

Regular Session, 2011

HOUSE BILL NO. 440

BY REPRESENTATIVE BURFORD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE/PROVIDERS: Provides with respect to the licensing standards, rules, and regulations applicable to home- and community-based service providers

1 AN ACT

2 To amend and reenact R.S. 40:2120.4(B)(1) and 2120.5(A) and (D), relative to home- and  
3 community-based service providers; to provide for the addition of accreditation  
4 requirements to certain licensing standards; to provide for fulfillment of licensing  
5 requirements by the submission of proof of certification or accreditation from certain  
6 nationally recognized entities; to require proof of contact with an accreditation  
7 organization or a documented plan for seeking accreditation in the initial application  
8 for licensure; to authorize two-year audit cycles for certain agencies or providers;  
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:2120.4(B)(1) and 2120.5(A) and (D) are hereby amended and  
12 reenacted to read as follows:

13 §2120.4. Rules and regulations; licensing standards

14 \* \* \*

15 B. The licensing agency of the department shall prescribe, promulgate, and  
16 publish rules, regulations, and licensing standards to include but not be limited to the  
17 following:

18 (1)(a) Licensure application and renewal application procedures and  
19 requirements. Licensure procedures and requirements ~~may~~ shall include provisions  
20 for accreditation requirements or granting of deemed status to home- and

1 community-based service providers that obtain accreditation through a recognized  
2 national, not-for-profit accrediting body; the licensure procedures and requirements  
3 may include provisions for denying and revoking deemed status, for complaint  
4 surveys and investigations of providers holding deemed status, and for approved  
5 accreditation organizations. Deemed status shall not be available to persons or  
6 entities seeking initial licensure with the department.

7 (b) A nongovernmental agency or service provider that provides home- and  
8 community-based services shall be deemed to meet the licensing requirements of this  
9 Section, to provide these services, if such agency or provider submits proof of  
10 certification or accreditation by one or more of the following nationally recognized  
11 entities:

12 (i) The Joint Commission on the Accreditation of Healthcare Organizations.

13 (ii) The Commission on Accreditation of Rehabilitation Facilities.

14 (iii) The Council on Quality and Leadership in Supports for People with  
15 Disabilities.

16 (iv) The Council on Accreditation of Services for Families and Children.

17 \* \* \*

18 §2120.5. License issuance; application; onsite inspection

19 A.(1) Each application for licensure of a home- and community-based  
20 service provider shall be submitted to the department on forms provided by the  
21 licensing agency and shall contain such information as that agency may require.  
22 Additional information required by the licensing agency shall be provided by the  
23 applicant as requested.

24 (2) Each initial application for licensure shall include proof of contact with  
25 an accreditation organization and a documented plan for seeking accreditation.

26 \* \* \*

27 D.(1) As a condition for a renewal of a license, the licensee ~~must~~ shall  
28 submit to the licensing agency a completed annual renewal application on forms  
29 prescribed by the licensing agency and shall contain such information as required by

1 the agency, including proof of accreditation; additionally, the annual renewal  
 2 licensing fee ~~must~~ shall be submitted with the annual renewal application. Upon  
 3 receipt of the completed annual renewal application and the annual renewal licensing  
 4 fee, the licensing agency shall determine if the facility or provider continues to meet  
 5 the requirements established ~~under~~ pursuant to this Part and the licensing standards  
 6 adopted pursuant to this Part. The licensing agency may perform an onsite survey  
 7 and inspection upon annual renewal. If the facility or provider continues to meet the  
 8 requirements established ~~under~~ pursuant to this Part and the licensing standards  
 9 adopted pursuant to this Part, a license shall be issued which is valid for one year.

10 (2) The department shall adopt a procedure whereby in its annual audit  
 11 process those agencies or service providers that have received accreditation and have  
 12 a ten percent or less error rate in their annual audit shall be moved to a two-year  
 13 audit cycle. The department may request information from the agency or service  
 14 provider at any time for random file audits.

\* \* \*

---

DIGEST

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

---

Burford

HB No. 440

**Abstract:** Amends provisions establishing the rules, regulations, and licensing standards for home- and community-based service providers.

Present law (R.S. 40:2120.4(B)(1)) requires the Dept. of Health and Hospitals (DHH) to prescribe, promulgate, and publish rules, regulations, and licensing standards that include licensure application and renewal application procedures and requirements. Also, it allows the licensure procedures and requirements to include provisions for granting deemed status to home- and community-based service providers that obtain accreditation through a recognized national, not-for-profit accrediting body; the licensure procedures and requirements may include provisions for denying and revoking deemed status, for complaint surveys and investigations of providers holding deemed status, and for approved accreditation organizations. Further, provides that deemed status shall not be available to persons or entities seeking initial licensure with DHH.

Proposed law adds accreditation requirements to the licensure procedures and requirements.

Proposed law (R.S. 40:2120.4(B)(1)(b)) specifies that a nongovernmental agency or service provider that provides home- and community-based services is deemed to meet the licensing requirements of present law, to provide these services, if such agency or provider submits

proof of certification or accreditation by one or more of the following nationally recognized entities:

- (1) The Joint Commission on the Accreditation of Healthcare Organizations.
- (2) The Commission on Accreditation of Rehabilitation Facilities.
- (3) The Council on Quality and Leadership in Supports for People with Disabilities.
- (4) The Council on Accreditation of Services for Families and Children.

Proposed law (R.S. 40:2120.5(A)) requires each initial application for licensure to include proof of contact with an accreditation organization and a documented plan for seeking accreditation.

Present law (R.S. 40:2120.5(D)) in pertinent part, provides that in order to renew a license, the licensee is required to submit to the licensing agency a completed annual renewal application on forms prescribed by the licensing agency and that contain such information as required by the agency; additionally, the annual renewal licensing fee must be submitted with the annual renewal application.

Proposed law adds proof of accreditation to the license renewal process.

Proposed law (R.S. 40:2120.5(D)(2)) requires DHH to adopt a procedure whereby in its annual audit process those agencies or service providers that have received accreditation and have a 10% or less error rate in their annual audit are moved to a two-year audit cycle. Also, authorizes DHH to request information from the agency or service provider at any time for random file audits.

(Amends R.S. 40:2120.4(B)(1) and 2120.5(A) and (D))