" means a disorder in which ~~individuals have an~~
 28 individual has at least one psychiatric disorder as well as an addictive disorder.

1 While these disorders may interact differently in any one person, at least one
2 disorder of each type can be diagnosed independently of the other.

3 * * *

4 (9) "Counselor-in-training" or "CIT" means any person who has not yet met
5 the qualification to become a licensed, certified, or registered counselor, but who has
6 made application to the department in accordance with the provisions of this Chapter
7 and procedures established by the department.

8 * * *

9 (11) ~~"KSA's"~~ "KSA" means the ~~Knowledge, Skills, and Attitudes~~
10 knowledge, skills, and attitudes designated by the department as being necessary for
11 effective addiction counseling and required by the department to be utilized by
12 addictive disorders counselors in providing addiction counseling services.

13 (12) "Prevention" means those activities and services that prevent, reduce,
14 or stabilize the incidence of addictive disorders and thereby prevent, reduce, or
15 stabilize the prevalence of addictive disorders. The activities contemplated by this
16 definition include services to those at risk of developing an addictive disorder as well
17 as those individuals who, though not necessarily at risk of developing an addictive
18 disorder, are nonetheless appropriate for services. In addition, prevention shall be
19 understood to include educational programs and activities that are designed to raise
20 the awareness of and encourage healthy behaviors.

21 * * *

22 (16) "Substance abuse" means the repeated pathological use of drugs,
23 including alcohol, which causes physical, psychological, economic, legal, or social
24 harm to the individual user or to others affected by the user's behavior.

25 §3387. Licensed addiction counselor

26 A. The practice of addiction counseling within the meaning and intent of this
27 Chapter shall consist of the rendering of professional guidance to individuals
28 suffering from an addictive disorder to assist them in gaining an understanding of the
29 nature of their disorder and developing and maintaining a responsible ~~life-style~~
30 lifestyle. The licensed addiction counselor may practice autonomously, independent

1 of any other professional association or supervision. The scope of practice, in
2 addition to any other applicable provision herein of this Chapter, shall include
3 making referrals to appropriate professionals, providing counseling to family
4 members, and, as appropriate, to others affected by the individual's addictive
5 disorder, and the utilization of KSA and core functions.

6 * * *

7 C. Any person seeking to be recognized by the department as a licensed
8 addiction counselor shall submit an application to the department on a form and in
9 a manner as the department shall prescribe. The initial application form shall be
10 accompanied by an initial application fee as provided for herein in this Chapter.

11 D. Upon investigation of the application, the department shall, not less than
12 forty-five days prior to any examination, notify each candidate that the application
13 is satisfactory and accepted or unsatisfactory and ~~unaccepted~~ rejected. If an
14 application is rejected, the notice shall state the reason for such rejection.

15 E. The department shall recognize as a licensed addiction counselor each
16 candidate who:

17 * * *

18 (2) Is a legal resident of the United States and at least twenty-one years of
19 age ~~from~~ on the date the application is received.

20 * * *

21 (6)(a) Demonstrates professional competence by passing a written and oral
22 examination and making a case presentation:

23 ~~(a)~~ (b) The department shall determine the scope and administration of the
24 examination.

25 ~~(b)~~ (c) The department may provide for circumstances under which a
26 candidate who fails either examination, but who meets all other requirements, may
27 retake the examination.

28 ~~(c)~~ (d) The department shall prescribe the scope and manner of the case
29 presentation required ~~herein~~ by the provisions of Subparagraph (a) of this Paragraph.

30 * * *

1 §3387.1. Certified addiction counselor

2 A. The practice of addiction counseling within the meaning and intent of this
3 Chapter shall consist of the rendering of professional guidance to individuals
4 suffering from an addictive disorder to assist them in gaining an understanding of the
5 nature of their disorder and developing and maintaining a responsible lifestyle. The
6 certified addiction counselor may not practice independently, except when providing
7 addiction counseling services in a prison or other custodial environment, and may
8 not render a diagnostic impression. The scope of practice, in addition to any other
9 applicable provision herein of this Chapter, shall include making referrals to
10 appropriate professionals, providing counseling to family members, and, as
11 appropriate, to others affected by the individual's addictive disorder, and the
12 utilization of KSA and core functions.

13 * * *

14 C. Any person seeking to be recognized by the department as a certified
15 addiction counselor shall submit an application to the department on a form and in
16 a manner as the department shall prescribe. The initial application form shall be
17 accompanied by an initial application fee as provided for herein in this Chapter.

18 D. Upon investigation of the application, the department shall, not less than
19 forty-five days prior to any examination, notify each candidate that the application
20 is satisfactory and accepted or unsatisfactory and ~~unaccepted~~ rejected. If an
21 application is rejected, the notice shall state the reason for such rejection.

22 E. The department shall recognize as a certified addiction counselor each
23 candidate who:

24 * * *

25 (6)(a) Demonstrates professional competence by passing a written and oral
26 examination, and making a case presentation;

27 ~~(a)~~ (b) The department shall determine the scope and administration of the
28 examinations.

1 is satisfactory and accepted or unsatisfactory and ~~unaccepted~~ rejected. If an
2 application is rejected, the notice shall state the reason for such rejection.

3 E. The department shall recognize as a registered addiction counselor each
4 candidate who:

5 * * *

6 (5)(a) Demonstrates professional competence by passing a written and oral
7 examination, and making a case presentation;

8 ~~(a)~~ (b) The department shall determine the scope and administration of the
9 examinations.

10 ~~(b)~~ (c) The department may provide for circumstances under which a
11 candidate who fails either examination, but who meets all other requirements, may
12 retake the examination.

13 ~~(c)~~ (d) The department shall make reasonable accommodations for those
14 candidates who demonstrate a special need or disability.

15 ~~(d)~~ (e) The department shall prescribe the scope and manner of the case
16 presentation required ~~herein~~ by the provisions of Subparagraph (a) of this Paragraph.

17 * * *

18 §3387.3. Counselor-in-training

19 A. The practice of addiction counseling within the meaning and intent of this
20 Chapter shall consist of the rendering of professional guidance to individuals
21 suffering from an addictive disorder to assist them in gaining an understanding of the
22 nature of their disorder and developing and maintaining a responsible ~~life-style~~
23 lifestyle. The status of counselor-in-training (CIT) is intended to assist professional
24 development by providing qualified individuals with supervised clinical counseling
25 experience. This status is, by its very nature, temporary and it is anticipated that the
26 individual will progress through the experience to become a licensed, certified, or
27 registered addiction counselor. The counselor-in-training may not practice
28 independently. The counselor-in-training may only work under the direct
29 supervision of a licensed addiction counselor, certified addiction counselor, or
30 registered addiction counselor; or in the absence of a licensed, certified, or

1 registered; addiction counselor, under the direction of a qualified mental health
2 professional. The scope of practice, in addition to any other applicable provision
3 ~~herein~~ of this Chapter, shall include making referrals to appropriate professionals,
4 providing counseling to family members, and, as appropriate, to others affected by
5 the individual's addictive disorder, and the utilization of KSA and core functions.

6 * * *

7 C. Any person seeking to be recognized by the department as a
8 counselor-in-training shall submit an application to the department on a form and in
9 a manner as the department shall prescribe. The initial application form shall be
10 accompanied by an initial application fee as provided for ~~herein~~ in this Chapter.

11 D. Upon investigation of the application, the department shall, within thirty
12 days, notify each candidate that the application is satisfactory and accepted or
13 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall
14 state the reason for such rejection.

15 E. The department shall recognize as a counselor-in-training each candidate
16 who:

17 (1) Is a legal resident of the United States and at least eighteen years of age
18 ~~from~~ on the date the application is received.

19 * * *

20 §3387.4. Addiction treatment assistant

21 * * *

22 C. Any person seeking to be recognized by the department as an addiction
23 treatment assistant shall submit an application to the department on a form and in a
24 manner as the department shall prescribe. The initial application form shall be
25 accompanied by an initial application fee as provided for ~~herein~~ in this Chapter.

26 D. Upon investigation of the application, the department shall, within thirty
27 days notify each candidate that the application is satisfactory and accepted or
28 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall
29 state the reason for such rejection.

1 E. The department shall recognize as an addiction treatment assistant each
2 candidate who:

3 (1) Is a legal resident of the United States and at least sixteen years of age
4 ~~from~~ on the date the application is received.

5 * * *

6 §3387.5. Certified clinical supervisor

7 * * *

8 D. Upon investigation of the application, the department shall, within thirty
9 days, notify each candidate that the application is satisfactory and accepted or
10 unsatisfactory and ~~unaccepted~~ rejected. If an application is rejected, the notice shall
11 state the reason for such rejection.

12 E. The department shall recognize as a certified clinical supervisor each
13 candidate who:

14 (1) Is a licensed, certified, or registered addiction counselor.

15 (2) Is not in violation of any ethical standards subscribed to by the
16 department.

17 (3) Does not have any pending disciplinary action with the department.

18 (4) Is not a defendant in any pending felony criminal proceedings.

19 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo
20 contendere to, a felony.

21 ~~(6)~~ F. Each clinical supervisor candidate must sign a form prescribed by the
22 department authorizing the department to obtain a criminal history or to conduct a
23 criminal background check.

24 ~~(7)~~ G.(1) Each applicant shall demonstrate professional competence in
25 clinical supervision by passing a written examination.

26 ~~(a)~~ (2) The department shall determine the scope and administration of the
27 examination.

28 ~~(b)~~ (3) The department may provide for circumstances under which a
29 candidate who fails the examination, but who meets all other requirements, may
30 retake the examination.

1 (c) (4) The department shall make reasonable accommodations for those
 2 candidates who demonstrate a special need or disability.

3 F. H. The scope of clinical supervision for a certified clinical supervisor shall
 4 be as follows:

5 (1) A licensed addiction counselor certified in clinical supervision may
 6 provide clinical supervision for any other licensed addiction counselor, for any
 7 certified addiction counselor, for any registered addiction counselor, for any
 8 counselor-in-training, or for any addiction treatment assistant.

9 (2) A certified addiction counselor who is also certified in clinical
 10 supervision may provide clinical supervision for any certified addiction counselor,
 11 for any registered addiction counselor, for any counselor-in-training, or for any
 12 addiction treatment assistant.

13 (3) A registered addiction counselor who is also certified in clinical
 14 supervision may provide clinical supervision for any registered addiction counselor,
 15 for any counselor-in-training, or for any addiction treatment assistant.

16 §3387.6. Certified compulsive gambling counselor

17 * * *

18 B. The department shall adopt and promulgate rules which shall provide for
 19 the certification of compulsive gambling ~~counselor~~, counselors in accordance with
 20 this Chapter.

21 C. Any person seeking to be recognized by the department as a certified
 22 compulsive gambling counselor shall hold the valid and current necessary credential
 23 of licensed, certified, or registered addiction counselor or hold the valid and current
 24 necessary credential of a qualified mental health professional. In addition, the
 25 candidate shall complete the minimum educational hours provided for ~~herein~~ in this
 26 Chapter. Any candidate holding the necessary credential who has completed the
 27 educational hours required may submit an application on a form and in a manner
 28 prescribed by the department. Documentation of the necessary credential and
 29 completion of the required educational hours shall accompany the application. The
 30 application shall also be accompanied by a fee as provided for ~~herein~~ in this Chapter.

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.

1 D. Upon investigation of the application, the department shall, within thirty
 2 days, notify each candidate that the application is satisfactory and accepted or
 3 unsatisfactory and ~~unaccepted~~ rejected. If the application is rejected, the notice shall
 4 state the reason for such rejection.

5 E. The department shall recognize as a certified compulsive gambling
 6 counselor each candidate who:

7 (1) Is a licensed, certified, or registered addiction counselor, or who is a
 8 qualified mental health professional.

9 (2) Is not in violation of any ethical standards subscribed to by the
 10 department.

11 (3) Does not have any pending disciplinary action with the department, or,
 12 in the case of a qualified mental health professional, with the appropriate regulatory
 13 board.

14 (4) Is not a defendant in any pending felony criminal proceedings.

15 (5) Has successfully completed a minimum of sixty educational hours,
 16 approved by the department, specific to addiction.

17 (6) Has successfully completed a minimum of thirty educational hours,
 18 approved by the department, specific to gambling addiction.

19 (7) Has not been convicted of; or entered a plea of guilty or a plea of nolo
 20 contendere to a felony.

21 ~~(8)~~ F. Each compulsive gambling counselor candidate shall sign a form
 22 prescribed by the department authorizing the department to obtain a criminal history
 23 or to conduct a criminal background check.

24 ~~(9)~~ G.(1) Each applicant shall demonstrate professional competence in
 25 compulsive gambling counseling by passing a written examination.

26 ~~(a)~~ (2) The department shall determine the scope and administration of the
 27 examination.

28 ~~(b)~~ (3) The department may provide for circumstances under which a
 29 candidate who fails the examination, but who meets all other requirements, may
 30 retake the examination.

1 ~~(c)~~ (4) The department shall make reasonable accommodations for those
2 candidates who demonstrate a special need or disability.

3 F. H. The scope of practice for a certified compulsive gambling counselor
4 shall be consistent with the scope of practice for the necessary credential supporting
5 the certification. A certified compulsive gambling counselor may not practice or
6 provide gambling counseling services to any member of the public or hold himself
7 out as a compulsive gambling counselor without a valid and current necessary
8 credential as provided for ~~herein~~ in this Chapter.

9 ~~G~~. I. The department shall revoke the certification for gambling counseling
10 of any person who does not maintain the valid and current necessary credential of
11 licensed, certified, or registered addiction counselor or qualified mental health
12 professional.

13 §3387.10. Licensed prevention professional

14 * * *

15 D. The department shall recognize as a licensed prevention professional each
16 candidate who:

17 * * *

18 ~~(5)(a)~~ (a) Demonstrates professional competence by passing a written
19 examination.

20 ~~(a)~~ (b) The department shall determine the scope and administration of the
21 examination.

22 ~~(b)~~ (c) The department may provide for circumstances under which a
23 candidate who fails the examination, but who meets all other requirements, may
24 retake the examination.

25 ~~(c)~~ (d) The department shall make reasonable accommodations for those
26 candidates who demonstrate a special need or disability.

27 * * *

1 (7) Documents having successfully completed any training prescribed by the
2 department. Training as contemplated ~~herein~~ in this Chapter may include
3 educational as well as experiential components.

4 * * *

5 §3387.11. Certified prevention professional

6 * * *

7 D. The department shall recognize as a certified prevention professional each
8 candidate who:

9 * * *

10 (5)(a) Demonstrates professional competence by passing a written
11 examination.

12 ~~(a)~~ (b) The department shall determine the scope and administration of the
13 examination.

14 ~~(b)~~ (c) The department may provide for circumstances under which a
15 candidate who fails the examination, but who meets all other requirements, may
16 retake the examination.

17 ~~(c)~~ (d) The department shall make reasonable accommodations for those
18 candidates who demonstrate a special need or disability.

19 * * *

20 (7) Documents having successfully completed any training prescribed by the
21 department. Training as contemplated ~~herein~~ in this Chapter may include
22 educational as well as experiential components.

23 * * *

24 §3387.12. Registered prevention professional

25 * * *

26 D. The department shall recognize as a registered prevention professional
27 each candidate who:

28 * * *

29 (5)(a) Demonstrates professional competence by passing a written
30 examination.

1 (a) (b) The department shall determine the scope and administration of the
2 examination.

3 **(b)** (c) The department may provide for circumstances under which a
4 candidate who fails the examination but who meets all other requirements may retake
5 the examination.

6 **(c)** (d) The department shall make reasonable accommodations for those
7 candidates who demonstrate a special need or disability.

8 * * *

9 (7) Documents having successfully completed any training prescribed by the
10 department. Training as contemplated ~~herein~~ in this Chapter may include
11 educational as well as experiential components.

12 * * *

13 §3387.13. Prevention services assistant

14 * * *

15 D. Upon investigation of the application, the department shall, within thirty
16 days, notify each candidate that the application is satisfactory and accepted or
17 unsatisfactory and ~~unaccepted~~ rejected. If accepted, the status of prevention services
18 assistant shall be valid for a period of one year. The fee for renewal shall be not less
19 than twenty-five dollars nor more than one hundred dollars. If an application is
20 rejected, the notice shall state the reason for such rejection.

21 * * *

22 §3387.14. Certified prevention supervisor

23 A. The legislature finds that prevention is an effective and necessary
24 component in the continuum of addictive disorder treatment and services. In order
25 to better provide for the health and welfare of the citizens of this state, the legislature
26 desires to enhance the profession of prevention by providing for a qualified ~~work~~
27 ~~force~~ workforce in sufficient numbers to meet the needs of Louisiana and to
28 contribute to the development of healthy communities within the state. The
29 legislature finds prevention supervision to be essential for the ongoing development

1 of a qualified ~~work force~~ workforce sufficient to meet the present and anticipated
2 public health needs of the state.

3 * * *

4 §3388.4. Powers and duties of the department

5 A. The department shall:

6 * * *

7 (7) Adopt a code of ethics for those holding a credential or status authorized
8 by this Chapter, which shall be no less stringent than those adopted by other ~~health~~
9 ~~care~~ healthcare professionals.

10 * * *

11 (10) Adopt and promulgate rules, regulations, and standards for department
12 approval of institutions providing clinical training or education in areas pertaining
13 to a credential or status governed by the provisions of this Chapter.

14 (11) Issue subpoenas to require attendance, testimony, and production of
15 documents in the process of enforcing the provisions of this Chapter and department
16 rules or in order to secure evidence or testimony pursuant to any investigation
17 conducted in furtherance of the department's authority or responsibility ~~hereunder~~
18 as provided in this Chapter.

19 * * *

20 §3389. Transition; Addictive Disorder Regulatory Authority

21 A. The regulation of addictive disorder treatment and prevention
22 professionals has been undertaken both through a board appointed by the governor
23 and through an office within the Louisiana Department of Health. In Louisiana, the
24 practice of most ~~health-care~~ healthcare professions is licensed and regulated by
25 appointed boards placed within the Louisiana Department of Health. Therefore, the
26 legislature hereby finds it appropriate that the responsibility and authority to regulate
27 the practice of addictive disorder treatment and prevention be exercised by a
28 licensing board created for that purpose.

29 * * *

1 E. Members of the board shall elect a chairman and such other officers as it
 2 ~~deems~~ they deem necessary to carry out the duties and functions of the board. The
 3 ADRA may employ persons necessary to carry out the provisions of this Chapter and
 4 may fix their compensation. The ADRA shall employ at least three persons: an
 5 executive director, an assistant director, and an administrative assistant. The
 6 Louisiana Department of Health, office of behavioral health, shall be responsible for
 7 providing staff for the ADRA until June 30, 2009. From July 1, 2009, and thereafter
 8 the board of the ADRA shall resume full responsibility for providing staff for the
 9 ADRA. Employees of the board shall be eligible to participate in the state group
 10 benefits plan and in the state retirement system.

11 * * *

12 §3390. Prohibited practice; injunctive relief

13 * * *

14 B. The credential or status of anyone who fails to timely renew a status or
 15 credential authorized by this Chapter shall be deemed suspended unless and until
 16 renewed or reinstated as provided for by the department. Any person whose status
 17 or credential is suspended shall be prohibited from exercising the scope of practice
 18 provided for ~~herein~~ in this Chapter relative to the suspended credential or status.

19 * * *

20 D. In any suit for injunction, the department may impose on the defendant
 21 a penalty of not less than one hundred dollars nor more than one thousand dollars
 22 and attorney fees and court costs. The judgment for penalty, attorney fees, and costs
 23 may be rendered in the same judgment in which the injunction is made absolute.

24 * * *

25 §3390.2. Reciprocity; other states

26 The department may recognize, grant, or issue any credential or status
 27 authorized by this Chapter, and without examination in this state, to any applicant
 28 holding a valid credential or status recognized or issued in another state, provided
 29 the department determines that the credential or status in question is based upon an
 30 examination or other requirements substantially equivalent to the requirements of

1 this Chapter and such other requirements as may be prescribed by the department in
2 accordance with the provisions of this Chapter. The department shall have the
3 authority to determine which status or credential, and corresponding scope of
4 practice, authorized by this Chapter should be allowed to an individual seeking
5 reciprocity.

6 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

7 A. The department shall have the power to deny, revoke, or suspend any
8 credential, specialty certification, status, or other recognition authorized by this
9 Chapter. In addition, the department is authorized to impose and collect an
10 administrative fee not to exceed five hundred dollars per violation or otherwise
11 discipline any person holding a credential, specialty certification, status, or
12 recognition authorized by this Chapter who:

13 * * *

14 (11) Has been grossly negligent in practice as a licensed, certified, or
15 registered professional; professional in training, or assistant, as provided for in this
16 Chapter.

17 * * *

18 (13) Has violated any ~~provisions~~ provision of this Chapter.

19 * * *

20 B. The department shall adopt rules and procedures establishing a
21 disciplinary process which shall, at a minimum, comply with the following:

22 * * *

23 (4) If the department finds that public health, safety, and welfare requires
24 emergency action and incorporates a finding to that effect in its order, a summary
25 suspension of a license, certificate, or registration may be ordered pending
26 proceedings for disciplinary action. Such proceedings shall be promptly instituted
27 and determined pursuant to rule.

28 * * *

29 D. In addition to the disciplinary action or fines assessed by the department,
30 the department may assess all costs incurred in connection with the proceedings

1 including but not limited to investigation, court reporting, attorney fees, and court
2 costs.

3 * * *

4 §3428. Fees

5 * * *

6 B. In addition to the fees provided in Subsection A of this Section, the board
7 shall collect an examination fee to be determined by the board but not to exceed the
8 cost of the examination given by the American College of Sports Medicine if such
9 examination has not been taken.

10 * * *

11 §3703. Louisiana Behavior Analyst Board

12 * * *

13 B.

14 * * *

15 (7) The Louisiana State Board of Examiners of Psychologists shall appoint
16 a member to serve as an ex officio, nonvoting member of the board.

17 * * *

18 Section 4. R.S. 40:1, 3, 3.1(D), 4(A)(1)(a), (2)(b)(i) and (c)(i) and (vii), (3)(a), (6),
19 (8)(a), and (9) through (13) and (B)(3)(b) and (c), (4), and (5), 4.3, 4.6,
20 4.10(C)(2)(introductory paragraph), (3) through (5), and (7), 5.3(E), 5.9(A)(7), 7, 9, 13, 18,
21 23, 24, 31.1, 31.3(B)(2) and (4), 31.32(E)(2), 31.36(D), 41(E), 64(9) and (10), 600.34(C),
22 608.1(B), 625(A) and (B), 634, 641, 671, 682, 700.1, 700.5(C), 700.6, 700.7(A) and (E),
23 700.8, 700.9, 700.10(A), 700.12(A), 701(introductory paragraph), 701.1(A) and (D), 701.2
24 through 701.4, 781(3), 824, 853, 940.51(A), 952(C) and (D), 953, 962(B), (C)(introductory
25 paragraph) and (8), and (D) through (H), 962.1(A) and (B)(introductory paragraph),
26 962.1.1(A)(2), 963(introductory paragraph), 964(Schedule III)(F)(1) and (Schedule
27 V)(E)(3)(b) and (4), 965, 968(A)(introductory paragraph), 969(A)(introductory paragraph),
28 970(A)(introductory paragraph), 971.1(B), 972(A) and (B)(introductory paragraph), 973(A),
29 (B)(1) and (2), (C), (E), (F), and (G)(1) and (2)(a), 974(A)(introductory paragraph) and (C),
30 975(A) through (E) and (G)(1) and (3), 976, 976.1(H), 978(F)(1)(introductory paragraph)

1 and (d) and (H)(2)(b), 978.1(A)(1)(c), 978.3(B), 980, 982, 984(introductory paragraph),
 2 986(A)(1), (3), and (4) and (B)(introductory paragraph), (1), (2), (3)(introductory paragraph)
 3 and (b), (4), and (5)(introductory paragraph), (a), and (b), 987, 988(A)(introductory
 4 paragraph), (B), and (C), 989.1(F), 989.2(F), 990, 992(A)(introductory paragraph),
 5 (B)(introductory paragraph), and (C) through (E), 993(A), (B), and (D), 995, 996.1(M),
 6 996.3(C), 1003(12) and (14), 1005(Section heading), 1006(E), 1007(B) and (D)(introductory
 7 paragraph), 1046(F), 1049.7(Section heading), 1058, 1071.1(introductory paragraph),
 8 1079.1(D), 1087.1(A) and (B)(2)(introductory paragraph) and (3), 1089.2(1),
 9 1089.3(C)(2)(b), 1089.4(A)(3), (B), and (C), 1101.1(1), 1105.3(3), 1105.6(E), 1105.8(F),
 10 1105.8.1(B)(1) and (F)(3), 1107.1(1), 1111.3(B)(5), (C)(3), and (F), 1117.1(B), 1121.11,
 11 1135.13(D)(3) and (I), 1155.6(D), 1157.3(A) and (B), 1165.1(C)(2), 1165.3(B), 1171.1,
 12 1171.2, the heading of Subpart C of Part IV of Subchapter A of Chapter 5-D of Title 40 of
 13 the Louisiana Revised Statutes of 1950, R.S. 40:1173.2(1)(a), 1173.3(3) and (8), 1173.4(B),
 14 1173.5(A) through (C), 1173.6(B) and (E), 1183.2(A)(1) and (5), 1183.4(A)(1),
 15 1189.2(A)(1), 1201.1, 1203.1(3)(o) and (5), 1211.4(B)(2), 1217.16, 1219.2(1) and (3),
 16 1219.3(A) and (B), 1219.4(A)(introductory paragraph), 1221.2(2), 1226.1(2)(c),
 17 1231.5(E)(1)(c), 1237.1(J), the heading of Subpart B of Part I of Chapter 5-E of Title 40 of
 18 the Louisiana Revised Statutes of 1950, R.S. 40:1243.1(A), 1243.3(A), 1253.3(A)(9),
 19 1261(A)(1)(k) and (3), 1261.1(B), 1271.1(B), 1277.1 through 1281.1, 1285.3, 1285.4(A)(1),
 20 1285.7(D), 1287.1, 1291.3(7) and (9), 1291.23(A)(1) and (B)(1), 1300.21, 1356(A), 1732(1),
 21 the heading of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, R.S.
 22 40:2009.1(C)(2)(a) and (D), 2009.2(2), (3)(b) through (d) and (f), and (7), 2009.6(A)(1)
 23 through (3) and (B)(1) through (3), 2009.12, 2009.18, 2009.21(Section heading), 2017.9,
 24 2018.1(B)(2)(c) and (d), 2019(C)(9), 2102, 2109(B)(1)(a) and (c)(ii) and (2) through (6), (C),
 25 and (D), 2116(D)(1)(c), 2116.32(B), 2116.34(B), 2117.5(B) and (C), 2120.4(B)(9) and
 26 (10)(a), 2120.5(E), 2120.44(B)(9), 2120.45(D), 2120.47(B)(1) and (2), 2144(A), (C),
 27 (F)(2)(introductory paragraph), (G), and (H)(1), (2)(b)(iii), and (3), 2154(A)(6), (12), and
 28 (13), 2175.14(E), 2179(D), 2180.11, 2189, 2193.1(A)(8), 2193.4(9), 2194.2(4) through (6),
 29 2195.1(A)(5), (8), (9), and (11) and (C), 2195.2(A)(1), (2), (4), and (5), 2196.1(4), 2197(A)
 30 and (D) through (G), 2199(A)(1) and (5) and (F)(2), 2199.1(A)(introductory paragraph),

1 2202(3) and (5)(a) and (e)(i), 2203(C), 2223, 2243, 2253, 2353, 2404(5), 2477, 2481,
2 2530.4(B)(introductory paragraph) and (3), 2845(A)(6) and (C), and 2845.1 are hereby
3 amended and reenacted and R.S. 40:1081.9(D) and 1221.2(introductory paragraph) are
4 hereby enacted to read as follows:

5 §1. Assistant secretary

6 The office of ~~health services and environmental quality~~ public health shall
7 be administered by an assistant secretary appointed by the governor in accordance
8 with the provisions of R.S. 36:257.

9 * * *

10 §3. State health officer; powers

11 The state health officer shall at all times take all necessary steps to execute
12 the sanitary laws of the state and to carry out the rules, ordinances, and regulations
13 as contained in the state sanitary code. He may issue warrants only to arrest or
14 prevent epidemics or to abate any imminent menace to the public health.

15 §3.1. Confidentiality of public health investigations; prohibited disclosure and
16 discovery; civil penalties

17 * * *

18 D. Any disclosure authorized by Subsection C ~~above~~ of this Section shall
19 include only the information necessary for the stated purpose of the requested
20 disclosure, and shall be made only upon written agreement that the information will
21 be kept confidential and will not be further disclosed without written authorization
22 of the office of public health.

23 * * *

24 §4. Sanitary Code

25 A. The state health officer acting through the office of public health of the
26 Louisiana Department of Health shall prepare, promulgate, and enforce rules and
27 regulations embodied within the state's Sanitary Code covering all matters within his
28 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
29 Code shall be accomplished in strict accordance with the provisions of the

1 Administrative Procedure Act, and further, in conformity with the following
2 guidelines and directives:

3 (1)(a) In order to protect the consuming public against food-borne disease,
4 the rules and regulations contained in the Sanitary Code shall be designed so as to
5 provide and require that all food products, including milk and milk products, ice,
6 bottled water, marine and freshwater seafood, animal products, frozen desserts and
7 toppings, and related similar foods, are produced from a safe and sanitary source, and
8 are prepared, processed, packaged, handled, stored, and transported in a sanitary
9 manner which will prevent contamination, spoilage, or adulteration. These food
10 product rules and regulations shall be further designed so as to provide that all
11 facilities, material, and equipment that may come into direct contact with any food
12 or food product must be of nontoxic content to ~~insure~~ ensure a sanitary, wholesome,
13 and nutritious product.

14 * * *

15 (2) In order to prevent the occurrence or spread of communicable diseases,
16 the rules and regulations of the Sanitary Code shall provide for an immunization
17 program and provide for and require the reporting, including but not limited to the
18 reporting of cases of Respiratory Syncytial Virus (RSV) when such a test is
19 conducted by a laboratory or hospital, investigation, and application and
20 implementation of appropriate control measures to expressly include isolation and
21 quarantine proceedings and measures, for all communicable diseases of public health
22 significance. However, no rule or regulation of the Sanitary Code shall impose or
23 create any general duty to warn third parties upon any healthcare provider who has
24 complied with the applicable reporting requirements for communicable diseases as
25 set forth in the Sanitary Code. These rules and regulations shall also be designed to:

26 * * *

27 (b)(i) Regulate the packaging, storage, treatment, and transportation of
28 infectious waste generated by ~~health-care~~ healthcare providers and noncommercial
29 generators including but not limited to private households. "Infectious waste" means
30 waste which contains pathogens with sufficient virulence and quantity so that

1 exposure to the waste by a susceptible host could result in an infectious disease. In
 2 addition, the rules and regulations shall provide for the certification and testing of
 3 all equipment used to treat infectious waste to assure safety, effectiveness of the
 4 equipment, and compliance with regulatory and statutory health regulations. At a
 5 minimum the rules shall provide that the testing shall be conducted annually.

6 * * *

7 (c) Control the spread of tuberculosis by:

8 (i) Requiring that persons who are students in ~~the health care~~ healthcare
 9 professions, or volunteers helping in the caring of patients in ~~health care~~ healthcare
 10 institutions, be free of tuberculosis in a communicable state as evidenced by a
 11 negative tuberculin skin test, a normal chest X-ray if the skin test is positive, or a
 12 statement from a Louisiana licensed physician that the person is noninfectious to
 13 others if the chest X-ray is other than normal. If the student or volunteer has a
 14 positive tuberculin skin test, or a chest X-ray other than normal, the student or
 15 volunteer shall complete a course of chemotherapy for tuberculosis prescribed by a
 16 Louisiana licensed physician, or present a signed statement from a Louisiana
 17 licensed physician stating that chemotherapy is not indicated. If the student or
 18 volunteer is known to be infected with the human immunodeficiency virus (HIV) or
 19 has acquired immunodeficiency syndrome (AIDS), he or she shall be required to
 20 have a chest X-ray in addition to a skin test for tuberculosis. If the chest X-ray is
 21 interpreted as showing any disease, then the student or volunteer will complete a
 22 course of chemotherapy for tuberculosis as prescribed by a Louisiana licensed
 23 physician or present a signed statement from a Louisiana licensed physician that a
 24 course of chemotherapy for tuberculosis is not indicated. In any case, the student or
 25 volunteer shall not be denied access to an institutional learning experience or work
 26 solely on the basis of being infected with tuberculosis, provided the infection is not
 27 communicable.

28 * * *

29 (vii)(aa) Requiring ~~the isolation, and/or quarantine,~~ or both for directly
 30 observed therapy (medication taken in the presence of a ~~health care~~ healthcare

1 provider) of any person with tuberculosis in a communicable state who has failed to
2 comply with a daily self-administered course of chemotherapy for tuberculosis
3 prescribed by a Louisiana licensed physician.

4 (bb) Requiring a more restrictive isolation ~~and/or~~ or quarantine environment
5 specified by the state health officer or by court order for any person who fails to
6 comply with directly observed therapy under isolation ~~and/or~~ or quarantine as
7 provided in Subitem (aa) of this Item.

8 (cc) Requiring that any person who fails to comply with the more restrictive
9 isolation ~~and/or~~ or quarantine environment as provided in Subitem (bb) of this Item
10 shall be considered to have violated the provisions of the state Sanitary Code and be
11 subject to the provisions of R.S. 40:6(B).

12 (3)(a) The sanitary code shall provide rules and regulations governing burial,
13 transportation, disinterment, or other permitted disposition of dead human remains,
14 to include regulations defining approved methodology that will ~~insure~~ ensure
15 sanitary and dignified disposal.

16 * * *

17 (6) In order to protect the public against disease and nuisance resulting from
18 the improper disposal of sanitary sewage, the state health officer shall prepare and
19 promulgate all rules and regulations necessary to ~~insure~~ ensure that adequate
20 conveyance and disposal facilities are provided for all sanitary sewage, private or
21 public, and in such a manner that will prevent the contamination of surroundings
22 which would have an adverse impact on drinking water supplies, recreational waters,
23 aquatic life, and other mechanisms of human exposure to disease. Standards for the
24 quality of sanitary sewage discharged to the ground surface (ditches, streams, water
25 pools, or other drainage courses), construction of sewerage works, operation of
26 sanitary sewage conveyance, and treatment and disposal facilities shall be included.
27 Such rules and regulations shall not include the licensing of persons engaged in the
28 business or practice of hauling the contents of septic tanks, cesspools, vaults, or
29 similar facilities. Plans and specifications for sewerage works shall be submitted for
30 review and approval to the state health officer or his designee.

1 (8)(a) In order to protect the public against disease from water supplied for
2 drinking, culinary, and ablutionary purposes, the state health officer shall prepare and
3 promulgate all rules and regulations necessary to ~~insure~~ ensure that water supplied
4 to the public by public water supplies is obtained from safe and sanitary sources and
5 that such sources are properly protected; is treated, stored, and conveyed in a safe
6 and sanitary manner; and is safe and potable for human use. Standards for drinking
7 water quality (chemical, radiological, and microbiological); water works
8 construction; and water works operations shall be included. In order to assure
9 compliance with promulgated regulations, plans; and specifications for public water
10 works facilities shall be submitted to the state health officer or his designee for
11 review and approval.

12 * * *

13 (9) In order to protect the public against ~~vectorborne~~ vector-borne diseases,
14 the state health officer shall prepare and promulgate rules and regulations necessary
15 to ~~insure~~ ensure that disease vectors, including but not limited to mosquitoes and
16 other biting and nonbiting flies, ticks, mites, lice, fleas, true bugs, and rodents are
17 monitored and controlled at levels sufficient to prevent or abate outbreaks of
18 diseases.

19 (10) In order to protect the public health and ~~health=safety~~ safety, the state
20 health officer shall prepare and promulgate rules and regulations relative to public
21 and private schools, jails and lockups, public and private buildings, including public
22 and private hospitals and nursing homes, and similar buildings where people
23 congregate. In order to assure compliance with promulgated regulations, plans and
24 specifications for such public and private building structures and facilities shall be
25 submitted to the state health officer or his designee for review and approval. These
26 rules and regulations shall apply to new buildings, structures, and facilities, as well
27 as modifications to existing ones, and shall include space requirements, ventilation,
28 heating and air conditioning, lighting, waste storage and disposal, and other similar
29 factors affecting public health.

1 (11) In order to protect the public from disease and injuries associated with
2 water contact recreation (swimming), the state health officer shall prepare and
3 promulgate rules and regulations necessary to ~~insure~~ ensure that public swimming
4 pools and recreational bathing places (natural and artificial) are constructed,
5 operated, and maintained in a safe and sanitary manner. These rules may require the
6 submittal of appropriate plans and specifications for review and approval. These
7 rules and regulations shall ~~insure~~ ensure that the design, construction, and operation
8 of these facilities is such that the public is protected against the transmission of
9 disease or injury by the establishment of water quality standards (chemical, physical,
10 and bacterial); by proper arrangement of the physical features of the site or facility;
11 and by proper procedures for supervision and maintenance of such premises.

12 (12) In order to protect the public health, the state health officer shall prepare
13 and promulgate rules and regulations relative to new rendering facilities and
14 modifications to existing facilities. These rules and regulations shall relate to, but not
15 be limited to, procedures for the review and approval of plans, requirements for
16 approval by the state health officer or his designee prior to contracting for the
17 construction of rendering plants, requirements for obtaining a permit to operate a
18 rendering plant before operation begins, and requirements for closing down a
19 rendering plant already in operation if any condition occurs which might adversely
20 affect the health of the community. Factors that shall be regulated include operation,
21 containment of solid, liquid, or gaseous animal materials and byproducts during
22 processing, storage, or transportation, odors, cleanliness, utilization of products and
23 byproducts, and identification marking of products and byproducts.

24 (13) The state health officer, through the office of ~~health services and~~
25 ~~environmental quality~~ public health, shall be expressly empowered and authorized
26 to issue emergency rules and orders when necessary and for the purposes of
27 controlling nuisances dangerous to the public health and communicable, contagious,
28 and infectious diseases, and any other danger to the public life, ~~and health,~~ and
29 ~~health-safety~~ safety.

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B.

* * *

(3) In instances where such an inspection discloses a violation of the state Sanitary Code involving pollution of streams, rivers, lakes, bayous, or ditches located in public rights of way, the business entity or person deemed to be responsible shall be given an opportunity to correct the noted deficiency, and, if upon reinspection the previously cited violation is found to still exist, the state health officer is hereby authorized, after due process in accordance with the Administrative Procedure Act, to impose sanctions as follows:

* * *

(b) In the case of establishments which operate without a license or permit issued by the office of public health or where establishments continue to operate after the license or permit has been suspended or revoked, the state health officer may issue a civil compliance order directing the business entity or person deemed responsible for the establishment to correct the violation noted and impose a fine of one hundred dollars per day for each day the violation has not been corrected up to a maximum of ten thousand dollars. The fine shall commence on the day following the date of permit revocation or suspension, or the day following the date specified for compliance in the civil compliance order issued by the state health officer.

(c) All fines imposed ~~under~~ pursuant to this Section shall be payable to the office of public health of the Louisiana Department of Health ~~which~~ and shall be deposited into the state general fund.

* * *

(4) Nothing ~~herein~~ in this Section shall prohibit the state health officer acting through the office of public health, with the concurrence of the secretary of the Louisiana Department of Health, from seeking civil injunctive relief from a district court to assist in enforcing emergency orders; when there exists serious and imminent danger to the public health. The proceeding before the district court shall be an adversary proceeding, and each party shall have the power to call witnesses and subpoena documents and records. In any such proceeding, no district court shall

1 issue an injunction to enforce any provision which it determines to be physically
2 beyond the control of the person or business entity to comply with, or in conflict with
3 other provisions of state or federal law or regulations.

4 (5) Paragraphs (B)(2) and (3) of this Subsection shall not apply to waste
5 waters and wastes in discharges from industrial facilities which are subject to
6 permitting under the Louisiana Water Control Law (R.S. 30:2071 et seq.) or the
7 federal Clean Water Act (~~42 USC §1251~~ 33 U.S.C. 1251 et seq., as amended), nor
8 to waste waters from industrial facilities in ditches upstream of state or federal waste
9 water discharge points.

10 * * *

11 §4.3. ~~Hard and soft shell~~ Hard- and soft-shell crabs; preparation in traditional
12 manner for public consumption

13 Notwithstanding any contrary provisions of the state sanitary code or any
14 contrary provision of any other law or regulation, it shall be lawful to prepare ~~hard~~
15 ~~and soft shell~~ hard- and soft-shell crabs in the traditional manner for public
16 consumption at recognized outdoor Louisiana festivals, including preparation in the
17 open for service to the public at such public gatherings. This Section shall not be
18 construed to allow the sale or distribution of any unwholesome food.

19 * * *

20 §4.6. Exemption; benefits for zoos

21 Any provision of the Louisiana Department of Health special event food and
22 beverage preparation regulations that requires any equipment, design, construction,
23 utensils, supplies, preparation, or services shall not apply to any organization or
24 corporation directing or operating an event for the benefit of a ~~publicly-owned~~
25 publicly owned zoo nor to any participant who prepares, serves, or sells any food or
26 beverage at such an event. This Section shall not be construed to allow the sale or
27 distribution of any unwholesome food.

28 * * *

29 §4.10. Public notice of infectious medical waste storage by landowner

30 * * *

1 C. This Section shall not apply to the following:

2 * * *

3 (2) Small ~~health-care~~ healthcare and medical facilities, being defined as those
4 facilities generating in any given month, or cumulatively stored in any given month,
5 infectious medical waste meeting both of the following criteria:

6 * * *

7 (3) An office at a particular location operated by a licensed, registered, or
8 certified ~~health-care~~ healthcare provider actively engaged in the practice of his
9 profession whose office prominently displays to the public such practice of ~~health~~
10 care healthcare profession.

11 (4) A "pharmacy" as defined in ~~R.S. 37:1164(36)~~ R.S. 37:1164.

12 (5) A "hospital" as defined in ~~R.S. 40:2102(A)~~ R.S. 40:2102.

13 * * *

14 (7) ~~Postsecondary~~ Postsecondary educational institutions, including but not
15 limited to schools of medicine, pharmacy, dentistry, veterinary science, nursing, and
16 allied health professions and any related clinical and research programs.

17 * * *

18 §5.3. Molluscan shellfish sanitation requirements; opening and closing of molluscan
19 shellfish growing areas; adoption of guidelines to regulate molluscan
20 shellfish industry; authority to collect samples for bacteriological analysis;
21 testing of oysters; Calcasieu Lake

22 * * *

23 E. The purpose of this Section is to develop guidelines to govern and
24 regulate the shellfish industry to ~~insure~~ ensure that the final shellfish product is safe
25 and wholesome. The Louisiana Department of Health shall enforce the requirements
26 for classification of shellfish growing areas and for certifying, processing, and
27 distributing shellfish, which requirements are contained in Louisiana Administrative
28 Code Title 51, Part IX and promulgated under the provisions of R.S. 49:953(B).

29 * * *

1 §5.9. Enforcement of drinking water regulations; administrative compliance orders;
2 civil actions; receiverships

3 A.

4 * * *

5 (7) The state health officer, with the approval of the secretary of ~~health and~~
6 ~~hospitals~~ the Louisiana Department of Health, may settle or resolve out of court any
7 suit for recovery of penalties if deemed in the best interest of the state.

8 * * *

9 §7. Communicable disease epidemic; procedure

10 A. If any parish or municipality or any portion thereof becomes infected with
11 any disease to such an extent as to threaten the spread of the disease to the other
12 portions of the state, the state health officer shall issue his proclamation declaring the
13 facts and ordering the infected parish or municipality or the infected portion thereof
14 quarantined. Further, the state health officer shall order all local health officers to
15 quarantine against the locality; shall establish and promulgate the rules, regulations,
16 terms, and conditions on which intercourse with the infected locality will be
17 permitted; and shall issue to the other local sanitary authorities instructions as to the
18 measures adopted in quarantining against persons, goods, or other property coming
19 from the infected locality. These rules, regulations, terms, and conditions shall be
20 observed and obeyed by all health authorities. Any other of the noninfected portions
21 of the state may, upon approval of the state health officer, add to the regulations,
22 rules, terms, and conditions already imposed by the state health officer.

23 B. The state health officer may prohibit the introduction into any infected
24 portion of the state persons acclimated, unacclimated, or said to be immune, when,
25 in his judgment, the introduction of those persons would increase the prevalence of
26 the disease.

27 C. The state health officer shall render to the local health officers all the
28 assistance which the conditions of his finances permit.

29 * * *

1 §9. Arrests for violations

2 A. Any inspector, officer, or employee of the state health officer may arrest,
3 without warrant, all persons violating any rule or regulation of the state health officer
4 or any article or provision of the sanitary code, when the violation occurs within his
5 sight, view, or personal knowledge. When the violation does not so occur, he may
6 arrest only in execution of a warrant duly issued in accordance with the provisions
7 of this Part or by a competent judicial authority.

8 B. All law enforcement officers shall aid in the apprehension of persons
9 violating the provisions of the sanitary code or any rule or regulation of the state
10 health office. These officers shall themselves arrest and apprehend all offenders
11 committing such violations in their view or sight or within their personal knowledge.

12 * * *

13 §13. Expenses of parish health units

14 A. The governing body of each parish shall provide ample means for the
15 maintenance and operation of its parish health units or departments and for the
16 promotion and conservation of public health. For the purposes of this Title they shall
17 be known as parish health units.

18 B. If a municipality encompasses an entire parish, the municipal authorities
19 shall, for the purposes of this Part, be known as parish authorities.

20 * * *

21 §18. Communicable disease; isolation and report to state health officer; quarantine

22 A. If any case where a communicable disease is reported to or comes to the
23 knowledge of any local health officer, the local health officer shall immediately
24 isolate it and communicate the fact as expeditiously as practicable to the state health
25 officer, together with the information as to what steps have been taken to isolate and
26 care for the case. The local health officer shall, from time to time, communicate the
27 progress of the case to the state health officer.

28 B. Upon receipt of notice of the case by the state health officer, ~~or at any~~
29 time during the case thereafter, the state health officer, ~~shall,~~ if he thinks the
30 emergency sufficient, send an expert physician, selected by him, to examine and

1 diagnose the disease. If, after this examination and diagnosis, the expert declares the
 2 case to be one of an obnoxious or communicable nature, liable to spread or to
 3 become dangerous to the general public health of the state, the state health officer
 4 shall instruct the local health officer as to what additional steps, if any, should be
 5 taken to isolate the case and prevent the spread of the infection any further. The state
 6 health officer shall require that the local health officer immediately conform to and
 7 put these instructions in operation. If the local health officer or other local
 8 authorities connected with the case fail to act immediately on these instructions or
 9 fail to act in the case in a manner satisfactory to the state health officer, the state
 10 health officer shall take charge of the case and manage it through his own officers
 11 or employees.

12 * * *

13 §23. Salaries of parish or district health officers; unclassified

14 A. Each parish shall determine the salary of its health officer and the
 15 necessary expenses for the conduct of his official duties if ~~said~~ the health officer is
 16 in the unclassified service or serving on a contractual basis. In the case of an
 17 unclassified or contractual district health officer, the parishes which jointly employ
 18 him shall fix his salary and expenses and the proportionate share of each parish.

19 B. The ~~above~~ salaries and expenses provided for in Subsection A of this
 20 Section shall be paid by the governing bodies of the parish or parishes for which the
 21 health officer was appointed, except as herein provided.

22 C. Where a parish or group of parishes appoint a full-time health officer
 23 whose entire time is devoted to health work as such, exclusive of any private
 24 practice, the state may appropriate and assist in paying the salary of that health
 25 officer not to exceed twenty percent of the salary if the parish or parishes contract
 26 with the Louisiana Department of Health for the establishment and maintenance of
 27 a health unit as hereafter provided.

28 §24. Issuance of warrants by health officer; general duties of officer

29 A. The parish health officer may issue warrants only to arrest or prevent
 30 epidemics or to abate an imminent menace to the public health in his parish.

1 (4) Establish procedures for allocation of funds appropriated or otherwise
 2 available to the program in a manner which prioritizes funding according to the
 3 urgency and degree of ~~health care~~ healthcare needs among the various middle and
 4 secondary school populations.

5 * * *

6 §31.32. Individual sewage fees

7 * * *

8 E.

9 * * *

10 (2) The provisions of Paragraph ~~(E)(1) of this Section~~ (1) of this Subsection
 11 shall not be effective unless the department complies with the provisions of ~~R.S.~~
 12 ~~40:1154~~ R.S. 40:1281.23.

13 * * *

14 §31.36. Health unit fees

15 * * *

16 D. The provisions of this Section shall not apply to Title XIX recipients,
 17 Title XXI recipients, and those documenting financial status at or below one hundred
 18 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published
 19 in the Federal Register by the United States Department of Health and Human
 20 Services.

21 * * *

22 §41. Disclosure of records

23 * * *

24 E. The registrar shall make available for inspection and copying and shall
 25 forward upon request copies of records of deaths to the Louisiana cancer registry
 26 program established pursuant to ~~R.S. 40:1229.80~~ R.S. 40:1105.1 et seq.

27 * * *

1 §64. Forms for collection of data

2 The state registrar shall prescribe forms for the collection of information and
3 statistics with respect to abortions. Such forms shall require, but not be limited to,
4 the following information:

5 * * *

6 (9) Other significant conditions of the fetus and mother; ~~and~~

7 (10) The results of pathological examinations of all aborted fetuses, as
8 required by ~~R.S. 40:1299.35.4~~ R.S. 40:1061.13.

9 * * *

10 §600.34. Blighted housing property list; creation, maintenance, and challenges
11 thereto

12 * * *

13 C. Rules and regulations prescribing risk guidelines. The state housing
14 agency, in conjunction with the state departments of environmental quality and
15 health ~~and hospitals~~, shall adopt rules and regulations prescribing guidelines and
16 criteria for assessing and determining if a residential housing property is harmful to
17 the health or welfare, including the economic welfare, of the residents of the local
18 governmental subdivision wherein the residential housing property is located, or
19 unfit for human habitation, occupancy, or use, and whether such property is
20 undergoing rehabilitation in a timely manner within the meaning of Subsection B of
21 this Section. The public officer shall apply such standards in conducting any
22 inventory pursuant to this Section.

23 * * *

24 §608.1. Mislabeling of honey

25 * * *

26 B. Any person violating the provisions of this ~~section~~ Section shall be guilty
27 of a misdemeanor and upon conviction shall be fined not less than fifty dollars nor
28 more than five hundred dollars and each such violation shall constitute a separate
29 offense.

30 * * *

1 §625. False advertisement

2 A. An advertisement of a food, drug, device, or cosmetic is false if it is false
 3 or misleading in any particular regarding the food, drug, device, or cosmetic. Any
 4 representation concerning any effect of a drug or device is false under this
 5 ~~Sub-section~~ Subsection if it is not supported by demonstrable scientific facts or
 6 substantial and reliable medical or scientific opinion.

7 B. Except as provided below, the advertisement of a drug or device
 8 representing it to have any therapeutic effect in the treatment of Bright's disease,
 9 cancer, tuberculosis, poliomyelitis, venereal disease, heart and vascular diseases, or
 10 any other diseases for which no known therapeutic effect has been fully established
 11 is false. No advertisement not in violation of ~~Sub-section~~ Subsection A of this
 12 Section shall be considered false under this ~~Sub-section~~ Subsection, if it is
 13 disseminated only to members of the medical and pharmaceutical professions or
 14 appears only in the scientific periodicals of these professions, or if it is disseminated
 15 only for the purpose of public health education by persons not commercially
 16 interested, directly or indirectly, in the sale of the drugs or devices.

17 * * *

18 §634. Condemnation and sale, or release

19 A. When any article detained or seized ~~under~~ pursuant to R.S. 40:633 has
 20 been found by the department to be subject to seizure and condemnation ~~under~~
 21 pursuant to R.S. 40:632, the department shall petition a court for an order of
 22 condemnation or sale, as the court may direct. The proceeds of the sale minus the
 23 legal costs and charges shall be paid into the state treasury to the credit of the general
 24 fund.

25 B. Upon the payment of the costs of the condemnation proceeding and upon
 26 the execution and delivery of a surety bond to the effect that the goods shall not be
 27 sold or otherwise disposed of contrary to the provisions of this Part, the department
 28 or court may order that the goods be delivered to the owner thereof instead of being
 29 condemned or sold.

1 C. If the department finds that any article seized ~~under~~ pursuant to the
 2 provisions of R.S. 40:633 was not subject to seizure ~~under~~ pursuant to that Section,
 3 the department or the designated officer or employee shall remove the tag or
 4 marking.

* * *

6 §641. Injunction proceedings

7 A. In order to avoid multiplicity of criminal prosecutions, the district courts
 8 may, for cause, restrain any person by temporary or permanent injunction from the
 9 repetitious introduction or causing to be introduced into commerce of any
 10 adulterated, misbranded, or unregistered food, drug, device, or cosmetic; or from the
 11 dissemination or causing to be disseminated of a false advertisement by any means
 12 for the purpose of inducing, directly or indirectly, the purchase of food, drugs,
 13 devices, or cosmetics in commerce.

14 B. In these injunction proceedings it is not necessary to show an intent on the
 15 part of the person enjoined to continue the offense.

16 C. Violation of any injunction issued pursuant to this Section shall be
 17 summarily tried and punished by the court as a contempt. The contempt proceedings
 18 may be instituted by order of the court or by the filing of an information by the
 19 district attorney and process of the court for the arrest of the violator may be served
 20 at any place in the state.

21 D. No person violates any injunction issued pursuant to this Section by
 22 reason of the dissemination, subsequent to the injunction, of the false advertisement
 23 which was the basis of the injunction, if the dissemination was beyond the control
 24 of the person.

* * *

26 §671. Washing prohibited; penalty

27 A. No one shall wash any articles of food intended for human consumption;
 28 in any body of water on the right of way of any public highway or road, or in any
 29 water anywhere except running water.

1 B. Whoever violates the provisions of this Section shall be fined not more
2 than five dollars or imprisoned for not more than five days.

3 * * *

4 §682. Qualifications for license; sterilization process

5 A. The department shall issue the license required in R.S. 40:681 to any
6 applicant upon receipt of such evidence as it requires to show that the applicant is
7 properly equipped and maintains and uses the ~~following~~ method provided for in
8 Subsection B of this Section in cleansing and sterilizing the containers.

9 B. All containers shall be cleansed, sterilized, and freed from rust and
10 contamination by soaking them for a period of not less than five minutes in a hot
11 caustic solution of not less than one hundred twenty degrees ~~fahrenheit~~ Fahrenheit,
12 which shall be indicated by a thermometer. This solution shall contain not less than
13 two and one-half percent of caustic soda expressed in terms of sodium hydrates. The
14 containers shall then be thoroughly rinsed in pure water. The cleansing solution shall
15 be changed frequently so as to prevent it from becoming foul and unsanitary.

16 * * *

17 §700.1. Rules and regulations

18 The secretary of the Louisiana Department of Health shall have the authority
19 to promulgate rules and regulations, with the advice and recommendations of the
20 Advisory Committee on Water Treatment Devices, for the efficient enforcement of
21 this ~~Sub-Part~~ Subpart.

22 * * *

23 §700.5. Permit; application; fees; renewal

24 * * *

25 C. Permits issued ~~under~~ pursuant to the provisions of this ~~Sub-Part~~ Subpart
26 shall be valid for one calendar year from the date of issue, unless revoked as
27 provided in R.S. 40:700.6, and shall be renewed annually thereafter.

28 §700.6. Revocation of permit

29 A. The department may revoke any permit issued pursuant to the provisions
30 of this ~~Sub-Part~~ Subpart at any time the holder of a permit is found to be in

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 noncompliance with the provisions of this ~~Sub-Part~~ Subpart or the rules and
 2 regulations established by the department.

3 B. The department may revoke any such permit either temporarily, until
 4 there is compliance with the provisions of this ~~Sub-Part~~ Subpart and with the rules
 5 and regulations as established by the department, or permanently for the unexpired
 6 period of the permit.

7 §700.7. Surety Bond

8 A. Every dealer permitted ~~under~~ pursuant to the provisions of this ~~Sub-Part~~
 9 Subpart shall maintain with the secretary of the Louisiana Department of Health a
 10 surety bond in the amount of ten thousand dollars. Each bond shall be issued by a
 11 surety authorized to do business in Louisiana, and shall be in favor of the state for
 12 the use, benefit, and indemnity of any person who suffers any damage or loss as a
 13 result of the dealer's violation of law or breach of contract. Recovery hereunder shall
 14 in no event exceed the amount of the bond.

15 * * *

16 E. The term of a bond required by this Section shall be continuous. The
 17 surety on ~~said~~ the bond may terminate the bond upon giving a sixty-day written
 18 notice to the secretary and the principal; however, the liability of the surety for the
 19 acts of the principal shall continue during the sixty-day period. The notice shall not
 20 release the surety from liability which accrues before the termination becomes final,
 21 but which is discovered after that date.

22 §700.8. Procedure for reporting violations of Subpart

23 A. Before reporting any violation of this ~~Sub-Part~~ Subpart to any district
 24 attorney for institution of criminal proceedings thereunder, the department shall
 25 afford appropriate notice and opportunity for hearing, in accordance with regulations
 26 prescribed by it, to interested persons upon the question of such violations. The
 27 report to the district attorney shall be accompanied by findings of the appropriate
 28 officers and employees.

1 B. The department need not report for prosecution minor violations of this
2 ~~Sub-Part~~ Subpart when the purposes of the ~~Sub-Part~~ Subpart can best be
3 accomplished by a suitable written notice or warning.

4 §700.9. Duties of district attorney

5 Each district attorney to whom the department reports any violation for
6 institution of criminal proceedings or proceedings for an injunction under this ~~Sub-~~
7 ~~Part~~ Subpart, or to whom any health, food, or drug officer of the state or political
8 subdivision thereof presents evidence satisfactory to the district attorney of any such
9 violation shall institute appropriate proceedings in the proper court without delay.

10 §700.10. Penalties

11 A. Whoever violates any provision of this ~~Sub-Part~~ Subpart shall be fined,
12 for the first offense, not more than five hundred dollars or imprisoned for not more
13 than six months, or both.

14 * * *

15 §700.12. Reports by department

16 A. The department may have reports published summarizing all judgments,
17 decrees, and court orders which have been rendered under this ~~Sub-Part~~ Subpart,
18 including the nature of the charge and the disposition thereof.

19 * * *

20 §701. Definitions

21 As used in this ~~Sub-Part~~ Subpart:

22 * * *

23 §701.1. Permit; application; fees; renewal

24 A. The department shall require each owner or operator of water vending
25 machines to obtain a permit for each machine prior to the installation of such
26 machine; however, any machine currently in operation may continue in operation
27 until permits for such machine can be obtained under the provisions of this ~~Sub-Part~~
28 Subpart; however, such period shall not exceed one calendar year from the effective
29 date of this ~~Sub-Part~~ Subpart.

30 * * *

1 D. Permits issued under the provisions of this ~~Sub-Part~~ Subpart shall be valid
2 for one calendar year from the date of issue unless sooner revoked as provided in
3 R.S. 40:701.2 and shall be renewed annually thereafter.

4 §701.2. Revocation of permit

5 A. The department shall revoke any permit issued pursuant to the provisions
6 of this ~~Sub-Part~~ Subpart for noncompliance with the provisions of ~~R.S. 40:701.2~~ this
7 Subpart at any time a machine is found to be in noncompliance with the provisions
8 of this ~~Sub-Part~~ Subpart or the rules and regulations established by the department.

9 B. The department may revoke any such permit either temporarily until there
10 is compliance with the provisions of this ~~Sub-Part~~ Subpart and with the rules and
11 regulations as established by the department or permanently for the unexpired period
12 of the permit.

13 C. Any person whose permit for a water vending machine has been revoked
14 shall discontinue the operation of the machine until the machine has been brought
15 into compliance with this ~~Sub-Part~~ Subpart and he shall have obtained a new permit
16 to operate from the department.

17 §701.3. Labeling

18 Notwithstanding the issuance of any permit, every machine as defined ~~herein~~
19 in this Subpart shall have a label which shall be displayed prominently on the
20 machine indicating the source of the water dispensed, the methods used to treat the
21 water to reduce or eliminate impurities, and the chemical names and concentrations
22 of any preservatives or additives.

23 §701.4. Penalty for violations

24 Whoever violates any provision of this ~~Sub-Part~~ Subpart shall be fined one
25 thousand dollars for each offense. Each violation shall constitute a separate offense.

26 * * *

27 §781. Definitions

28 As used in this Part, unless the context clearly indicates otherwise, the
29 following terms shall have the meanings ascribed to them in this Section:

30 * * *

1 D. Nothing in this ~~section~~ Section shall apply to the containers of a caustic
2 alkali and other poisons being used or to be used for industrial purposes only or used
3 in the transportation of a caustic alkali and other poisons for industrial purposes only.

4 * * *

5 §953. Seizure

6 Any article or product found in violation of the labeling requirements in
7 ~~Section 952~~ R.S. 40:952 shall be subject to seizure and condemnation by the ~~State~~
8 ~~Health Officer~~ state health officer or by any duly authorized representative he
9 designates for that purpose.

10 * * *

11 §962. Authority to control

12 * * *

13 B. The secretary ~~of the Louisiana Department of Health~~ shall add a substance
14 as a controlled dangerous substance if it is classified as a controlled dangerous
15 substance by the Drug Enforcement Administration of the United States government.

16 C. The secretary may by rule add to the schedules provided in ~~Section 964~~
17 ~~of this Part~~ R.S. 40:964 any drug or other substance if he finds that such drug or
18 other substance has a high potential for abuse, and after such a finding by the
19 secretary, the drug shall be added in the appropriate schedule under the criteria
20 provided under ~~Section 963 of this Part~~ R.S. 40:963. In making a finding that a drug
21 or other substance has a high potential for abuse, the secretary ~~of the Louisiana~~
22 ~~Department of Health~~ shall consider the following factors with respect to each drug
23 or other substance proposed to be controlled:

24 * * *

25 (8) Whether the substance is an immediate precursor of a substance already
26 controlled by this ~~section~~ Section.

27 D. In an adjudication, ~~the secretary of the Louisiana Department of Health~~
28 may transfer a controlled substance from one schedule to another schedule upon the
29 basis of a finding that the characteristics of the controlled drug or substances are
30 such that under the criteria in ~~Section 963 of this Part~~ R.S. 40:963 the controlled

1 substances should be transferred or that a transfer of any substance listed under
 2 ~~Section 964~~ R.S. 40:964 from one schedule to another schedule should be made in
 3 order to conform with the schedule in which the drug is placed by the Drug
 4 Enforcement Administration of the United States government.

5 E. If the secretary ~~of the Louisiana Department of Health~~ designates a
 6 substance as an immediate precursor, substances which are precursors of the
 7 controlled precursor shall not be subject to control solely because they are precursors
 8 of the controlled precursor.

9 F. The secretary ~~of the Louisiana Department of Health~~ shall exclude any
 10 nonnarcotic substance from a schedule if the substance may, under the Federal Food,
 11 Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter
 12 without a prescription.

13 G. The reclassification of any controlled dangerous substance or its transfer
 14 from one schedule to another by the secretary ~~of the Louisiana Department of Health~~
 15 or the state health officer shall not affect the penalties provided by this Part.

16 H. If the scheduling of a substance in Schedule I is necessary to avoid an
 17 imminent peril to the public health, safety or welfare, the secretary may adopt an
 18 emergency rule adding the substance to Schedule I pursuant to R.S. 49:953(B). In
 19 determining whether the substance poses an imminent peril to the public health,
 20 safety, or welfare, the secretary shall consider the factors set forth in Paragraphs
 21 C(4), (5), and (6) of this Section.

22 §962.1. Ephedrine products

23 A. Except as provided in Subsection B of this Section, any product that
 24 contains any quantity of ephedrine, a salt of ephedrine, a an optical isomer of
 25 ephedrine, or a salt of an optical isomer of ephedrine; may be dispensed only upon
 26 the prescription of a duly licensed practitioner authorized by the laws of the state to
 27 prescribe prescription drugs.

28 B. The following products containing ephedrine shall be exempt from the
 29 provisions of Subsection A of this Section provided that such product may lawfully
 30 be sold over the counter without a prescription under the federal Food, Drug, and

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SCHEDULE III

* * *

F.(1) Except as provided in Paragraph (2) of this Subsection, the term anabolic steroid does not include a substance listed in Subsection E above but which is expressly intended for administration to livestock or other nonhuman species and which has been approved by the secretary ~~of health and hospitals~~ for such an administration.

* * *

SCHEDULE V

* * *

E.

* * *

(3)

* * *

(b) This limit shall not apply to any quantity of such product, mixture, or preparation dispensed pursuant to a valid prescription written by a licensed ~~health care~~ healthcare professional having prescriptive authority.

(4) Wholesale drug distributors licensed by the Louisiana Board of ~~Wholesale Drug~~ Drug and Device Distributors and registered with the United States Drug Enforcement Administration shall be exempt from the storage, reporting, record keeping, and physical security requirements for controlled dangerous substances for nonprescription products containing ephedrine, pseudoephedrine, and phenylpropanolamine which are not listed in another schedule.

* * *

§965. Secretary of health; authority to except

A. The secretary ~~of health and hospitals~~ may by regulation except any material, compound, mixture, or preparation containing any depressant or stimulant substance listed in Subsection A, B, C, or D of Schedule III or in Schedule IV or V from the application of all or any part of this Part if the material, compound, mixture, or preparation contains one or more active medicinal ingredients not having a

1 depressant or stimulant effect on the central nervous system, provided that such
2 ingredients are included therein in such combinations, quantity, proportion, or
3 concentration as to vitiate the potential for abuse of the substances which do have a
4 depressant or stimulant effect on the central nervous system.

5 B. The secretary ~~of health and hospitals~~, may, by regulation, exempt any
6 compound, mixture, or preparation containing any anabolic steroids substances listed
7 in Schedule III(E) of R.S. 40:964 from the application of all or any part of this Part
8 if, because of its concentration, preparation, mixture, or delivery system, it has no
9 significant potential for abuse.

10 * * *

11 §968. Prohibited acts--Schedule III; penalties

12 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall
13 be unlawful for any person knowingly or intentionally:

14 * * *

15 §969. Prohibited acts--Schedule IV; penalties

16 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall
17 be unlawful for any person knowingly or intentionally:

18 * * *

19 §970. Prohibited acts--Schedule V; penalties

20 A. Manufacture; distribution. Except as authorized by this ~~part~~ Part, it shall
21 be unlawful for any person knowingly or intentionally:

22 * * *

23 §971.1. Prohibited acts; false representation

24 * * *

25 B. The provisions of this Section shall not apply to a law enforcement officer
26 acting in the course and scope of his employment or to a medical practitioner,
27 pharmacist, or other person authorized to dispense or administer controlled
28 dangerous substances pursuant to this Part ~~X of Chapter 4 of Title 40 of the Revised~~
29 ~~Statutes of 1950.~~

30 * * *

1 §972. Rules and regulations and fees

2 A. The Louisiana Board of Pharmacy is authorized to promulgate rules and
3 regulations relating to the registration and control of the manufacture, distribution,
4 and dispensing of controlled dangerous substances within this state.

5 B. The fees collected by the Louisiana Board of Pharmacy for registration
6 and licensing shall not exceed the following schedule:

7 * * *

8 §973. Licensing requirements

9 A.(1) Every person who conducts research with, manufactures, distributes,
10 procures, possesses, prescribes, or dispenses any controlled dangerous substance
11 within this state or who proposes to engage in the research, manufacture,
12 distribution, procurement, possession, prescribing, or dispensing of any controlled
13 dangerous substance within this state shall obtain a controlled dangerous substance
14 license issued by the Louisiana Board of Pharmacy in accordance with the rules and
15 regulations promulgated by ~~it~~ the board prior to engaging in such activity.

16 (2) Upon initial application or upon renewal of a controlled dangerous
17 substance license from the Louisiana Board of Pharmacy, a prescribing practitioner
18 shall automatically and without further action be registered as a participant in the
19 ~~Prescription Monitoring Program~~ prescription monitoring program established in
20 R.S. 40:1001 et seq. For purposes of this Subsection, ~~practitioner~~ the term
21 "practitioner" shall include those with prescription authority for controlled
22 substances in Louisiana, excluding veterinarians.

23 B. The following persons shall not be required to obtain a license and may
24 lawfully possess controlled dangerous substances under the provisions of this Part:

25 (1) An agent, or an employee thereof, of any registered manufacturer,
26 distributor, or dispenser of any controlled dangerous substance if such agent is acting
27 in the usual course of his business or employment;

1 (2) A common or contract carrier or warehouseman, or an employee thereof,
2 whose possession of any controlled dangerous substance is in the usual course of his
3 business or employment;

4 * * *

5 C. The Louisiana Board of Pharmacy may, by regulation, waive the
6 requirement for licensing of certain manufacturers, distributors, or dispensers if it
7 finds it consistent with the public health and safety.

8 * * *

9 E. The Louisiana Board of Pharmacy is authorized to inspect the
10 establishment of a licensee or applicant for licensing in accordance with the rules and
11 regulations promulgated by ~~it~~ the board.

12 F.(1) Any person licensed by the Louisiana Board of Pharmacy to
13 manufacture, distribute, or dispense controlled dangerous substances shall submit to
14 the ~~Board of Pharmacy~~ board data on transactions involving the disbursement of
15 Schedule II controlled dangerous substances to licensed Louisiana registrants except
16 as provided in R.S. 40:972 and 988(B).

17 (2) The Louisiana Board of Pharmacy is authorized to promulgate rules and
18 regulations necessary to implement the provisions of this Subsection including but
19 not limited to the scope of such data, the form in which it is to be submitted, and the
20 time requirements for such submission.

21 G.(1) The Louisiana Board of Pharmacy shall disseminate its findings
22 concerning possible violations to the respective boards for action in correcting
23 violations on the part of licensed Louisiana registrants.

24 (2)(a) Such supervisory board shall receive the findings of the Louisiana
25 Board of Pharmacy concerning possible violations and shall disseminate such
26 findings to the respective boards for action in correcting violations on the part of
27 licensed Louisiana registrants.

28 * * *

1 §974. Licensing

2 A. The Louisiana Board of Pharmacy shall license an applicant to
3 manufacture or distribute controlled dangerous substances included in Schedules I
4 through V of R.S. 40:964 at such fees as it shall determine to be reasonable, unless
5 it determines that the issuance of such license is inconsistent with the public interest.
6 In determining the public interest, the following factors shall be considered:

7 * * *

8 C. A license application by a practitioner who wishes to conduct research
9 with a controlled substance shall be referred to the Louisiana Board of Pharmacy.
10 Licensing by the Louisiana Board of Pharmacy for the purpose of bona fide research
11 with a controlled dangerous substance by a practitioner deemed qualified by the
12 ~~Board of Pharmacy~~ board may be denied only on a ground specified in R.S.
13 40:975(A) or on the ground that the applicant's past practice or proposed procedures
14 furnish grounds for the belief that the applicant will abuse or unlawfully transfer
15 such substances from legitimate medical or scientific use.

16 §975. Denial, revocation, suspension, or termination of license

17 A. A license pursuant to R.S. 40:974 to manufacture, distribute, or dispense
18 a controlled dangerous substance may be suspended or revoked by the Louisiana
19 Board of Pharmacy upon a finding that the applicant or licensee meets any of the
20 following criteria:

21 (1) ~~Has~~ He has materially falsified any application filed pursuant to ~~this Part~~
22 or required by this Part, ~~or~~.

23 (2) ~~Has~~ He has been convicted of a felony under this Part or any law of the
24 United States, or of any state, relating to any substances defined ~~herein~~ in this Part
25 as a controlled dangerous substance, or any felony under any other law of the United
26 States or of any state within five years of the date of the issuance of the license, ~~or~~.

27 (3) ~~Has had his~~ His federal license has been suspended or revoked by
28 competent federal authority and he is no longer authorized by federal law to engage
29 in the manufacturing, distribution, or dispensing of controlled dangerous substances.

1 (4) ~~Has~~ He has manufactured, distributed, or dispensed controlled dangerous
2 substances in violation of any provision of this Part or any other state or federal laws
3 pertaining to the manufacture, distribution, or dispensing of controlled dangerous
4 substances.

5 (5) ~~Has~~ He has repeatedly failed to submit to the Louisiana Board of
6 Pharmacy data on transactions involving the disbursement of Schedule II controlled
7 dangerous substances to licensed Louisiana registrants as required by R.S. 40:973(F)
8 and by rules promulgated pursuant thereto.

9 B. The Louisiana Board of Pharmacy may limit revocation or suspension of
10 a license to the particular controlled dangerous substance with respect to which
11 grounds for revocation or suspension exist.

12 C. Before taking action pursuant to this Section or pursuant to a denial of
13 license under R.S. 40:974, the Louisiana Board of Pharmacy shall serve upon the
14 applicant or licensee an order to show cause why the license should not be denied,
15 revoked, or suspended. The order to show cause shall contain a statement of the
16 basis thereof and shall call upon the applicant or licensee to appear before the
17 Louisiana Board of Pharmacy at a time and place stated in the order, but in no event
18 less than thirty days after the date of receipt of the order. Proceedings to deny,
19 revoke, or suspend shall be conducted pursuant to this Section in accordance with
20 R.S. 49:951 et seq. Such proceedings shall be independent of, and not in lieu of,
21 criminal prosecutions or other proceedings under this Part or any law of the state.

22 D. The Louisiana Board of Pharmacy may, in its discretion, suspend any
23 license simultaneously with the institution of proceedings under this Section in cases
24 where it finds that there is an imminent danger to the public health or safety. Such
25 suspension shall continue in effect until the conclusion of such proceedings,
26 including judicial review thereof, unless sooner withdrawn by the Louisiana Board
27 of Pharmacy or dissolved by a court of competent jurisdiction.

28 E. In the event the Louisiana Board of Pharmacy suspends or revokes a
29 license granted under R.S. 40:974, all controlled dangerous substances owned or
30 possessed by the licensee pursuant to such license at the time of suspension or the

1 effective date of the revocation order, as the case may be, may, in the discretion of
 2 the ~~Board of Pharmacy~~ board, be placed under seal. No disposition may be made of
 3 substances under seal until the time for taking an appeal has elapsed or until all
 4 appeals have been concluded unless a court, upon application therefor, orders the
 5 sale of perishable substances and the deposit of the proceeds of the sale with the
 6 court. Upon a revocation order becoming final, all such controlled dangerous
 7 substances shall be forfeited to the state.

8 * * *

9 G.(1) A license pursuant to R.S. 40:974 to manufacture, distribute, or
 10 dispense a controlled dangerous substance shall be terminated by the Louisiana
 11 Board of Pharmacy if the licensee has failed to timely renew the license and submit
 12 the applicable fee, including the fee for the prescription monitoring program
 13 authorized pursuant to R.S. 40:1013, and thirty days have elapsed since the date of
 14 expiration.

15 * * *

16 (3) The Louisiana Board of Pharmacy shall promulgate rules, regulations,
 17 and standards to implement the provisions of this Subsection. The rules, regulations,
 18 and standards shall be promulgated in accordance with the Administrative Procedure
 19 Act.

20 §976. Records of licensees

21 Each licensee manufacturing, distributing, or dispensing controlled dangerous
 22 substances in Schedule I, II, III, IV, or V shall make a complete and accurate record
 23 of all stocks of such dangerous substances on hand. Thereafter, complete and
 24 accurate records of all such dangerous substances shall be maintained until the next
 25 inventory is made for the next two-year period as required by this Section. At each
 26 two-year period after July 29, 1970, at the time of his regular physical inventory,
 27 each licensee manufacturing, distributing, or dispensing controlled dangerous
 28 substances shall prepare an inventory of each dangerous substance in his possession.
 29 Records and inventories shall contain such information as shall be provided by rules
 30 and regulations promulgated by the Louisiana Board of Pharmacy. This Section

1 shall not apply to practitioners who lawfully prescribe or administer, but do not
2 otherwise dispense, controlled dangerous substances listed in Schedule I, II, III, IV,
3 or V of this Part.

4 §976.1. Chemical precursor, recordkeeping requirements

5 * * *

6 H. The provisions of this Section shall not apply to the sale or transfer of a
7 nonnarcotic product that includes a precursor substance listed in Subsection A of this
8 Section, if the product may otherwise be sold lawfully with a prescription or over the
9 counter without a prescription under the Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. ~~Sec. 301~~, 301 et seq.) or a rule adopted thereunder.

11 * * *

12 §978. Prescriptions

13 * * *

14 F.(1) A prescriber or his delegate shall access and review the patient's record
15 in the ~~Prescription Monitoring Program~~ prescription monitoring program established
16 in R.S. 40:1001 et seq. prior to initially prescribing any opioid to a patient, and shall
17 access the ~~Prescription Monitoring Program~~ prescription monitoring program and
18 review the patient's record at least every ninety days if the patient's course of
19 treatment continues for more than ninety days. The requirement established in this
20 Subsection shall not apply in the following instances:

21 * * *

22 (d) The ~~Prescription Monitoring Program~~ prescription monitoring program
23 is inaccessible or not functioning properly due to an internal or external electronic
24 issue. However, the prescriber or his delegate shall check the ~~Prescription~~
25 ~~Monitoring Program~~ prescription monitoring program once electronic accessibility
26 has been restored and note the cause for the delay in the patient's chart.

27 * * *

28 H.

29 * * *

1 (2)

2 * * *

3 (b) If the dispensed amount is less than the recommended full quantity, the
4 pharmacist or a designee shall ensure that the actual dispensed amount is accurately
5 recorded in the ~~Prescription Monitoring Program~~ prescription monitoring program.
6 The pharmacist or a designee shall also, within seven days, make a notation in the
7 interoperable electronic health record of the patient if the pharmacist has access to
8 the record.

9 * * *

10 §978.1. Naloxone; first responder; prescription; administration to third party;
11 limitation of liability

12 A. For the purposes of this Section, the following definitions apply:

13 (1) "First responder" means any of the following:

14 * * *

15 (c) An EMS practitioner as defined in ~~R.S. 40:1231~~ R.S. 40:1131.

16 * * *

17 §978.3. Continuing education for the prescribing of controlled substances

18 * * *

19 B. Each licensing board that regulates practitioners with prescriptive
20 authority in Louisiana shall establish continuing education requirements as a
21 prerequisite to license renewal. Each board shall develop continuing education
22 criteria, to include drug diversion training, best practice prescribing of controlled
23 substances, appropriate treatment for addiction, and any other matters regarding the
24 prescribing of controlled dangerous substances that are deemed appropriate by the
25 board. Rules and regulations to implement this Section shall be promulgated in
26 accordance with the Administrative Procedure Act. Such rules shall include all of
27 the following:

28 (1) Each practitioner with prescriptive authority in Louisiana who holds a
29 controlled dangerous substance license shall obtain three credit hours of continuing
30 education as a prerequisite to license renewal with ~~their~~ his professional licensing

1 board. Successful completion of this requirement once shall satisfy the requirement
2 in full.

3 (2) A practitioner with prescriptive authority in Louisiana who has a
4 controlled dangerous substance license shall be exempt from the continuing
5 education requirements for license renewal established in this Section if he
6 completes and submits to his licensing board a certification form developed by his
7 licensing board attesting that he has not prescribed, administered, or dispensed a
8 controlled dangerous substance during the entire applicable reporting period. The
9 licensing board shall verify the attestation of the prescriber through the ~~Prescription~~
10 ~~Monitoring Program~~ prescription monitoring program established in R.S. 40:1001
11 et seq.

12 * * *

13 §980. Additional penalties

14 Any penalty imposed for violation of this ~~part~~ Part shall be in addition to, and
15 not in lieu of, any civil or administrative penalty or sanction authorized by law.

16 * * *

17 §982. Second or subsequent offenses

18 A. Any person convicted of any offense under this ~~part~~ Part, if the offense
19 is a second or subsequent offense, shall be sentenced to a term of imprisonment that
20 is twice that otherwise authorized or to payment of a fine that is twice that otherwise
21 authorized, or both. If the conviction is for an offense punishable under R.S.
22 ~~40:966(B), R.S. 40:967(B)~~ 967(B), ~~R.S. 40:968(B)~~ 968(B), or ~~R.S. 40:969(B)~~
23 969(B), and if it is the offender's second or subsequent offense, the court may
24 impose, in addition to any term of imprisonment and fine, twice the special parole
25 term otherwise authorized.

26 B. For purposes of this ~~section~~ Section, an offense shall be considered a
27 second or subsequent offense; if, prior to the commission of such offense, the
28 offender had at any time been convicted of any violation of this state, the United
29 States, any other state of or any foreign country, relating to the unlawful use,

1 possession, production, manufacturing, distribution, or dispensation of any narcotic
2 drug, marijuana, depressant, stimulant, or hallucinogenic drugs.

3 * * *

4 §984. Powers of enforcement personnel

5 The Louisiana Board of Pharmacy's authorized employees may:

6 * * *

7 §986. Administrative inspections and warrants

8 A. Issuance and execution of administrative inspection warrants shall be as
9 follows:

10 (1) Any judge of a state court of record, or any state magistrate of any court
11 of record may, within his jurisdiction, and upon proper oath or affirmation after
12 being satisfied there is probable cause to believe that legal grounds exist for the
13 issuance of such warrant, issue warrants for the purpose of conducting administrative
14 inspections authorized by this ~~part~~ Part or regulations thereunder, and may authorize
15 seizure of property related to such inspections.

16 * * *

17 (3) A warrant issued pursuant to this ~~section~~ Section ~~must~~ shall be executed
18 and returned within ten days of its date. If property is seized pursuant to a warrant,
19 the person executing the warrant shall give to the person from whom or from whose
20 premises the property was taken a copy of the warrant and a receipt for the property
21 taken. The return of the warrant shall be made promptly and shall be accompanied
22 by a written inventory of any property taken. The inventory shall be made in the
23 presence of the person executing the warrant and of the person from whose
24 possession or premises the property was taken. The judge or magistrate of any court
25 of record, upon request, shall deliver a copy of the inventory to the person from
26 whom or from whose premises the property was taken and to the applicant for the
27 warrant.

28 (4) The judge or magistrate of any court of record who has issued a warrant
29 under this ~~section~~ Section shall attach to the warrant a copy of the return and all

1 papers filed in connection therewith and shall file them with the clerk of the state
2 court for the judicial district in which the inspection was made.

3 B. The Louisiana Board of Pharmacy is authorized to make administrative
4 inspections of controlled premises in accordance with the following provisions:

5 (1) For purposes of this ~~section~~ Section only, "controlled premises" means
6 all of the following:

7 (a) Places where persons licensed or exempted from licensing requirements
8 under this ~~part~~ Part are required to keep records; ~~and~~.

9 (b) Places including factories, warehouses, establishments, and conveyances
10 where persons licensed or exempted from licensing requirements under this ~~part~~ Part
11 are permitted to possess, manufacture, compound, process, sell, deliver, or otherwise
12 dispose of any controlled dangerous substance.

13 (2) When so authorized by an administrative inspection warrant issued
14 pursuant to Subsection A of this Section a law enforcement officer or an employee
15 as designated in R.S. 40:984 ~~hereof~~, upon presenting the warrant and appropriate
16 credentials to the owner, operator, or agent in charge, shall have the right to enter
17 controlled premises for the purpose of conducting such an administrative inspection.

18 (3) When so authorized by an administrative inspection warrant, a law
19 enforcement officer or an employee as designated in R.S. 40:984 ~~hereof~~ shall have
20 the right:

21 * * *

22 (b) To inspect, within reasonable limits and in a reasonable manner, the
23 controlled premises and all pertinent equipment, finished and unfinished material,
24 containers and labeling found therein, and except as provided in Paragraph (B)(5) of
25 this Section, all other things therein including records, files, papers, processes,
26 controls, and facilities subject to regulation and control by the provisions of this Part
27 or by regulations promulgated by the Louisiana Board of Pharmacy.

28 * * *

29 (4) This ~~section~~ Section shall not be construed to prevent the inspection
30 without a warrant of books and records pursuant to an administrative subpoena

1 issued in accordance with ~~R.S. 40:986~~ this Section, nor shall this ~~section~~ Section be
2 construed to prevent entries and administrative inspections including seizures of
3 property without a warrant:

4 (a) With the written consent of the owner, operator, or agent in charge of the
5 controlled premises;

6 (b) In situations involving inspection of conveyances where there is probable
7 cause to believe that the mobility of the conveyance makes it impracticable to obtain
8 a warrant;

9 (5) Except when the owner, operator, or agent in charge of the controlled
10 premises so consents in writing, no inspection authorized by this ~~section~~ Section
11 shall extend to any of the following:

12 (a) Financial data;

13 (b) Sales data other than shipment data; ~~or~~.

14 * * *

15 §987. Injunctions

16 Any district court of this state shall have jurisdiction in proceedings in
17 accordance with the rules of such courts to enjoin violations of this ~~part~~ Part and in
18 accordance with the Code of Civil Procedure and other laws of this state.

19 §988. Cooperative arrangements; inspections

20 A. The Louisiana Board of Pharmacy may cooperate with federal and other
21 state agencies in discharging its responsibilities concerning dangerous substances.

22 To this end, it is authorized to:

23 * * *

24 B.(1) ~~Anything contained in any~~ Any other provision of this Part ~~X~~ of
25 ~~Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950~~ to the contrary
26 notwithstanding, the inspections authorized or required by ~~said~~ that law, insofar as
27 pharmacists and pharmacies registered and licensed under the Louisiana Board of
28 Pharmacy only are concerned, shall be conducted by the Louisiana Board of
29 Pharmacy, through its duly authorized officers, members, inspectors, agents, and
30 representatives, insofar as pharmacists and pharmacies registered and licensed under

1 the Louisiana Board of Pharmacy are concerned; and compliance with requirements
 2 involving security measures, inventories, records, and reports required by ~~said that~~ that
 3 law and/or the regulations promulgated from time to time in connection therewith
 4 shall be administratively determined by the Louisiana Board of Pharmacy, insofar
 5 as pharmacists and pharmacies registered and licensed under the Louisiana Board of
 6 Pharmacy only are concerned.

7 (2) ~~Anything contained in any~~ Any other provision of this Part ~~X of Chapter~~
 8 ~~4 of Title 40 of the Louisiana Revised Statutes of 1950~~ to the contrary
 9 notwithstanding, the inspections authorized or required by ~~said that~~ that law, insofar as
 10 physicians licensed to practice medicine by the Louisiana State Board of Medical
 11 Examiners only are concerned, shall be conducted by the Louisiana State Board of
 12 Medical Examiners, through its duly authorized officers, members, inspectors,
 13 agents, and representatives, insofar as physicians licensed to practice medicine by
 14 the Louisiana State Board of Medical Examiners are concerned. Compliance with
 15 requirements involving security measures, inventories, records, and reports required
 16 by ~~said that~~ that law or the regulations promulgated in connection therewith, or both,
 17 shall be administratively determined by the Louisiana State Board of Medical
 18 Examiners insofar as physicians licensed to practice medicine by the Louisiana State
 19 Board of Medical Examiners only are concerned.

20 C. ~~Anything contained in any~~ Any other provision of this Part ~~X of Chapter~~
 21 ~~4 of this Title~~ to the contrary notwithstanding, the inspections authorized or required
 22 by ~~said that~~ that law, insofar as persons licensed by the Louisiana Department of Health
 23 including dentists, veterinarians, scientific investigators, hospitals, or other persons
 24 licensed, registered, or otherwise permitted to distribute, dispense, conduct research
 25 with respect to, or administer a controlled dangerous substance in the course of
 26 professional practice or research in this state, shall be conducted and furnished
 27 exclusively by the Louisiana Department of Health, through its duly authorized
 28 officers, members, inspectors, agents, and representatives, insofar as dentists,
 29 veterinarians, scientific investigators, hospitals, or other persons licensed, registered,
 30 or otherwise permitted to distribute, dispense, conduct research with respect to, or

1 administer a controlled dangerous substance in the course of professional practice
 2 or research in this state registered and licensed under the Louisiana Department of
 3 Health are concerned; and compliance with requirements involving security
 4 measures, inventories, records, and reports required by ~~said~~ that law and/or the
 5 regulations promulgated from time to time in connection therewith shall be
 6 administratively determined by the Louisiana Department of Health.

7 * * *

8 §989.1. Unlawful production, manufacture, distribution, or possession of
 9 hallucinogenic plants; exceptions

10 * * *

11 F. The provisions of this Section shall not apply to any dosage form which
 12 is labeled as a dietary supplement and is manufactured in compliance with the
 13 requirements of sections 402(g)(2), 415₂, and 761 of the Federal Food, Drug, and
 14 Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

15 §989.2. Unlawful production, manufacturing, distribution, or possession of
 16 prohibited plant products; exceptions

17 * * *

18 F. The provisions of this Section shall not apply to any dosage form which
 19 is labeled as a dietary supplement and is manufactured in compliance with the
 20 requirements of sections 402(g)(2), 415₂, and 761 of the Federal Food, Drug, and
 21 Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

22 * * *

23 §990. Burden of proof; liabilities

24 A. It shall not be necessary for the state to negate any exemption or
 25 exception set forth in this ~~part~~ Part in any complaint, information, indictment, or
 26 other pleading or in any trial, hearing, or other proceeding under this ~~part~~ Part, and
 27 the burden of proof of any such exemption or exception shall be upon the person
 28 claiming its benefit.

29 B. In the absence of proof that a person is the duly authorized holder of an
 30 appropriate registration or order form issued under this ~~part~~ Part, he shall be

1 presumed not to be the holder of such registration or form, and the burden of proof
2 shall be upon him to rebut such presumption.

3 C. No liability shall be imposed by virtue of this Part upon any duly
4 authorized law enforcement officer, the Louisiana Board of Pharmacy or its
5 employees as provided in R.S. 40:984 engaged in the enforcement of any law,
6 regulation, or municipal ordinance relating to controlled dangerous substances.

7 * * *

8 §992. Education and research

9 A. The Louisiana Board of Pharmacy is authorized to carry out educational
10 programs designed to prevent and deter misuse and abuse of controlled dangerous
11 substances. In connection with such programs it is authorized to:

12 * * *

13 B. The Louisiana Board of Pharmacy is authorized to encourage research on
14 misuse and abuse of controlled dangerous substances. In connection with such
15 research and in furtherance of the enforcement of this Part, it is authorized to:

16 * * *

17 C. The Louisiana Board of Pharmacy may authorize persons engaged in
18 research on the use and effects of dangerous substances to withhold the names and
19 other identifying characteristics of persons who are the subjects of such research.
20 Persons who obtain this authorization shall not be compelled, in any civil, criminal,
21 administrative, legislative, or other proceeding to identify the subjects of research for
22 which authorization was obtained.

23 D. The Louisiana Board of Pharmacy may authorize the possession and
24 distribution of controlled dangerous substances by persons engaged in research in
25 accordance with rules promulgated by the department. Persons who obtained this
26 authorization shall be exempt from state prosecution for possession and distribution
27 of dangerous substances to the extent authorized by the Louisiana Board of
28 Pharmacy.

29 E. The Louisiana Board of Pharmacy, with the concurrence and under the
30 supervision and control of the chief law enforcement officer of the jurisdiction

1 wherein the program is conducted, may authorize the possession and exhibition for
 2 educational purposes only of controlled dangerous substances by persons employed
 3 by local and state law enforcement agencies engaged in educational programs in
 4 accordance with rules promulgated by the Louisiana Board of Pharmacy. Persons
 5 acting pursuant to this authorization shall be exempt from state and local prosecution
 6 for the possession and distribution of dangerous substances to the extent authorized
 7 by the Louisiana Board of Pharmacy. The Louisiana Board of Pharmacy shall
 8 coordinate and evaluate the training programs of the various law enforcement
 9 agencies to ensure compliance with the rules promulgated regulating the possession
 10 and exhibition of controlled dangerous substances for educational purposes.

11 §993. Pending proceedings

12 A. Prosecutions; for any violation of law occurring prior to July 26, 1972,
 13 shall not be affected by this ~~part~~ Part or abated by reason thereof.

14 B. Civil seizures, forfeitures, and injunctive proceedings commenced prior
 15 to July 26, 1972, shall not be affected by this ~~part~~ Part or abated by reason thereof.

16 * * *

17 D. The provisions of this ~~part~~ Part shall be applicable to violations of law,
 18 seizures and forfeiture, injunctive proceedings, administrative proceedings, and
 19 investigations which occur following July 26, 1972.

20 * * *

21 §995. Short title

22 This ~~part~~ Part may be cited as the Uniform Controlled Dangerous Substances
 23 Law.

24 * * *

25 §996.1. Legislative findings

26 * * *

27 M. Louisiana law authorizes the secretary of the Louisiana Department of
 28 Health to add a substance to the schedules of controlled dangerous substances based
 29 upon certain criteria. The provisions of R.S. 40:996.1 through 996.6 are intended to
 30 provide additional options for the secretary of ~~the Louisiana Department of Health~~

1 to address imminent hazards to the public health, safety, and welfare caused by
2 dangerous substances.

3 * * *

4 §996.3. Declaration of a dangerous substance of the Louisiana Department of
5 Health

6 * * *

7 C. If the secretary has considered the factors provided for in Subsection A
8 of ~~the~~ this Section and has made the determinations required by the provisions of
9 Subsection B of this Section, a rule pursuant to the provisions of R.S. 40:996.5 may
10 be adopted declaring the substance a dangerous substance.

11 * * *

12 §1003. Definitions

13 As used in this Part, the following terms shall have the meaning ascribed to
14 them unless the context clearly indicates otherwise:

15 * * *

16 (12) "Prescriber" means a licensed ~~health care~~ healthcare professional with
17 prescriptive authority.

18 * * *

19 (14) "Prescription ~~Monitoring Program~~ monitoring program" or "PMP"
20 means the program established in R.S. 40:1004.

21 * * *

22 §1005. ~~Advisory~~ Prescription monitoring program advisory council

23 * * *

24 §1006. Reporting of prescription monitoring information

25 * * *

26 E. The ~~Prescription Monitoring Program's~~ prescription monitoring program's
27 agents, a dispenser, or a prescriber may report suspected violations of this Section
28 or violations of any law to any local, state, out-of-state, or federal law enforcement

1 agency, or the appropriate prosecutorial agency for further investigation or
2 prosecution.

3 * * *

4 §1007. Access to prescription monitoring information and audit trail information

5 * * *

6 B. The board shall maintain procedures to ensure that the privacy and
7 confidentiality of patients and patient information collected, recorded, transmitted,
8 and maintained, as well as audit trail information, is not disclosed to persons or
9 entities except as ~~in Subsections C, D, E, F, G, H, I, and J~~ authorized or required in
10 Subsections C through J of this Section.

11 * * *

12 I. The board may provide prescription monitoring information to any of the
13 following persons in accordance with procedures established by board regulation:

14 * * *

15 §1046. Recommendation of marijuana for therapeutic use; rules and regulations;
16 Louisiana Board of Pharmacy and the adoption of rules and regulations
17 relating to the dispensing of recommended marijuana for therapeutic use; the
18 Department of Agriculture and Forestry and the licensure of a production
19 facility

20 * * *

21 F. A person who recommends and person who dispenses marijuana,
22 tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant
23 to this Section shall review the patient's information in the ~~Prescription Monitoring~~
24 ~~Program~~ database of the prescription monitoring program established in R.S.
25 40:1001 et seq. prior to the recommending and dispensing thereof.

26 * * *

27 §1049.7. Board of ~~Pharmacy~~ pharmacy access to information

28 * * *

1 §1058. Serenity House; designation as a program under the Louisiana Department
2 of Health

3 A. The Serenity House, located in Monroe, Louisiana, is hereby created as
4 a program under the administration and control of the Louisiana Department of
5 Health; for the education, rehabilitation, and treatment of alcoholics or persons with
6 an alcohol problem.

7 B. Such a program shall not be established until such time as the necessary
8 funds are appropriated.

9 * * *

10 §1071.1. Definitions

11 For the purposes of this Part, the following definitions shall apply:

12 * * *

13 §1079.1. Medical treatment

14 * * *

15 D. No hospital and no physician licensed to practice medicine in this state
16 shall incur civil or criminal liability in connection with any examination, diagnosis
17 and treatment authorized by this ~~section~~ Section except for negligence.

18 * * *

19 §1081.9. Hemophilia; state treatment program; advisory committee

20 * * *

21 D. Funds shall be made available under this program without regard to race
22 or age.

23 * * *

24 §1087.1. Comprehensive sports injury management program for student athletics

25 A. Each high school that sponsors or sanctions any athletic activity in this
26 state, and which requires a participating student to regularly practice or train and
27 compete, is subject to the terms of the injury management program provided for in
28 Subsections B through F of this Section.

29 B. The injury management program shall:

30 * * *

1 (2) Require that any coach, game official, on-field licensed ~~health care~~
2 healthcare provider, or athletic trainer remove a student from practice, training, or
3 competition if any of the following circumstances occur:

4 * * *

5 (3) Ensure that any student who, in accordance with the provisions of this
6 Subpart, is removed from practice, training, or competition:

7 (a) Shall, as soon as practicable after reporting or exhibiting any sign or
8 symptom of a serious sports injury, be examined by a health professional duly
9 licensed in this state to provide ~~health care~~ healthcare services or medical treatment.

10 (b) May be allowed to return to practice, training, or competition only after
11 the student provides to the coach and an athletic trainer written authorization from
12 a health professional duly licensed in this state to provide ~~health care~~ healthcare
13 services or medical treatment.

14 * * *

15 §1089.2. Definitions

16 As used in this Subpart:

17 (1) "~~Health care~~ Healthcare provider" means a physician as defined in R.S.
18 37:1262(2), a licensed nurse practitioner, a licensed physician assistant, or a licensed
19 psychologist, which person has received training in neuropsychology or concussion
20 evaluation and management.

21 * * *

22 §1089.3. Louisiana youth athlete concussion education requirements

23 * * *

24 C.

25 * * *

26 (2)

27 * * *

28 (b) Training ~~material~~ materials made available by the United States Centers
29 for Disease Control and Prevention "~~CDC~~" (CDC) entitled, "Heads Up: Concussion
30 in Youth Sports" and any amendments or updates thereto, training ~~material~~ materials

1 made available by the National Federation of High Schools for the Louisiana High
 2 School Athletic Association and any amendments or updates thereto, or other
 3 training materials substantively and substantially similar to the CDC materials, along
 4 with dissemination of a copy of the statutory requirements which must be satisfied
 5 in order for a youth athlete who has or is suspected to have sustained a concussion
 6 to return to play in the athletic activity, shall be deemed to satisfy the education
 7 requirements provided for in this Section.

8 §1089.4. Removal from and return to play

9 A. A coach who is required to complete concussion recognition education
 10 pursuant to this Subpart shall immediately remove any youth athlete from a game,
 11 competition, or practice if any of the following occurs:

12 * * *

13 (3) The coach or official is notified that the youth athlete has reported or
 14 exhibited any defined sign or symptom of a concussion and is reasonably suspected
 15 of sustaining a concussion by any of the following persons:

16 (i) (a) A licensed, registered, or certified medical ~~health care~~ healthcare
 17 provider operating within ~~their respective~~ his scope of practice. The medical ~~health~~
 18 ~~care~~ healthcare provider performing an evaluation, for the purposes of this
 19 Subsection, upon a youth athlete suspected of sustaining a concussion or brain injury
 20 may be a volunteer.

21 (ii) (b) Any other licensed, registered, or certified individual whose scope of
 22 practice includes the recognition of concussion symptoms. The individual
 23 performing an evaluation, for the purposes of this Subsection, upon a youth athlete
 24 suspected of sustaining a concussion or brain injury may be a volunteer.

25 B. If a youth athlete is removed from play pursuant to this Section and the
 26 signs and symptoms cannot be readily explained by a condition other than
 27 concussion, the coach shall notify the athlete's parent or legal guardian and shall not
 28 permit the youth athlete to return to play or participate in any supervised team
 29 activities involving physical exertion, including games, competitions, or practices,
 30 until the youth athlete is evaluated by a ~~health care~~ healthcare provider and receives

1 written clearance from the ~~health care~~ healthcare provider for a full or graduated
2 return to play.

3 C. After a youth athlete who has sustained a concussion or head injury has
4 been evaluated and received clearance for a graduated return to play from a ~~health~~
5 ~~care~~ healthcare provider, an organization or association of which a school or school
6 district is a member, a private or public school, a private club, a public recreation
7 facility, or an athletic league may allow a licensed athletic trainer with specific
8 knowledge of the athlete's condition to manage the athlete's graduated return to play.

9 * * *

10 §1101.1. Legislative intent

11 The legislature finds and declares that:

12 (1) Certain nursing home and related facilities, ~~residential care/assisted~~
13 ~~living~~ residential care facilities, assisted living facilities, adult congregate living
14 facilities, home health agencies, home- and community-based service providers
15 which provide adult day care services, hospices, and continuing care retirement
16 communities are presently known to offer to provide or provide a special program
17 or special unit for persons who have Alzheimer's disease or a related disorder.

18 * * *

19 §1105.3. Powers; duties

20 The president shall:

21 * * *

22 (3) Cooperate with the National Cancer Institute, the United States Centers
23 for Disease Control and Prevention, and other national and international cancer
24 surveillance programs designated by the Louisiana Tumor Registry in providing
25 cancer data.

26 * * *

27 §1105.6. Reports; liability for

28 * * *

29 E. All information regarding ~~case-specific~~ case-specific data, as
30 distinguished from group, tabular, or aggregate data concerning patients or health

1 care providers contained in records of interviews, written reports, and statements
 2 procured by the president or by any other person, agency, or organization acting in
 3 connection with cancer morbidity and mortality studies shall be confidential and
 4 privileged and shall be used solely for the purposes of the study. Nothing in this
 5 Section shall prevent the president from publishing compilations relating to
 6 morbidity and mortality studies which do not identify ~~case-specific~~ case-specific data
 7 or sources of information.

8 * * *

9 §1105.8. Disclosure of medical records to cancer registries

10 * * *

11 F. No ~~case-specific~~ case-specific data shall be available for subpoena nor
 12 shall it be disclosed, discoverable, or compelled to be produced in any civil, criminal,
 13 administrative, or other proceeding, nor shall such records be deemed admissible as
 14 evidence in any civil, criminal, administrative, or other tribunal or court for any
 15 reason. Nothing in this Section shall supersede the provisions of R.S. 40:3.1(A)
 16 through (H).

17 * * *

18 §1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry
 19 data

20 * * *

21 B.(1) The tumor registry shall collaborate with the National Cancer Institute,
 22 the United States Centers for Disease Control and Prevention, the North American
 23 Association of Central Cancer Registries, the International Agency for Research on
 24 Cancer, and any other national or international cancer surveillance program it may
 25 designate in providing cancer data and participating in cancer studies.

26 * * *

27 F.

28 * * *

29 (3) In collaborating with a requestor as provided in Paragraph (2) of this
 30 Subsection, the research committee shall employ methods for de-identifying

1 case-specific data as defined by the United States Centers for Disease Control and
2 Prevention and any other de-identification or statistical methods for disclosure
3 protection.

4 * * *

5 §1107.1. Purpose

6 The legislature hereby finds and declares that:

7 (1) Cystic fibrosis is a chronic and ~~life-threatening~~ life-threatening genetic
8 disorder affecting respiratory, digestive, and other bodily functions which requires
9 medical treatment and care on a continuing basis.

10 * * *

11 §1111.3. Protocols and guidelines; supply to ~~health care~~ healthcare and community
12 service providers; education and prevention program; voluntary testing
13 program; training of counselors

14 * * *

15 B. The guidelines provided in Subsection A of this Section may include but
16 need not be limited to guidelines for the following:

17 * * *

18 (5) Protocols for public safety and ~~health care~~ healthcare workers who come
19 in contact with hepatitis C patients.

20 * * *

21 C. The department shall develop a program to heighten awareness and
22 enhance knowledge and understanding of hepatitis C. The department shall:

23 * * *

24 (3) Identify to ~~health care~~ healthcare providers and employers the benefits
25 of disease awareness and prevention.

26 * * *

27 F. Specifically regarding the increased risk to veterans, the department shall
28 make available to all veterans, physicians, other ~~health care~~ healthcare providers, and
29 other persons at high risk for hepatitis C, educational materials, in written and
30 electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. Such

1 materials shall include the recommendations of the United States Centers for Disease
2 Control and Prevention, United States Department of Health and Human Services,
3 and any other entity having knowledge on hepatitis C, including the American Liver
4 Foundation.

5 * * *

6 §1117.1. Persons admitted and committed to sanatoria

7 * * *

8 B. The Louisiana Department of Health shall also admit to any state-
9 operated hospital any person having tuberculosis who has been sentenced by any
10 district court in the state for violating those provisions of the state sanitary code
11 dealing with isolation ~~and/or~~ or quarantine of communicable disease and who at the
12 discretion of the court has been specifically committed to serve his sentence at ~~said~~
13 such a hospital. This provision shall not be construed to mean that the Louisiana
14 Department of Health must provide security measures at ~~said~~ the hospital for
15 retaining these offenders. Furthermore, if any person committed to a state-operated
16 hospital by court order for violating those provisions of the sanitary code dealing
17 with isolation ~~and/or~~ or quarantine of communicable disease creates a grave
18 disciplinary problem and tends to disrupt the efficient operation of that institution,
19 or leaves without completing his sentence and without authority, the superintendent
20 of ~~said~~ the hospital shall petition the court which committed ~~said~~ the person to
21 transfer that person to the hospital section of the state penitentiary or to order that
22 person to be apprehended and committed to that institution for the remainder of his
23 sentence.

24 * * *

25 §1121.11. Penalty

26 Whoever violates any provision of this ~~Sub-part~~ Subpart or any rule or
27 regulation made hereunder shall, for the first offense, be fined not less than ten
28 dollars nor more than two hundred dollars. For the second offense, he shall be fined
29 not less than twenty-five dollars nor more than four hundred dollars. For each
30 subsequent offense, he shall be fined not less than fifty dollars nor more than five

1 hundred dollars or imprisoned for not less than ten days nor more than six months,
2 or both.

3 * * *

4 §1135.13. Ambulance Transport Alternatives Task Force; pilot program; rules and
5 regulations

6 * * *

7 D. The task force shall study and evaluate all data available to carry out its
8 duties in anticipation of the pilot program being implemented when fully funded.
9 The task force shall evaluate and make recommendations on all matters within their
10 jurisdiction, including but not limited to:

11 * * *

12 (3) Methods for early destination evaluation and advanced assessment to
13 determine if a 9-1-1 patient could be safely treated at an alternative medical facility,
14 such as an urgent care clinic, community clinic, medical group office, detoxification
15 center, mental health hospital, or other appropriate ~~health care~~ healthcare facility.

16 * * *

17 I. Based upon the recommendation of the task force, the secretary of the
18 Louisiana Department of Health shall promulgate the necessary rules and regulations
19 to implement the provisions of this Section in accordance with the Administrative
20 Procedure Act. Such rules and regulations shall include provisions for the health and
21 safety of the patients transported to alternative destinations as well as the
22 reimbursement methodology to cover alternative destination transport by a ground
23 ambulance service provider to ensure that reimbursement rates are reasonable; and
24 adequate, and that coverage is available by the patient's payor source.

25 * * *

26 §1155.6. General application

27 * * *

28 D. It is the policy of the state of Louisiana that human life is of the highest
29 and inestimable value through natural death. When interpreting this Subpart, any
30 ambiguity shall be interpreted to preserve human life, including the life of an unborn

1 child if the qualified patient is pregnant and an obstetrician who examines the
 2 woman determines that the probable postfertilization age of the unborn child is
 3 twenty or more weeks and the pregnant woman's life can reasonably be maintained
 4 in such a way as to permit the continuing development and live birth of the unborn
 5 child, and such determination is communicated to the relevant classes of family
 6 members and persons designated in ~~R.S. 40:1299.58.5~~ R.S. 40:1151.4.

7 * * *

8 §1157.3. Exception to obtaining informed consent; human immunodeficiency virus
 9 or other infectious agents

10 A. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
 11 contrary, whenever it is determined by the hospital infection control committee or
 12 equivalent body that an agent or employee of a hospital, or a physician having
 13 privileges at the hospital, has been exposed to the blood or bodily fluids of a patient;
 14 in such a manner as to create any risk that the agent, employee, or physician may
 15 become infected with the human immunodeficiency virus or other infectious agent
 16 if the patient is infected with the human immunodeficiency virus or other infectious
 17 agent, in accordance with the infectious disease exposure guidelines of the United
 18 States Centers for Disease Control and Prevention, or the infectious disease exposure
 19 standards of the ~~health-care~~ healthcare facility where the exposure occurred, then the
 20 hospital infection control committee may, without the consent of the patient, conduct
 21 such tests on blood previously drawn or bodily fluids previously collected as are
 22 necessary to determine whether the patient is, in fact, infected with the virus or other
 23 agent believed to cause acquired immune deficiency syndrome or other infectious
 24 disease. If no previously drawn blood or collected bodily fluids are available or are
 25 suitable, the hospital may order, without the consent of the patient, that blood, bodily
 26 fluids, or both be drawn and collected from the patient to conduct the necessary tests.

27 B. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
 28 contrary, whenever it is determined by the infectious disease control officer of any
 29 law enforcement, fire service, or emergency medical service agency or organization
 30 that an agent or employee of the agency or organization has been exposed to the

1 blood or bodily fluids of a patient while rendering emergency medical services to,
 2 transporting, or treating an ill or injured patient in such a manner as to create any risk
 3 that the agent or employee may become infected with the human immunodeficiency
 4 virus or other infectious agent if the patient is infected with the human
 5 immunodeficiency virus or other infectious agent, in accordance with the infectious
 6 disease exposure guidelines of the United States Centers for Disease Control and
 7 Prevention, or the infectious disease exposure standards of the agency or
 8 organization, then the infectious disease control officer of the agency or organization
 9 may present the facts to the infection control committee of the hospital or other
 10 ~~health-care~~ healthcare facility to which the patient has been transported. If the
 11 hospital infection control committee agrees that there has been a potential exposure
 12 to the agency or organization personnel, the hospital infection control committee
 13 may, while the patient is in such hospital and without the consent of the patient,
 14 conduct such tests as are provided for in this Section.

15 * * *

16 §1165.1. ~~Health-care~~ Healthcare information; records

17 * * *

18 C.

19 * * *

20 (2) A person or entity otherwise subject to the provisions of this Section who
 21 provides medical records to a nonprofit organization assisting with ~~social security~~
 22 Social Security or ~~medicaid~~ Medicaid applications may waive or charge an amount
 23 less than the maximum charges set forth in Item (A)(2)(b)(i) of this Section.

24 * * *

25 §1165.3. Contact lens prescription; contents; expiration; restrictions on filling;
 26 release; penalties

27 * * *

28 B. No owner, employer, or agent of any business establishment that buys,
 29 sells, offers to sell, dispenses, or gives away prescription contact lenses may fill a

1 contact lens prescription unless the information provided in Subsection A of this
2 Section is included on the prescription or after the expiration date of the prescription.

3 * * *

4 §1171.1. Purpose; intent; insurance and R.S. 40:1157.3 not affected

5 The legislature recognizes that confidentiality protection for information
6 related to human immunodeficiency virus (HIV) infection and acquired
7 immunodeficiency syndrome (AIDS) is an essential public health measure. In order
8 to retain the full trust and confidence of persons at risk, the state has an interest both
9 in assuring that HIV test results are not improperly disclosed and in having clear and
10 certain rules for the disclosure of such information. By providing additional
11 protection for the confidentiality of HIV test results, the legislature intends to
12 encourage the expansion of voluntary confidential testing for HIV so that individuals
13 may come forward, learn their health status, make decisions regarding the
14 appropriate treatment, and change behaviors that put them and others at risk of
15 infection. The legislature also recognizes that confidentiality protections can limit
16 the risk of discrimination and the harm to an individual's interest in privacy that
17 unauthorized disclosure of HIV test results can cause. It is not the intent of the
18 legislature to create any new right, right of action, or cause of action or eliminate any
19 right, right of action, or cause of action existing under current law. It is further not
20 the intent of the legislature that this Chapter repeal, amend, or in any way affect the
21 provisions of R.S. 40:1157.3 relative to the ability of a physician or employee of a
22 hospital who may become infected with ~~the human immunodeficiency virus~~ HIV to
23 test the blood of a patient without the patient's consent. It is the intent of the
24 legislature that in the case of a person applying for or already insured under an
25 insurance policy, who will be or has been the subject of a test to determine infection
26 for ~~human immunodeficiency virus (HHV)~~ HIV, all facets of insurers' practices in
27 connection with ~~HHV-related~~ HIV-related testing and HIV test results and all facets
28 of other entities' and individuals' interactions with insurers relating to ~~HHV-related~~
29 HIV-related testing or HIV test results shall be governed exclusively by Title 22 of
30 the Louisiana Revised Statutes of 1950 and any regulations promulgated pursuant

1 thereto by the commissioner of ~~the Department of Insurance~~ insurance who shall
2 have the authority to promulgate such regulations.

3 §1171.2. Definitions

4 As used in this Subpart, the following terms have the meaning ascribed in this
5 Section unless the context clearly indicates otherwise:

6 (1) "Contact" is a sex-sharing or needle-sharing partner, a person who has
7 had contact with blood or body fluids to which universal precautions apply through
8 percutaneous inoculation or contact with an open wound, non-intact skin, or mucous
9 membrane, or a person who has otherwise been exposed to an HIV-infected person
10 in such a way that infection may have occurred as defined by the Louisiana
11 Department of Health regulations based upon guidelines of the United States Centers
12 for Disease Control and Prevention.

13 ~~A. (2)~~ "HIV-related test" is a test which is performed solely to diagnose
14 infection with ~~Human Immunodeficiency Virus~~ human immunodeficiency virus
15 (HIV).

16 ~~B. (3)~~ "HIV test result" is the original document, or copy thereof, transmitted
17 to the medical record from the laboratory or other testing site the result of an
18 HIV-related test. The term shall not include any other note, notation, diagnosis,
19 report, or other writing or document.

20 ~~C. "Contact" is a sex-sharing or needle-sharing partner, a person who has had~~
21 ~~contact with blood or body fluids to which universal precautions apply through~~
22 ~~percutaneous inoculation or contact with an open wound, non-intact skin, or mucous~~
23 ~~membrane, or a person who has otherwise been exposed to an HIV infected person~~
24 ~~in such a way that infection may have occurred as defined by the Louisiana~~
25 ~~Department of Health regulations based upon Center for Disease Control guidelines.~~

26 * * *

1 SUBPART C. LOUISIANA ~~HEALTH CARE~~ HEALTHCARE

2 CONSUMERS' RIGHT TO KNOW

3 * * *

4 §1173.2. Definitions

5 As used in this Subpart, the following terms have the meaning ascribed to
6 them in this Section:

7 (1) "Confidential information" means at least one of the following:

8 (a) ~~Patient level~~ Patient-level data elements that could be used alone or in
9 combination with other available data elements to identify a patient.

10 * * *

11 §1173.3. Data collection; powers and duties of the Louisiana Department of Health

12 The department, through the office of public health and in consultation with
13 the Health Data Panel, shall:

14 * * *

15 (3) Identify the most practical methods to collect, transmit, and share
16 required ~~health care~~ healthcare data as described in this Subpart.

17 * * *

18 (8) Include, when appropriate, risk-adjustment measures into the production
19 of all ~~health care~~ healthcare cost, quality, and performance data issued to account for
20 variation in facility size, location, and patient acuity levels.

21 * * *

22 §1173.4. Health Data Panel; advisory council to the secretary of the Louisiana
23 Department of Health

24 * * *

25 B. Members of the Health Data Panel shall be appointed by the secretary and
26 shall represent all interests involved in the collection and publication of ~~provider and~~
27 ~~health plan specific~~ provider- and health plan-specific cost, quality, and performance
28 data elements. Members shall include but not be limited to ~~health care~~ purchasers
29 of health care, hospitals and other service providers, consumer and patient advocacy

1 groups, quality improvement and health information technology groups, physicians,
2 and any other individuals or groups as deemed necessary by the secretary.

3 * * *

4 §1173.5. Release of information

5 A. To ensure the privacy and protection of Louisianans' health information,
6 the department shall not release confidential or protected health information
7 collected from hospitals and other ~~health-care~~ healthcare providers pursuant to this
8 Subpart. The department shall adhere to and comply fully with appropriate privacy
9 protection protocols that are at least as stringent as the HIPAA Privacy Rule.

10 B. Notwithstanding Subsection A of this Section, the department may release
11 data collected pursuant to this Subpart for the purpose of conducting ~~health-care~~
12 healthcare research which is a systematic investigation, including research
13 development, testing, and evaluation, designed to develop or contribute to
14 generalizable knowledge. All requests for data collected pursuant to this Subpart
15 shall be submitted to the department and reviewed by the department's Institutional
16 Review Board. The department shall deny any requests for data that it determines
17 will be utilized for business or commercial purposes, including but not limited to
18 market analysis and software development. The department shall have one
19 representative of the provider group whose data is subject to the data release on the
20 Institutional Review Board.

21 C. Each data request shall state the proposed use of the data requested and
22 include an affirmation by the recipient that no ~~attempts~~ attempt will be made to
23 combine ~~patient-level~~ patient-level data provided for in the request with other data
24 to identify patients and that no confidential information shall be released.

25 * * *

26 §1173.6. Violations; penalties

27 * * *

28 B. All ~~health-care~~ healthcare providers licensed by the state, including but
29 not limited to hospitals, outpatient surgical facilities, and outpatient clinical facilities

1 shall submit information in the manner and form prescribed in rules and regulations
2 promulgated by the department pursuant to this Subpart.

3 * * *

4 E. Renewal of state licenses issued by the Louisiana Department of Health,
5 Department of Insurance, or health professional licensing, certification, or
6 registration boards and commissions shall be predicated in part on compliance with
7 data reporting requirements of this Subpart and rules and regulations promulgated
8 thereunder. Prior to relicensing, the secretary shall confirm compliance with data
9 reporting requirements in writing to the appropriate permitting or licensing authority.
10 The permit, certification, or license of any ~~health-care~~ healthcare provider, health
11 plan, or facility covered by this Subpart shall be suspended until such time as the
12 required data is submitted to the department.

13 * * *

14 §1183.2. Legislative findings; purpose

15 A. The legislature finds that:

16 (1) Federally ~~Qualified Health Centers~~ qualified health centers (FQHCs)
17 provide most of the ~~health-care~~ healthcare services required by a substantial number
18 of ~~low-income~~ low-income residents living in the state and therefore constitute an
19 invaluable part of the ~~health-care~~ healthcare delivery system of the state.

20 * * *

21 (5) Absent intervention, continued reductions in the Medicare and Medicaid
22 programs, as well as changes in ~~health-care~~ healthcare reimbursement methodologies
23 and the continued spread of managed care, may result in the closure of the state's
24 FQHCs, thereby jeopardizing the very existence of a vital link in the ~~health-care~~
25 healthcare delivery system for residents residing in medically underserved areas of
26 the state.

27 * * *

1 §1183.4. Medical assistance programs; FQHC reimbursement

2 A. The department shall adopt regulations that provide the following:

3 (1) A Medicaid cost-based reimbursement methodology that reimburses
4 FQHCs for all costs related to patients, utilizing the most recent cost report
5 information available to the department. The department shall seek to ~~insure~~ ensure
6 that the reimbursement will be available to FQHCs under the Medicaid program,
7 either through payments received by FQHCs from managed care organizations
8 contracting with the department or its designee, or through supplemental payments
9 as necessary from the department based on availability of funds to the extent
10 permitted by federal law.

11 * * *

12 §1189.2. Legislative findings; purpose

13 A. The legislature finds that:

14 (1) Small rural hospitals provide most of the health care services required by
15 a substantial number of ~~low income~~ low-income rural residents living in the state and
16 therefore constitute an invaluable part of the health care delivery system of the state.

17 * * *

18 §1201.1. Clinical preceptor nurse aide training program; legislative intent

19 The Legislature of Louisiana hereby finds that there is a serious need for
20 adequately trained certified nurse aides and, therefore, it is in the best interest of the
21 state to maximize the opportunities which are available to students who are seeking
22 to become certified nurse aides. The legislature further finds that a clinical preceptor
23 nurse aide training program operated by the Louisiana ~~Technical and Community~~
24 Community and Technical College System in conjunction with nursing homes
25 located throughout the state not only provides a viable method of training but also
26 provides such training at a considerably lower cost than the traditional method of
27 training.

28 * * *

1 §1203.1. Definitions

2 For the purposes of this Part:

3 * * *

4 (3) "Employer" means any of the following facilities, agencies, providers,
5 or programs:

6 * * *

7 (o) An adult day ~~healthcare~~ health care provider as defined in R.S.
8 40:2120.42.

9 * * *

10 (5) "Nonlicensed person" means any person who provides for compensation
11 nursing care or other health-related services directly related to patient care to
12 residents in or patients of a nursing facility, intermediate care facility for people with
13 developmental disabilities, adult residential care facility or provider, pediatric day
14 ~~healthcare~~ health care facility, adult day ~~healthcare~~ health care center, psychiatric
15 residential treatment facility, end stage renal disease facility, behavioral health
16 services provider, home health agency, hospice agency, provider of ambulance
17 services, hospital, adult brain injury facility, crisis receiving center, pain
18 management clinic, outpatient abortion facility, rural health clinic, ambulatory
19 surgical center, therapeutic group home, forensic supervised transitional residential
20 and aftercare facility, case management provider, or home- and community-based
21 service provider and who is not a licensed health provider. "Nonlicensed person"
22 also means any person who provides such services to individuals in their own homes
23 as an employee or contract provider of a home health agency, hospice, or home- and
24 community-based service provider. "Nonlicensed person" also means any other
25 direct service worker as defined in R.S. 40:2179 and 2179.1.

26 * * *

27 §1211.4. Mammography and ultrasound reports; transmittal to patients required

28 * * *

29 B.

30 * * *

1 (2) A healthcare facility subject to the requirements of this Section may
2 transmit mammography and ultrasound reports to patients in any manner that
3 comports with the provisions of ~~42~~ 45 CFR Part 164 relative to security and privacy
4 of health information.

5 * * *

6 §1217.16. Report

7 The medical center shall prepare and submit an annual report concerning its
8 findings, progress, and activities to the governor, the president of the Senate, the
9 speaker of the House of Representatives, and the chairmen of the House and Senate
10 ~~Committees on Health and Welfare~~ committees on health and welfare at least sixty
11 days prior to the legislative session and shall report on the state's total need in the
12 area of kidney health care.

13 * * *

14 §1219.2. Definitions

15 As used in this Part, the following terms shall have the following meanings:

16 (1) "Federal poverty guidelines" means the most recent poverty guidelines
17 as published in the ~~federal register~~ Federal Register by the United States Department
18 of Health and Human Services.

19 * * *

20 (3) ~~"Office" means the Office of Elderly Affairs within the governor's office.~~
21 "Office of elderly affairs" and "office" mean the office of elderly affairs within the
22 office of the governor.

23 * * *

24 §1219.3. Louisiana Senior Rx and Aging and Disability Information Station
25 Programs; legislative findings; creation; eligibility

26 A. The legislature finds that the pharmaceutical manufacturers, seeing a need
27 for such programs, have created charitable programs to aid low-income seniors and
28 persons with adult-onset disabilities with the cost of prescription drugs. The
29 legislature recognizes that seniors and adults with disabilities need assistance in
30 locating and accessing available supports and services. The legislature also finds

1 that many persons are unaware of such programs or do not know how to apply for
 2 or need assistance in applying for such programs. It is the intent of the legislature
 3 that ~~programs be implemented in the Office of Elderly Affairs within the governor's~~
 4 ~~office~~ the office of elderly affairs implement programs to assist seniors and persons
 5 with an adult-onset disability in assessing those programs.

6 B. The Louisiana Senior Rx and Aging and Disability Information Station
 7 Programs are hereby established in the ~~Office of Elderly Affairs within the~~
 8 ~~governor's office~~ office of elderly affairs to help seniors and persons with adult-onset
 9 disabilities in accessing manufacturers' discount cards and pharmaceutical assistance
 10 programs and to assist such persons in applying for those and other supports and
 11 service programs.

12 * * *

13 §1219.4. Services

14 A. Subject to appropriation for the programs, the ~~department~~ office shall
 15 provide assistance to persons determined to be eligible for services authorized by this
 16 Part. The assistance provided by the office shall include:

17 * * *

18 §1221.2. Definitions

19 As used in this Part, the following terms shall have the meaning ascribed in
 20 this Section:

21 * * *

22 (2) "Federal poverty level" means the most recent poverty guidelines as
 23 published in the ~~federal register~~ Federal Register by the United States Department
 24 of Health and Human Services.

25 * * *

26 §1226.1. Definitions

27 As used in this Part, the following terms shall have the meanings ascribed to
 28 them in this Section unless otherwise provided for or unless the context otherwise
 29 indicates:

30 * * *

1 (2) "Caregiver" means an individual who meets all of the following
2 conditions:

3 * * *

4 (c) Is identified by the patient or, if applicable, the legal guardian of the
5 patient as a person who is involved with the health care of the patient pursuant to 45
6 ~~C.F.R.~~ CFR §164.510(b), as it existed on January 1, 2015.

7 * * *

8 §1231.5. Investment responsibilities

9 * * *

10 E.(1) The board shall electronically submit semiannual reports beginning
11 January 1, 2012, to the House Committee on Civil Law and Procedure and the Senate
12 Committee on Judiciary A. The reports shall be submitted no later than thirty
13 calendar days after January first and July first of each year and shall contain the
14 following:

15 * * *

16 (c) The ~~board approved~~ board-approved target asset allocation.

17 * * *

18 §1237.1. Definitions and general application

19 * * *

20 J. The office of risk management, with the concurrence of counsel
21 designated as provided for in Subsection I of this Section, shall have the authority
22 to compromise or settle, and pay any suit or claim brought pursuant to this Part up
23 to twenty-five thousand dollars exclusive of interest and costs. The compromise or
24 settlement, and payment of any suit or claim of twenty-five thousand dollars or more,
25 exclusive of interest and costs, shall be governed by the provisions of R.S.
26 39:1535(B)(6) and (D)(1), as may be applicable.

27 * * *

1 SUBPART B. ~~HEALTH CARE~~ HEALTHCARE PROVIDERS

2 UPPER PAYMENT LIMIT FINANCING METHODOLOGY

3 §1243.1. ~~Health care~~ Healthcare providers; upper payment limit

4 A. Subject to appropriation, the Louisiana Department of Health may
5 develop and maintain a Medicaid upper payment limit financing methodology which
6 incorporates any ~~health care~~ healthcare provider licensed by the Louisiana
7 Department of Health. The purpose of developing an upper payment limit financing
8 methodology is to enhance the delivery of ~~health care~~ healthcare services to the
9 uninsured and Medicaid patients. Any such upper payment limit financing
10 methodology shall be in accordance with federal law and subject to approval by the
11 Centers for Medicare and Medicaid Services.

12 * * *

13 §1243.3. Upper payment limit mechanism for ambulatory surgical centers

14 A. The Louisiana Department of Health is authorized to seek approval from
15 the ~~Center~~ Centers for Medicare and Medicaid Services of a program designed to
16 reimburse ambulatory surgical centers that have an agreement with a governmental
17 entity or entities to provide enhanced Medicaid services.

18 * * *

19 §1253.3. Louisiana Behavioral Health Partnership; reporting

20 A. The Louisiana Department of Health shall submit an annual report for the
21 Coordinated System of Care and an annual report for the Louisiana Behavioral
22 Health Partnership to the Senate and House committees on health and welfare. The
23 report shall be submitted by June thirtieth of each year, and the applicable reporting
24 period shall be for the previous state fiscal year. The report shall include but not be
25 limited to the following information:

26 * * *

27 (9) The percentage of clean claims paid for each provider type within thirty
28 calendar days and the average number of days to pay all claims for each ~~human~~
29 ~~service district~~ human services district or authority or local government entity.

30 * * *

1 §1261. Health report card

2 A.(1) The Louisiana Department of Health shall annually prepare a health
3 report card indicating the overall state of health in Louisiana concerning but not
4 limited to the following issues:

5 * * *

6 (k) An assessment of the state ~~health care~~ healthcare delivery system.

7 * * *

8 (3) Any benefits plan that contracts with the state to provide or coordinate
9 the provision of ~~health care~~ healthcare services to a Medicaid recipient or other
10 person whose enrollment costs are paid wholly or in part by the state under a
11 Medicaid waiver shall submit a report card indicating the overall health of those
12 enrollees whose costs are paid wholly or in part by the state concerning but not
13 limited to the issues delineated in Paragraph (1) of this Subsection. Such report card
14 shall be prepared and submitted in accordance with guidelines established by the
15 department and shall be included in the written report described in Subsection C of
16 this Section.

17 * * *

18 §1261.1. Managed care organization; report

19 * * *

20 B. The report required by Subsection A of this Section shall contain issues
21 listed in R.S. 40:1261(A).

22 * * *

23 §1271.1. Infectious diseases; notification

24 * * *

25 B.(1) Whenever a patient is admitted to a hospital or nursing home by a
26 physician, and that physician has actual knowledge that the patient is infected with
27 one or more of the conditions described in Subsection A ~~hereof~~ of this Section, and
28 is aware of the transfer, the physician shall notify the hospital or nursing home of the
29 patient's condition.

1 (2) Whenever a patient is transferred from a nursing home to a hospital, or
 2 from a hospital to a nursing home, and the transferor's records reflect that patient is
 3 infected with one or more of the conditions described in Subsection A ~~hereof~~ of this
 4 Section, the transferor shall notify the transferee of the patient's condition.

5 (3) Whenever a patient is admitted to or treated at a hospital or nursing home
 6 and the hospital or nursing home has actual knowledge that the patient is infected
 7 with one or more of the conditions described in Subsection A ~~hereof~~ of this Section,
 8 the hospital or nursing home shall notify all ~~health care~~ healthcare providers
 9 involved in the treatment of that patient ~~of the patient's condition~~.

10 * * *

11 §1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties

12 A. In order to protect the people of this state from indiscriminate,
 13 unnecessary₂ and potentially harmful exposure to radiation, the operation or
 14 maintenance of any shoe fitting device or machine which uses fluoroscopic, X-ray₂
 15 or radiation principles shall be unlawful in this state, except where such device or
 16 machine is used under the direct supervision of an individual licensed in the use of
 17 diagnostic or therapeutic ionizing radiation in this state.

18 B. Whoever violates any provision of this Section shall be guilty of a
 19 misdemeanor, punishable by a fine of not more than five hundred dollars or
 20 imprisonment for not more than six months, or both₂, and each act in violation ~~hereof~~
 21 of this Section shall constitute a separate offense.

22 PART X. SPITTING ON FLOOR

23 §1279.1. Spitting on floors or walls of cars, depots, or public buildings prohibited;
 24 penalty

25 A. No person shall spit upon the floor or walls of any passenger car, street
 26 car, depot or waiting room, court house, church house, school house, or any other
 27 public building.

28 B. Whoever violates this Section shall be fined not less than five dollars nor
 29 more than twenty five dollars. In default of payment of fine and costs, the violator
 30 shall be imprisoned for not more than ten days.

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PART XI. WATER AND SEWERAGE

SUBPART A. WATER SUPPLY AND SEWERAGE SYSTEMS

§1281.1. Definitions

As used in this Subpart, the following terms shall have the meaning ascribed in this Section:

~~A. Committee--shall be~~ (1) "Committee" means the committee of certification.

~~B. Certificate--a~~ (2) "Certificate" means a certificate of competency issued by the state health officer stating that the operator has met the requirements for the specified operator classification as defined by the state health officer under R.S. 40:1281.3.

~~C. Louisiana conference--is~~ (3) "Louisiana conference" means the Louisiana Conference on Water Supply, Sewerage and Industrial Wastes.

~~D. Operator--shall mean~~ (4) "Operator" means the individual, as determined by the committee of certification, in attendance on site of a water supply system or a sewerage system and whose performance, judgment, and direction affects either the safety, sanitary quality, or quantity of water or sewage treated or delivered.

~~F. Sewage collection system--shall mean~~ (5) "Sewage collection system" means all components of a sewerage system except for the sewage treatment plant.

~~G. Sewage treatment plant--shall mean~~ (6) "Sewage treatment plant" means the facility or group of units provided for the treatment of wastewater and for the reduction and handling of sludge removed from such wastewater.

~~H. Sewerage system--shall mean~~ (7) "Sewerage system" means a system of piping and appurtenances, including sewage treatment facilities, for collecting and conveying wastewater from source to discharge.

~~I. State health officer--The~~ (8) "State health officer" means the secretary of the Louisiana Department of Health, hereinafter referred to as the "department," or his designee as provided in R.S. 40:2.

~~J. Wastewater--shall mean~~ (9) "Wastewater" means the spent water or sewage of a community containing the liquid or ~~water-carried~~ water-carried wastes

1 from residences, commercial buildings, and institutions along with any groundwater,
2 surface water, or storm water that may be commingled.

3 ~~K. Water distribution system--shall mean~~ (10) "Water distribution system"
4 means that portion of the water supply system in which water is conveyed from the
5 water treatment plant or other supply point to the premises of the consumer.

6 ~~L. Water production facility--shall mean~~ (11) "Water production facility"
7 means the system of water wells, impoundments reservoirs, aqueducts, pumps,
8 pipelines and other appurtenances necessary to produce and deliver the water
9 necessary for treatment and distribution to a community.

10 ~~M. Water supply system--shall mean~~ (12) "Water supply system" means the
11 system of pipes, structures and facilities through which water is obtained, treated and
12 sold, distributed or otherwise offered to the public for household or other uses.

13 ~~N. Water treatment plants--shall mean~~ (13) "Water treatment plant" means
14 that portion of the water supply system which in some way alters the physical,
15 chemical, or bacteriological quality of the water.

16 * * *

17 §1285.3. Mandatory reporting of lead poisoning cases required; comprehensive
18 records

19 A. Any local health officer, health unit supervisor, examining physician,
20 hospital, public health nurse, or reporting person shall report to the state health
21 officer or his designee the existence and circumstances of each case of lead
22 poisoning known to ~~them~~ him and not previously reported. Such reports shall be
23 made on forms prescribed by the state health officer or his designee. The state health
24 officer shall by regulation, and in accordance with current technical knowledge and
25 guidelines of the United States Centers for Disease Control and Prevention, United
26 States Environmental Protection Agency, and United States Department of Housing
27 and Urban Development guidelines ~~and current technical knowledge~~, define the
28 terms "lead poisoning" and "previously reported" and what constitutes hazardous
29 lead conditions in the environment.

1 B. When the state health officer or his designee is informed of a case of lead
 2 poisoning pursuant to Subsection A of this Section or otherwise, he shall strongly
 3 encourage the examination of all other children under the age of six years, and all
 4 other persons deemed at risk by the state health officer or his designee, residing or
 5 recently residing in the household of the person with lead poisoning. The results of
 6 such examinations shall be reported to the persons or agency reporting the original
 7 case pursuant to Subsection A of this Section, and to such other persons or agencies
 8 as the state health officer or his designee deems advisable.

9 §1285.4. Program for detection of lead poisoning sources; voluntary and
 10 compulsory inspections; posting dangerous areas; mandatory physical
 11 examinations

12 A.(1) The state health officer or his designee shall establish a comprehensive
 13 program for detection of sources of lead poisoning. Such program shall attempt, to
 14 the extent permitted by appropriations, to locate all dwellings in which the paint,
 15 plaster, or other accessible substance contains dangerous amounts of lead. The
 16 means of detection and the amount of lead that produces the danger of lead poisoning
 17 shall be determined by regulation by the state health officer in accordance with
 18 current technical knowledge and guidelines of the United States Centers for Disease
 19 Control and Prevention, United States Environmental Protection Agency, and United
 20 States Department of Housing and Urban Development ~~guidelines and current~~
 21 ~~technical knowledge~~.

22 * * *

23 §1285.7. Safety precautions; procedures for removal and repainting

24 * * *

25 D. Every owner of residential premises who violates the provisions of this
 26 ~~section~~ Section shall commence correction of the condition constituting the violation
 27 within fifteen days after notification of the violation, which project shall be
 28 completed within thirty days.

29 * * *

1 §1287.1. Equipment of steam plants in certain cities; penalty

2 A. The owner, manager, director, or agent of all steam plants located within
3 incorporated cities of fifty thousand or more inhabitants shall provide, for the use of
4 the steam plant, smoke consumers or other necessary appliances competent to
5 consume not less than seventy-five per cent of the smoke resulting from the burning
6 of fuel used in providing motive power for the plant.

7 B. Whoever violates this Section shall, for each day the plant is operated
8 without the required appliance, be fined twenty-five dollars or imprisoned for thirty
9 days.

10 * * *

11 §1291.3. Definitions

12 For the purposes of this Part, the following terms shall have the following
13 meanings unless the context clearly indicates otherwise:

14 * * *

15 (7) "Place of employment" means an area under the control of an employer
16 that employees normally frequent during the course of employment, including, but
17 not limited to, work areas, employee lounges, restrooms, conference rooms, meeting
18 rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence
19 is not a place of employment unless it is used as a licensed child care, adult day care,
20 or ~~health care~~ healthcare facility.

21 * * *

22 (9) "Public place" means an enclosed area to which the public is invited or
23 in which the public is permitted which is not a public building, including but not
24 limited to banks, educational facilities, ~~health care~~ healthcare facilities, hotel and
25 motel lobbies, laundromats, public transportation facilities, reception areas,
26 restaurants, retail food production and marketing establishments, retail service
27 establishments, retail stores, shopping malls, sports arenas, theaters, and waiting
28 rooms.

29 * * *

1 §1291.23. Development of smoke-free policies

2 A.(1) Public ~~post-secondary~~ postsecondary education institutions shall
3 develop smoke-free policies for its campuses.

4 * * *

5 B.(1) Nothing in this Section shall prohibit a public ~~post-secondary~~
6 postsecondary education institution from developing a tobacco-free policy for its
7 campus.

8 * * *

9 §1300.21. Furnishing and maintaining of resuscitators; penalties

10 A. At each publicly supervised swimming place there shall be located at least
11 one resuscitator in adequate operating condition furnished and maintained by the
12 governing authority which operates or supervises the swimming place. Such
13 governing authority shall furnish resuscitators of the dual model type designed to
14 work on two persons at the same time, together with at least four cylinders of oxygen
15 and at least two adult masks and two infant masks for each such dual model. At each
16 such swimming place such governing authority shall provide at least one ~~life guard~~
17 lifeguard thoroughly trained in the operation of such resuscitators and such ~~life guard~~
18 lifeguard shall be responsible for the maintenance thereof.

19 B. Whoever violates the provisions of this Section shall be fined not more
20 than one hundred dollars or imprisoned not more than thirty days, or both.

21 * * *

22 §1356. Limitation of liability; reporting impaired applicants for license or licensed
23 drivers; confidentiality

24 A. As used in this Part, "health care provider" means and includes any
25 person defined in ~~R.S. 40:1299.41(A)~~ R.S. 40:1231.1(A), and "board" means the
26 Louisiana Medical Advisory Board.

27 * * *

1 §1732. Definitions

2 As used in this Part:

3 (1) "ADA" means the Americans with Disabilities (Civil Rights) Act of 1990
4 (Public Law ~~336~~ 101-336).

5 * * *

6 CHAPTER 11. STATE DEPARTMENT OF ~~HOSPITALS~~ HEALTH

7 * * *

8 §2009.1. Rules and regulations; nursing home advisory committee

9 * * *

10 C.

11 * * *

12 (2) Ex officio members of the committee shall be:

13 (a) The assistant secretary of the office of ~~health services and environmental~~
14 quality public health.

15 * * *

16 D. It shall be the duty of the nursing home advisory committee to study the
17 requirements and regulations of the Louisiana Department of Health and the ~~U.S.~~
18 United States Department of Health, Education and Welfare or its successor, as
19 published in the Federal Register, in relation to the establishment of minimum
20 standards of maintenance and operations of nursing homes, and interpret such
21 regulations as apply to the administration and operation of nursing homes. The
22 Louisiana Department of Health shall then review such interpretations and submit
23 proposed rule changes to the committee for review prior to the publication of any
24 notice of intended action in the Louisiana Register and Louisiana Journal as provided
25 for in R.S. 49:953(A)(1).

26 * * *

27 §2009.2. Definitions

28 For the purposes of R.S. 40:2009.1 through R.S. 40:2009.19, unless the
29 context otherwise requires:

30 * * *

1 (2) "Health care facility" means any provider of health services which is
2 approved to receive ~~medicaid~~ Medicaid payments or which is a licensed nursing
3 home.

4 (3) "Nursing facility", "nursing home", or "home" means a private home,
5 institution, building, residence, or other place; serving two or more persons who are
6 not related by blood or marriage to the operator, whether operated for profit or not,
7 and including those places operated by a political subdivision of the state of
8 Louisiana, which undertakes, through its ownership or management, to provide
9 maintenance, personal care, or nursing for persons who, by reason of illness, ~~or~~
10 physical infirmity, or age, are unable to properly care for themselves. The term does
11 not include the following:

12 * * *

13 (b) A hospital, sanitarium, or other institution whose principal activity or
14 business is the care and treatment of persons suffering from tuberculosis or from
15 mental diseases.

16 (c) A hospital, sanitarium, or other medical institution whose principal
17 activity or business is the diagnosis, care, and treatment of human illness through the
18 maintenance and operation of organized facilities therefor.

19 (d) Any municipal, parish, or private child welfare agency, maternity
20 hospital, or lying-in home required by law to be licensed by some other department
21 or agency.

22 * * *

23 (f) Any nonprofit congregate housing program which promotes independent
24 living by providing assistance with daily living activities such as cooking, eating,
25 dressing, getting out of bed, and the like to persons living in a shared group
26 environment who do not require the medical supervision and nursing assistance
27 provided by nursing homes. No congregate housing program, except those licensed
28 or operated by the state of Louisiana, shall do any of the following:

29 ~~(1) use~~ (i) Use the term "nursing home" or any other term implying that it is
30 a licensed health care facility; ~~or.~~

1 without a doctor's prescription to any patron of any such nursing home. Any
 2 violation of this ~~section~~ Section by any employee, operator, or owner of a nursing
 3 home shall be cause for cancellation of license in accordance with the provisions of
 4 this Chapter, and such violator shall also be subject to the criminal penalties imposed
 5 by ~~R.S. 40:981~~ the Uniform Controlled Dangerous Substances Law, Part X of
 6 Chapter 4 of this Title, relating to narcotics or ~~R.S. 40:1046~~ relating to barbiturates
 7 insofar as applicable.

* * *

§2009.18. Notification of the procedure

10 The Louisiana Department of Health shall prepare and distribute to nursing
 11 homes in quantities appropriate to carry out the intent of this ~~section~~ Section a
 12 booklet setting forth the complaint procedure established by R.S. 40:2009.13 through
 13 ~~40:2009.17~~ 2009.17. This booklet shall include a summary of costs which the Title
 14 XIX nursing home payments cover, a list of most additional kinds of costs which
 15 could be incurred but which Title XIX nursing home payments do not cover, and
 16 other information the department deems necessary to assist the families, and the
 17 individuals admitted, to a better understanding of the adjustments relative to living
 18 in a nursing home. The booklet shall be distributed by all licensed nursing homes
 19 to all current patients and to all new patients on the date of their admission. In
 20 addition, notice of this complaint procedure, complete with the name, address, and
 21 telephone number of the licensing and certification section of the office of
 22 management and finance of the Louisiana Department of Health, shall be posted
 23 conspicuously in the nursing home at places where patients gather, including, but not
 24 limited to, the administrative office, the dining hall, the activity room, and all nurses'
 25 stations.

* * *

27 §2009.21. Mandatory screening of nursing home ~~medicaid~~ Medicaid patients with
 28 mental illness or developmental disabilities; implementation, review

* * *

1 §2017.9. Medicare; use of information obtained; penalty

2 All files, records, reports, or other papers, or any information obtained at any
3 time by the Louisiana Department of Health in the course of discharging its duties
4 under any agreement with the United States of America through the Department of
5 Health, Education and Welfare or its successor pertaining to Public Law 80-97,
6 popularly known as the Medicare Act, shall be used solely for the purposes of such
7 agreement; and it shall be unlawful, except for said purposes, for any person to
8 solicit, disclose, receive or make use of or to authorize or knowingly permit,
9 participate in or acquiesce in the use of any information obtained by the Louisiana
10 Department of Health pursuant to, or as a result of, any agreement with the United
11 States of America as aforementioned. Nothing herein contained shall limit the use
12 of records, reports, charts, documents or other papers or information as governed by
13 R.S. 40:2013.3, R.S. 40:2014.1, R.S. 40:2016₂, or R.S. 44:7.

14 * * *

15 §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C

16 * * *

17 B.

18 * * *

19 (2) Eleven members shall be appointed by the governor by virtue of their
20 position as follows:

21 * * *

22 (c) Four representatives from the Louisiana Department of Health, who have
23 knowledge of policies related to HIV, AIDS, and hepatitis C, and who work in the
24 office of public health, office of behavioral health, and ~~the office~~ bureau of health
25 services financing, respectively.

26 (d) The commissioner of ~~the Department of Insurance~~ insurance or his
27 designee.

28 * * *

29 §2019. Child death investigation

30 * * *

1 C. Child Death Review Panel. There is established within the Louisiana
 2 Department of Health the Louisiana State Child Death Review Panel, hereinafter
 3 referred to as the "state panel" which shall be composed of twenty-seven persons.
 4 Members of the panel shall include:

5 * * *

6 (9) The commissioner of ~~the Department of Insurance~~ insurance or his
 7 designee.

8 * * *

9 §2102. Definitions

10 As used in this Part:

11 (1) "Department" means the Louisiana Department of Health.

12 ~~A.~~ (2) "Hospital" means any institution, place, building, or agency, public
 13 or private, whether for profit or not, with facilities for the diagnosis, treatment, or
 14 care of persons who are suffering from illness, injury, infirmity, or deformity or
 15 other physical condition for which obstetrical, medical, or surgical services would
 16 be available and appropriate and which operates or is affiliated with facilities for the
 17 overnight care, observation, or recovery of those persons. The term "hospital" does
 18 not include the following:

19 ~~(1)~~ (a) Physicians' offices or clinics where patients are not regularly kept as
 20 bed patients for twenty-four hours or more.

21 ~~(2)~~ (b) Nursing homes as defined by and regulated under the provisions of
 22 R.S. 40:2009.1 through R.S. ~~40:2009.12~~ 2009.12.

23 ~~(3)~~ (c) Persons, schools, institutions, or organizations engaged in the care
 24 and treatment of children with intellectual disabilities and which are required to be
 25 licensed by the provisions of the Developmental Disability Law (R.S. 28:451.1 et
 26 seq.).

27 ~~(4)~~ (d) Hospitalization or care facilities maintained by the state at any of its
 28 penal and correctional institutions provided that nothing herein contained shall
 29 prevent a penal or correctional institution from applying for licensure of its
 30 hospitalization or care facility.

1 ~~(5)~~ (e) Hospitalization or care facilities maintained by the federal
2 government or agencies thereof.

3 ~~(6)~~ (f) Hospitalization or care facilities maintained by any university or
4 college provided that nothing herein contained shall prevent any college or university
5 from applying for licensure of its hospitalization or care facility.

6 ~~(7)~~ (g) Any other entity licensed for the diagnosis, treatment, or care of
7 persons admitted for overnight stay.

8 ~~B:~~ (3) "Person" means the state, and any political subdivision or municipal
9 corporation thereof, an individual, firm, partnership, corporation, company,
10 association or joint stock association, or the legal successor thereof.

11 ~~C: "Department" means the Louisiana Department of Health of the state of~~
12 ~~Louisiana.~~

13 ~~D:~~ (4) "Secretary" means the secretary of the Louisiana Department of
14 Health of the state of Louisiana.

15 * * *

16 §2109. Rules, regulations, and minimum standards

17 * * *

18 B. The minimum standards adopted by the secretary governing operation and
19 maintenance of hospitals may contain regulations in relation to:

20 (1)(a) Construction of hospital buildings, facilities, and equipment, including
21 regulations on plumbing, heating, lighting, ventilation, fire protection, fire
22 prevention devices and equipment, floor space, and other housing conditions
23 designed to ~~insure~~ ensure the health, safety, and comfort of patients.

24 * * *

25 (c) The establishment of new or replacement facilities or reestablishment of
26 facilities that have sustained substantial structural damage from a hurricane or
27 substantial structural damage from flooding which are located in areas subject to
28 hurricanes, tidal surges, or flooding. An architect or civil engineer registered in the
29 state shall determine whether a facility has sustained substantial structural damage
30 from a hurricane or substantial structural damage from flooding in accordance with

1 the Louisiana State Uniform Construction Code. The regulations adopted by the
2 department shall include but not be limited to:

3 * * *

4 (ii) Provisions for the fair allocation of the Medicaid share of ~~facility-specific~~
5 facility-specific costs directly incurred by a facility as a result of compliance.

6 * * *

7 (2) Sanitary conditions, practices, and environment and sanitary and
8 sterilization procedures and practices designed to avoid sources and transmission of
9 infections, including regulations governing the isolation of patients with
10 communicable diseases.

11 (3) Diet related to the needs of each patient based on good nutritional
12 practice and on recommendation of the attending physician; laboratory, X-ray, and
13 pharmacy facilities or access of the hospital to such facilities; personnel having
14 responsibility for any part of the care and treatment of patients.

15 (4) Equipment essential to the health, care, and maximum well-being of the
16 patients of the hospital.

17 (5) Such other regulations or standards as will ~~insure~~ ensure proper care and
18 treatment of patients as may be deemed necessary for an effective administration of
19 this Part.

20 (6) Classification of hospitals and variation of standards so as to ~~insure~~
21 ensure realistic, practical, and uniform standards for the hospitals in each
22 classification. However, no rule, regulation, policy, or standard adopted by the
23 secretary shall require a hospital located in a parish with a population of two hundred
24 fifty thousand people or less to maintain personnel in-house with credentials to
25 administer obstetric anesthesia on a twenty-four-hour basis in order to qualify for
26 Medicaid reimbursement for Level III, neonatal, or obstetric medical services, or as
27 a prerequisite for licensure to provide such services. Personnel with such credentials
28 may be required to be on staff and readily available on a twenty-four-hour on-call
29 basis and demonstrate ability to provide anesthesia services within twenty minutes.

30 * * *

1 (c) In order to achieve a reduction in long-term care institutional costs, a
 2 program for reduction of certificates of need for nursing facility beds, which may
 3 include a buy-back program, provided such a buy-back program is approved by the
 4 ~~Center~~ Centers for Medicaid and Medicare Services and is eligible for federal funds
 5 participation.

6 * * *

7 §2116.32. Licensing of home health agencies; applications; fees, disposition of fees

8 * * *

9 B. Except as provided in Subsection D of this Section, no license shall be
 10 issued to any home health agency unless that agency meets the minimum standards
 11 for home health agencies promulgated by the secretary and all licensure requirements
 12 as provided in this Part.

13 * * *

14 §2116.34. Minimum standards; rules and regulations

15 * * *

16 B. The secretary shall review annually the published minimum standards and
 17 rules and regulations referred to in Subsection A of this Section and report findings
 18 annually to the ~~Joint Health and Welfare Committee~~ House and Senate committees
 19 on health and welfare no less than sixty days prior to the regular session.

20 * * *

21 §2117.5. Denial, nonrenewal, or revocation of license; grounds; notification; appeal

22 * * *

23 B. The department shall furnish an applicant or licensee with written
 24 notification of any action taken pursuant to Subsection A of this Section and of the
 25 reasons for which the action was taken.

26 C. An applicant or licensee aggrieved by any action taken by the department
 27 pursuant to Subsection A of this Section may appeal such action suspensively by
 28 sending a written request for a hearing to the secretary of the department. The
 29 request for a hearing ~~must~~ shall be received by the secretary within fifteen days

1 exclusive of legal holidays after the applicant or licensee receives the written notice
 2 of the department's action and shall specify in detail the reasons for the request. If
 3 the department determines that the health or safety of the patients served at the
 4 facility is in jeopardy, a license may be revoked immediately with appeal rights
 5 granted after the facility ceases operation and the patients are removed from the
 6 facility.

7 * * *

8 §2120.4. Rules and regulations; licensing standards

9 * * *

10 B. The licensing agency of the department shall prescribe, promulgate, and
 11 publish rules, regulations, and licensing standards to include but not be limited to the
 12 following:

13 * * *

14 (9) Planning, construction, and design of the facility or provider to ~~insure~~
 15 ensure the health, safety, welfare, rights, and comfort of patients, clients, and persons
 16 receiving services.

17 (10)(a) Such other regulations or standards as will ~~insure~~ ensure proper care
 18 and treatment of patients, clients, and persons receiving services, including
 19 provisions relative to civil money penalties, as may be deemed necessary for an
 20 effective administration of this Part.

21 * * *

22 §2120.5. License issuance; application; onsite inspection

23 * * *

24 E. The licensing agency may perform an onsite inspection at reasonable
 25 times as necessary to ~~insure~~ ensure compliance with the provisions of this Part.

26 * * *

27 §2120.44. Rules and regulations; licensing standards

28 * * *

1 B. The department shall prescribe, promulgate, and publish rules,
2 regulations, and licensing standards relative to adult day health care providers, to
3 include but not be limited to the following:

4 * * *

5 (9) Planning, construction, and design of the facility to ~~insure~~ ensure the
6 health, safety, welfare, and comfort of patients, clients, and persons receiving
7 services.

8 * * *

9 §2120.45. License issuance; application; onsite inspection

10 * * *

11 D. The department may perform an onsite inspection at reasonable times as
12 necessary to ~~insure~~ ensure compliance with the provisions of this Part.

13 * * *

14 §2120.47. Moratorium; exceptions

15 * * *

16 B. If the department determines that there is a need for new or additional
17 adult day health care providers in a certain geographic location, the department may
18 approve and enroll a new or additional adult day health care provider into the Title
19 XIX program. The department shall promulgate and publish rules in accordance
20 with the Administrative Procedure Act to provide for the following:

21 (1) Criteria and processes for determining whether such a need exists; ~~and,~~

22 (2) Procedures for selecting an adult day health care provider to be approved
23 and enrolled into the Title XIX program once a need has been determined; ~~and,~~

24 * * *

25 §2144. Hospital Records and Retention Act

26 A. As used in this Section:

27 (1) "~~Health care~~ Healthcare provider" means a hospital, as defined in
28 ~~Paragraph (3) hereof~~ this Subsection, and means a person, corporation, facility, or
29 institution licensed by the state to provide health care or professional services as a
30 physician, hospital, ambulatory surgical center, dentist, registered or licensed

1 practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist,
2 or psychologist, ~~and/or~~ or an officer, employee or agent thereof acting in the course
3 and scope of his employment.

4 (2) ~~"Patient" means a natural person who receives health care from a~~
5 ~~licensed health care provider. "Hospital" means any hospital as defined in R.S.~~
6 ~~40:2102 and ambulatory surgical center as defined in R.S. 40:2133.~~

7 (3) ~~"Hospital" means any hospital as defined in R.S. 40:2102 and ambulatory~~
8 ~~surgical center as defined in R.S. 40:2133. "Hospital record" or "hospital chart"~~
9 ~~means a compilation of the reports of the various clinical departments within a~~
10 ~~hospital, as well as reports from healthcare providers, as are customarily catalogued~~
11 ~~and maintained by the hospital medical records department. Hospital records include~~
12 ~~reports of procedures such as X-rays and electrocardiograms, but they do not include~~
13 ~~the image or graphic matter produced by such procedures.~~

14 (4) ~~"Representative" means the parent of a minor patient, tutor, curator,~~
15 ~~trustee, attorney, succession representative, or other legal agent of the patient.~~
16 "Patient" means a natural person who receives health care from a licensed healthcare
17 provider.

18 (5) ~~"Hospital record" or "hospital chart" means a compilation of the reports~~
19 ~~of the various clinical departments within a hospital, as well as reports from health~~
20 ~~care providers, as are customarily catalogued and maintained by the hospital medical~~
21 ~~records department. Hospital records include reports of procedures such as X-rays~~
22 ~~and electrocardiograms, but they do not include the image or graphic matter~~
23 ~~produced by such procedures. "Representative" means the parent of a minor patient,~~
24 ~~tutor, curator, trustee, attorney, succession representative, or other legal agent of the~~
25 ~~patient.~~

26 * * *

27 C. The patient or his authorized representatives may request and obtain
28 copies of his hospital records in the manner set forth in Subsection D of this Section.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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F.

* * *

(2) Graphic matter, images, X-ray films and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved, and properly stored by hospitals in their original, microfilmed, or similarly reproduced form for a minimum period of three years from the date a patient is discharged. Such graphic matter, images, X-ray film, and like matter shall be retained for longer periods when requested in writing by any one of the following persons:

* * *

G. A certified copy of the hospital record or graphic matter, images, X-ray film, and like matter shall be deemed to be an original for all purposes, and shall be admissible in evidence in all courts or administrative agencies as if it were the original.

H.(1) Subject to such guidelines and limitations as may be promulgated by the Louisiana Department of Health, electronic signatures by licensed ~~health-care~~ healthcare providers on medical records are hereby authorized.

(2) The Louisiana Department of Health may promulgate rules to regulate the use of electronic signatures. Such rules may contain any of the following:

* * *

(b) Security requirements, which may include the following:

* * *

(iii) ~~Health-care~~ Healthcare provider responsibility for unauthorized signatures.

(3) The Louisiana Department of Health may promulgate rules to regulate the use of orders for the care and treatment of a patient of a hospital which are given to the hospital verbally or transmitted to the hospital electronically, whether by telephone, facsimile transmission, or otherwise. Such rules may include when and under what circumstances the ordering ~~health-care~~ healthcare provider must sign or countersign the verbal or electronically transmitted order. Any such promulgated rules and regulations shall grant a ~~health-care~~ healthcare provider up to ten days

1 following the date an order is transmitted verbally or electronically to provide the
2 signature or countersignature for such order.

3 * * *

4 §2154. Applicability

5 A. The provisions of this Part shall not apply to the licensing of any of the
6 following facilities or persons and shall not be construed as requiring any of the
7 following facilities or persons to seek licensure as a behavioral health services
8 provider:

9 * * *

10 (6) Federally qualified health ~~care~~ centers certified by the federal
11 government.

12 * * *

13 (12) School-based health ~~clinics/centers~~ clinics and centers that are certified
14 by the Louisiana Department of Health, office of public health, and enrolled in the
15 Louisiana Medicaid ~~Program~~ program.

16 (13) A ~~health-care~~ healthcare provider or entity solely providing case
17 management or peer support services, or a combination thereof.

18 * * *

19 §2175.14. Department responsibilities

20 * * *

21 E. The department shall report to the House and Senate ~~Committees on~~
22 ~~Health and Welfare~~ committees on health and welfare within two years from the date
23 of any licensure of an alternate health care model. The report shall include but not
24 be limited to whether the alternate health care model improved access to health care,
25 the quality of health care provided by the alternate health care model, and the cost
26 and cost-effectiveness to the public, third-party payors, and government of the
27 alternate health care model.

28 * * *

29 §2179. Establishment of Direct Service Worker Registry

30 * * *

1 D. The provisions of this Part shall not apply to religious nonmedical nursing
 2 personnel providing services through a religious nonmedical health care institution
 3 as defined in ~~42 USC~~ U.S.C. 1395x.

4 * * *

5 §2180.11. Purpose

6 The purpose of this ~~part~~ Part is to provide for the operation and maintenance
 7 of crisis receiving centers to provide for appropriate crisis identification,
 8 intervention, and stabilization services, including a coordinated system of entry for
 9 people in ~~behavioral~~ behavioral emergency rooms.

10 * * *

11 §2189. Operating without or in violation of license; injunctive relief

12 If any hospice operates without a valid license issued by the department or
 13 if any organization or entity uses the term "hospice" in its name or represents itself
 14 as a "hospice" without being licensed as provided herein, the department may cause
 15 a civil suit for injunctive relief to be instituted in a district court in the parish in
 16 which the facility is located, including a temporary restraining order, to restrain the
 17 institution, agency, corporation, person or persons, or any other group operating the
 18 facility from continuing the violation. Nothing in this Section shall be construed to
 19 prohibit the use of the term "hospice" by nonprofit organizations qualifying under
 20 the provisions of ~~26 C.F.R.~~ CFR 1.501(c)(3)-1, for the express purpose of providing
 21 support to licensed hospices in Louisiana.

22 * * *

23 §2193.1. Purpose and definitions

24 A. The purpose of this Part is to authorize the Louisiana Department of
 25 Health to promulgate and publish rules and regulations to provide for the health,
 26 safety, and welfare of children in pediatric day health care facilities and to provide
 27 for the safe operation of these facilities. The department shall consult with the
 28 following organizations in the development of the rules and regulations:

29 * * *

1 (8) The ~~Department of Children and Family Services~~' child care assistance
2 program of the state Department of Education.

3 * * *

4 §2193.4. Department rules; regulations; licensing standards

5 The department shall promulgate rules and regulations in accordance with the
6 Administrative Procedure Act as may be necessary to carry into effect the provisions
7 of this Part. Such rules and regulations shall include but not be limited to the
8 following:

9 * * *

10 (9) Construction and design of the facility to ~~insure~~ ensure the health, safety,
11 welfare, and comfort of patients and clients.

12 * * *

13 §2194.2. Definitions

14 As used in this Part, the following definitions shall apply:

15 * * *

16 (4) "Indigent" means any person whose household income is one hundred
17 eighty-five percent or less of the ~~federal poverty level~~ applicable federal poverty
18 guideline as published in the Federal Register by the United States Department of
19 Health and Human Services and who does not have medical insurance.

20 (5) "~~Low-income~~ Low-income person" means any person whose income is
21 greater than one hundred eighty-five percent of the ~~federal poverty level~~ applicable
22 federal poverty guideline as published in the Federal Register by the United States
23 Department of Health and Human Services and who meets the established criteria
24 for services based on a sliding fee schedule assignment.

25 (6) "Program" means the Community-based Health Care Program for
26 indigent and ~~low-income~~ low-income persons.

27 * * *

1 §2195.1. State ~~Office of Rural Health~~ office of rural health

2 A. Within the Louisiana Department of Health, the Louisiana state office of
3 rural health shall:

4 * * *

5 (5) Provide technical assistance and grants to aid qualified rural hospitals in
6 attaining designation as critical access hospitals in accordance with the Medicare
7 rural hospital flexibility program, as provided in 42 ~~U.S.C.A.~~ U.S.C. 1395i-4.

8 * * *

9 (8) Initiate efforts for recruitment and retention of primary care professionals
10 through the state loan repayment program as provided in ~~R.S. 40:1300.4~~ R.S.
11 40:1205.4, and any other similar programs to increase the number of ~~health care~~
12 healthcare professionals in rural areas.

13 (9) A primary function of this office shall be to increase the supply of
14 physicians and other ~~health care~~ healthcare providers to the underserved areas of this
15 state. This office may seek grants and financial inducements to entice medical
16 students, nurse practitioners, physician assistants, and nurses to locate in the rural
17 area. This office may seek funds for equipment and ~~start-up~~ start-up costs for
18 medical providers wishing to locate in ~~under served~~ underserved areas.

19 * * *

20 (11) Develop and implement a strategic plan for the purposes of maintaining,
21 enhancing, and expanding services currently offered by rural ~~health care~~ healthcare
22 providers, including rural hospitals as defined in ~~R.S. 40:1300.143~~ R.S. 40:1189.3,
23 to obtain additional grants and funding from any and all public or private entities,
24 including but not limited to the United States Department of Health and Human
25 Services, the United States Department of Agriculture, and charitable organizations
26 and foundations. In developing and implementing a strategic plan pursuant to this
27 Paragraph, the secretary of the Louisiana Department of Health shall consult with
28 rural ~~health care~~ healthcare provider organizations. In addition the secretary shall
29 submit a report to the legislature at least sixty days prior to the beginning of each
30 regular session of the legislature detailing the progress in implementing the strategic

1 plan. The report shall also set out the goals and objectives of the strategic plan for
2 the next state fiscal session including the level of funding necessary to achieve those
3 goals and objectives.

4 * * *

5 C. The purpose of this Section is to stimulate business and industrial growth
6 and provide for a better delivery of health and medical services in these areas of the
7 state by the coordination of economic development and ~~health-care~~ healthcare
8 resources, whether such resources originate from state or federal plans or programs,
9 and to create priority ~~health-care~~ healthcare and economic development zones to
10 better serve the citizens of the region.

11 §2195.2. Grants and funding; Community-Based and Rural Health Care Fund

12 A. Subject to the availability of funding, the Louisiana Department of Health
13 is authorized to provide:

14 (1) Grants to rural hospitals in amounts not to exceed seventy-five thousand
15 dollars per year in order to increase access to emergency health services to indigent
16 and ~~low-income~~ low-income citizens in rural areas.

17 (2) Start-up funding in amounts not to exceed one hundred fifty thousand
18 dollars for the purpose of providing initial start-up costs for establishment of primary
19 care health clinics designed to serve indigent and ~~low-income~~ low-income citizens.

20 * * *

21 (4) Matching funds for demonstration projects, including but not limited to
22 establishment or acquisition of mobile health clinics, to organizations providing
23 ~~health-care~~ healthcare services to indigent and ~~low-income~~ low-income citizens
24 living in local communities and rural areas; however, such projects shall be required
25 to secure other local or federal funding.

26 (5) Matching funds for federal grants designed to provide health services to
27 indigent or ~~low-income~~ low-income citizens in local communities and rural areas.

28 * * *

1 §2196.1. Definitions

2 As used in this Part, unless otherwise indicated:

3 * * *

4 (4) "Indigent" means any resident of the state whose income is below one
5 hundred eighty-five percent of the ~~federal poverty level~~ applicable federal poverty
6 guideline as published in the Federal Register by the United States Department of
7 Health and Human Services.

8 * * *

9 §2197. Licensure of rural health clinics

10 A. In order to receive certification by the Health Care Financing
11 Administration, or its successor, and designated reimbursement for any rural health
12 clinic service under Medicaid ~~and/or~~ or Medicare, a rural health clinic, as defined
13 herein, shall be licensed as such by the Louisiana Department of Health. Designated
14 Medicaid reimbursement for any service as a rural health clinic in the state, which
15 is not licensed as such, is prohibited.

16 * * *

17 D. For purposes of this Part, a "rural health clinic" means a facility which is
18 engaged in furnishing primary health services to outpatients by physicians, physician
19 assistants, or nurse practitioners, including but not limited to health services related
20 to family medicine, internal medicine, pediatrics, obstetrics, and gynecology, and
21 such services and supplies incident thereto. Such facility shall be located in an area
22 that is not an urbanized area, as defined by the Bureau of the Census, in which there
23 are insufficient numbers of needed ~~health care~~ healthcare practitioners, as determined
24 by the secretary of the United States Department of Health and Human Services, and
25 which has been determined to be a rural health clinic by the secretary of ~~said~~ that
26 department under 42 U.S.C. 1395aa(a).

27 E. Nothing in this Part shall restrict the ability of any private physician to
28 receive reimbursement under Medicaid ~~and/or~~ or Medicare for services provided
29 other than rural health clinic services.

1 F.(1) No provision of this Part, or any rule or regulation adopted pursuant
 2 thereto, restricting location of a rural health clinic; shall apply to an applicant for
 3 licensure as a rural health clinic if the applicant or a related entity agreed to establish
 4 such clinic as part of an agreement providing for the sale or transfer of a hospital
 5 service district hospital approved by the electorate of the district prior to July 1,
 6 1997.

7 (2) A rural health clinic described in Paragraph (1) of this Subsection shall
 8 not be required to be licensed by the state in order to receive certification as a rural
 9 health clinic by the Health Care Financing Administration, or its successor, for a
 10 period of one year after July 15, 1997.

11 G. Notwithstanding the provisions of Subsection A of this Section to the
 12 contrary, a rural health clinic that meets the definition of the Health Care Financing
 13 Administration, or its successor, as hospital-based and is operated by a rural hospital
 14 as defined in ~~R.S. 40:1300.143(3)~~ R.S. 40:1189.3 shall not be required to secure a
 15 separate license to receive certification by the Health Care Financing Administration,
 16 or its successor, and designated reimbursement under Medicaid and Medicare as long
 17 as the rural hospital meets state licensure requirements. Such hospital shall assure
 18 that the clinic meets all other requirements of this Section, as well as any pursuant
 19 rules and regulations promulgated by the Louisiana Department of Health pertaining
 20 to rural health clinics. The provisions of this Subsection shall only become effective
 21 if and when the Louisiana Department of Health receives a determination from the
 22 Health Care Financing Administration, or its successor, that rural health clinic
 23 services are considered outpatient hospital services and eligible for uncompensated
 24 care costs reimbursement only if the rural health clinic services are not performed
 25 in a separately licensed facility.

26 * * *

27 §2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities
 28 A.(1) For purposes of this Part, "facility" shall mean any one or more of the
 29 following: an adult day health care facility, substance abuse/addiction treatment
 30 facility, ambulatory surgery center, case management facility, urine drug screening

1 facility, mobile cholesterol screening facility, end stage renal disease facility,
2 supplier of portable X-ray services, home health agency, hospice, hospital, ICF/DD
3 facility, outpatient abortion facility, or any other ~~health-care~~ healthcare provider
4 licensed or certified by the Louisiana Department of Health.

5 * * *

6 (5) A "facility" shall not include any individual ~~health-care~~ healthcare
7 provider who is licensed or certified by one of the boards under the Louisiana
8 Department of Health. These boards include but are not limited to the Louisiana
9 Board of Pharmacy, Board of Louisiana Physical Therapy Board, Board of Licensed
10 Louisiana State Board of Medical Examiners, Louisiana Board of Dentistry, Board
11 of Podiatry, Board of Optometrists and the Louisiana State Board of Optometry
12 Examiners.

13 * * *

14 F.

15 * * *

16 (2) The monies in the fund shall be subject to annual appropriation by the
17 legislature and shall be available exclusively for the use by the Louisiana Department
18 of Health for:

19 (a) The protection of health, welfare, rights, or property of those receiving
20 services from the ~~health-care~~ healthcare facilities licensed or certified by the
21 Louisiana Department of Health.

22 (b) The enforcement of sanctions against ~~health-care~~ healthcare facilities
23 licensed or certified by the Louisiana Department of Health.

24 (c) Education, employment, and training of employees, staff, or other
25 personnel of ~~health-care~~ healthcare facilities licensed or certified by the Louisiana
26 Department of Health.

27 (d) Programs designed to improve the quality of care in ~~health-care~~
28 healthcare facilities.

29 * * *

1 §2199.1. Adoption of rules; violations; alternate remedies

2 A. The Louisiana Department of Health is hereby authorized to and shall
3 adopt rules in accordance with the Administrative Procedure Act to provide remedies
4 for ~~health care~~ healthcare facilities which have violations of the licensure standards
5 and requirements, of certification requirements, or of the Medicaid standards of
6 participation. Such remedies shall include; but are not limited to:

7 * * *

8 §2202. Definitions

9 As used in this Part, the following definitions shall apply:

10 * * *

11 (3) "Group purchaser" shall mean an organization or entity which contracts
12 with providers for the purpose of establishing a preferred provider organization.
13 "Group purchaser" may include:

14 (a) Entities which contract for the benefit of their insured, employees, or
15 members such as insurers, self-funded organizations, Taft-Hartley trusts, or
16 employers who establish or participate in ~~self funded~~ self-funded trusts or programs.

17 (b) Entities which serve as brokers for the formation of such contracts,
18 including health care financiers, third party administrators, providers, or other
19 intermediaries.

20 * * *

21 (5)(a) "~~Preferred Provider Organization~~ provider organization (P.P.O.)" shall
22 mean a contractual agreement or agreements between a provider or providers and a
23 group purchaser or purchasers to provide for alternative rates of payment specified
24 in advance for a defined period of time in which:

25 (i) The provider agrees to accept these alternative rates of payment offered
26 by group purchasers to their members whenever a member chooses to use its
27 services, ~~and~~

28 (ii) There is a tangible benefit to the provider in offering such alternative
29 rates of payment to the group purchaser.

30 * * *

1 (e) Preferred provider contracts should include, but not be limited to, the
2 following components:

3 (i) Participating in a resource monitoring component to ~~insure~~ ensure quality
4 control both for patient care and cost effectiveness.

5 * * *

6 §2203. Authorization for ~~Preferred Provider Organizations~~ preferred provider
7 organizations

8 * * *

9 C. Group purchaser members participating in preferred provider
10 organizations shall be guaranteed access to their standard benefits under the terms
11 of their policy, employee benefits, ~~self-funded~~ self-funded organization benefits, or
12 Taft-Hartley trust benefits, regardless of whether they choose a preferred provider
13 or a provider who does not participate in the preferred provider contract.

14 * * *

15 §2223. Limitations on implementation

16 The secretary shall not implement the provisions of this Part unless a federal
17 Medicaid waiver submitted to the United States Department of Health and Human
18 Services, Health Care Financing Administration, or its successor, on or after
19 December 31, 1994, authorizing the state to utilize health insurance organizations,
20 health maintenance organizations, or managed care organizations for Medicaid
21 recipients is received. However, the secretary may take actions necessary to
22 implement this Part upon receiving such federal waiver approval.

23 * * *

24 §2243. Limitations on implementation

25 The secretary shall not implement the provisions of this Part unless a federal
26 Medicaid waiver submitted to the United States Department of Health and Human
27 Services, Health Care Financing Administration, or its successor, on or after
28 December 31, 1994, authorizing the state to utilize health insurance organizations,
29 health maintenance organizations, or managed care organizations for Medicaid

1 recipients is received. However, the secretary may take actions necessary to
2 implement this Part upon such federal waiver approval.

3 * * *

4 §2253. Limitations on implementation

5 The department shall not implement this Part unless approval of a federal
6 Medicaid waiver submitted to the United States Department of Health and Human
7 Services, Health Care Financing Administration, or its successor, on or after
8 December 31, 1994, authorizing the state to utilize health insurance organizations,
9 health maintenance organizations, or managed care organizations for Medicaid
10 recipients is received.

11 * * *

12 §2353. Duties

13 The council shall have the following duties:

14 ~~(a)~~ (1) To advise the governor on all matters pertaining to pollution control,
15 management of natural resources, and land use activities within the state;

16 ~~(b)~~ (2) To serve as a coordinating body to ~~insure~~ ensure that activities of the
17 several agencies functioning in this field are directed toward the goal of this
18 legislation;

19 ~~(c)~~ (3) To serve as a clearinghouse for all statements of environmental
20 impact prepared or reviewed by state agencies in accordance with ~~PE~~ Public Law 91-
21 190, "The National Environmental Policy Act", ~~and~~;

22 ~~(d)~~ (4) To function in conjunction with all state and federal agencies to
23 develop interrelated environmental quality criteria and long-range environmental
24 quality goals.

25 * * *

26 §2404. Powers of the council

27 In addition to any other powers conferred upon the council elsewhere herein
28 or by other law, the council shall have the following powers:

29 * * *

1 B. A notification system developed ~~under~~ pursuant to the provisions of this
2 Chapter shall include, but not be limited to, the following items:

3 * * *

4 (3) Whether the circumstances of the person deemed missing are aggravated
5 due to the age of the person or a ~~life-threatening~~ life-threatening medical condition
6 or situation which requires the person to take life-sustaining medication.

7 * * *

8 §2845. Board; functions, powers, and duties

9 A. The board shall:

10 * * *

11 (6)(a) Establish and maintain a statewide trauma registry to collect and
12 analyze data on the incidence, severity, and causes of trauma, including traumatic
13 brain injury. The registry shall be used to improve the availability and delivery of
14 pre-hospital or out-of-hospital care and hospital trauma care services.

15 ~~(a)~~ (b) The board shall promulgate rules and regulations according to the
16 Administrative Procedure Act to do the following:

17 (i) Define specific data elements required to be furnished to the registry by
18 every ~~health-care~~ healthcare facility certified by the department as a trauma center.

19 (ii) Define trauma data elements that all other ~~health-care~~ healthcare facilities
20 shall be required to furnish to the registry.

21 (iii) Establish a process for submission, analysis, and reporting of registry
22 data.

23 ~~(b)~~ (c) Required reporting to the state trauma registry is contingent on LERN
24 providing adequate financial support through the Louisiana Emergency Response
25 Network Fund to cover administrative costs.

26 * * *

27 C.(1) The board shall submit an annual written report to the Senate and
28 House ~~Committees on Health and Welfare~~ committees on health and welfare at least
29 thirty days prior to each regular session. The report shall include a summary of the
30 data relevant to the goals set forth in Paragraph (A)(2) of this Section and all other

1 information relevant to trauma-patient care and its delivery in Louisiana through the
 2 network.

3 (2) The board shall submit any additional reports or information to the
 4 secretary of the department upon request of the secretary and the Senate and House
 5 ~~Committees on Health and Welfare~~ committees on health and welfare upon request
 6 of the chairman of either committee.

7 * * *

8 §2845.1. Public records exception

9 Patient and peer review data or information submitted or transmitted pursuant
 10 to this Chapter to the trauma registry, the board, any committee acting on behalf of
 11 the board, any hospital or pre-hospital care provider, any physician or other direct
 12 care provider, any regional commission, any emergency medical services council,
 13 emergency medical services agency, or other group or committee whose purpose is
 14 to monitor and improve quality care pursuant to this Chapter, shall be confidential
 15 and exempt from the provisions of law relative to public records as provided in ~~R.S.~~
 16 ~~44:4.1(B)(24)~~ R.S. 44:4.1(B)(26).

17 Section 5. R.S. 46:3, 6, 9(B) and (C), 52.1(F)(3)(b), 54, 56(A), (B)(1), (F)(4)(b), and
 18 (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(introductory
 19 paragraph), 114.3(A), 121(1)(introductory paragraph), 123(D)(3) and (K)(3), 153(C),
 20 153.4(F)(2), 156(A) and (B), 157 through 159, 159.1(C) and (D), 160.1(10),
 21 231.2(A)(1)(introductory paragraph) and (B)(introductory paragraph), 231.4(E), 232, 234,
 22 234.1, 236, 236.1.2(B)(1) and (I), 236.1.10(B), 236.3(L)(1), 236.6(C), 236.7(A)(2) and (E),
 23 236.11.1(D), 237(B)(15), 285(D), 286, 301(A)(1), 326(B), 433, 444, 446.1(B), 447.1(B)
 24 through (E), 447.2(A)(2), (B)(1) and (3), and (D)(introductory paragraph), (1), and (2),
 25 450.1(A) and (B)(6), 450.3(B)(introductory paragraph), 460.1, 460.4(D), 465, 923(A) and
 26 (B), 924(A) and (B), 932(14), 936, 972, 975(C)(2), 976(A)(3)(c) and (5)(a) through (c) and
 27 (d)(i), (B)(3)(b), (C)(introductory paragraph), and (E), 977.2, 977.3(3), 977.5(A)(2) and
 28 (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(4), 979.4(H), 1052(introductory paragraph),
 29 1056(A), 1057(introductory paragraph), (10), and (11), the heading of Chapter 10-D of Title
 30 46 of the Louisiana Revised Statutes of 1950, R.S. 46:1194(introductory paragraph) and (1),

1 1195(A)(2) and (B) through (D), 1402, 1403.1, 1433(Section heading), 1602(A), (D), and
 2 (F)(1)(a)(i) through (iii) and (b), 1906.2, 1953(F), 1954(B), 2121(C), 2125(A), 2127(C),
 3 2135(C), 2136(A)(4)(b) and (c), 2200, 2254(F)(2), 2256(B) and (C), 2352(4), 2402(3) and
 4 (5), 2603(A)(4) and (B)(introductory paragraph), 2692(C), 2702(8) and (9), 2704(B),
 5 2722(B), 2731(B)(2), (C)(3), (D)(3) and (4), (E), and (F), and 2758.2(C)(1) are hereby
 6 amended and reenacted to read as follows:

7 §3. Trustees or administrators shall not be interested in contracts with or sales to
 8 charitable institutions; penalties

9 A. No member of the board of trustees, nor any administrator of any
 10 charitable institution of the state, shall receive any appointment in the institution, nor
 11 shall any member of the boards of trustees, or administrators, nor any officer
 12 appointed by either of them, be concerned directly or indirectly in any contract, ~~or~~
 13 in the furnishing of supplies, or in the purchase or sale of any article of property or
 14 value for or on account of these institutions.

15 B. Whoever violates the provisions of this Section shall be fined or
 16 imprisoned, or both, at the discretion of the court.

17 * * *

18 §6. Admission criteria to state-supported charity hospitals

19 Any bona fide resident of the state of Louisiana who is in need of medical
 20 services, including but not limited to the uninsured, shall be eligible for treatment by
 21 any general hospital owned or operated by the board in accordance with policy
 22 adopted by the LSU Board of Supervisors. However, any person with an income
 23 greater than two hundred percent of the ~~federal poverty level~~ applicable federal
 24 poverty guideline as published in the Federal Register by the United States
 25 Department of Health and Human Services and who is otherwise eligible for
 26 treatment may be denied access to non-emergency medical care if such person
 27 refuses to pay any appropriately adopted reasonable charges for treatment or service
 28 received, unless the patient's clinical condition requires immediate treatment as
 29 determined by the patient's treating physician, or if the person has been treated in the
 30 past, billed based upon his or her ability to pay, and has refused to pay for previous

1 medical services without justifiable excuse or to make arrangements for periodic
 2 partial payments, unless the patient's clinical condition requires immediate treatment
 3 as determined by the patient's treating physician or medical director. In no event
 4 shall emergency treatment be denied to anyone; and in no event shall any person
 5 housed in any parish jail facility or state prison in the state of Louisiana, irrespective
 6 of his state of residency, be denied medically necessary medical treatment in the
 7 nearest general hospital owned or operated by the board. Further, any prisoner
 8 treated at a general hospital owned or operated by the board shall have those services
 9 paid through the facility receiving state funding for the incarceration of ~~said~~ that
 10 prisoner.

11 * * *

12 §9. Copy of petition to be served on hospital when patients sue for injuries

13 * * *

14 B. No court of this state shall proceed with the trial of any suit involving any
 15 claim referred to in this Section; unless a copy of the petition has been served as
 16 required; or such service has been waived as provided in Subsection C of this
 17 Section.

18 C. Nothing in this Section shall prevent the plaintiff or his attorney and the
 19 attorney representing the charity hospital or veterans administration hospital from
 20 entering into a written agreement stipulating that in the event of a favorable
 21 judgment for the plaintiff, the bills for services due the hospital shall be paid before
 22 all other disbursements of the award. Such an agreement may be accompanied by
 23 a waiver of the service of the petition upon the hospital otherwise required in
 24 Subsection A of this Section.

25 * * *

26 §52.1. Integrated case management; "No Wrong Door"

27 * * *

28 F. This state leadership group shall:

29 * * *

1 (3) Lead execution of service integration plans to include:

2 * * *

3 (b) Screening, eligibility, and redeterminations for temporary assistance
4 programs, Medicaid, and ~~food stamps~~ nutrition assistance benefits.

5 * * *

6 §54. Parish offices

7 There shall be in each parish of the state a parish office of the ~~office of family~~
8 ~~security~~ department; provided that the department may unite two or more parishes
9 and form a district office. All duties and responsibilities set forth in this Chapter for
10 parish offices shall also apply to the district offices.

11 * * *

12 §56. Applications and client case records; definitions; confidentiality; waiver;
13 penalty

14 A. Applications for assistance and information contained in case records of
15 clients of the Louisiana Department of Health, the Department of Children and
16 Family Services, or the ~~Office of Elderly Affairs~~ office of elderly affairs, for the
17 purpose of adult protective services, shall be confidential and, except as otherwise
18 provided, it shall be unlawful for any person to solicit, disclose, receive, make use
19 of, or to authorize, knowingly permit, participate in, or acquiesce in the use of
20 applications or client case records or the information contained therein for any
21 purpose not directly connected with the administration of the programs of the
22 department.

23 B.(1) For the purposes of this Section, "department" means the Louisiana
24 Department of Health, the Department of Children and Family Services, and the
25 adult protection agency as provided in R.S. 15:1503(4). It is the express intent of
26 this Section that the Louisiana Department of Health, the Department of Children
27 and Family Services, and, for the purpose of adult protective services, the ~~Office of~~
28 ~~Elderly Affairs~~ office of elderly affairs share access to each other's case records to

1 the extent that such access is not prohibited by any contrary provision of federal law
2 or regulation.

3 * * *

4 F. The following information shall not be subject to waiver and shall not be
5 released to applicants, recipients, or outside sources, except those outside sources
6 engaged in the administration of the programs of the department:

7 * * *

8 (4)

9 * * *

10 (b) In addition, the department may release information to other agencies of
11 state government that are engaged in rendering services or treatment to a department
12 recipient or former recipient. The agency receiving the information from the
13 department ~~under~~ pursuant to this Paragraph shall be bound by the same
14 confidentiality standard as prescribed in this Section with regard to release of this
15 information to the recipient, the client's legal representative, or an outside source.
16 The Louisiana Department of Health, the Department of Children and Family
17 Services, and, for the purpose of adult protective services, the ~~Office of Elderly~~
18 ~~Affairs~~ office of elderly affairs may release information to each other for the purpose
19 of furthering services or treatment to clients or recipients of services of either
20 department. Information subject to release ~~under~~ pursuant to this Section that is
21 covered by federal statutes or regulations restricting release of the information shall
22 be released only in accordance with the federal statutes or regulations.

23 * * *

24 J. Notwithstanding the foregoing provisions of this Section, the department
25 shall maintain in each parish or district office a current monthly roster or listing by
26 category of recipients of public assistance showing the names and amounts received
27 by each. ~~Said~~ Such roster shall not contain information pertaining to ~~food stamps~~
28 nutrition assistance benefits or the Medicaid Program (Title XIX of the Social
29 Security Act). ~~This~~ The roster shall be kept available in the reception room or some
30 conspicuous place during regular office hours of each parish office, to any person

1 wishing to view the contents. The department shall supply the parish or district
2 offices with forms, one of which shall be filled out, dated, and signed by each person
3 wishing to avail himself of the provisions of this Subsection. However, it shall be
4 unlawful to use its contents for political or commercial purposes.

5 * * *

6 §59. Welfare demonstration, experimental and other projects

7 The Department of Children and Family Services and the Louisiana
8 Department of Health ~~is~~ are authorized to make use of ~~its~~ staff and equipment to
9 carry out experimental and demonstration projects whose costs are otherwise totally
10 financed by the federal government under the provisions of the Social Security Act
11 (42 U.S.C. 1315) or any other programs totally financed from federal funds.

12 * * *

13 §61. Elderly abuse; release of information

14 A.(1) The Louisiana Department of Health shall, following an investigation
15 by the department, the ~~Office of Elderly Affairs~~ office of elderly affairs, the office
16 of the attorney general, or a local law enforcement agency, of any report of elderly
17 abuse and the conviction of any person investigated for such abuse or the entering
18 of a plea of guilty or nolo contendere by any person so investigated who is accused
19 of such abuse, make available to any ~~health-care~~ healthcare facility licensed by the
20 department, upon request, the name and a photograph of any such person who has
21 been convicted of or pled guilty or nolo contendere to a crime involving elderly
22 abuse.

23 * * *

24 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any
25 person sixty years of age or older and shall include the abuse of any person with an
26 infirmity residing in a ~~state licensed~~ state-licensed facility.

27 * * *

28 C. The department, in consultation with the ~~Office of Elderly Affairs~~ office
29 of elderly affairs, shall adopt and promulgate rules and regulations in accordance
30 with the Administrative Procedure Act to implement the provisions of this Section,

1 including provisions which establish procedures under which the department shall
 2 request information from law enforcement officials and district attorneys and which
 3 establish procedures under which ~~health care~~ healthcare facilities may request
 4 information concerning whether or not a person has been convicted of or pled guilty
 5 or nolo contendere to a crime listed in R.S. 14:403.2.

* * *

7 §107. Appeal and review; venue for judicial review

8 A.(1) The Department of Children and Family Services; and the office of the
 9 secretary of the Louisiana Department of Health ~~office of the secretary~~, through their
 10 respective appeal sections, shall provide for a system of hearings and ~~is~~ are
 11 responsible for fulfillment of all hearing provisions as prescribed under Title I, IV-A,
 12 X, XIV, XVI, XIX, or XX of the Social Security Act and under the Food Stamp Act,
 13 Public Law 91-671 ~~of the Food Stamp Act~~. Under these provisions, an opportunity
 14 for a hearing shall be granted at the state level to any applicant or recipient who
 15 makes a timely request for a hearing because his claim for assistance, services, or
 16 ~~food stamps~~ nutrition assistance benefits is denied or is not acted upon with
 17 reasonable promptness and to any recipient who is aggrieved by an agency action
 18 resulting in suspension, reduction, discontinuance, or termination of benefits.

* * *

20 B. The agency or its subordinate presiding officer conducting a proceeding
 21 authorized hereunder shall conduct such a proceeding and shall have such authority
 22 to administer oaths and affirmations, issue subpoenas, and to otherwise regulate the
 23 conduct of the proceeding as provided by law, or in the absence of such a law, as
 24 specified and authorized by R.S. 49:955 et seq. The deposit or payment of witness
 25 fees ordinarily required of a party who desires to subpoena a witness shall not be
 26 required if the party desiring the issuance of the subpoena is an indigent person. A
 27 person shall be presumed to be indigent if ~~the person~~ he is certified for or is a
 28 recipient of any entitlement program, the eligibility for which is based on need,
 29 income, ~~and or~~ resources, or any combination of these criteria.

* * *

1 D. Except as provided by Subsections B and C of this Section, all
2 adjudicatory and review proceedings under this Section shall be governed by the
3 Administrative Procedure Act.

4 * * *

5 §114. Fraud in obtaining assistance; withholding information concerning property,
6 income, ~~or~~ beneficiary, or personal circumstances

7 * * *

8 E.(1) Persons receiving food stamps or Aid to Families with Dependent
9 Children, or a successor of either program, who have been determined by the
10 Department of Children and Family Services in an administrative hearing, or a court
11 of competent jurisdiction after final appeal, to have fraudulently obtained such food
12 stamps or Aid to Families with Dependent Children, or benefits or assistance from
13 a successor of either program, shall be ineligible for further participation in the
14 program in accordance with the following schedule:

15 * * *

16 §114.3. Regional fraud detection units; investigative subpoenas and subpoenas
17 duces tecum

18 A. The Department of Children and Family Services shall establish,
19 maintain, and provide for fraud detection functions in order to detect fraud in
20 obtaining public assistance through staff in each region of the state. Each fraud
21 detection unit shall report each incident of public assistance fraud to the fraud
22 detection section of the office of children and family services on a monthly basis by
23 the tenth day of each succeeding month. An annual report of the activities of all ~~the~~
24 fraud detection units within a state fiscal year shall be submitted by the fraud
25 detection section to the Senate and House ~~Committees on Health and Welfare~~
26 committees on health and welfare by September first.

27 * * *

1 §121. Definitions

2 For purposes of this Part, the following terms shall be defined as follows:

3 (1) "Activated military personnel" means a person domiciled in Louisiana
4 for civilian purposes; who names Louisiana as Home of Record (HOR) for military
5 purposes, and who is any of the following:

6 * * *

7 §123. Louisiana Military Family Assistance Board

8 * * *

9 D.

10 * * *

11 (3) If the third party administrator approves a claim, it shall determine when
12 the claim shall be paid, the amount of payment, to whom the payment shall be made,
13 and such other matters as it deems necessary and appropriate.

14 * * *

15 K.

16 * * *

17 (3) Although confidential, records relating to applications and the identity
18 of applicants and their related activated military personnel or honorably discharged
19 active-duty military personnel shall be available to necessary parties such as the
20 legislative auditor, legislative oversight committees for rules and annual reports, and
21 such other parties as necessary for prudent administration of the program and
22 verification of elements of application.

23 * * *

24 §153. Medical assistance; estate recovery program

25 * * *

26 C. Except to the extent that the responsibility for payment for medical care
27 of certain persons is transferred to the department in Subsection A ~~above~~ of this
28 Section and the pertinent rules and regulations subsequently adopted, the care and

1 treatment of medically indigent persons shall remain the responsibility of the various
2 charity hospitals of this state as provided by existing law.

3 * * *

4 §153.4. Medicaid Estate Recovery, legislative findings

5 * * *

6 F.

7 * * *

8 (2) An undue hardship to any heir, as defined by rule, shall exist if an heir's
9 family income is three hundred percent or less of the ~~U.S. Department of Health and~~
10 ~~Human Services Federal Poverty Level Guidelines as published annually in the~~
11 ~~Federal Register~~ applicable federal poverty guideline as published in the Federal
12 Register by the United States Department of Health and Human Services.

13 * * *

14 §156. Supplementary assistance to persons who are aged, blind, or have disabilities

15 A. Any person who is aged, blind, or has a disability, within the meaning of
16 Subchapter XVI of Chapter Seven of the Social Security Act, as amended, who, for
17 the month of December, 1973, was a recipient of old age assistance, disability
18 assistance, or aid to the needy blind, and is a recipient of supplemental security
19 income under Subchapter XVI of Chapter Seven of the Social Security Act, as
20 amended, shall be entitled to receive a monthly supplementary payment in the
21 amount described in Subsection B ~~below~~ of this Section, such payment to terminate
22 the month in which such individual dies or the first month such individual ceases to
23 be eligible for supplemental security income under Subchapter XVI of Chapter
24 Seven of the Social Security Act, as amended.

25 B. The supplementary payment referred to in Subsection A ~~above~~ of this
26 Section shall be in an amount equal to the amount by which the individual's
27 December, 1973 income exceeds the amount of such individual's Subchapter XVI
28 of Chapter Seven benefit plus other income for such month. For purposes of this
29 subsection, the terms "December, 1973 income" and "Subchapter XVI of Chapter

1 Seven benefit plus other income" shall have the meaning given to ~~said~~ those terms
2 in Act of July 9, 1973, Public Law 93-66, Section 212(a)(3), 87 Stat. 152.

3 * * *

4 §157. Prosthetic dentures; eligibility; rules and regulations

5 A. ~~The office of family security~~ bureau of health services financing of the
6 Louisiana Department of Health shall make available to persons of this state who are
7 eligible for Medicaid benefits under Title XIX of the Social Security Act, prosthetic
8 dentures, upon certification by a dentist licensed under Louisiana law that the person
9 is in need of prosthetic dentures, and upon certification of such need by the
10 Louisiana Department of Health.

11 B. The secretary of the Louisiana Department of Health shall promulgate the
12 necessary rules and regulations to implement the provisions of this Section. Such
13 rules and regulations shall ~~insure~~ ensure that no charge for ~~such~~ prosthetic dentures
14 shall be approved for payment in excess of that normally received in private
15 commercial relationships for the manufacture and fitting of such dentures, based on
16 the nature and quality of dentures provided, the extent of professional services
17 rendered, and the fees normally and customarily received in the area where the fitting
18 occurred.

19 §158. Prohibition of discrimination against dental care services

20 ~~The office of family security,~~ bureau of health services financing of the
21 Louisiana Department of Health; shall make available to persons who are eligible for
22 Medicaid benefits under Title XIX of the Social Security Act, 42 ~~USCA~~ U.S.C. Sec.
23 1396 et seq., inpatient hospital services, outpatient hospital services, prescribed
24 drugs, and all other services incident to professional treatment provided by a licensed
25 dentist when the treatment and service is otherwise authorized and included in the
26 Louisiana state plan for medical and dental assistance when provided or prescribed
27 by a physician or any other licensed practitioner of the healing arts, provided that the
28 dental health care shall be within the scope of dental professional practice as defined
29 by R.S. 37:751 et seq.

1 §159. Prohibition of discrimination against podiatric services

2 The office of the secretary of the Louisiana Department of Health shall make
3 available to persons who are eligible for Medicaid benefits under Title XIX of the
4 Social Security Act, 42 ~~USCA~~ U.S.C. Sec. 1396 et seq., inpatient hospital services,
5 outpatient hospital services, prescribed drugs, and all other services incident to
6 professional treatment provided by a licensed podiatrist when the treatment and
7 service is otherwise authorized and included in the Louisiana state plan for medical
8 assistance when provided or prescribed by a physician or any other licensed
9 practitioner of the healing arts, provided that the podiatric health care shall be within
10 the scope of podiatric professional practice as defined by R.S. 37:611 et seq.

11 §159.1. Hospice care pilot program; rules and regulations

12 * * *

13 C. Coverage of hospice care under the pilot project shall be in accordance
14 with 42 U.S.C. 1396d(o), the Medicare Hospice Program guidelines as set forth in
15 ~~42 C.F.R.~~ CFR Part 418, and Sections 4305-4308.2 of the federal Centers for
16 Medicare and Medicaid Services' State Medicaid Manual. In the case of an
17 individual who is eligible for Medicaid benefits under Title XIX of the Social
18 Security Act, occupies a ~~Medicaid-certified~~ Medicaid-certified nursing facility bed,
19 and elects to receive hospice care, an additional amount for room and board shall be
20 paid to the hospice that shall not be less than one hundred percent of the per diem
21 rate that would have been paid to the nursing facility under the Medicaid State Plan.

22 D. In order to participate in the pilot project, a hospice shall meet the
23 Medicare conditions of participation for hospice as set forth in 42 ~~C.F.R.~~ CFR Part
24 418 and shall have a valid Medicaid provider agreement.

25 * * *

26 §160.1. Definitions

27 For the purposes of this Subpart, the following definitions shall apply:

28 * * *

29 (10) "Health care provider" or "provider" means a state licensed, certified,
30 or ~~state-registered~~ state-registered provider of health care services, treatment, or

1 supplies, including but not limited to those entities defined in ~~R.S. 40:1299.41(A)~~
2 R.S. 40:1231.1(A).

3 * * *

4 §231.2. Family Independence Temporary Assistance Program; benefits; eligibility

5 A.(1) The department shall develop and administer a temporary assistance
6 program; to be known as the "Family Independence Temporary Assistance Program"
7 (FITAP) which shall provide money payments to the following:

8 * * *

9 B. Notwithstanding the provisions of Subsection A of this Section, FITAP
10 assistance shall not mean:

11 * * *

12 §231.4. Immunization compliance; exceptions

13 * * *

14 E. The Louisiana Department of Health shall apply for any federal waiver
15 necessary to ensure full federal participation in the implementation of this Section
16 and shall submit a written report to the Senate and House ~~Committees on Health and~~
17 ~~Welfare~~ committees on health and welfare at the time the waiver is either approved
18 or denied. Failure to receive waiver approval for any one or more of the public
19 assistance programs shall not preclude the implementation of this Section for the
20 remaining programs, upon waiver approval, if needed.

21 * * *

22 §232. Investigations and reports

23 A. If any person has knowledge that any dependent child is dependent upon
24 the public for support, or that the interest of the public requires that the child be
25 granted aid, the person may bring the fact to the notice of the parish office of the
26 Department of Children and Family Services of the parish in which the child resides,
27 which department shall make an investigation and examination of the circumstances
28 of the child before the granting of aid.

1 §236.7. Order of support; stipulation by district attorney and party

2 A.

3 * * *

4 (2) The court may also require the defendant to enter into a recognizance,
5 with or without surety, in order to ~~insure~~ ensure the payment of support. The
6 condition of the recognizance shall be that the defendant shall make his or her
7 personal appearance in court whenever required to do so, and shall further comply
8 with the terms of the order or of any subsequent modification thereof.

9 * * *

10 E. If the defendant has entered into a recognizance in the amount fixed by
11 the court to ~~insure~~ ensure the payment of the support, the court may order the
12 forfeiture of the recognizance and enforcement thereof by execution. The sum
13 recovered shall be paid in whole or in part to the applicable payee. However, should
14 the court order both the forfeiture of the recognizance and at the same time order the
15 defendant to pay all unpaid support under the sentence for contempt, the amount of
16 unpaid support plus attendant court costs and fines shall be the maximum payable.

17 * * *

18 §236.11.1. Notice of payment

19 * * *

20 D. The notice may be used by the department to redirect child support
21 payments from the state disbursement unit of this state to the state disbursement unit
22 of another state in accordance with 42 ~~U.S.C.A. §654(B)~~ U.S.C. 654b.

23 * * *

24 §237. Kinship Care Subsidy Program

25 * * *

26 B. Definitions. For purposes of this Section:

27 * * *

28 (15) "Minor relative" means a grandchild, step-grandchild, or other minor
29 relative not the natural or adopted child of the kinship caregiver who is under

1 eighteen years of age and who meets the definition of "dependent child" specified
2 in ~~R.S. 46:231(4)(a)~~ R.S. 46:231.

3 * * *

4 §285. Required training for child protection and foster care workers

5 * * *

6 D. Within six months following the commencement of responsibility for
7 cases, each ~~such~~ employee designated in Subsection A of this Section shall complete
8 a training program consisting of thirty-two hours of ~~job-related~~ job-related
9 instruction in addition to the training required in Subsection A of this Section.

10 * * *

11 §286. Foster home child care; reimbursement system; rules

12 The Department of Children and Family Services shall establish a system for
13 reimbursement of foster home child care costs based on the level of care for all foster
14 children placed in foster homes providing temporary or long-term foster care for not
15 more than six children receiving the services of the department. The department
16 shall promulgate rules for implementation of the reimbursement system by January
17 1, 1995, but only if funds are made available by appropriation by the legislature, and
18 shall submit such rules to the ~~Committees on Health and Welfare~~ committees on
19 health and welfare of the House of Representatives and the Senate in accordance
20 with the Administrative Procedure Act. At a minimum, the department shall seek
21 each year through the budgetary process funds sufficient to reimburse foster parents
22 at a rate at least equal to the cost for child care as reported and published by the
23 United States Department of Agriculture for the Southeastern United States.

24 * * *

25 §301. Legislative findings; Supplemental Nutrition Assistance Program educational
26 component; reporting requirements

27 A. The legislature finds and declares the following:

28 (1) The program ~~still commonly~~ formerly known as "food stamps" was
29 renamed the Supplemental Nutrition Assistance Program (SNAP) in October 2008.
30 SNAP is administered at the federal level by the United States Department of

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Agriculture Food and Nutrition Service (FNS) and at the state level by the Louisiana
2 Department of Children and Family Services, hereafter referred to as the
3 "department".

4 * * *

5 §326. Duties of the department

6 * * *

7 B. The department shall enter into any cooperative endeavor agreements,
8 contracts, and other arrangements with the Louisiana Workforce Commission, any
9 other government agency, and any community partner as may be necessary to ensure
10 adequate availability of workforce training to participants in the parish in which the
11 pilot initiative is established.

12 * * *

13 §433. Bond; account; oath and letters

14 A. The curator shall be accountable at whatever intervals are specified by the
15 court and the court shall have the right to require a bond or whatever other security
16 is deemed necessary by the court to ~~insure~~ ensure the faithful performance of the
17 curator's duties; the curator, upon being appointed, shall take an oath; and letters of
18 authority may be issued to him.

19 B. Failure by the curator to render an account satisfactory to the court shall
20 be sufficient cause for the curator's dismissal and the appointment of another curator.

21 * * *

22 §444. Cooperation with administrative agencies relative to interchange of
23 information

24 The Department of Children and Family Services is hereby authorized to
25 provide for interchange of such information necessary in providing for work training
26 experiences as required by Public Law 90-248, as the secretary of the United States
27 Department of Health, Education and Welfare, or its successor department, may
28 require for federal matching purposes.

29 * * *

1 §446.1. Notice to department by insurance companies; payment of assigned claims;
2 civil penalties

3 * * *

4 B. Information provided pursuant to Subsection A ~~above~~ of this Section shall
5 be confidential; and subject to the provisions of R.S. 46:56.

6 * * *

7 §447.1. Public assistance recipients; family planning education; contraceptives

8 * * *

9 B. The program shall provide for examinations by ~~health-care~~ healthcare
10 providers for the health and safety of public assistance recipients who elect to avail
11 themselves of or to practice forms of family planning approved ~~and/or~~ or made
12 available by the secretary. Any recipient of aid to families with dependent children
13 or any successor program, or recipient of public assistance with the cost of medical
14 care through the medical assistance program (Medicaid), who elects to avail himself
15 or herself of the services or contraceptives offered under the program shall be
16 provided with such an examination within fourteen days of his or her initial request.
17 If his or her choice of family planning methods involves the use of contraceptives
18 or requires the performance of medical procedures, excluding abortions, he or she
19 shall be provided with his or her choice of approved contraceptive or given the
20 opportunity to undergo the appropriate medical procedure within seven days of his
21 or her request for the contraceptive or procedure.

22 C. The secretary of the Louisiana Department of Health shall provide
23 specific written descriptions of the services available in the program established
24 under this Section to all recipients of aid to families with dependent children or any
25 successor program, and to all recipients of public assistance with the cost of medical
26 care through the medical assistance program (Medicaid), at least semiannually
27 through methods that may include direct mail to all such recipients.

28 D. The secretary of the Louisiana Department of Health shall adopt rules and
29 regulations for the administration of the program established under this Section,
30 including appropriate requirements and procedures for participants to receive prompt

1 examinations by and consultations with ~~health care~~ healthcare providers in
2 accordance with Subsection B ~~herein~~ of this Section.

3 E. The provisions of this Section shall be administered in accordance with
4 ~~R.S. 40:1299.34 and 1299.34.5~~ R.S. 40:1061.5 and 1061.6.

5 §447.2. Pregnant women and infants; access to health care; expansion of Medicaid
6 eligibility

7 A. The legislature hereby finds and declares that:

8 * * *

9 (2) It is the intent of the legislature that certain pregnant women and infants,
10 regardless of their economic status, geographic location, or ethnic background, have
11 access to appropriate ~~health care~~ healthcare services.

12 B. The department shall amend the Medicaid state plan to provide for:

13 (1) Eligibility for Medicaid services for all pregnant women with an income
14 of up to one hundred eighty-five percent of the ~~federal poverty income guidelines~~
15 applicable federal poverty guideline as published in the Federal Register by the
16 United States Department of Health and Human Services.

17 * * *

18 (3) A program of care coordination for ~~high risk~~ high-risk pregnant women.
19 The care coordination program shall include the following components:

20 * * *

21 D. The department shall promulgate regulations requiring that all public
22 health programs which render prenatal, postpartum, or infant ~~health care~~ healthcare
23 services shall provide at a minimum for the following:

24 (1) Expanded or flex-time hours of operation so that ~~health care~~ healthcare
25 services are available to pregnant women and children during evening and weekend
26 hours.

27 (2) An initial appointment within two weeks of request and minimal waiting
28 time to receive services after entering a ~~health care~~ healthcare facility.

29 * * *

1 B. Each ~~state-owned and operated~~ state-owned and -operated medical acute
2 care hospital shall have a rape counselor or a system of rape counseling designed to
3 ~~insure~~ ensure that the needs of rape victims are met.

4 * * *

5 §924. AIDS treatment services

6 A. Each state-owned and ~~operated~~ -operated medical acute care hospital in
7 the state shall establish, operate, and maintain an AIDS testing and treatment
8 services program to the extent and level provided by funds appropriated by the
9 legislature.

10 B. Each state-owned and ~~operated~~ -operated medical acute care hospital shall
11 have an AIDS counselor or a system of AIDS counseling designed to ~~insure~~ ensure
12 that the needs of the patient are met.

13 * * *

14 §932. Powers and duties

15 The office shall have the following powers and duties:

16 * * *

17 (14) To approve recommendations from any parish voluntary council on
18 aging prior to the creation of any new state-funded senior center in the state.
19 Recommendations from a parish voluntary council on aging and approval by the
20 ~~Office of Elderly Affairs~~ office of elderly affairs shall be based on need for a new
21 facility and whether the proposed facility will meet the criteria for a senior center as
22 defined in the policies and regulations established by the ~~Office of Elderly Affairs~~
23 office of elderly affairs.

24 * * *

25 §936. Statement of intent

26 A. It is the intention of the legislature that, insofar as is practical and
27 consistent with the efficient administration of state government, programs and
28 services for the elderly population of Louisiana, with the exception of any program
29 administered by the Department of Children and Family Services or the Louisiana
30 Department of Health on August 15, 1995, shall eventually be consolidated within

1 the ~~Office of Elderly Affairs~~ office of elderly affairs, to be administered at the local
 2 level by the sixty-four parish voluntary councils on aging.

3 B. It is further the intention of the legislature that the ~~Office of Elderly~~
 4 ~~Affairs~~ office of elderly affairs administer all federal funds appropriated, allocated,
 5 or otherwise made available to the state for services to the elderly, whether by block
 6 grant or in any other form, with the exception of funds for programs administered by
 7 the Department of Children and Family Services or the Louisiana Department of
 8 Health on August 15, 1995. The ~~Office of Elderly Affairs~~ office of elderly affairs
 9 shall distribute such funds in accordance with appropriate state and federal
 10 requirements and consistent with this Section.

11 * * *

12 §972. State plan; rules and regulations

13 A. The Louisiana Department of Health may establish a state plan for
 14 maternal and child health services and enter any orders and make any rules and
 15 regulations which are necessary to carry the plan into effect.

16 B. The plan shall:

- 17 (1) Provide for financial participation by the state.
- 18 (2) Provide for the administration of the plan or the supervision of the
 19 administration of the plan by the department.
- 20 (3) Provide the methods of administration which are necessary for the
 21 efficient operation of the plan.
- 22 (4) Provide that the department will make such reports; in the form and
 23 containing the information which the secretary of labor of the United States requires,
 24 and that the department will comply with the provisions which the secretary of labor
 25 finds necessary to assure the correctness and verification of the reports.
- 26 (5) Provide for the extension and improvement of local maternal and child
 27 health services administered by local health units.
- 28 (6) Provide for cooperation with medical, nursing, and welfare groups and
 29 organizations, ~~and~~.

1 (7) Provide for the development of demonstration services in needy areas
2 and among groups in special need.

3 C. This plan may contain any other provisions necessary to carry out the
4 purpose of this Chapter.

5 * * *

6 §975. Women's cancer prevention program

7 * * *

8 C.

9 * * *

10 (2) A ~~health care~~ healthcare facility may advertise and be recognized as
11 accredited if the facility has successfully completed the established dose and image
12 criteria, has been accredited for a three-year period by the American College of
13 Radiology, and maintains current accreditation. Upon receiving accreditation from
14 the American College of Radiology, the identifying certificate issued shall be
15 displayed in a prominent place at the facility.

16 * * *

17 §976. Children's Health Insurance Program; criteria for implementation

18 A. In accordance with the authority granted the Louisiana Department of
19 Health pursuant to R.S. 36:254(A)(6) and (D)(1)(a)(i) and pursuant to the restrictions
20 contained in Subsection B of this Section, the department shall avail itself of federal
21 funding under the Children's Health Insurance Program (Title XXI of the Social
22 Security Act) only if the following criteria are met:

23 * * *

24 (3) The department shall take the following steps to simplify the enrollment
25 process for children:

26 * * *

27 (c) Distribute information as to how to apply for Medicaid services and
28 where to obtain an application form at various strategic locations, including but not

1 limited to ~~health care~~ healthcare facilities, schools, community centers, churches, and
2 grocery stores.

3 * * *

4 (5)(a) The department shall expand Medicaid eligibility for children, birth
5 until age nineteen, in families whose income does not exceed one hundred
6 thirty-three percent of the ~~federal poverty level~~ applicable federal poverty guideline
7 as published in the Federal Register by the United States Department of Health and
8 Human Services.

9 (b) After July 1, 1999, the department shall expand Medicaid eligibility for
10 children, birth until age nineteen, in families whose income does not exceed one
11 hundred fifty percent of the ~~federal poverty level~~ applicable federal poverty guideline
12 as published in the Federal Register by the United States Department of Health and
13 Human Services.

14 (c) After July 1, 2000, the department shall expand eligibility for children,
15 birth until age nineteen, in families whose income does not exceed two hundred
16 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published
17 in the Federal Register by the United States Department of Health and Human
18 Services.

19 (d)(i) After July 1, 2001, the department shall apply to the Centers for
20 Medicare and Medicaid Services, United States Department of Health and Human
21 Services, for authority to implement appropriate waivers or demonstration projects
22 to expand eligibility under the Children's Health Insurance Program for parents of
23 children who are enrolled in the state's Children's Health Insurance Program or
24 Medicaid whose family income does not exceed ~~the federal poverty level~~ one
25 hundred percent of the applicable federal poverty guideline as published in the
26 Federal Register by the United States Department of Health and Human Services,
27 and for pregnant women whose family income is greater than one hundred
28 eighty-five percent of the ~~federal poverty level~~ applicable federal poverty guideline

1 but does not exceed two hundred percent of the ~~federal poverty level~~ applicable
2 federal poverty guideline.

3 * * *

4 B.

5 * * *

6 (3) Any private health insurance model implemented pursuant to the State
7 Children's Health Insurance Program (Title XXI of the Social Security Act) shall at
8 a minimum include the following features:

9 * * *

10 (b) Require all insurance providers participating in the private insurance
11 model to collect payments or premiums from participants on a sliding scale basis and
12 in accordance with any applicable state and federal regulations in order to provide
13 for payment for ~~health care~~ healthcare services or premiums for comprehensive
14 insurance coverage.

15 * * *

16 C. Beginning January 1, 1999, and semiannually thereafter, the department
17 shall submit the following information to the Joint Legislative Committee on the
18 Budget and to the Senate and House ~~Health and Welfare Committees~~ committees on
19 health and welfare:

20 * * *

21 E. Any rules or regulations adopted under the provisions of this Section shall
22 be promulgated under the Administrative Procedure Act. Any rules or regulations
23 adopted pursuant to the private health insurance model shall be subject to review by
24 the House Committee on Health and Welfare ~~and~~₂ the Senate Committee on Health
25 and Welfare ~~and~~₂ the House Committee on Insurance₂ and the Senate Committee on
26 Insurance.

27 * * *

28 §977.2. Purpose

29 The legislature hereby declares that for the economic and social benefits of
30 all residents of this state, it is important to ensure that children of the state have

1 access to affordable health insurance that offers comprehensive coverage and
 2 emphasizes preventive health care. Many children in working families are
 3 uninsured, including children in families whose family income is greater than two
 4 hundred percent of the ~~federal poverty level~~, ~~are uninsured~~ applicable federal poverty
 5 guideline as published in the Federal Register by the United States Department of
 6 Health and Human Services. The lack of health insurance negatively affects the
 7 health status of children. The lack of health insurance negatively affects the health
 8 status of children. The legislature further finds that access to health care is a key
 9 component for the healthy development of children and a successful education. It
 10 is, therefore, the intent of the legislature to provide access to affordable health
 11 insurance to children in Louisiana.

§977.3. Definitions

As used in this Part, the following definitions shall apply:

* * *

15 (3) "Medical assistance" means ~~health care~~ healthcare benefits provided
 16 through the Louisiana Medicaid program or the Louisiana Children's Health
 17 Insurance Program, hereafter referred to as LaCHIP.

* * *

§977.5. Eligibility requirements

A. To be eligible for this program, a child shall:

* * *

22 (2) Be in a family ~~where~~ in which the family income is between two hundred
 23 percent and three hundred percent of the ~~federal poverty level~~ applicable federal
 24 poverty guideline as published in the Federal Register by the United States
 25 Department of Health and Human Services.

* * *

C. A child shall not be eligible for coverage under the program if:

28 (1) The premium required by R.S. 46:977.9(D) has not been timely paid. If
 29 the required premium is not paid, the liability of the program shall be limited to
 30 ~~health care~~ healthcare services provided under the program for the time period for

1 which the premium has been paid. A child shall also be ineligible for reenrollment
2 for a period of time set forth in rule by the department if the premium is not paid.

3 * * *

4 §977.8. Eligibility; future federal legislation

5 The department, upon enactment by congress of legislation allowing the
6 same, may utilize income determinations made by the Food Stamp Program, WIC,
7 ~~or the National School Lunch Program, or the successor of any of these programs~~ for
8 determining income eligibility for the Louisiana Medicaid program or LaCHIP.

9 §977.9. ~~Health care~~ Healthcare benefits; cost sharing requirements

10 A. Subject to the General Appropriation Act of the legislature, the
11 department shall purchase or provide ~~health care~~ healthcare benefits for eligible
12 children which are equivalent to the benefits provided for children under the
13 coverage requirements for the federal Children's Health Insurance Program, Title
14 XXI of the Social Security Act.

15 * * *

16 D. The responsible party for a child enrolled in the program shall be subject
17 to the following cost-sharing requirements for subsidized insurance:

18 (1) The department shall by rule establish requirements concerning monthly
19 premiums, co-payments, and coinsurance for ~~health care~~ healthcare services. This
20 cost sharing shall be on a sliding scale based on family income up to three hundred
21 percent of the ~~federal poverty level~~ applicable federal poverty guideline as published
22 in the Federal Register by the United States Department of Health and Human
23 Services. The department shall work in consultation with the Louisiana staff of the
24 Children's Defense Fund, Agenda for Children, Louisiana Maternal and Child Health
25 Coalition, Covering Kids and Families, Louisiana Partnership for Children and
26 Families, Families Helping Families of Louisiana, Louisiana Chapter of the National
27 Association of Social Workers, Louisiana Chapter of the American Academy of
28 Pediatrics, Louisiana Chapter of the March of Dimes, and Louisiana Primary Care
29 Association in the rulemaking process regarding the sliding scale, which is based on
30 family income. Notwithstanding this Paragraph, there shall be no co-payment

1 required for well-baby or well-child health care, including but not limited to
2 age-appropriate immunization as required under state and federal law.

3 * * *

4 §977.10. Authority of the department; premiums

5 The department shall have the authority to:

6 * * *

7 (4) Monitor the availability and retention of employer-sponsored dependent
8 health insurance coverage to promote retention of private or employer-sponsored
9 health insurance and timely access to ~~health care~~ healthcare services.

10 * * *

11 §979.4. Administration of the Louisiana First America Next Freedom and
12 Empowerment Plan

13 * * *

14 H. The state may implement cost-sharing and copays, as a condition of
15 participation in the plan, for plan participants whose earning shall exceed fifty
16 percent of the applicable federal poverty ~~level~~ guideline as published in the Federal
17 Register by the United States Department of Health and Human Services.

18 * * *

19 §1052. Objects of the districts

20 The objects and purposes of the hospital service districts and the governing
21 bodies created ~~under~~ pursuant to the provisions of this ~~chapter~~ Chapter shall be:

22 * * *

23 §1056. Hospital director and executives

24 A. The commission shall enter into a formal written employment agreement
25 with a hospital director, hereafter referred to as "director", who has had experience
26 in the field of hospital administration and is familiar with the principles and methods
27 of hospital and institutional care, and the hospital may enter into a formal written
28 employment agreement with any hospital executive. For purposes of this Section,
29 "hospital executive" includes but is not limited to any senior member of management
30 such as vice president, assistant administrator, or department director. The director

1 and any hospital executive shall be full-time employees of the district or of the
2 hospital management firm. The director shall receive a salary fixed by the
3 commission.

4 * * *

5 §1057. Duties of director

6 In addition to the duties imposed upon him by other provisions of this ~~chapter~~
7 Chapter, it shall be the duty of the director:

8 * * *

9 (10) To receive and receipt for and keep a correct accounting of all gifts,
10 bequests, grants-in-aid, and other revenues received by the district and with the
11 consent of the commission, to expend the proceeds of all such gifts, bequests,
12 grants-in-aid and other revenues for the purpose designated in this ~~chapter~~ Chapter
13 and subject to any conditions that may be imposed in any act of donation or any law
14 providing grants-in-aid or other revenues for such purpose.

15 (11) To perform any other duties and functions which he or the commission
16 consider necessary or desirable to carry out the purposes of this ~~chapter~~ Chapter.

17 * * *

18 CHAPTER 10-D. HEALTHCARE SERVICE DISTRICT - LOUISIANA

19 DEPARTMENT OF HEALTH, ~~AND HOSPITALS'~~ REGION IV

20 * * *

21 §1194. Purpose

22 The purpose of the healthcare service district and the governing board created
23 ~~under~~ pursuant to the provisions of this Chapter shall be:

24 (1) To identify local public sources of revenue or expenditure that may be
25 used by the department as state match to draw down federal matching funds for the
26 provision of healthcare services for the ~~low-income~~ low-income and uninsured
27 population of the district. Notwithstanding any other provision of law to the
28 contrary, the district or governing board shall have no authority or governance of the

1 hospital service districts and shall have no authority to collect or cause to be
2 collected any hospital service district monies, funds, or assets.

3 * * *

4 §1195. Powers and duties of governing board

5 A. In addition to the duties defined elsewhere in this Chapter, the governing
6 board shall have the duty and authority:

7 * * *

8 (2) To advise on issues concerning the provision of healthcare services for
9 the ~~low income~~ low-income and uninsured population of the district.

10 * * *

11 B. The secretary of the department shall review each such agreement,
12 including a plan for the use of state Medicaid and disproportionate share dollars. If
13 the secretary finds that the agreement and plans are sufficient to support medical care
14 for the ~~low income~~ low-income and uninsured population of the district and the
15 funds are eligible for federal matching funds to be reimbursed, he shall verify that
16 finding to the governing board.

17 C. The governing board shall collect or cause to be collected all public
18 monies identified by the district as available for the purpose of serving as state match
19 for federal matching funds to ensure the provision of healthcare services delivered
20 for the ~~low income~~ low-income and uninsured population of the district.

21 D. The department shall make available for reimbursement these local and
22 federally matched funds to the designated providers in the district to ensure the
23 continued provision of healthcare services for the ~~low income~~ low-income and
24 uninsured population of the district.

25 * * *

26 §1402. Legislative intent; declaration of purpose and policy

27 It is the intent of the legislature to protect the health, safety, and well-being
28 of the children and youth of the state who are in out-of-home care on a regular or
29 consistent basis. Toward that end, it is the purpose of this Chapter to establish
30 statewide minimum standards for the safety and well-being of children and youth,

1 to ~~insure~~ ensure maintenance of these standards, and to regulate conditions in these
 2 facilities through a program of licensing. It shall be the policy of the state to ~~insure~~
 3 ensure protection of all individuals under care by specialized providers and to
 4 encourage and assist in the improvement of programs. It is the further intent of the
 5 legislature that the freedom of religion of all citizens shall be inviolate. This Chapter
 6 shall not give the Louisiana Department of Health or the Department of Children and
 7 Family Services jurisdiction or authority to regulate, control, supervise, or in any
 8 way be involved in the form, manner, or content of any curriculum or instruction of
 9 a school or specialized provider sponsored by a church or religious organization so
 10 long as the civil and human rights of the clients and residents are not violated.

* * *

12 §1403.1. Extended stay for completion of educational courses or other programs

13 Notwithstanding any other provision of law to the contrary, ~~including but not~~
 14 ~~limited to R.S. 46:1403(A)(1)~~, a child housed at a residential home; may stay at such
 15 home until his twenty-first birthday to complete any educational course that he began
 16 at such facility, including but not limited to a General Education Development
 17 course, and any other program offered by the residential home.

* * *

19 §1433. Notification of location of missing ~~and/or~~ or exploited child

* * *

21 §1602. Issuance of charter by the secretary of state; organization and operations;
 22 authority to receive public funds; liability

23 A.(1) Any five or more citizens of a parish who possess the qualifications
 24 set forth in this Section may associate themselves together for the purpose of making
 25 application to the office of elderly affairs, hereinafter in this Chapter referred to as
 26 the "office", for a charter for a parish voluntary council on the aging. The
 27 application shall set forth the names, addresses, and occupations of the persons who
 28 are to serve as members of the initial council and such other information as is
 29 required by this Chapter to be included in a parish charter.

1 cooperate to develop a plan for treatment and a continuum of care for children
 2 alleged to be or adjudicated delinquent or in need of care or supervision. The
 3 purposes of such consultation shall include the goal of early intervention by the
 4 components of the juvenile justice system to assist children in receiving proper
 5 treatment so that they will be less likely to re-enter the system.

6 * * *

7 §1953. Use of public facilities; equal accommodations; service dogs

8 * * *

9 F. Nothing in this Section shall require any person who owns, leases, or
 10 operates any public conveyance or modes of transportation, educational institutions,
 11 hotels, restaurants, theaters, lodging places, places of public accommodation,
 12 amusement, or resort, and other places to which the general public is invited, to
 13 modify his property or facility in any way or provide a higher degree of care for a
 14 person with a disability than for a person who ~~is not disabled~~ does not have a
 15 disability.

16 §1954. Housing accommodations; full and equal access; degree of care; service
 17 dogs

18 * * *

19 B. Nothing in this Section shall require any person renting, leasing, or
 20 providing for compensation immovable property to modify his property in any way
 21 or to provide a higher degree of care for a person with a disability than for a person
 22 who ~~is not disabled~~ does not have a disability.

23 * * *

24 §2121. Statement of purpose

25 * * *

26 C. It is the intention of the legislature to achieve a reduction in serious and
 27 fatal injuries to the victims of family violence and to clarify the problems, causes,
 28 and remediation of family violence by providing the necessary services including

1 shelter, counseling, and referrals to social services, medical care, and legal assistance
2 in the form of a family violence center.

3 * * *

4 §2125. Evaluation; reports

5 A. Both the program created hereunder and the shelters it prescribes shall be
6 evaluated by the House and Senate ~~Committees on Health and Welfare~~ committees
7 on health and welfare at the end of the first fiscal year of the program and at the end
8 of each subsequent fiscal year during which the program is continued. Such
9 evaluation shall be designed to determine the effectiveness of the program in
10 achieving its objectives.

11 * * *

12 §2127. Programs for victims of family violence; administration

13 * * *

14 C. Prior to any allocation or distribution of monies, as provided in
15 Subsection A ~~above~~ of this Section, the office may deduct no more than five percent
16 of the amount appropriated from the fund for administrative costs.

17 * * *

18 §2135. Temporary restraining order

19 * * *

20 C. During the existence of the temporary restraining order, a party shall have
21 the right to return to the family residence once to recover his or her personal clothing
22 and necessities, provided that the party is accompanied by a law enforcement officer
23 to ~~insure~~ ensure the protection and safety of the parties.

24 * * *

25 §2136. Protective orders; content; modification; service

26 A. The court may grant any protective order or approve any consent
27 agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132,
28 or the threat or danger thereof, to a party, any minor children, or any person alleged
29 to be incompetent, which relief may include but is not limited to:

30 * * *

1 (4)

2 * * *

3 (b) If the additional medical opinion regarding a medical evaluation is
4 ordered for both the defendant and abused person, two separate evaluators shall be
5 appointed.

6 (c) After an additional medical opinion regarding a medical evaluation has
7 been completed and a report issued, the court may order counseling or other medical
8 treatment as deemed appropriate.

9 * * *

10 §2200. Transportation assistance for persons who are elderly and persons with
11 disabilities

12 The Department of Transportation and Development may establish and
13 administer a program to provide assistance to applicants eligible under the provisions
14 of Section 16(b)(2) of the federal Urban Mass Transportation Act of 1964, as
15 amended (~~49 USCA~~ U.S.C. 1612(b)(2)).

16 * * *

17 §2254. Nondiscrimination policy in educational facilities, real estate transactions,
18 and state-funded programs

19 * * *

20 F.

21 * * *

22 (2) A recipient of state financial assistance shall operate a program or
23 activity in a facility which is accessible to and usable by persons with disabilities and
24 shall comply with ANSI specifications as defined in ~~R.S. 46:2253(18)~~ R.S. 46:2253
25 by January 1, 1982.

26 * * *

27 §2256. Complaints; filing procedure; compensation

28 * * *

29 B. Persons with disabilities who have been subject to unlawful
30 discrimination as defined in this Chapter shall have the right to any and all remedies

1 available under the law if they prevail in a suit under this Chapter including but not
 2 limited to compensatory damages, attorney fees, costs, and any other relief deemed
 3 appropriate. Any person who believes he has been discriminated against and intends
 4 to pursue court action ~~must~~ shall give the person who has allegedly discriminated
 5 written notice of this fact at least thirty days before initiating court action; ~~must and~~
 6 shall detail the discrimination, and both parties ~~must~~ shall make a good faith effort
 7 to resolve the dispute before court action.

8 C. Any party filing suit under this Chapter; who fails to prevail in his cause
 9 of action; shall be held responsible for reasonable ~~attorneys'~~ attorney fees and all
 10 court costs at the discretion of the judge.

11 * * *

12 §2352. Duties

13 The commission shall:

14 * * *

15 (4) Develop and implement a statewide program to ~~insure~~ ensure continuity
 16 of services to deaf people.

17 * * *

18 §2402. Definitions

19 Except where the context clearly indicates otherwise, in this Chapter:

20 * * *

21 (3) "Child abuse prevention" means services and programs funded through
 22 the Children's Trust Fund which are designed to prevent the occurrence or recurrence
 23 of child abuse and neglect as defined in ~~R.S. 14:403~~ Children's Code Article 603.
 24 Except for those provided in this Chapter and except for the purpose of planning and
 25 coordination pursuant to the provisions of this Chapter, the services and programs
 26 of the Department of Children and Family Services which are mandated by state law
 27 or state appropriation, or which are required for receipt of federal funds, shall not be
 28 subject to the provisions of this Chapter.

29 * * *

1 (5) "Fund" means the "Louisiana Children's Trust Fund" established by R.S.
2 46:2403.

3 * * *

4 §2603. Children's Cabinet; powers and duties

5 A. In order to carry out the purposes of this Chapter and the purposes for
6 which it is created, the Children's Cabinet shall:

7 * * *

8 (4) Submit an annual report to the governor, the Senate Committee on Health
9 and Welfare, the House Committee on Health and Welfare, and any other legislative
10 committee that requests a copy of the annual report, by January thirty-first
11 summarizing the accomplishments of the past year, providing an evaluation of
12 individual programs and the delivery of services, and indicating specific goals and
13 budget priorities for the next fiscal year.

14 * * *

15 B. In addition to the ~~above~~ duties and responsibilities provided in Subsection
16 A of this Section, in order to carry out its purposes and functions, the cabinet may:

17 * * *

18 §2692. Intergovernmental transfer program

19 * * *

20 C. No program shall be implemented under the provisions of this Section
21 unless and until the application submitted to the United States Department of Health
22 and Human Services is given final, written approval by the Health Care Financing
23 Administration, ~~United States Department of Health and Human Services~~ or its
24 successor.

25 * * *

26 §2702. Definitions

27 For the purposes of this Chapter, the following words and phrases shall have
28 the meanings ascribed to them in this Section:

29 * * *

1 (8) "Full-size crib" means a full-size crib as defined in 16 ~~C.F.R.~~ CFR
2 1508.3, regarding the requirements for full-size cribs.

3 (9) "Non-full-size crib" means a non-full-size crib as defined in 16 ~~C.F.R.~~
4 CFR 1509.2, regarding the requirements for non-full-size cribs.

5 * * *

6 §2704. Unsafe children's product defined

7 * * *

8 B. For the purposes of this Chapter, a crib is unsafe if it does not conform
9 to the standards endorsed or established by the Consumer Product Safety
10 Commission, pursuant to 16 ~~C.F.R.~~ CFR 1500.1; et seq.

11 * * *

12 §2722. Intergovernmental transfer program

13 * * *

14 B. Subject to such recommendations and approval, the department shall
15 make application to the United States Department of Health and ~~Hospitals~~ Human
16 Services for the implementation of an intergovernmental transfer program. The
17 application shall include a detailed explanation of the department's plan to utilize the
18 plan funds for the reimbursement of Medicaid school-based services and
19 administrative claiming as allowed by law.

20 * * *

21 §2731. Health Trust Fund

22 * * *

23 B.

24 * * *

25 (2) Any money transferred or deposited to the Health Trust Fund from the
26 receipt of economic damages proceeds of the Deepwater Horizon Economic
27 Damages Collection Fund provided for in R.S. 39:91 shall be further deposited by
28 the treasurer into a trust account hereby established in the Health Trust Fund and
29 named the Medicaid Disabilities Account. Notwithstanding any other provision of
30 this Section, the money in the Medicaid Disabilities Account shall be used solely to

1 be appropriated for services provided by ~~home and community-based~~ home- and
2 community-based healthcare providers utilized by ~~the developmentally disabled~~
3 persons with developmental disabilities.

4 * * *

5 C. The legislature may appropriate monies to the fund from sources
6 including but not limited to the following:

7 * * *

8 (3) Uncompensated care payments to state and other public providers and
9 facilities that are designated for the purposes of intergovernmental transfer payments,
10 except uncompensated care payments up to one hundred percent of uncompensated
11 care costs of hospitals defined in ~~R.S. 40:1300.143(a)~~ R.S. 40:1189.3.

12 * * *

13 D. Appropriations from the fund shall be used and expended under the
14 supervision of the secretary of the Louisiana Department of Health, hereinafter
15 referred to as the "department", and shall be restricted to the purposes of enhancing
16 the provision of appropriate health care to Louisiana's Medicaid and LaCHIP
17 beneficiaries and the medically indigent by:

18 * * *

19 (3) Workforce development initiatives to increase access to primary and
20 preventive health ~~care~~ services by supporting education and placement of physicians
21 and other medical professionals in medically underserved areas, including but not
22 limited to the State Loan Repayment Program, physician salary subsidies, and health
23 education scholarships.

24 (4) Initiatives to provide primary and preventive health services, including
25 but not limited to immunizations; maternal and child health; nutritional counseling;
26 family planning; diagnosis, management, and treatment of HIV/AIDS; diagnosis,
27 management, and treatment of sexually transmitted diseases; women, infants, and
28 children (WIC) nutritional services; genetic disease services; and other services as
29 may be identified by the secretary through rules. Notwithstanding any other
30 provision of this Chapter to the contrary, primary and preventive health ~~care~~ services

1 shall not include any functions of the department relating to environmental health
 2 such as sanitarian services, drinking water, commercial body art regulations, sanitary
 3 code mandates, disease surveillance activities, and vital records and statistics.

4 * * *

5 E.(1) Monies in the fund shall not be used to displace, replace, or supplant
 6 appropriations from the state general fund for the Medicaid program, the Children's
 7 Health Insurance Program (LaCHIP), or amounts appropriated for services provided
 8 by ~~home and community based~~ home- and community-based healthcare providers
 9 utilized by ~~the developmentally disabled~~ persons with developmental disabilities
 10 below the amounts of state general fund appropriations for those programs for the
 11 2001-2002 Fiscal Year.

12 (2) Further, nothing contained herein shall be construed to diminish or
 13 modify the legislative commitment to rural hospitals contained in ~~R.S. 40:1300.141~~
 14 R.S. 40:1189.1 et seq., or to permit the department to reduce current Medicaid and
 15 uncompensated care payments to rural hospitals, except where such reductions are
 16 associated with decreased utilization or as otherwise required by law, by federal
 17 disallowance, or by decreased federal participation in uncompensated care payments.
 18 Further, the department shall continue its efforts to develop new financing and
 19 reimbursement mechanisms relative to the use of Medicaid and uncompensated care
 20 payments to such rural hospitals for increased access to health care for Medicaid and
 21 LaCHIP beneficiaries and uninsured indigent individuals.

22 F. Upon adoption of this Act and approval of an implementation plan in
 23 accordance with Subsection H of this Section, the secretary of the department is
 24 authorized to take any and all actions necessary to assure the continued availability
 25 of primary and preventive health ~~care~~ services, especially for indigent uninsured
 26 individuals, including but not limited to funding for qualifying applicants or
 27 cooperative endeavors with local government units for provision of such services.
 28 The secretary shall require as a condition of payment of uncompensated care costs
 29 and reimbursements provided under Paragraph (D)(6) of this Section that hospitals
 30 and other ~~health-care~~ healthcare facilities shall provide to the department

1 patient-specific data on the amount and type of uncompensated care provided. In
 2 addition, if a hospital or other ~~health-care~~ healthcare facility does not provide the
 3 required patient-specific data, the secretary of the department may withhold an
 4 amount equal to five percent of Medicaid payments due that provider. Such
 5 withholding shall increase by five percent for each successive month that the
 6 required data is not received, but the total amount withheld shall not exceed
 7 twenty-five percent of the total monthly amount due the facility. Upon receipt of the
 8 required data, the department shall pay the facility all amounts previously withheld
 9 as a result of the failure to submit the required data. A hospital or other ~~health-care~~
 10 healthcare facility subject to withholding under this provision may request an
 11 administrative review as provided by R.S. 46:437.4. The format of the data
 12 submission shall be defined by the secretary of the department in consultation with
 13 representatives of ~~health-care~~ healthcare facilities providing care to the indigent and
 14 uninsured.

* * *

15 §2758.2. Integrated case management planning system; creation; membership;
 16
 17 duties and responsibilities

* * *

18
 19 C. In order to facilitate the development of a complete continuum of care for
 20 at-risk youths, the departments shall:

21 (1) Develop an outline for the creation of and transition to an integrated case
 22 management system focusing on the behavioral health, rehabilitative, and
 23 educational needs of youths who are at risk for involvement in, currently involved
 24 in, or exiting the juvenile justice and child welfare system.

* * *

25
 26 Section 6. Children's Code Articles 1015(4)(i), 1354, 1409(F), and 1461.1(A)(2) are
 27 hereby amended and reenacted to read as follows:

28 Art. 1015. Grounds; termination of parental rights

29 The grounds for termination of parental rights are:

30 * * *

1 (4) Misconduct of the parent toward this child or any other child of the
 2 parent or any other child which constitutes extreme abuse, cruel and inhuman
 3 treatment, or grossly negligent behavior below a reasonable standard of human
 4 decency, including but not limited to the conviction, commission, aiding or abetting,
 5 attempting, conspiring, or soliciting to commit any of the following:

6 * * *

7 (i) Abuse or neglect which is chronic, ~~life-threatening~~ life-threatening, or
 8 results in gravely disabling physical or psychological injury or disfigurement.

9 * * *

10 Art. 1354. Persons adjudged guilty of criminal neglect

11 Whenever a person has been ordered to pay a fixed sum of money as support
 12 to an individual following a plea or adjudication for the offense of criminal neglect
 13 of family, pursuant to R.S. 14:74, and such person has absconded or fled the
 14 jurisdiction of the court or has violated the terms of his probation relating to that
 15 support obligation, or both, if such conduct necessitates help and support to the
 16 individual by the ~~office of family security~~ of the department and should such person
 17 be apprehended and arrearages of his support payments are collected from him, the
 18 arrearage collected from the person ~~will~~ shall go to the department as reimbursement
 19 to the extent allowed by federal law.

20 * * *

21 Art. 1409. Rights guaranteed

22 * * *

23 F. No minor patient confined by emergency certificate, judicial commitment,
 24 court order, or noncontested status shall receive major surgical procedures or
 25 electroshock therapy without the written consent of a court of competent jurisdiction
 26 after a hearing. However, if the director of the treatment facility, in consultation
 27 with two physicians, determines that the condition of the minor is of such a critical
 28 nature that it may be ~~life-threatening~~ life-threatening unless major surgical
 29 procedures or electroshock therapy are administered, such emergency measures may
 30 be performed without the consent otherwise provided for in this Paragraph. No

1 physician shall be liable for a good faith determination that a medical emergency
2 exists.

3 * * *

4 Art. 1461.1. Communication with parent or guardian of minor child

5 A. Notwithstanding the provisions of Article 1409, any treating facility to
6 which a minor is admitted under the provisions of Article 1460 shall provide to the
7 parent or guardian of the minor child the following notifications from the facility
8 during all times that the minor is confined to the facility:

9 * * *

10 (2) Verbal notice within two hours and detailed written notice within
11 forty-eight hours of all occurrences in which the physical or mental safety of the
12 minor was placed at risk, including but not limited to unwanted or improper physical
13 contact, physical assault, or sexual contact with another patient or staff member.
14 Additionally, any such detailed written notice shall also be transmitted within
15 forty-eight hours to the local protection and advocacy system established under 42
16 ~~U.S.C.A. §15041~~ U.S.C. 15041 et seq.

17 * * *

18 Section 7. The Louisiana State Law Institute is hereby directed to alphabetize the
19 defined terms provided in R.S. 37:1277(A), 1513, and 2101, R.S. 40:1081.9(A), and R.S.
20 46:1952, 2116.1, and 2253.

21 Section 8. R.S. 46:932(13)(c) and 2692(A)(1) are hereby repealed in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____