

2022 Regular Session

HOUSE BILL NO. 517

BY REPRESENTATIVE SELDERS

CORRECTIONS: Creates and provides for the Medical Advisory Council within the Dept. of Public Safety and Corrections

1 AN ACT

2 To amend and reenact R.S. 15:831(A) and to enact R.S. 15:827(A)(10) and 827.4, relative  
3 to medical services in the Department of Public Safety and Corrections; to create a  
4 Medical Advisory Council within the Department of Public Safety and Corrections;  
5 to provide relative to membership and powers of the Medical Advisory Council; to  
6 provide relative to powers of the secretary of the Department of Public Safety and  
7 Corrections; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:831(A) is hereby amended and reenacted and R.S. 15:827(A)(10)  
10 and 827.4 are hereby enacted to read as follows:

11 §827. Duties of Department of Public Safety and Corrections

12 A. In addition to other duties imposed upon the department it shall be the  
13 duty of the department to:

14 \* \* \*

15 (10) Hire a statewide department medical director, pursuant to R.S. 15:827.4,  
16 who shall be responsible for the delivery of services consistent with constitutional  
17 standards of preventive, chronic, and acute medical care for all people sentenced to  
18 state custody.

19 \* \* \*

1 §827.4. Establishment of Medical Advisory Council

2 A. The Medical Advisory Council to the secretary is hereby created within  
3 the Department of Public Safety and Corrections and shall consist of the medical  
4 directors from each state prison facility and the department medical director.

5 B. The council shall provide recommendations to the department regarding  
6 the following:

7 (1) Hiring and retention.

8 (2) Department policies.

9 (3) Post-mortem review.

10 (4) A correctional health electronic records system that is compatible with  
11 major hospitals and health providers outside the correctional institutions.

12 (5) Other reasonably related responsibilities of institutional oversight.

13 C. The council shall nominate and elect a chair, vice chair, and secretary, and  
14 hold meetings no less than quarterly.

15 D. The initial members of the medical advisory council shall serve until  
16 August 14, 2025, and all subsequent members shall serve three-year terms beginning  
17 on August fifteenth of each successive term.

18 E. The secretary shall have the authority to contract with consultants to assist  
19 the medical advisory council and medical director in the promulgation and review  
20 of institutional policies and practices.

21 F. The council shall submit a quarterly report to the state health officer  
22 within the Louisiana Department of Health.

23 \* \* \*

24 §831. Medical care of inmates; testing

25 A. The secretary of the Department of Public Safety and Corrections, using  
26 the recommendations of the Department of Public Safety and Corrections Medical  
27 Advisory Council, shall establish and shall prescribe standards for health, medical,  
28 and dental services for each institution, including preventive, diagnostic, and  
29 therapeutic measures on both an outpatient and a hospital basis, for all types of  
30 patients. An inmate may be taken to a medical facility outside the institution when

1 deemed necessary by the director. However, in situations which are not life-  
 2 threatening, the medical facility selected to treat the inmate shall be a part of the  
 3 state's charity hospital system. In emergency situations where treatment by a state  
 4 charity hospital is not available or feasible, the inmate may receive emergency  
 5 treatment at the nearest private medical facility. As soon as practicable, the inmate  
 6 should be transferred to a facility operated by the state's charity hospital system.  
 7 Notwithstanding any law to the contrary, all payments to private hospitals or health  
 8 care providers shall be governed by R.S. 15:824(B)(1)(c). No monies appropriated  
 9 to the department from the state general fund or from dedicated funds shall be used  
 10 for medical costs associated with organ transplants for inmates or for the purposes  
 11 of providing cosmetic medical treatment of inmates, unless the condition  
 12 necessitating such treatment or organ transplant arises or results from an accident or  
 13 situation which was the fault of the department or resulted from an action or lack of  
 14 action on the part of the department. However, nothing in this Section shall prohibit  
 15 an inmate from donating his vital organs for transplant purposes.

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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 517 Engrossed

2022 Regular Session

Selders

**Abstract:** Provides for the Medical Advisory Council within DPS&C.

Present law (R.S. 15:827) provides relative to the duties of DPS&C.

Proposed law (R.S. 15:827(A)(10)) retains present law and adds an additional duty of hiring a department medical director.

Proposed law provides that the department medical director shall be responsible for the delivery of services for persons sentenced to state custody.

Proposed law (R.S. 15:827.4) creates the DPS&C Medical Advisory Council composed of medical directors from each state prison facility and the department medical director.

Proposed law provides that the council shall provide recommendations to DPS&C on the following:

- (1) Hiring and retention.

- (2) Departmental policies.
- (3) Post-mortem review.
- (4) A health electronic records system.
- (5) Other reasonably related responsibilities.

Proposed law provides that the council elect a chair, vice chair, and secretary and hold quarterly meetings.

Proposed law provides the initial council members shall serve until Aug. 14, 2025. All subsequent members shall serve three-year terms beginning on Aug. 15th of each successive term.

Proposed law provides that the secretary shall have authority to contract with consultants to assist council and medical director.

Proposed law provides that the council shall submit a quarterly report to the state health officer within the La. Dept. of Health.

Present law (R.S. 15:831) provides for the medical care of inmates. Provides that the DPS&C secretary shall establish standards for health, medical, and dental services for each institution.

Proposed law retains present law and provides that the Medical Advisory Council shall provide recommendations to the DPS&C secretary.

(Amends R.S. 15:831(A); Adds R.S. 15:827(A)(10) and 827.4)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Delete language that references the hiring of a statewide department medical director.
3. Change the membership of the advisory council from thirteen members of various medical disciplines or associations to the medical directors from each state prison facility and the department medical director.
4. Replace "advice and consent" with "recommendations".
5. Change the time period of the council's meetings from "annually" to "quarterly".
6. Require the council to submit a quarterly report to the state health officer within the La. Department of Health.
7. Delete language that references the Administrative Procedure Act relative to the council's advice to the DPS&C on departmental policies.
8. Delete language that requires the council to provide advisement and approval pertaining to a health electronic records system.