

2020 Regular Session

HOUSE BILL NO. 449

BY REPRESENTATIVE ECHOLS

HEALTH SERVICES: Provides relative to behavioral health services delivered via telehealth

1 AN ACT

2 To amend and reenact R.S. 40:1223.3(6) and 2153(1) and to enact R.S. 40:2153(16) and  
3 2156(B)(16), relative to behavioral health services; to provide relative to delivery of  
4 such services through telehealth; to provide for definitions; to provide for regulation  
5 of behavioral health services providers by the Louisiana Department of Health; to  
6 provide for administrative rulemaking by the department relative to behavioral health  
7 services; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1223.3(6) and 2153(1) are hereby amended and reenacted and  
10 R.S. 40:2153(16) and 2156(B)(16) are hereby enacted to read as follows:

11 §1223.3. Definitions

12 \* \* \*

13 (6)(a) "Telehealth" means a mode of delivering healthcare services,  
14 including behavioral health services, that utilizes information and communication  
15 technologies to enable the diagnosis, consultation, treatment, education, care  
16 management, and self-management of patients at a distance from healthcare  
17 providers. Telehealth allows services to be accessed when providers are in a distant  
18 site and patients are in the originating site. Telehealth facilitates patient  
19 self-management and caregiver support for patients and includes synchronous  
20 interactions and asynchronous store and forward transfers.

1           (b) For purposes of this Paragraph, "behavioral health services" means those  
2           services as defined in R.S. 40:2153 that are appropriate for the patient and delivered  
3           by a licensed mental health professional, acting within the scope of applicable state  
4           laws and his professional license for services identified by Louisiana Department of  
5           Health, to treat mental illness or substance use.

6    \*           \*           \*

7           §2153. Definitions

8    For the purposes of this Part, and subject to the provisions of R.S. 40:2154,  
9           unless the context otherwise clearly indicates, the following terms shall have the  
10          following meanings:

11           (1) "Behavioral health services" means mental health services, substance  
12          abuse/addiction treatment services, or a combination of such services, for adults and  
13          children. Behavioral health services may be provided, subject to rules and  
14          regulations of the Louisiana Department of Health, in a residential setting, in a clinic  
15          setting on an outpatient basis, ~~or~~ in a home or community setting, or through  
16          telehealth.

17    \*           \*           \*

18           (16) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.

19    \*           \*           \*

20          §2156. Rules and regulations; licensing standards; fees

21    \*           \*           \*

22           B. The department shall prescribe, promulgate, and publish rules,  
23          regulations, and licensing standards for behavioral health services providers. The  
24          rules, regulations, and licensing standards shall include but are not limited to the  
25          following:

26    \*           \*           \*

27           (16) Delivery of behavioral health services through telehealth.

28    \*           \*           \*

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**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)]

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HB 449 Reengrossed

2020 Regular Session

Echols

**Abstract:** Provides relative to behavioral health services delivered via telehealth and regulation of such services by the La. Department of Health.

Present law, the Louisiana Telehealth Access Act (R.S. 40:1223.1 et seq.), defines "telehealth", in pertinent part, as a mode of delivering healthcare services that utilizes information and communication technologies to enable the diagnosis, consultation, treatment, education, care management, and self-management of patients at a distance from healthcare providers. Proposed law amends this definition to provide that healthcare services delivered via telehealth include behavioral health services. Stipulates that, for purposes of proposed law, "behavioral health services" means those services as defined in present law that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by the Louisiana Department of Health (LDH), to treat mental illness or substance use.

Present law, the Behavioral Health Services Provider Licensing Law (R.S. 40:2151 et seq.), authorizes the provision of behavioral health services in residential settings, clinic settings on an outpatient basis, and in home or community settings. Proposed law amends present law to authorize the provision of behavioral health services through telehealth. Stipulates that the provision of behavioral health services in any authorized setting shall be subject to rules and regulations of LDH.

Present law requires LDH to promulgate rules and regulations for behavioral health services providers. Proposed law provides that such rules and regulations shall address the delivery of behavioral health services by those providers through telehealth.

(Amends R.S. 40:1223.3(6) and 2153(1); Adds R.S. 40:2153(16) and 2156(B)(16))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Stipulate that, for purposes of proposed law incorporating behavioral health services within the "telehealth" definition, the term "behavioral health services" means those services as defined in present law that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by the La. Department of Health, to treat mental illness or substance use.
2. Amend the definition of "behavioral health services" in present law to include a reference to the provision of such services through telehealth.
3. Amend present law relative to settings in which behavioral health services may be provided to stipulate that the provision of such services in those settings shall be subject to rules and regulations of the La. Department of Health.
4. Make technical changes.