To enact Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 38:2320.1, relative to the purchase of port-related specialized cranes and replacement parts; to authorize all port commissions and port, harbor, and terminal districts to purchase specialized cranes and replacement parts through methods of procurement; to establish requirements for requests for qualifications and requests for proposals; to provide for definitions; to provide for an effective date; and to provide for related matters.

Section 1. Part XI of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:2320.1, is hereby enacted to read as follows:

§2320.1. Methods of procurement for specialized cranes and replacement parts
A. Notwithstanding any other provision of law to the contrary, and in addition to the authority granted by any other provision of law, all port commissions and port, harbor, and terminal districts may purchase port-related specialized cranes and any replacement parts through a request for proposals. The process to purchase specialized cranes and replacement parts shall conform to the following:
(1) Specifications for the port-related specialized cranes and any replacement parts shall be prepared in advance and designate the specific class of any specialized crane and replacement part desired and may include requested or alternative features associated with such class of specialized crane or replacement part. The specifications may also include requirements for maintenance of the specialized crane or replacement part.
(2) The commission or district may pre-qualify bidders for the procurement of any specialized crane or replacement part. Public notice of the request for qualifications shall include the date scheduled for opening the request for qualifications to bidders and shall be published at least twenty-five days prior to the scheduled date. The notice and all procedures for the pre-qualification shall be published on the website of the commission or district that is available to the general public. In addition, written notice of the request for qualifications may be mailed or emailed to firms that are known to be in a position to furnish specialized cranes or replacement parts. If the commission or district chooses to pre-qualify bidders for procurement, only those pre-qualified bidders may submit bids on the designated purchase contract.
(3) A request for proposals shall be mailed or emailed to all pre-qualified firms. If pre-qualification procedures are not used, then public notice of the request for proposals shall be given in the same manner as the public notice of the request for qualifications. For the request for proposals shall include the following:
(a) The relative importance of price and warranties.
(b) The tasks expected to be performed pursuant to the contract.
(c) The functional specifications of the crane or any replacement parts.
(d) The expected time frame within which the specialized cranes will be delivered or the replacement parts provided.
(e) The criteria that will be used and the factors that will be considered when evaluating the proposals.
(f) The commission or district is authorized to negotiate the price, conditions, and terms of the purchase contract with any bidder who submits a proposal.
(4) Except as provided in Paragraph (6) of this Subsection, an award shall be made in writing, to the bidder whose proposal is determined by the governing authority of the commission or district to be the most advantageous based upon the factors provided in Paragraph (3) of this Subsection. No other basis of evaluation shall be used except those set forth in the request for proposals.
(5) The governing authority of the commission or district may reject all proposals when it is deemed that this action is in the best interest of the commission, district, or local governmental entity.
B. For purposes of this Part, the term “specialized crane” shall mean a container crane, bulk unloader, spiral conveyor, or other cargo handling equipment used primarily in the operation of a port facility.
C. Any financing of the procurement of port, harbor, and terminal specialized cranes or replacement parts as provided for in this Section may be in amounts and upon terms and conditions as may be agreed upon by the commission or district and the crane provider or repair company.
D. The governing authority of the commission or district may develop and adopt any guidelines, rules, or regulations necessary to effectuate the provisions of this Section.
Approved by the Governor, May 15, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill
One representative from a community-based provider comments living with HIV, one of State Nurses Association, The commissioner of insurance or his organization which provides services to thirty-three members, six regular meetings each year at a place The legislature hereby establishes within the office of the who provided in Subsection B of this Section.

(b)(i) Two representatives R. Kyle Ardoin A true copy:

(g) One Four Ryan White HIV/AIDS Treatment Modernization Act grantees consisting of one Part A grantees, one Part B grantees, and one Part D grantees, and one representative of Delta Region AIDS and Education Training Center.

(h) One representative from the Louisiana Psychological Association.

(ii) One representative from the Louisiana Interchurch Conference.

(iii) One representative from a dental provider serving patients with HIV or hepatitis C.

(iv) The president of the Louisiana State Medical Society or his designee.

(v) The president of the Louisiana Hospital Association or his designee. Two representatives from the faith-based community.

(j) Three representatives from the Louisiana Department of Health who have knowledge of policies related to HIV, AIDS, and hepatitis C and who work in the office of public health, office of behavioral health, and bureau of health services financing, respectively.

(k) One representative from the Louisiana Department of Health, and the legislature.

(3) Research and review all state regulations, guidelines, policies, and procedures relative to prevention and

(4) The governor shall strive for diversity in geography, race, sex, and educational background in appointing members to the commission. Each member appointed by the governor shall serve at the pleasure of the governor and shall be subject to Senate confirmation. The legislative members shall serve at the pleasure of the presiding officer of the respective legislative body. C. The chairman of the commission shall be elected annually by the commission members appointed by the governor and shall serve as chairman without salary. The chairman shall report directly to the governor.

D. The commission shall hold at least four six regular meetings each year at a place designated by the chairman. At least two of these regular meetings shall be for the purpose of reviewing reports of the Ryan White Regional Consortium. The commission members shall be compensated for travel in connection with commission meetings and official commission business as approved by the chairman of the commission. Reimbursement for travel expenses shall be in accordance with the travel regulations of the division of administration. All meetings of the commission shall be convened in the state of Louisiana.

E. The functions of the commission shall be to:

(1) Serve as an advisory body to the governor and the Louisiana Department of Health on matters relating to hepatitis C and HIV, and AIDS related matters.

(2) Serve as a coordinating forum on matters relating to hepatitis C, HIV, and AIDS related matters between and among state agencies, local government, and other nongovernmental groups.

(3) Research and review all state regulations, guidelines, policies, and procedures relative to prevention and, treatment, and care of hepatitis C, HIV infection, and AIDS and, when appropriate, make recommendations to the governor, the secretary of the Louisiana Department of Health, and the legislature.

(4) Conduct an annual public hearing on matters relating to hepatitis C, HIV, and AIDS related matters as well as a mechanism for other public comment comments and peer review reviews on federal and state-funded programs related to hepatitis C, HIV, and AIDS.

F. The commission may request administrative and technical support from the Louisiana
To amend and reenact R.S. 13:753(A)(2) and (3), relative to information reported to the Louisiana Supreme Court; to provide relative to information reported to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database; to provide for the reporting of verdicts of acquittal by reason of insanity; for providing for the reporting of a court’s determination that a person does not have the mental capacity to proceed with a criminal trial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:753(A)(2) and (3) are hereby amended and reenacted to read as follows:

(2) A verdict of an acquittal of a crime listed in R.S. 14:95.1(A) by reason of insanity pursuant to the provisions of Chapter 2 of Title XXI of the Code of Criminal Procedure.

(3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for a crime listed in R.S. 14:95.1(A) pursuant to Chapter 2 of Title XXI of the Code of Criminal Procedure.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 182

HOUSE BILL NO. 739
BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 42:1123(16)(a), relative to disclosures filed by legislators for the acceptance of certain things of value in relation to making a speech; to change the requirement from an affidavit to a statement including a certification for the disclosure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(16)(a) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

(16)(a) Notwithstanding the provisions of R.S. 42:1102(22), when making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the United States or Canada and provided such member of the legislature files a statement with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation. The statement shall include a certification by the member of the legislature filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 183

HOUSE BILL NO. 7
BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 42:1111(E)(2), and requires to certain required statements filed by elected officials regarding certain transactions with their governmental entity or its officials or agencies; to remove the requirement for a sworn statement; to provide for a certification by the elected official; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111(E)(2) is hereby amended and reenacted to read as follows:

§1111. Payment from nonpublic sources

E. Payments for rendering assistance to certain persons.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 181

HOUSE BILL NO. 732
BY REPRESENTATIVE TALBOT

AN ACT

To amend and reenact R.S. 13:753(A)(2) and (3), relative to information reported to the Louisiana Supreme Court; to provide relative to information reported to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database; to provide for the reporting of verdicts of acquittal by reason of insanity; for providing for the reporting of a court’s determination that a person does not have the mental capacity to proceed with a criminal trial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:753(A)(2) and (3) are hereby amended and reenacted to read as follows:

(2) A verdict of an acquittal of a crime listed in R.S. 14:95.1(A) by reason of insanity pursuant to the provisions of Chapter 2 of Title XXI of the Code of Criminal Procedure.

(3) A court determination that a person does not have the mental capacity to proceed with a criminal trial for a crime listed in R.S. 14:95.1(A) pursuant to the provisions of Chapter 1 of Title XXI of the Code of Criminal Procedure.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 179

HOUSE BILL NO. 726
BY REPRESENTATIVE BOUIE AND SENATOR BISHOP

AN ACT

To enact R.S. 46:2751(B)(1)(h), relative to the Juvenile Justice Reform Act Implementation Commission; to provide relative to the membership of commission; to add a representative of the Families and Friends of Louisiana’s Incarcerated Children to the commission membership; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2751(B)(1)(h) is hereby enacted to read as follows:

§2751. Juvenile Justice Reform Act Implementation Commission; creation; composition; duties

B.(1) The commission shall be composed as follows:

(h) A representative of the Families and Friends of Louisiana’s Incarcerated Children

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 178

HOUSE BILL NO. 719
BY REPRESENTATIVE FOIL

AN ACT

To amend and reenact R.S. 13:5106(B)(3)(c), relative to limitations on damages assessed in suits against the state, state agencies, or political subdivisions; to provide for the payment of future medical care and related benefits payable by the state or a state agency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5106(B)(3)(c) is hereby amended and reenacted to read as follows:

§5106. Limitations

B.

(3) Nothing in this Subparagraph shall be construed to prevent the parties from entering into a settlement or compromise at any time whereby medical care and related benefits shall be provided but with the requirement that they shall be paid in accordance with this Subparagraph.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
(2)(a) No elected official of a governmental entity shall receive or agree to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies, unless he files a sworn written statement with the board prior to or within ten days after initial assistance is rendered.

(b) For purposes of this Paragraph, “transaction” shall not include a ministerial transaction. “Ministerial transaction” means a transaction that involves routine, administrative communications intended to obtain a service, information, or assistance from a public employee whose duties are established in plain and unmistakable terms by law, rule, or regulation.

(c) The contents of the sworn written statement required by this Paragraph shall be prescribed by the board and shall include a certification by the elected official filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief. The statement shall be a public record.

(d) The board shall review all sworn statements filed in accordance with this Paragraph. If the board determines that any such sworn statement is deficient or may suggest a possible violation of this Part, it shall, within ten days of the receipt of such statement, notify the elected official filing the statement of its findings. Such notification shall be deemed confidential and privileged and shall be made public only in connection with a public hearing by the board for an alleged violation of this Part where such would be relevant to the alleged violation for which the elected official is being investigated.

Section 2. This Act shall become effective on January 1, 2019.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 184

HOUSE BILL NO. 16
BY REPRESENTATIVES DANAHAY AND DWIGHT
AN ACT

To amend and reenact Code of Civil Procedure Article 1392, relative to proof of statutes; to provide for the taking of judicial notice of statutes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1392 is hereby amended and reenacted to read as follows:

Art. 1392. Proof of statutes

Article 1392 is hereby amended and reenacted to read as follows:

Printed books or pamphlets purporting on their face to be the session or other statutes of any of the United States, or the territories thereof, or of any foreign jurisdication, and to have been printed and published by the authority of such state, territory, or foreign jurisdiction, or proved to be commonly recognized in the courts of the United States, of every state, territory, and other jurisdication of the United States as provided by Code of Evidence Article 202.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 185

HOUSE BILL NO. 29
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 11:1785(A) and 1805(A)(1)(b) and (2), relative to the election of survivor benefits by survivors of members of the Municipal Employees' Retirement System of Louisiana; to require that the election be made in writing; to require the election to be made within ninety days of the application for survivor benefits; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1785(A) and 1805(A)(1)(b) and (2) are hereby amended and reenacted to read as follows:

§1785. Survivor benefits; eligibility

R. Kyle Ardoin
Secretary of State

ACT No. 186

HOUSE BILL NO. 45
BY REPRESENTATIVE CONNICK
AN ACT

To amend and reenact R.S. 40:972(B)(7) through (14) and 973(A)(1) and to enact R.S. 40:961(14) and 972(B)(15), relative to entities required to obtain a controlled dangerous substance license issued by the Louisiana Board of Pharmacy; to establish within the Uniform Controlled Dangerous Substances Law a definition of “third-party logistics providers”; to require such providers to obtain controlled dangerous substance licenses; to provide relative to fees collected by the Louisiana Board of Pharmacy for registration and licensing; to establish the fee for a controlled dangerous substance license for third-party logistics providers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:972(B)(7) through (14) and 973(A)(1) are hereby amended and reenacted and R.S. 40:961(14) and 972(B)(15) are hereby enacted to read as follows:

§961. Definitions

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

(41) “Third-party logistics provider” means a person who provides or coordinates warehousing, fulfillment of delivery, or other logistics services for a legend drug orlegend device in interstate and intrastate commerce on behalf of a manufacturer, distributor, or dispenser of a legend drug or legend device but does not take ownership of the legend drug or legend device nor have responsibility to direct the sale or disposition of the legend drug or legend device.

§972. Rules and regulations and fees

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

(7) Third-party logistics provider

$ 50.00

(8) Practitioner

$20.00

(9) Intern/Resident

$20.00

(10) Drug Detection/Canine

$30.00

(11) Researcher

$30.00

(12) Sales representative (or medical service representative or detail person)

$20.00

(13) Other (schools, laboratories, crime laboratories, coroners, ambulance services, analytical laboratories, etc.)

$20.00

(14) Duplicate/Replacement fee

$5.00

(15) Delinquent fee

(30 days after expiration/assessed per year)

* * *

$10.00

§973. Licensing requirements

A. (1) Every person who conducts research with, manufactures, distributes, procures, possesses, prescribes, or dispenses any controlled dangerous substance within this state, including third-party logistics providers, or who proposes to engage in the research, manufacture, distribution, procurement, possession, prescribing, or dispensing of any controlled dangerous substance within this state, including third-party logistics providers, shall obtain a controlled dangerous substance license issued by the Board of Pharmacy in accordance with the rules and regulations promulgated by it prior to engaging in such activity.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 13:964.1(C), relative to court costs in the Fourteenth Judicial District; to increase criminal court costs; to increase the civil filing fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:964.1(C) is hereby amended and reenacted to read as follows:

§964.1. Fourteenth Judicial District; indigent transcript fund; reporter's fees

C. (1) In all criminal cases over which the court has original, appellate, supervisory, or concurrent jurisdiction, including traffic violations, except parking, there shall be assessed as costs against every defendant who is convicted after trial or after a plea of guilty or nolo contendere or who forfeits his bond, a sum not to exceed ten dollars, which shall be transmitted to the court administrator for further disposition in accordance herewith.

(2) In all civil cases over which the court has original, appellate, supervisory, or concurrent jurisdiction, there shall be collected the sum of three dollars, a sum not to exceed twenty dollars for every civil filing, which shall be transmitted to the court administrator for further disposition in accordance herewith.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 188

HOUSE BILL NO. 56
BY REPRESENTATIVE HOFFMANN

To amend and reenact R.S. 14:918(C), (D), and (G)(1)(c), (d), and (e) and (7), relative to the unlawful sale, purchase, or possession of tobacco, alternative nicotine product, or vapor product; to provide relative to the signs required to be displayed at the point of purchase or on the vending machine of any tobacco product, alternative nicotine product, or vapor product; to require the displayed sign to include information about the Louisiana Tobacco Quitline; to make technical corrections to citations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:918(C), (D), and (G)(1)(c), (d), and (e) and (7) are hereby amended and reenacted to read as follows:

§918. Unlawful sale, purchase, or possession of tobacco, alternative nicotine product, or vapor product; signs required; penalties

C. It is unlawful for any manufacturer, distributor, retailer, or other person knowingly to sell or distribute any tobacco product, alternative nicotine product, or vapor product to a person under the age of eighteen. However, it shall not be unlawful for a person under the age of eighteen to accept receipt of a tobacco product, alternative nicotine product, or vapor product from an employer when required in the performance of such person’s duties. At the point of purchase, a sign in not less than 30-point type, shall be displayed that reads “LAISIUNA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18”. The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the state department of health.

D. It is unlawful for a vending machine operator to place in use a vending machine to vend any tobacco product, alternative nicotine product, or vapor product automatically, unless the machine displays a sign or sticker in not less than 22-point type on the front of the machine stating “LOUISIANA LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO PERSONS UNDER AGE 18”. The sign shall also include a notice that displays the telephone number for the Louisiana Tobacco Quitline (1-800-QUIT-NOW) and the website for the Louisiana Tobacco Quitline (www.quitwithusla.org), as determined by the state department of health.

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

1. “Alternative nicotine product” means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. “Alternative nicotine product” does not include any:

   a. (c) Product that is a drug pursuant to 21 U.S.C. §321(h)
   b. (e) Device pursuant to 21 U.S.C. §321(h)
   c. (g) Combination product described in 21 U.S.C. §351(g)

2. “Vapor product” means any non-combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of a size or size, that can be used to produce vapor from nicotine in a solution or other form. “Vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

   a. (a) Product that is a drug pursuant to 21 U.S.C. §321(h)
   b. (e) Device pursuant to 21 U.S.C. §321(h)
   c. (g) Combination product described in 21 U.S.C. §351(g)

Section 2. The provisions of this Act shall become effective on November 1, 2018.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 189

HOUSE BILL NO. 110
BY REPRESENTATIVES HORTON AND STEFANSKI

To amend and reenact Children’s Code Article 672(A), relative to the placement of children in custody of the Department of Children and Family Services; to provide relative to placement authority; to provide for the duties of the Department of Children and Family Services; to provide for the duties of judges in child custody cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 672(A) is hereby amended and reenacted to read as follows:

Art. 672. Care and treatment by department

A. The department shall have sole authority over the placement within its resources and sole authority over the allocation of other available resources within the department for children judicially committed to its custody.

(2) Upon motion of the court, for good cause shown, a contradictory hearing shall be held and thereafter, the presiding judge shall have the authority to disapprove a placement chosen by the department if it is not in the best interest of the child and shall issue a written order that the department choose a more suitable placement with reasons supporting the court’s decision.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
A true copy:
Approved by the Governor, May 15, 2018.

R. Kyle Ardoin
Secretary of State

ACT No. 192

HOUSE BILL NO. 127
BY REPRESENTATIVE MACK
AN ACT

To repeal R.S. 32:398.1(C), relative to the issuance of warning citations for violations of motor vehicle laws; to repeal the prohibition on the issuance of warning citations for violations of motor vehicle laws.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:398.1(C) is hereby repealed in its entirety.

Approved by the Governor, May 15, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 193

HOUSE BILL NO. 145
BY REPRESENTATIVE COX
AN ACT

To enact R.S. 37:1745.2 and Children's Code Article 606(C), relative to the diagnosing of certain mental health conditions; to limit the establishment of paternity or to the establishment, modification, or enforcement of support orders, without obtaining an order from any other judicial or administrative tribunal:

(9) The names and addresses of individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, and the names and addresses of employers of such individuals, as appearing in customer records of electronic communications and Internet service providers, public utilities, cable television companies, and cellular telephone companies, pursuant to an administrative subpoena in accordance with Subsection B of this Section.

Approved by the Governor, May 15, 2018.

A true copy;
R. Kyle Ardoin
Secretary of State

ACT No. 195

HOUSE BILL NO. 174
BY REPRESENTATIVE GAROFALO
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Code of Civil Procedure Articles 194(6), 853, 855, 1471(A)introductory paragraph) and (3), 1913(B) and (C), and 3952, relative to civil procedure; to provide for the signing of orders and judgments by the district judge in chambers; to provide with respect to exhibits to pleadings; to provide sanctions for failing to comply with discovery orders; to provide for service of notice of the signing of final default judgments; to provide for the clarification of terminology; and to provide for related matters.

Approved by the Governor, May 15, 2018.

A true copy;

R. Kyle Ardoin
Secretary of State

* * *
Five members shall be appointed at-large and shall be representative of terminology consistent with other related articles. Before a final default judgment can be * *
the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering aifsual judgment shall be mailed to the defendant by the clerk of court.

17.236.1. shall provide satisfactory evidence of current immunization against meningococcal disease in accordance with a directive provided by the state Department of Education and the Louisiana Department of Health that shall be based on the recommendations of the Centers for Disease Control and Prevention as a condition of entry into such grade at any city, parish, or other local public school or nonpublic school.

An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a final default judgment against the disobedient party upon presentation of proof as required by Article 1702.

Comments - 2018

Subparagraph (A)(3) of this Article has been substituted to “final default judgment” for the “judgment by default” to make the terminology consistent with other related articles. Before a final default judgment can be rendered against the defendant in accordance with this provision, the plaintiff must prove a prima facie case in accordance with the requirements of Article 1702. See v. Clark, 358 So. 2d 658 (La. App. 1 Cir. 1978).

Art. 1913. Notice of judgment

R. Notice of the signing of a final default judgment against a defendant on whom citation was not served personally, or on whom citation was served through the secretary of state, and who filed no exception or answer, shall be served on the defendant by personal service from the sheriff, by personal service upon the defendant or upon any person having charge or control of such defendant, if the address where personal service was obtained is not known. A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 197

BY REPRESENTATIVES ARMES, ABRAHAM, AMEDEE, ANDERS, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, TERRY BROWN, CHANEY, COX, EDMONDS, GISKUR, GLICK, GUINN, LANCE HARRIS, HAVARD, HAZEL, HODGES, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, JEFFERSON, JENKINS, JOHNSON, LYONS, MCFARLAND, GREGORY MILLER, JAY MORRIS, NORTON, PIERRE, POPE, PYNANT, RICHARD, SCHENYADER, SHADOIN, SMITH, STAGNI, AND STEFANSKI

AN ACT

To amend and reenact R.S. 29:62(A)(introductory paragraph), (2)(introductory paragraph), (1), and (3), 63, 65(A)(introductory paragraph), and 67, relative to the Louisiana Military Advisory Council; to provide for a quorum; to amend with respect to the number of council members; to provide discretion in the council's duties and powers; to remove the establishment and requirements of a certain working group; to provide technical corrections; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:62(A)(introductory paragraph), (2)(introductory paragraph), (1), and (3), 63, 65(A)(introductory paragraph), and 67 are hereby amended and reenacted to read as follows:

§ 62. Membership; officers; officers and terms of office
A. The council shall be composed of twenty-five fifteen members.

(1) Five Three members shall be appointed from retired flag, general, or O-6 officers, or a command sergeant major representing each of the armed services, national guard, and the reserves.

(3) Nine Five members shall be appointed at large at large and shall be representative of national defense and homeland security businesses with operations in Louisiana, elected officials of an installation community, or president of a regional economic development organization.

§ 63. Meetings; quorum
A. The council shall meet biannually and at any other time that the chair may deem necessary to call a meeting of the council.
B. A quorum for the transaction of any business shall consist of eight members present and voting.

§ 65. Duties and powers
A. The duties and objectives of the members of the council shall include but are not limited to the following:

§ 67. Working groups
A. The council shall establish the following working groups:
(1) Military Sustainment Working Group.
(2) The Military Sustainment Working Group shall interface directly with military installation and community leaders and other members related to mission sustainment, quality of life, mission operations, and community and state relations.
(3) The Military Sustainment Working Group shall meet regularly, no less than eight times annually, and at the call of the chair.

THE ADVOCATE
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* As it appears in the enrolled bill
to the council no less than twice annually the key initiatives derived from Subparagraph (a) of this Paragraph.

(1) The Military Sustainability Working Group will report no less than twice annually to the council on recommendations to optimize conditions in Subparagraph (a) of this Paragraph and a strategic plan to achieve optimal conditions.

(2) The council may create working groups composed of council members, stakeholders, and non-council members which meet in accordance with the open meetings laws as provided for in R.S. 42:1123. R.S. 42:111 et seq.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 198

HOUSE BILL NO. 184
BY REPRESENTATIVE LEGER
AN ACT
To amend and reenact Code of Criminal Procedure Article 887(C), relative to operating a vehicle while intoxicated; to provide relative to special costs assessed for convictions of operating a vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 887(C) is hereby amended and reenacted to read as follows:

Art. 887. Defendant's liability for costs; suspension of costs; no advance costs

C. In addition to the costs provided in Paragraph A of this Article, a person convicted of a violation of R.S. 14:986, R.S. 14:987, or R.S. 14:98, of any municipal or parochial ordinance defining the offense of operating a motor vehicle, aircraft, watercraft, vessel, or other motorized means of conveyance under the influence of alcohol or drugs, who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance listed in R.S. 40:964, Schedule I, II, III, IV, or V, shall be assessed an additional one hundred twenty-five dollars as special costs. Such costs shall be paid in the following manner: twenty-five dollars to the governing authority owning the instrument used to perform the analysis, and fifty dollars to the governing authority whose agency performed the analysis. If the state police performed or participated in a blood, breath, or urine analysis for which these costs are assessed, that portion of the costs applicable to the office of state police shall be forwarded to the applied technology unit within the office of state police and forwarded for disposition in accordance with R.S. 40:1379.7. In the event the person is unable to pay the fine when assessed, the court may allow payment within certain time limits, based on the person's ability to pay such costs.

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Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 199

HOUSE BILL NO. 186
BY REPRESENTATIVES MARINO AND BACALA
AN ACT
To amend and reenact R.S. 40:979, relative to the attempt or conspiracy to commit violations of the Uniform Controlled Dangerous Substances Law; to provide relative to the penalties imposed for the attempt or conspiracy to distribute or possess with intent to distribute certain Schedule I controlled dangerous substances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:979 is hereby amended and reenacted to read as follows:

§ 979. Attempt and conspiracy.

A. Except as otherwise provided herein, any person who attempts or conspires to commit any offense denounced and/or made unlife saving by set forth in the provisions of this Part shall, upon conviction, be fined or imprisoned in the same manner as for the offense planned or attempted, but such fine or imprisonment shall not exceed one-half of the longest term of imprisonment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

B. Any person who attempts or conspires to distribute or possess with intent to distribute any substance classified in Schedule I, as provided for in R.S. 40:962 and R.S. 40:964, which is a narcotic drug (all substances in Schedule I preceded by an asterisk “*”) shall, upon conviction, be imprisoned at hard labor for not less than eight nor more than fifty years without benefit of parole, probation or suspension of sentence and may, in addition, be required to pay a fine of not more than ten thousand dollars.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 200

HOUSE BILL NO. 188
BY REPRESENTATIVES GREGORY MILLER AND SENATOR MORRELL
AN ACT
To enact R.S. 42:1115.2 and to repeal R.S. 42:1123(41), relative to the acceptance of things of economic value by public servants; to provide for the circumstances under which a public servant may accept complimentary admission, transportation, and lodging from a third party; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1115.2 is hereby enacted to read as follows:

§ 1115.2. Admission to events, lodging, travel

A. The provisions of R.S. 42:1111 or 1115 shall not preclude the acceptance by a public servant of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, if the agency head of the public servant’s agency certifies each of the following:

(1) The public servant’s acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.

(2) The agency head approved the public servant’s acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, prior to acceptance.

B. (1) Any public servant who accepts complimentary admission, lodging, or transportation, or reimbursement for such expenses, shall file with the Board of Ethics, within sixty days after such acceptance, a certification, on a form designed by the board, disclosing all of the following:

(a) The date and location of complimentary admission, lodging, or transportation and a brief description of its purpose.

(b) The name of the person who gave, provided, paid for, or reimbursed in whole or in part the admission, lodging, or transportation.

(c) The amount expended on his behalf or reimbursed by the person for admission, lodging, and transportation.

(2) The certification required by this Subsection shall include the certifications of the agency head required by Subsection A of this Section.

Section 2. R.S. 42:1123(41) is hereby repealed in its entirety.

Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 201

HOUSE BILL NO. 210
BY REPRESENTATIVE JACKSON
AN ACT
To amend and reenact R.S. 40:2405(J)(3), relative to revocation of P.O.S.T. certification; to require hearing notices to be provided to peace officers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405(J)(3) is hereby amended and reenacted to read as follows:

§ 2405. Peace officer training requirements; reimbursement by peace officer

J. * * *

(3)(a) Any hearing conducted by the council or appeal by an officer whose certification has been revoked shall be conducted according to rules promulgated by the council.

(b) Notice of a revocation hearing shall be provided to all officers involved at least thirty days prior to the hearing date.

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Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 202

HOUSE BILL NO. 219
BY REPRESENTATIVE JACKSON
AN ACT
To amend and reenact R.S. 13:754(C), relative to clerks of court; to provide relative to the Louisiana Clerks’ Remote Access Authority membership; to require a report to the legislature; to provide for the contents of the report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:754(C) is hereby amended and reenacted to read as follows:

§ 754. Louisiana Clerks’ Remote Access Authority; membership; board of commission; statewide portal of records

* * * * *

C. The LCRAA shall be composed of members who are district clerks of court who enroll on or before September 1, 2014, to provide the LCRAA with secure remote access to indices and electronic images of certain records maintained by each district clerk of court. LCRAA shall adopt rules permitting additional district clerks of court to enroll as members of LCRAA on a schedule which shall include at least one enrollment period per fiscal year. Every district clerk of court shall become a member of LCRAA by July 1, 2020. LCRAA shall provide the legislature, prior to the convening of the 2020 Regular Session, with a written progress report that includes a list of participating clerks of court by parish and a list of clerks of court by parish not yet participating, an overview of the information currently available through LCRAA, and information on the availability of online records of each clerk of court by parish.

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Approved by the Governor, May 15, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 40:1060.13 and 1060.15(B), relative to criminal offenses involvinglegend drugs; to reduce criminal penalties for certain offenses involving legend drugs; and to providefor related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1060.13 and 1060.15(B) are hereby amended and reenacted to read as follows:

§1060.13. Sale, distribution, or possession of legend drug without prescription or order prohibited; exceptions; penalties
A. It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician or licensed health care practitioner as defined in R.S. 40:207(1)(A). This Section shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.
B. Any person who violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than six months, or be fined not more than five thousand dollars; or be imprisoned for not more than six months, or both.

§1060.15. Obtaining legend drugs by misrepresentation or fraud; penalties
A. It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician or licensed health care practitioner as defined in R.S. 40:207(1)(A). This Section shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.
B. Any person who violates the provisions of this Section shall be imprisoned, with or without hard labor, for not more than five years and be fined not more than five thousand dollars for not more than six months, or both.

Approved by the Governor, May 15, 2018.
A true copy:

R. Kyle Ardoin
Secretary of State

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C. The secretary and the commissioner of administration shall be authorized and empowered to execute the appropriate instrument or instruments, and any corrections thereof, to effectuate the provisions of the Act, and the provisions described in Subsection A of this Section. Additionally, the secretary and the commissioner of administration shall hereby be authorized and empowered to negotiate such terms and conditions in the lease document as may be necessary to ensure:
(1) That the facility shall continue to be named the “John J. Hainkel, Jr., Home andRehabilitation Center” and operate as a long-term care facility that provides nursing homelevel services, and that may provide additional day care services.

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R. Kyle Ardoin
Secretary of State

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C. The secretary and the commissioner of administration shall be authorized and empowered to execute the appropriate instrument or instruments, and any corrections thereof, to effectuate the provisions of the Act, and the provisions described in Subsection A of this Section. Additionally, the secretary and the commissioner of administration shall hereby be authorized and empowered to negotiate such terms and conditions in the lease document as may be necessary to ensure:
(1) That the facility shall continue to be named the “John J. Hainkel, Jr., Home andRehabilitation Center” and operate as a long-term care facility that provides nursing homelevel services, and that may provide additional day care services.

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R. Kyle Ardoin
Secretary of State

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C. The secretary and the commissioner of administration shall be authorized and empowered to execute the appropriate instrument or instruments, and any corrections thereof, to effectuate the provisions of the Act, and the provisions described in Subsection A of this Section. Additionally, the secretary and the commissioner of administration shall hereby be authorized and empowered to negotiate such terms and conditions in the lease document as may be necessary to ensure:
(1) That the facility shall continue to be named the “John J. Hainkel, Jr., Home andRehabilitation Center” and operate as a long-term care facility that provides nursing homelevel services, and that may provide additional day care services.

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R. Kyle Ardoin
Secretary of State

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C. The secretary and the commissioner of administration shall be authorized and empowered to execute the appropriate instrument or instruments, and any corrections thereof, to effectuate the provisions of the Act, and the provisions described in Subsection A of this Section. Additionally, the secretary and the commissioner of administration shall hereby be authorized and empowered to negotiate such terms and conditions in the lease document as may be necessary to ensure:
(1) That the facility shall continue to be named the “John J. Hainkel, Jr., Home andRehabilitation Center” and operate as a long-term care facility that provides nursing homelevel services, and that may provide additional day care services.

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R. Kyle Ardoin
Secretary of State

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C. The secretary and the commissioner of administration shall be authorized and empowered to execute the appropriate instrument or instruments, and any corrections thereof, to effectuate the provisions of the Act, and the provisions described in Subsection A of this Section. Additionally, the secretary and the commissioner of administration shall hereby be authorized and empowered to negotiate such terms and conditions in the lease document as may be necessary to ensure:
(1) That the facility shall continue to be named the “John J. Hainkel, Jr., Home andRehabilitation Center” and operate as a long-term care facility that provides nursing homelevel services, and that may provide additional day care services.

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R. Kyle Ardoin
Secretary of State
128.  Code of Criminal Procedure Article 641 et seq. shall be made to supply him this information. In case of an emergency certificate issued pursuant to an examination conducted by a qualified healthcare professional, who can adequately and accurately assist in the provision of behavioral health care treatment, the availability of counsel, information about the 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.

(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 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 and, if the person is confined, the judge of the court where the petition was filed in any court in this state is insane or mentally defective to the extent that he is unable to understand the offense charged becomes an issue in the cause, all proceedings to determine the fact of the insanity or mental defect shall be limited to behavioral health services and shall exclude payment for non-behavioral health services or other medical expenses not directly related to the provision of behavioral health care treatment, or services with the exception of usual and customary laboratory services necessary to monitor patient progress.

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

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

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

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

§58. R.S. 15:2675 Code of Criminal Procedure Article 641 et seq., not affected

Whenever it appears that a person against whom an indictment has been filed or information filed in court in this state is insane or mentally defective to the extent that he is unable to understand the proceedings against him or to assist in his defense, or whenever the existence of insanity or mental defect on the part of the defendant at the time of the alleged commission of the offense charged becomes an issue in the cause, all proceedings to determine the fact of the insanity or mental defect shall be in accordance with the provisions of R.S. 15:2675 (Article 2675 of the Code of Criminal Procedure), Code of Criminal Procedure Article 641 et seq.

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

A. * * *

(2) The provisions of this Subsection shall not affect the provisions of R.S. 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd.
C. (1)(a) Any person who acts in good faith to assist in the apprehension or taking into protective custody for examination and commitment of a patient will not be subject to civil or criminal penalties, unless the damage or injury was caused by willful or wanton negligence or gross misconduct. This limitation of liability shall only apply to public and private general hospital personnel who are performing nonviolent crisis intervention and such training has been documented in their personnel files. The training shall be provided by an instructor who has attended a course in crisis intervention taught by a certified instructor.

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

The provisions of this Subsection shall not affect the provisions of R.S. 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd. This immunity from liability shall only apply to public and private general hospital personnel who have used reasonable care and diligence and their best judgment in the application of their skills under similar circumstances in the same or a similar community or locality, unless the damage or injury was caused by willful or wanton negligence or gross misconduct. This limitation of liability shall only apply to public and private general hospital personnel who have received appropriate training in nonviolent crisis intervention and such training has been documented in their personnel file. The training shall be provided by an instructor who has attended a course in crisis intervention taught by a certified instructor.

The provisions of this Subsection shall not affect the provisions of R.S. 40:2113.6 or the Federal Emergency Medical Treatment and Active Labor Act, 42 U.S.C. 1395dd.

(4) (f) Pursuant to civil or criminal prosecution for damage or injury to the patient arising from the detention or treatment of the patient in the public or private general hospital personnel who used reasonable care and diligence and their best judgment in the application of their skills under similar circumstances in the same or a similar community or locality, unless the damage or injury was caused by willful or wanton negligence or gross misconduct. This limitation of liability shall only apply to public and private general hospital personnel who have received appropriate training in nonviolent crisis intervention and such training has been documented in their personnel file. The training shall be provided by an instructor who has attended a course in crisis intervention taught by a certified instructor.

§69. Procedure
A.(1) Upon the filing of the petition authorized by R.S. 28:67, the court shall assign a time and place for a hearing, which may be conducted before any judge in the judicial district, within five days, and shall cause reasonable notice thereof and a copy of the petition to be served upon the respondent, respondent's attorney, the petitioner and the director of the local state building or zoning ordinances and laws.

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

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

E. A physician, psychiatric mental health nurse practitioner, or psychologist who testifies pursuant to Subsection C of this Section shall state the facts which support the allegations that the patient meets each of the criteria for involuntary outpatient treatment, the treatment is the least restrictive alternative, and, if recommended, the beneficial and detrimental physical and mental effects of medication, and whether such medication should be self-administered or administered by an authorized professional.

§70. Written treatment plan for involuntary outpatient treatment

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

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

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

§72. Application for additional periods of treatment

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

§98.2. Immunity of psychiatric hospital and director or administrator

Any detentions, confinements, commitments, or discharges made of a patient who has a mental illness in accordance with this chapter to any state or private psychiatric hospital by the director or administrator thereof, acting in good faith, reasonably and without negligence, arc hereby declared to be administrative acts of the director, administrator, or the hospital, and the director, administrator, and the hospital are hereby granted immunity from liability for damages to any patient so detained, confined or committed for false imprisonment or otherwise; provided, however, that the director, administrator, or the hospital shall not thereby be exempt from liability for negligence in the care or treatment of such patient.

§171. Enumerations of rights guaranteed

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

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

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

K. Every patient shall have the right to engage a private attorney. If a patient is indigent, he shall be provided an attorney by the mental health advocacy service, if he so requests.

The attorneys provided by the mental health advocacy service or appointed by a court shall be interested in and qualified by training and experience in the field of mental health statutes and jurisprudence.

§185. Unlicensed counseling

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

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

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

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

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

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

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

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

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

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

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

§454.5. Involuntary admission; determination of probable cause

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

(2) Shall designate Assign a place for a hearing upon the petition.

(3) Shall cause Cause notice thereof to be personally served at least ten days prior to the hearing on the respondent and the attorney for the respondent. The notice shall satisfy the following requirements:
§469. System of payments; authority of the Louisiana Department of Health; cost participation schedule

C.(1)(a) The department shall promulgate rules in accordance with the Administrative Procedure Act that establish a schedule of monthly cost participation for early intervention services per qualifying family. Cost participation shall be based on a sliding scale and shall consider elements including but not limited to adjusted gross income, family size, financial hardship, extraordinary expenses associated with the child, and Medicaid eligibility. The department shall be subject to all of the following limitations and requirements relative to the cost participation schedule:

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

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

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

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

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

(2) To advise and assist the department relative to the transition of toddlers with disabilities to preschool programs.

(3) To provide and submit an annual report to the governor and to the United States Secretary of Education on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the state.

(4) To prepare and submit a report on the implementation of the provisions of this section to the House and Senate Committees on Health and Welfare, the Senate Committee on Health and Welfare, and the House Committee on Insurance, and the Senate Committee on Insurance.

§757. Council staffing

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

§772. Funding of regional addictive disorder services

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

§823. Principles

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

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

§911. Definitions

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

(6) “Human services district or authority” means a local governing entity, as identified in R.S. 28:912(A), with local accountability and management of behavioral health, intellectual disability, and developmental disability services as well as any public health or other services contracted to the district or authority by the department.

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

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

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

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

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

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

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

[259 lines cut to fit page]

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

(6) (b) Act as the sole agent of the state or, in necessary cases, designate one of the offices within the department or its assistant secretary to cooperate with the federal government and with other state and local agencies in the administration of federal funds granted to the state pursuant to the State Children’s Health Insurance Program, Title XXI of the Social Security Act. For this purpose he may take such actions, in accordance with any applicable state law, necessary to meet such federal standards as are established for the administration and use of such federal funds, except as otherwise specifically provided in this Title or by the constitution and laws of this state, and provided that if the department develops a private health insurance model, the department and the Department of Insurance shall jointly promulgate the necessary rules in accordance with the Administrative Procedure Act to establish the private health insurance model. Any rules or regulations promulgated pursuant to the private health insurance model shall be subject to review by the House Committee on Health and Welfare, and the Senate Committee on Health and Welfare and the House Committee on Insurance, and the Senate Committee on Insurance.

(10) Perform all other functions of the state relating to:

(a) Licensing of health-related professionals

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

(c) Licensing of institutions for persons with intellectual disabilities

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

(e) Licensing of child care institutions funded under Title XIX of the Social Security Act

B. The secretary shall have authority to:

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

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

(ii) Assign, and remove all personnel employed for the department on a contractual basis,

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

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

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

D.(1)(a) The secretary shall direct and be responsible for the Medical Assistance Program, Title XIX of the Social Security Act, including eligibility determination and those health planning and resource development functions as are permissible under provisions of Title XIX of the Social Security Act, Title XXI of the Social Security Act, and R.S. 46:976. Any modification to the Medical Assistance Program approved by waiver by the United States Department of Health and Human Services, Health Care Financing Administration or its successor, that provides for a managed care or voucher system shall be implemented by the secretary but only after the approved plan and any modifications thereto have been approved by the House and Senate Committees on Health and Welfare committees on health and welfare and the Joint Legislative Committee on the Budget. Unless approved by such committees as provided in this Subparagraph, modifications to the medical assistance program as provided herein shall not be considered avoidance of a budget deficit in the case of medical assistance programs, shall not be considered a means of securing new or enhanced federal funding in medical assistance programs, and shall not be considered necessary to avoid imminent peril to the public health, safety, or welfare; such modification shall not be promulgated as emergency
rules under the provisions of R.S. 49:953(B) unless approved by such committees.

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

F. (1) The functions relative to the operation and management of community-based mental health, developmental disabilities, substance abuse services, and addictive disorder services for the parishes of Livingston, St. Helena, St. Tammany, Tangipahoa, and Washington transferred in accordance with R.S. 28:901 et seq., shall be the responsibility of and shall be performed by the Capital Area Human Services District. If funds are not appropriated by the legislature for the district to perform these functions in those parishes, the functions shall be the responsibility of and shall be performed by the department in those parishes.

H. (1) The functions relative to the operation and management of community-based mental health, developmental disabilities, and addictive disorder services for the parishes of Orleans, St. Bernard, and Plaquemines transferred in accordance with R.S. 28:901 et seq., shall be the responsibility of and shall be performed by the Orleans Parish Human Services Authority. If funds are not appropriated by the legislature for the authority to perform these functions in those parishes, the functions shall be the responsibility of and shall be performed by the department in those parishes.

I. (1) The functions relative to the operation and management of community-based mental health, developmental disabilities, and addictive disorder services for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, and West Carroll transferred in accordance with R.S. 28:901 et seq., shall be the responsibility of and shall be performed by the Northeast Louisiana Human Services District. If funds are not appropriated by the legislature for the district to perform these functions in those parishes, the functions shall be the responsibility of and shall be performed by the department in those parishes.

J. (1) The functions relative to the operation and management of community-based mental health, developmental disabilities, and addictive disorder services for the parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne transferred in accordance with R.S. 28:901 et seq., shall be the responsibility of and shall be performed by the Southeast Louisiana Human Services District. If funds are not appropriated by the legislature for the district to perform these functions in those parishes, the functions shall be the responsibility of and shall be performed by the department in those parishes.

K. (1) The functions relative to the operation and management of community-based mental health, developmental disabilities, and addictive disorder services for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Union, and West Carroll transferred in accordance with R.S. 28:901 et seq., shall be the responsibility of and shall be performed by the Northeast Louisiana Human Services District. If funds are not appropriated by the legislature for the district to perform these functions in those parishes, the functions shall be the responsibility of and shall be performed by the department in those parishes.

L. Any salary adjustment or cost of living adjustment for any employee or board member of a board, entity, agency, or commission transferred to the Louisiana Department of Health and enumerated in R.S. 36:259 or any employee of a human services district or authority established and enumerated in R.S. 28:901 shall not be granted in any year after a deficit is declared without the express written approval of two-thirds of the members of the respective governing board. The express written approval shall be submitted to the secretary in accordance with the reporting provisions provided for in R.S. 36:803.

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

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

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

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

(1) To authorize, by executive order, the issuance, sale, execution, and delivery of bonds, notes, or other evidences of indebtedness of the department, obligations representing guarantees by the department of the debt of other entities, and the granting of pledges of the sums deposited in, credited to, or payable to the Drinking Water Revolving Loan Fund as security for the debts of other entities, subject to the approval of the State Bond Commission.

(2) To administer, in connection with the Drinking Water Revolving Loan Fund as established in R.S. 40:2821 through 2826 et seq., the financial aspects of the Drinking Water Revolving Loan Fund.

(3) To enter into contracts and other agreements in connection with the operation of the Drinking Water Revolving Loan Fund to the extent necessary or convenient for the implementation of the Drinking Water Revolving Loan Fund Program.

(4) To promulgate rules and regulations for the administration of the Drinking Water Revolving Loan Fund, provided such rules and regulations shall not take effect unless approved by the House of Representatives Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

(5) To promulgate, by rule and regulation, the procedures by which applications for, and disbursements of, proceeds from the Drinking Water Revolving Loan Fund are made, including payments pursuant to letters of credit, to secure the debt of other entities. Such bonds, notes, or other evidences of indebtedness, such guarantees, and such pledges issued and delivered pursuant to the authority hereof shall constitute special and limited obligations of the department, and shall not be secured by the full faith and credit of the state of Louisiana, any source of revenue of the state of Louisiana other than those sums deposited in, credited to, or payable to the Drinking Water Revolving Loan Fund, including payments to be made pursuant to letters of credit. It is hereby determined that such funds, bonds, notes, or other evidences of indebtedness, guarantees, and pledges shall constitute revenue bonds, debts, or obligations within the meaning of Article VII, Section 6(C) of the Constitution of Louisiana and shall not constitute the incurring of state debt thereunder.

(6) To undertake, conduct, and manage the Drinking Water Revolving Loan Fund, provided such rules and regulations shall not take effect unless approved by the House of Representatives Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee.

(7) To enter into contracts and other agreements in connection with the operation of the Drinking Water Revolving Loan Fund to the extent necessary or convenient for the implementation of the Drinking Water Revolving Loan Fund Program.

§254.2. Criminal history information; access to federal tax information

The Department of Health, medicare Medicaid eligibility section, is authorized to perform criminal history records checks of current and prospective employees, contractors, and subcontractors in accordance with the procedures provided in R.S. 15:587.5. Pursuant to this authorization and to implement the requirements of R.S. 15:587.5, the secretary shall promulgate rules and regulations with regard to the matter.

§258. Offices; purposes and functions

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

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

I. Notwithstanding the provisions of Subsections C, D, and E of this Section, the Northeast Delta Human Services Authority shall be responsible for and shall perform the functions relative to the operation and management of mental health, developmental disabilities, and addictive disorder services for the parishes of Assumption, Lafourche, St. Charles, St. James, St. John the Baptist, St. Mary, and Terrebonne, and the department shall not be responsible for nor perform such functions unless the contract between the department and the authority has been terminated pursuant to R.S. 28:919(H).
relative to the operation and management of mental health, developmental disabilities, and addictive disorder services for the parishes of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Richland, Tensas, Union, and West Carroll, and the department shall not be responsible for nor perform such functions unless the contract between the department and the authority has been terminated pursuant to R.S. 28:914(4)(C) and R.S. 28:918(6).

§529. Transfer of agencies and functions to Louisiana Department of Health and Hospitals.

E. The following agencies, as defined in R.S. 36:736, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in R.S. 36:803:

(1) 10 Louisiana State Board of Examiners of Psychologists (R.S. 37:2321 et seq.)

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

B. The secretary shall have authority to:

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

(i) Employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of the department and the performance of its powers, duties, functions, and responsibilities and such other personnel as may be necessary for the efficient administration and the performance of the responsibilities, powers, duties, and functions of agencies transferred to him.

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

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

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

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

§747. Office; purposes and functions.

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

Section 3. R.S. 37:9, 21(B)(6), 751(A)(2), 757(B), 779(B), 781(E), 790, 796.1(A)(1), 843, 846(A)(3)(a)(iv), 883(C), 930(A), (B)(1) and (3) through (5), (D), and (E), 1033(A)(3) and (C), 1048(A)(1)(a), (8), (9), and (12), 1056, 1103(11) and (12), 1164(3), (7), (10), (13)(a), (16), (29), (30), (43), (46), (57), and (58), 1182(A)(13), (17), and (18) and (B)(1) and (6), 1226(B), 1226.2(D)(1), 1277(A)(3), 1281(A)(1) and (3), (B)(4), and (D), 1307(1), (7), and (8), 1340(introductory paragraph), 1345(A)(3)(a)(iv), 1461(F)(2), 1721.2, 1721.3(G)(introductory paragraph) and (5), 1743(C), 1743.1(E), 1744(A), (B), and (C), 1745(A), (B), and (C)(3), the heading of Part VIII of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, R.S. 37:1746, 1747, 2111, 2114, 2351, 2352(2), 2354(A), 2356.2(A)(6) and (B), 2371(1), 2404(C), 2442(2), (4), and (6)(introductory paragraph), (c) through (e), (j), (k), (m), (n), (r), (u), and (v), 2443, 2444, 2458, 2459, 2465(D)(introductory paragraph) and (1), 2503(A)(2)(d), 2504(A)(1) and (5), 2610(D)(2), 2616(A)(2)(4), (6), (8), (13), (15), and (B), 2619, and (F)(2), 2819(Section heading), 2950(B) and (D)(1)(a)(v), 3014, 3214(1), 3241(introductory paragraph) and (1), 3258(C), 3302(4)(b) and (iv), 3309.1(A), 3309.1(C), 3309.1(D)(introductory paragraph), (1), (2), (6), (7), (9), (11), (12), and (16), 3387(A), (C), (D), and (E)(2) and (6), 3387.1(A)(1), (C), (D), and (E)(6), 3387.2(A), (C), (D), and (E)(5), 3387.3(A), (C), (D), and (E)(1), 3387.4(C), (D), and (E)(1), 3387.5(D), (E), and (F), 3387.6(B) through (G), 3387.10(D)(5) and (7), 3387.11(D)(5) and (7), 3387.12(D)(5) and (7), 3387.13(D), 3387.14(A), 3388.4(A)(7), (10), and (11), 3389(D) and (E), 3390(B) and (D), 3390.2, 3390.3(A)(11) and (13), (B)(4), and (D), 3428(B), and 3703(B)(7) are hereby amended and reenacted and R.S. 37:1103(introductory paragraph), 3387.5(G) and (H), and 3387.6(H) and (I) are hereby enacted to read as follows:

§ 9. Rules and regulations

The governor may prescribe such general administrative rules for the conduct of the affairs
§930. Anesthetics; authority to administer; penalty
A. No registered professional nurse shall administer any form of anesthetic to any person under
her care unless the following conditions are met.
(1) The registered nurse has successfully completed the prescribed educational program in
a school of anesthesia which is accredited by a nationally recognized accrediting agency
approved by the Board of State Board of Nursing and the Louisiana Department of Health, Education, and Welfare, or its
successor.
(2) The registered nurse is a registered nurse anesthetist certified by a nationally recognized
certifying agency for nurse anesthetists following completion of the educational program
referred to in Paragraph (1) of this Subsection and participates in a continuing education
program of a nationally approved accreditation agency as from time to time required, which
program shall be recognized as the Continuing Education Program for Certified Registered
Nurse Anesthetists.
(3) Administers. The registered nurse administers anesthetics and ancillary services under the
direction and supervision of a physician or dentist who is licensed to practice under the laws
of the state of Louisiana.
B. (1) No registered professional nurse licensed in the state of Louisiana who has been
employed to administer anesthetics for six months prior to October 1, 1976, shall be required
to meet the requirements set forth in Paragraphs (A)(1) and (2) of Subsection A herein
this Section, and such registered professional nurse may continue to administer anesthetics
provided that such employment is continuous in the state of Louisiana and is not broken for a
period of more than one year. However, any registered professional nurse licensed in this state
who is employed to administer anesthetics after October 1, 1976, shall be required to meet the
requirements of this Section.
(2) The requirements set forth in Paragraphs (A)(1) and (2) of Subsection A herein, this
Section shall not apply to a graduate nurse anesthetist awaiting certification, provided
that the application for certification is made as soon as possible upon completion of the
prescribed educational program in a school of anesthesia and provided further that this is the
initial attempt for passage of the certification exam.
(4) The requirements set forth in Paragraphs (A)(1) and (2) of Subsection A of this Section
shall not apply to an emergency situation as determined by the appropriate supervising
physician or dentist.

(3) The requirements set forth in Paragraphs (A)(1) and (2) of Subsection A of this Section,
insofar as administering of anesthetics is confined to the educational requirements of the course and under direct supervision of a qualified instructor.

D. Nothing herein in this Section shall prohibit the injection of local anesthetic agents under the
skin or application of topical anesthetics by a registered nurse when prescribed by a
nationally recognized certifying body and whose graduates are acceptable for certification
by a nationally recognized certifying body shall be required to meet the requirements set forth in Paragraphs
(A)(1) and (2) of Subsection A herein this Section, insofar as the administering of anesthetics is
confined to the educational requirements of the course and under direct supervision of a qualified instructor.
E. Nothing herein in this Section shall prohibit the administration of a digital block or a
pudendal block by an advanced practice registered nurse who has been trained to administer
such procedure in accordance with a collaborative practice agreement.

§1056. Annual renewal of license to practice
All licensed optometrists shall annually:
(1) Pay to the board the annual renewal fee provided in R.S. 37:1058 on or before the first
day of March of each year.
(2) Accompany the payment of the annual renewal fee with evidence satisfactory to the
board of attendance and completion of twelve hours of continuing education pertaining
to subjects required for licensing as set forth in R.S. 37:1051. Evidence of such continuing
education satisfactory to current visual and health care health care practices as are applicable to the practice of
optometry. All licensed optometrists who have attained the age of sixty years as of March 1, 1969, shall be exempt from this continuing education requirement.

§1103. Definitions
As used in this Chapter, the following terms have the meaning ascribed to them in this Section:

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

(12) “Provisional licensed professional counselor” means any person who has completed the
requirements provided in R.S. 37:1107(F) and in applicable rules of the board, who has been
issued a provisional license to provide mental health counseling services and to practice mental
health counseling. Provisional licensed professional counselors may use the title “provisional
licensed professional counselor” and shall practice mental health counseling only under the
direction and active supervision of a board approved board-approved supervisor and only
while obtaining the post-graduate degree experience required for licensure as a professional
counselor. A provisional licensed professional counselor shall not, under any circumstances,
practice mental health counseling independently or advertise that he is authorized to practice
independently.

§1164. Definitions
As used in this Chapter, the following terms have the meaning ascribed to them by this Section:

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

Profile-driven. A profile-driven automated medication system is one, for example, that mediates orders/prescriptions orders or prescriptions by the pharmacist for appropriateness, dosage, and contraindications prior to, or concomitantly with, being entered into the system, and before access is allowed into the system for medication administration.

Non-profile-driven. A non-profile-driven system does not require prior or concomitant pharmacist review of medication orders/prescriptions orders or prescriptions in order to gain access to the system for medication administration. A non-profile-driven non-profile-driven system may include, but is not limited to, a night drug cabinet, emergency drug drug, or floor medication stock or first stock or first dose cabinet.

First-dose cabinet. A first-dose cabinet is a medication storage device, which shall be used by personnel, authorized by a protocol established by the pharmacist-in-charge, to gain access to doses as needed and first doses in patient-care areas. In a floor medication stock or first stock cabinet may be used to store medications in such specialty areas including but not limited to an emergency room, surgery suite, and endoscopy suite.

(7) “Confidential information” means information accessed, maintained by, or transmitted
in a pharmacist’s patient’s records or which is communicated to the patient as part of part of patient services, that is privileged and protected prior to, or used only to the patient on to those practitioners, other authorized health care healthcare professionals, and other pharmacists when, in a pharmacist’s professional judgment, such release is necessary to protect the patient’s health and well being; and to such other persons or agencies authorized by law to receive such confidential information regardless of whether such information is in the form of paper, preserved on microfilm, or is stored on electronic media.

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

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

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

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

(30) “On-site facility” means and refers to the location of a building that houses a board permitted board-permitted pharmacy.

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

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

(57) “Wholesale drug distribution” means distribution of legend drugs to a party other than the consumer or patient, including but not limited to distribution by manufacturers, repackers, own label distributors, jobbers, brokers, agents, and pharmacies.

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

§1182. Powers and duties of the board
A. The board shall be responsible for the control and regulation of the practice of pharmacy and shall:
   (13) Establish minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding, and dispensing of drugs or devices.

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

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

B. The board may:
   (1) Join such professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of pharmacy for the protection of the health, safety, and welfare of the public or whose activities assist and facilitate the work of the board.
   (6) Employ or contract for inspectors, chemists, agents, clerical help, legal assistance, and other personnel necessary for the proper operation of the board office and for any other purpose under this Chapter.

§1226.1. Communication to the prescriber
B. The required communication included in Subsection A of this Section may be done by any means.

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

D.(1) No person, including a drug manufacturer, health care healthcare facility, or governmental agency who donates prescription drugs to a charitable pharmacy, as well as the charitable pharmacy, any pharmacist who originally dispensed the donated prescription drugs, any pharmacist dispensing donated prescription drugs, or the board of pharmacy Louisiana Board of Pharmacy shall be subject to any professional disciplinary action, criminal prosecution, or civil action for injury, death, or loss to person or property related to the donating, accepting, or dispensing of donated prescription drugs.

§1277. Louisiana State Board of Medical Examiners; authorization to obtain criminal background checks
A. In order to obtain a certificate of approval as a registered veterinary technician, the applicant shall comply with the following provisions:
   (3) The applicant shall submit evidence that he:

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

(a) Physicians:

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

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

(5) In the event of a conflict between the provisions of this Chapter Part respecting fees and costs and those contained elsewhere in any other Chapter this Title, including but not limited to R.S. 37:61 through 626, R.S. 37:1356 through 1360, R.S. 37:3301 through 3312, R.S. 37:3421 through 3433, R.S. 37:1311 through 1329, R.S. 37:1356 through 1360, Chapters 7, 39, 46, 48, 49, and 52 of this Title and Parts II, IV, and V of this Chapter, the provisions of this 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.

(ii) Has successfully completed a board approved board-approved course of study.

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

(8) “Rural hospital” shall be defined as provided for in R.S. 40:1300.143 R.S. 40:1189.7, as such law existed on April 1, 2006.

§1540. Advisory Committee on Perfusion; duties
Under the authority of the Louisiana State Board of Medical Examiners, the committee shall:

§1543. Application
A. In order to obtain a certificate of approval as a registered veterinary technician, the applicant shall comply with the following provisions:
§1721. Restrictions on advertising reserved to legislature

No state board, commission, department, bureau, or similar agency of the state regulating the practice of a trade or profession and exercising rulemaking powers shall make any rule or regulation which limits or restricts the right to advertise, provided that this Section shall not apply to any board, commission, department, bureau, or similar agency of the state created and regulated under the rulemaking power of the Supreme Court of Louisiana or to the Louisiana State Board of Medical Examiners, the Louisiana State Board of Barber Examiners, the Louisiana State Board of Dentistry, the State Board of Certified Public Accountants of Louisiana, the Louisiana Board of Chiropractic Examiners, the Louisiana Board of Veterinary Medicine Examiners, and the Louisiana State Board of Optometry Examiners, and further provided that nothing herein contained shall be construed to prevent the prohibition of false or misleading advertising by any board, commission, department, bureau, or similar agency of the state. The right to regulate advertising except as herein provided is reserved to the legislature.

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

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

B. For the purposes of this Section:

(1) "Licensed healthcare professional" means a licensed healthcare professional who is qualified in this state and trained to perform ultrasound procedures.

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

§1742.1. Disclosure

G. As used in this Part, “lifestyle modifications” means the broad domain of traditional or homeopathic health care practices and other complementary health practices and services provided by a person who is not licensed, certified, or registered to perform, and who is not prohibited from performing any of the following designated services or practices.

(5) Holding out, stating, indicating, advertising, or otherwise implying he is a health care provider, as defined in R.S. 40:1299.41(A)(1) or R.S. 40:1231.1(A), or a physician, or medical doctor, or in any way licensed to practice medicine pursuant to Part I of Chapter 15 of this Title.§4 of the Louisiana Revised Statutes of 1950.

§1743. Prohibition on direct solicitations

C. As used in this Section “healthcare provider” means any “health care provider” as defined in R.S. 40:1231.1(A).

§1743.1. Use of the title “Doctor” or “Dr.” by certain healthcare providers

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

§1744. Disclosure of financial interest by referring healthcare providers

A. Each licensing healthcare provider shall establish by rule practice requirements based on applicable guidelines from the 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 Centers for Disease Control and Prevention, establish requirements and procedures for a licensee to inform a patient of his status as a carrier of the hepatitis B virus or human immunodeficiency virus to the board and shall enforce such requirements and procedures.

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

§211. Qualifications of applicants

THE ADVOCATE * As it appears in the enrolled bill
A person aspiring to become a licensed sanitarian in the state of Louisiana shall be a graduate of an accredited college or university with a bachelor’s degree and concentration of courses in environmental sanitation or the general area of environmental health. In lieu thereof, a person aspiring to become a licensed sanitarian shall be a graduate of an accredited college or university with a bachelor’s degree which includes at least thirty semester hours, or the equivalent, of courses in physical and biological sciences, with a minimum of six hours in the physical sciences and a minimum of ten hours in the biological sciences. Prior to being issued a license as a sanitarian, all sanitarian trainees shall have completed a minimum of one year of field experience, which shall include the successful completion of a board-approved training course in environmental sanitation or environmental health. The board may, by rule, specify the particular types of physical and biological science courses which will be deemed acceptable to fulfill the educational requirements of this Section. The board of examiners shall be vested with the authority to designate in detail the types and length of the required training in environmental sanitation or environmental health and the types of experience necessary.

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

The state board of examiners shall have the power to refuse to grant, or may suspend or revoke, any license or permit issued under the provisions of this Chapter for causes hereafter enumerated:
1. (a) Conviction of a crime.
2. Fraud, deceit, or perjury in obtaining a license or permit.
3. Habitual drunkenness.
4. Habitual use of morphine, opium, cocaine, or any drug having a similar effect.
5. Defrauding the public or attempting to do so.
6. Impersonation of a licensed sanitarian.

§2351. Declaration of purpose

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

§2352. Definition of terms

As used in this Chapter the following terms mean:

(2) “Board” means the Louisiana State Board of Examiners of Psychologists.

§2354. Fees

A. All monies received by the board under this Chapter shall be paid into the treasury of the Louisiana State Board of Examiners of Psychologists and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for future expenditures and the board is not required to pay any such surplus into the general fund of the state of Louisiana.

§2356. Provisional licensed psychologist; renewal; continuing education

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

1. Has completed a minimum of one year of experience practicing psychology under the supervision of a licensed psychologist or has completed an approved predoctoral internship as defined in the rules and regulations of the board.
2. If the board reasonably believes that a person applying for a provisional license or for renewal of a provisional license is not physically or mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services, the board may request the person to submit to a physical examination by a medical doctor approved by the board or submit to a mental health examination by a psychologist or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after a contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the examination. A person who is ordered to submit to an examination shall not be eligible for a provisional licensure or renewal of a provisional license prior to such examination. Proceedings under this Subsection shall be conducted in compliance with the Administrative Procedure Act.

§2371. Definitions

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

(1) “Board” shall mean the Louisiana State Board of Examiners of Psychologists.

§2404. Board meetings; quorum; officers; compensation

C. Each board or committee member shall be entitled to a per diem of one hundred fifty dollars for attendance at board meetings or other official board-approved activities; plus reimbursement of actual expenses reasonably necessary for attending board or committee meetings or for representing the board or participating in an official board-approved activity. Board members shall be entitled to reimbursement of actual expenses reasonably necessary for participating in or carrying out an official board-approved activity.

§2442. Definitions

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

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

(4) “Practice of selling and fitting hearing aids” means the necessary audiometry and other acoustic measurements essential to determine the parameters needed in amplification, selection, and adaptation of the appropriate hearing instruments, the making of a proper ear impression for the instrument selected, fitted, and delivered, the inspection of the ear canal with an otoscope before taking the impression, and all of the instruction and guidance necessary to maximize use of amplification.

(6) “Unethical conduct” includes but is not limited to the following:

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

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

(c) Representing that the professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words “doctor”, “clinic”, “clinical”, underscored or “research audiologist”, “audiologic”, or any other like words, abbreviations, or symbols which tend to denote any medical or professional services, when such use is not accurate.

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

(k) To represent falsely that competitors are unreliable but that the disparager is not.

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

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

(t) Sharing of any profits or sharing of any percentage of a licensee’s income with any person, firm, corporation, or other business enterprise other than a person licensed to fit and sell hearing aids under the provisions of this Chapter who is a resident of this state and associated with the licensee in fitting and selling hearing aids.

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

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

§2443. License or certificate required; display

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

§2446. Examination by written and practical tests

A. An applicant for a license who is notified by the board that he has fulfilled the requirements of R.S. 37:2445 shall appear at a time, place, and before such persons as the board may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to engage in the fitting and selling of hearing aids.

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

§2458. Meetings of board

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

§2460. Expenses of fees: expenses

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

§2465. Licensing requirements; applicability; exceptions

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

(1) A physician licensed by the Louisiana State Board of Medical Examiners.

§2503. Board of Examiners fee of Nursing Faculty Administrators

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in underlined type are deletions from existing law; words underscored (House Bill) and boldface (Senate Bill) are additions.
A. The ex officio members of the board shall be:

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

§2504. Functions and duties of the board

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

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

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

§2802. Board of chiropractic examiners

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

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

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

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

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

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

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

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

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

B. The board may, as a probationary condition, or as a condition of the reinstatement of any license or certificate suspended or revoked hereunder in accordance with the provisions of this chapter, require the license holder or certificate holder to pay all costs of the board proceedings, including investigators', stenographers', and attorneys' fees, and to pay a fine not to exceed ten thousand dollars. Failure to pay such costs, fees, or fines may result in refusal of license renewal by the board as provided in R.S. 37:2810(D).

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

D.(1) A student enrolled in and attending a board-approved board-approved educational program or college of radiologic technology who applies for a license while under the supervision of a licensed practitioner or a licensed radiologic technologist.

§3241. Definitions

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

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

§3258. Professional liability

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

§3302. Definitions

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

(4) “Board-approved organization” means one of the following:

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

(1) Has an officially designated officially designated coach or individual who has the responsibility for athletic activities of the organization.

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

§3309.1. Hearing; consent order

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

§3386.1. Definitions

As used in this Chapter the following definitions shall apply:

(1) “Addiction counselor” means any person who is licensed, or certified, or registered in accordance with the provisions of this Chapter and procedures established by the department and who, by means of his special knowledge acquired through formal education or practical experience, is qualified to provide addiction counseling services to those individuals afflicted with or suffering from an addictive disorder or certain co-occurring disorders. The counseling services provided shall be those which utilize the KSA or core functions, as determined by the department to be appropriate for the addictive disorder or disorders presented.

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

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

(7) “Co-occurring disorder” means a disorder in which individuals have at least one psychiatric disorder as well as an addictive disorder. While these disorders may interact differently in any one person, at least one disorder of each type can be diagnosed independently of the other.

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

(11) “KSA” or “KSA” means the Knowledge, Skills, and Attitudes knowledge, skills, and attitudes designated by the department as being necessary for effective addiction counseling and required by the department to be utilized by addiction counselors in providing addiction counseling services.

In addition, the knowledge, skills, and attitudes included in addiction counseling and required by the department to be utilized by addiction counselors in providing addiction counseling services include the following:

• Those activities and services that prevent, reduce, or stabilize the incidence of addictive disorders and thereby prevent, reduce, or stabilize the prevalence of addictive disorders. The activities contemplated by this definition include services to those at risk of developing an addictive disorder as well as those individuals who, though not necessarily at risk of developing an addictive disorder, are nonetheless appropriate for services. In addition, prevention shall be understood to include educational programs and activities that are designed to raise the awareness of and encourage healthy behaviors.

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

§3387. Certified addiction counselor
A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The licensed addiction counselor may practice autonomously, independently of any other professional association or supervision. The scope of practice, in addition to any other applicable provision herein of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

C. Any person seeking to be recognized by the department as a licensed addiction counselor shall submit an application to the department on a form and in a manner as the department shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for herein in this Chapter.
D. Upon investigation of the application, the department shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and unaccepted. If an application is rejected, the notice shall state the reason for such rejection.
E. The department shall recognize as a licensed addiction counselor each candidate who:
   (1) Is a legal resident of the United States and at least twenty-one years of age and on the date the application is received.

   (4) Demonstrates professional competence by passing a written and oral examination and making a case presentation.
   (5)(a) Demonstrates professional competence by passing a written and oral examination, and making a case presentation.
   (b) The department shall determine the scope and administration of the examinations.
   (c) The department may provide for circumstances under which a candidate who fails either examination, but who meets all other requirements, may retake the examination.
   (d) The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.
   (e) The department shall prescribe the scope and manner of the case presentation required herein by the provisions of Subparagraph (a) of this Paragraph.

§3387.1. Certified addiction counselor
A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The certified addiction counselor may not practice independently, except when providing addiction counseling services in a prison or other custodial environment, and may not render a diagnostic impression. The scope of practice, in addition to any other applicable provision herein of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

C. Any person seeking to be recognized by the department as a certified addiction counselor shall submit an application to the department on a form and in a manner as the department shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for herein in this Chapter.
D. Upon investigation of the application, the department shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and unaccepted. If an application is rejected, the notice shall state the reason for such rejection.
E. The department shall recognize as a certified addiction counselor each candidate who:
   (1) Is a legal resident of the United States and at least eighteen years of age and on the date the application is received.

   (6)(a) Demonstrates professional competence by passing a written and oral examination, and making a case presentation.
   (b) The department shall determine the scope and administration of the examinations.
   (c) The department may provide for circumstances under which a candidate who fails either examination, but who meets all other requirements, may retake the examination.
   (d) The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.
   (e) The department shall prescribe the scope and manner of the case presentation required herein by the provisions of Subparagraph (a) of this Paragraph.

§3387.2. Registered addiction counselor
A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The registered addiction counselor may not practice independently and may not render a diagnostic impression. The scope of practice, in addition to any other applicable provision herein of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions. The scope of practice shall in no way be construed to include services designed to address work organization productivity issues and employee client problems affecting job performance and the ability to perform on the job.

C. Any person seeking to be recognized by the department as a registered addiction counselor shall submit an application to the department on a form and in a manner as the department shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for herein in this Chapter.
D. Upon investigation of the application, the department shall, not less than forty-five days prior to any examination, notify each candidate that the application is satisfactory and accepted or unsatisfactory and unaccepted. If an application is rejected, the notice shall state the reason for such rejection.

E. The department shall recognize as a registered addiction counselor each candidate who:
   (5)(a) Demonstrates professional competence by passing a written and oral examination, and making a case presentation.
   (b) The department shall determine the scope and administration of the examinations.
   (c) The department may provide for circumstances under which a candidate who fails either examination, but who meets all other requirements, may retake the examination.
   (d) The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.
   (e) The department shall prescribe the scope and manner of the case presentation required herein by the provisions of Subparagraph (a) of this Paragraph.

§3387.3. Counselor-in-training
A. The practice of addiction counseling within the meaning and intent of this Chapter shall consist of the rendering of professional guidance to individuals suffering from an addictive disorder to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible lifestyle. The status of counselor-in-training (CIT) is intended to assist professional development by providing qualified individuals with supervised clinical counseling experience. This status is, by its very nature, temporary and it is anticipated that the individual will progress through the experience to become a licensed, certified, or registered addiction counselor. The counselor-in-training may not practice independently. The counselor-in-training may only work under the direct supervision of a licensed addiction counselor, certified addiction counselor, or registered addiction counselor; or in the absence of a licensed, certified, or registered addiction counselor, under the direction of a qualified mental health professional. The scope of practice, in addition to any other applicable provision herein of this Chapter, shall include making referrals to appropriate professionals, providing counseling to family members, and, as appropriate, to others affected by the individual's addictive disorder, and the utilization of KSA and core functions.

C. Any person seeking to be recognized by the department as a counselor-in-training shall submit an application to the department on a form and in a manner as the department shall prescribe. The initial application form shall be accompanied by an initial application fee as provided for herein in this Chapter.
D. Upon investigation of the application, the department shall, within thirty days, notify each candidate that the application is satisfactory and accepted or unsatisfactory and unaccepted. If an application is rejected, the notice shall state the reason for such rejection.
E. The department shall recognize as a counselor-in-training each candidate who:
   (1) Is a legal resident of the United States and at least eighteen years of age and on the date the application is received.

   (3) Does not have any pending disciplinary action with the department.
   (4) Is not a defendant in any pending felony criminal proceedings.
   (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo contendere to, a felony.
   (6) Each clinical supervisor candidate must sign a form prescribed by the department authorizing the department to obtain a criminal record or to conduct a criminal background check.

G. (1) Each applicant shall demonstrate professional competence in clinical supervision by passing a written examination.
   (2) The department shall determine the scope and administration of the examinations.
   (3) The department may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.
   (4) The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

H. The scope of clinical supervision for a certified clinical supervisor shall be as follows:
   (1) A licensed addiction counselor certified in clinical supervision may provide clinical supervision for any other licensed addiction counselor, for any certified addiction counselor, for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.
   (2) A certified addiction counselor who is also certified in clinical supervision may provide clinical supervision for any certified addiction counselor, for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.
   (3) A registered addiction counselor who is also certified in clinical supervision may provide clinical supervision for any registered addiction counselor, for any counselor-in-training, or for any addiction treatment assistant.
§3387.6. Certified compulsive gambling counselor

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

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

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

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

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

(2) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony.

(3) Each compulsive gambling counselor candidate shall sign a form prescribed by the department authorizing the department to obtain a criminal history or to conduct a criminal background check.

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

(5) The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

(6) The scope of practice for a certified compulsive gambling counselor shall be consistent with the scope of practice for the necessary credential supporting the certification.

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

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

(1) Demonstrates professional competence by passing a written examination.

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

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

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

(5) Documents having successfully completed any training prescribed by the department, Training as contemplated herein in this Chapter may include educational as well as experiential components.

§3387.10. Licensed prevention professional

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

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

(2) Has not been convicted of or entered a plea of guilty or a plea of nolo contendere to a felony.

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

§3388.4. Powers and duties of the department

A. The department shall:

(1) Enforce the provisions of this Chapter.

(2) In any suit for injunction, the department may impose on the defendant a penalty of five thousand dollars, as provided in this Chapter.

(3) Issue subpoenas to require attendance, testimony, and production of documents in the process of enforcing the provisions of this Chapter and department rules or in order to secure evidence or testimony pursuant to any investigation conducted in furtherance of the department’s authority or responsibility herein as provided in this Chapter.

§3389. Prohibited practice; injunctive relief

A. The credit or status of anyone who fails to timely renew a status or credential authorized by this Chapter shall be suspended for good cause shown.

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

C. The department may provide for circumstances under which a candidate who fails the examination, but who meets all other requirements, may retake the examination.

D. The department shall make reasonable accommodations for those candidates who demonstrate a special need or disability.

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

§3387.11. Certified prevention professional

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

(1) Demonstrates professional competence by passing a written examination.

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

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

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

(5) Documents having successfully completed any training prescribed by the department, Training as contemplated herein in this Chapter may include educational as well as experiential components.

§3388.12. Registered prevention professional

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

(1) Demonstrates professional competence by passing a written examination.

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

THE ADVOCATE
§3. State health officer; powers
Section 1. The state health officer shall at all times take necessary steps to execute the sanitary laws of the state, and to prevent the outbreak of contagious diseases or the introduction of and transmission of contagious diseases into this state; and to prevent the sale of any poisonous or deleterious articles in the state. The state health officer may issue warrants only to arrest or prevent epidemics or to abate any imminent menace to the public health.

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

§4. Sanitary Code
Section 1. The state health officer acting through the office of public health of the Louisiana Department of Health and Hospitals shall have the power to prescribe rules and regulations embodied within the state’s Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the Administrative Procedure Act, and further, in conformity with the following guidelines and directives:

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

(2) In order to prevent the occurrence or spread of communicable diseases, the rules and regulations of the Sanitary Code shall provide for an immunization program and provide for procedures relating to the reporting of cases of Pediatric Respiratory Syncytial Virus (RSV) when such a test is conducted by a laboratory or hospital, investigation, and application and implementation of appropriate control measures to expressly include isolation and quarantine procedures and measures, for all communicable diseases of public health significance. However, no rule or regulation of the Sanitary Code shall impose or create any general duty to warn third parties upon any healthcare provider who has complied with the applicable reporting requirements for communicable diseases as set forth in the Sanitary Code. These rules and regulations shall also be designed to:

(b) Regulate the packaging, storage, treatment, and transportation of infectious waste generated by health-care healthcare providers and noncommercial generators including but not limited to private households. “Infectious waste” means waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. In addition, the rules and regulations shall provide for the certification, testing and disposal of all equipment used to treat infectious waste to assure safety, effectiveness of the equipment, and compliance with regulatory and statutory health regulations. At a minimum the rules shall provide that the testing shall be conducted annually.

(c) Control the spread of tuberculosis:

(i) Requiring that persons who are students in the healthcare healthcare professions, or volunteers helping in the caring of patients in healthcare healthcare institutions, be free of tuberculosis as evidenced by a negative tuberculin skin test, a normal chest x-ray, and a negative history of tuberculous infection.

(ii) Requiring the state health officer or by court order for any person who fails to comply with directly observed therapy for tuberculosis prescribed by a Louisiana licensed physician under a signed statement of the state health officer, that the patient’s physician be provided with a signed certification of the state health officer that chemotherapy is not indicated. If the student or volunteer shall have a positive tuberculin skin test, or a chest x-ray that is abnormal, the student or volunteer shall complete a course of chemotherapy for tuberculosis prescribed by a Louisiana licensed physician under a signed statement of the state health officer that chemotherapy is not indicated.

(iii) Requiring that healthcare professionals, defined as doctors of medicine, osteopathy or dentistry, nurses, psychologists, therapists, social workers, and trained lay people, who are licensed in this state under any provision of this chapter, other than §978.3(B), be required to report tuberculosis.

(iv) Requiring the state health officer to investigate all tuberculosis cases to determine the mode of transmission of the disease and to determine the need for further investigation and isolation of the tuberculin-positive contacts.

(vii)(aa) Requiring the isolation, quarantine, or both, for directly observed therapy (medication taken in the presence of a healthcare healthcare provider) of any person with tuberculosis, who is a teacher or student enrolled in a public or private school, or child care center, or any other individual who is determined by the state health officer or an authorized local health officer, to be infected with tuberculosis.

(bb) Requiring a more restrictive isolation or quarantine environment specified by the state health officer or by court order for any person who fails to comply with directly observed therapy for tuberculosis prescribed by a Louisiana licensed physician.

(cc) Requiring that any person who fails to comply with the more restrictive isolation or quarantine environment specified by the state health officer or by court order for any person who fails to comply with directly observed therapy for tuberculosis prescribed by a Louisiana licensed physician.

(3) The state health code shall provide rules and regulations governing burial, transportation, disposition, or other permitted disposition of dead human remains, to include regulations defining approved methodology that will ensure sanitary and dignified disposal.

(6) In order to protect the public against disease and nuisance resulting from the improper use of drugs and devices, the board of health may require any person to return to the manufacturer for re-examination for non-regulated purposes.

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disposal of sanitary sewage, the state health officer shall prepare and promulgate all rules and regulations to ensure that adequate conveyance and disposal facilities are provided for the disposal of sanitary sewage and private industrial waste generated in 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 issue an injunction to enforce any provision which it determines to be physically beyond the control of the person or business entity to comply with, or in conflict with other provisions of state or federal law or regulations.

(5) Paragraphs (2)(b) and (3) of this Subsection shall not apply to waste waters and wastes in discharges from industrial facilities which are subject to permitting under the Louisiana Water Control Law (R.S. 30:2071 et seq.) or the federal Clean Water Act (42 USC 1321 et seq., as amended), nor to waste waters from industrial facilities in ditches upstream of state or federal water discharge points.

§4.3. Hard- and soft-shell crabs; preparation in traditional manner for public consumption. As it appears in the enrolled bill

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

§4.6. Exemption; benefits for zoos

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

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

C. This Section shall not apply to the following:

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

(3) An office at a particular location operated by a licensed, registered, or certified healthcare provider actively engaged in the practice of his profession wholly displaying to the public practice such healthcare profession.

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

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

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

§7. Communicable disease epidemic; procedure

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

B. The state health officer may prohibit the introduction into any infected portion of the state, whether an infected person, property, or thing is necessarily or almost necessarily or, and said to be immune, when, in his judgment, the introduction of those persons would increase the prevalence of the disease.

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

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§ 9. Arrests for violations

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

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

§ 13. Expenses of parish health units

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

B. In connection with the enforcement of this Title, the municipal authorities shall, for the purposes of this Part, be known as parish authorities.

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

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

B. Upon receipt of notice of the case by the state health officer, or at any time during the case thereafter, the state health officer shall, if he thinks the emergency sufficient, send an expert physician, selected by him, to examine and diagnose the disease. If, after this examination and diagnosis, the expert declares the case to be one of an obvious or communicable nature, liable to spread, or that the same is likely to become dangerous to the general public health of the state, the state health officer shall instruct the local health officer as to what additional steps, if any, should be taken to isolate the case and prevent the spread of the infection any further. The state health officer shall require that the local health officer immediately conform to and put these instructions in operation. If the local health officer or other local authorities connected with the care fail to act immediately or fail to act in the case in a manner satisfactory to the state health officer, the state health officer shall take charge of the case and manage it through his own officers or employees.

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

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

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

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

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

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

B. The parish health officer shall issue all orders and warrants, subject to the limitations imposed in Subsection A of this Section, and take all necessary steps to execute the sanitation laws of the state under the state health officer and to carry out the rules, regulations, and ordinances of the Louisiana Department of Health.

§ 31.3. Adolescent school health initiative; health centers in schools

B. The office of public health shall:

(2) Convene and participate in an intergovernmental coordinating council which shall be composed of representatives from the departments of education, health and hospitals, and other governmental entities or programs related to health services to assist in implementation, oversight, and funding assistance for health centers in schools.

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

§ 31.32. Individual sewage fees

* * *

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

§671. Washing prohibited; penalty

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

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

§682. Qualifications for license; sterilization process

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

B. All containers shall be cleansed, sterilized, and freed from rust and contamination by soaking them for a period of not less than five minutes in a hot caustic solution of not less than one hundred twenty degrees Fahrenheit. This solution shall contain not less than two and one-half percent of caustic soda expressed in weight per volume of sodium hydrates. The containers shall then be thoroughly rinsed with pure water. The cleansing solution shall be changed so frequently as to prevent it from becoming foul and unsanitary.

§700.1. Rules and regulations

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

§700.5. Permit; application; fees; renewal

C. Permits issued under the provisions of this Sub-Part shall be valid for one calendar year from the date of issue, unless revoked as provided in R.S. 40:700.6.

§700.6. Revocation of permit

A. The department may revoke any permit issued pursuant to the provisions of this Sub-Part at any time the holder of a permit is found to be in noncompliance with the provisions of this Sub-Part or the rules and regulations established by the department.

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

§700.7. Surety Bond

A. Every dealer permitted pursuant to the provisions of this Sub-Part shall maintain with the secretary of the Louisiana Department of Health a surety bond in the amount of ten thousand dollars. Each bond shall be issued by a surety authorized to do business in Louisiana, and shall be in favor of the state for the use, benefit, and indemnity of any person who sues for any damage or loss as a result of the dealer's violation of law or breach of contract. Recovery hereunder shall not exceed the amount of the bond.

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

§700.8. Procedure for reporting violations of Sub-part

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

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

§700.9. Duties of district attorney

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

§701.0. Penalties

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

B. The department shall have the authority to remove any person from operation for an injunction issued under this Sub-Part, including the nature of the injunction, if the dissemination was beyond the control of the person.

§701.1. Permit; application; fees; renewal

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

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

§701.2. Revocation of permit

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

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

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

§701.3. Labeling

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

§701.4. Penalty for violations

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

§781. Definitions

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

§781.6. Revocation of permit

Whoever violates any provision of this Sub-Part shall be fined not more than five hundred dollars or imprisoned for not more than six months.

§824. Permit

Whoever violates any of the provisions of this Sub-Part shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

§853. Penalty

Whoever violates any provision of this Sub-Part shall be fined not more than five hundred dollars or imprisoned for not more than six months.

§840.51. Exemption of sales to schools; competitive bids for purchase of milk

A. The sale of milk or milk products, as described in this part, to any school board or other governing authority of any elementary or secondary school in this state after July 31, 1974, shall be exempt from any minimum price or other price fixing requirement or regulation contained in this part or in any other statute or regulation of any administrative agency.

§892. Caustic alkali and other poisons; label on container; penalty

C. Whoever violates this section Section shall be fined not less than five dollars nor more than five hundred dollars or imprisoned for not less than ten days nor more than thirty days.

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

§893. Seizure

Any article or product found in violation of the labeling requirements in Section 924 of this Part, 40:952 shall be subject to seizure and condemnation by the State Health Officer or by any duly authorized representative he designates for that purpose.

§962. Authority to control

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

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

§965. Precedent for substance already controlled by this section

D. In an adjudication, the secretary of the Louisiana Department of Health may transfer a controlled substance from one schedule to another schedule upon the basis of a finding that the characteristics of the controlled drug or substances are such that under the criteria in Section 963 of this Part R.S. 40:963 the controlled substances should be transferred or that a transfer of any substance listed under Section 964 R.S. 40:964 from one schedule to another schedule should be made in order to conform with the schedule in which the drug is placed by the Drug Enforcement Administration of the United States government.

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* As it appears in the enrolled bill.

CODING: Words in italics are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
E. If the secretary of the Louisiana Department of Health designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

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

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

H. If the scheduling of a substance in Schedule I is necessary to avoid a imminent peril to the public health, safety or welfare, the secretary may adopt an emergency rule adding the substance to Schedule I pursuant to R.S. 40:958(B). In determining whether the substance poses an imminent peril to the public health, safety, or welfare, the secretary shall consider the factors set forth in Paragraphs C(4), (5), and (6) of this Section.

§962.1 Ephedrine products

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

B. The following products containing ephedrine shall be exempt from the provisions of Subsection A of this Section provided that such product may lawfully be sold over the counter without a prescription under the Federal Food, Drug, and Cosmetic Act, is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph, and is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse.

§962.11. Possession of twelve grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers

A. * * *

(2) It is unlawful for any person to possess ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, or salts of optical isomers in powder form unless the weight of the ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, or salts of optical isomers is less than twelve grams and the powder is in the manufacturer’s original packaging and may be lawfully sold over the counter under a prescription issued in accordance with the rules and regulations promulgated by the Louisiana Board of Pharmacy prior to engaging in such activity.

(2) Upon initial application or upon renewal of a controlled dangerous substance license from the Louisiana Board of Pharmacy, a pharmacist shall automatically and without further action be registered as a participant in the Prescription Monitoring Program prescription monitoring program established in R.S. 40:1001 et seq. For purposes of this Subsection, 

§963. Schedules of controlled dangerous substances

There are established five schedules of controlled substances, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in R.S. 40:964. In determining that a substance is to be added to these schedules, the secretary of the Louisiana Department of Health shall find the following.

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

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 III

§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 depressant or stimulant effect on the central nervous system. Property of such substances is provided that such ingredients are included therein in such concentrations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

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

§968. Prohibited acts—Schedule III; penalties

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

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

§972. Rules and regulations and fees

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

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

§973. Licensing requirements

A. (1) Every person who conducts research with, manufactures, distributes, procures, possesses, prescribes, or dispenses any controlled dangerous substance within this state or who proposes to engage in the research, manufacture, distribution, procurement, possession, prescribing, or dispensing of any controlled dangerous substance within this state shall obtain a license from the Louisiana Board of Pharmacy.

(2) A. The provisions of this Subsection, 

§974. Licensure

A. The Louisiana Board of Pharmacy shall license an applicant to manufacture or distribute controlled dangerous substances under this Part if, because of its concentration, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a depressant or stimulant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

1. Has he 
   a finding that the applicant has materially falsified any application filed pursuant to this Part, or required by this Part.
2. Has he 
   a finding that the applicant has been convicted of a felony under this Part or any other law of the United States, or of any state, relating to any substances defined herein in this Part as a controlled dangerous substance, or any felony under any other law of the United States or of any state within five years of the date of issuance of the license.
3. Has he 
   a finding that the applicant or licensee meets any of the following criteria:
4. Has he 
   a finding that the applicant or licensee has manufactured, distributed, or dispensed controlled dangerous substances in violation of this Part or any other state or federal law pertaining to the manufacture, distribution, or dispensing of controlled dangerous substances.
5. Has he 
   a finding that the applicant or licensee has repeatedly failed to submit to the Louisiana Board of Pharmacy data on transactions involving the dispensation of Schedule II controlled dangerous substances to licensed Louisiana registrants as required by R.S. 40:973(F) and by rules promulgated pursuant thereto.

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

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

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

E. In the event the Louisiana Board of Pharmacy suspends or revokes a license granted under R.S. 40:974, all controlled dangerous substances owned or possessed by the licensee pursuant to such license at the time of suspension or the effective date of the revocation order, as the case may be, may, in the discretion of the Board of Pharmacy, be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the state.

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

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

§976.1. Term of controlled dangerous substance license

Each licensee manufacturing, distributing, or dispensing controlled dangerous substances in Schedule I, II, III, IV, or V shall make a complete and accurate record of all stocks of such dangerous substances on hand. Thereafter, complete and accurate records of all such dangerous substances shall be maintained until the next inventory is made for the next two-year period as required by this Section. At the conclusion of this two-year period and any time thereafter, the Board of Pharmacy may require a pharmacist to provide a record of the patient if the pharmacist has access to the record. The designee shall also, within seven days, make a notation in the interoperable electronic health record of the patient if the pharmacist has access to the record.

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

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

1. “First responder” means any of the following:

   (1) “First responder” means any of the following:

   (a) A qualified first responder as defined in R.S. 40:1131.

   (b) An EMS practitioner as defined in R.S. 40:1131.

   (c) An emergency medical technician as defined in R.S. 40:1131.

   (2) The judge or magistrate of any court of record who has issued a warrant under this section.

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

   (1) Each practitioner with prescriptive authority in Louisiana who holds a controlled dangerous substance license shall obtain three credit hours of continuing education as a prerequisite to license renewal with These as his professional licensing board. Successful completion of the requirements once shall satisfy the requirement for renewed licensure. The practitioner shall show cause why the license should not be denied, revoked, or suspended. The order to show cause why the license should not be denied, revoked, or suspended may, in the discretion of the Board of Pharmacy, be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled dangerous substances shall be forfeited to the state.

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

§980. Additional penalties

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

§982. Second or subsequent offenses

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

B. For purposes of this section, an offense shall be considered a second or subsequent offense if, prior to the commission of such offense, the offender had at any time been convicted of any violation of this State, the United States, any other state or of any foreign country, relating to the unlawful use, possession, production, manufacturing, distribution, or dispensation of any narcotic drug, marijuana, depressant, stimulant, or hallucinogenic drugs.

§984. Powers of enforcement personnel

The Louisiana Board of Pharmacy’s authorized employees may:

§986. Administrative inspections and warrants

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

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

2. A warrant issued pursuant to this section must be executed and returned within ten days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken. The return of the warrant shall be made to the person executing the warrant and shall be so recorded by the person executing the warrant in the patient’s chart. The inventory shall be made in the possession of the person executing the warrant and of the person from whose possession or premises the property was taken. The judge or magistrate of any court of record, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

3. The judge or magistrate of any court of record who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the state court for the jurisdictional district in which the inspection was made.

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

(1) For purposes of this section, "controlled premises" means all of the following:

(a) Places where persons licensed or exempted from licensing requirements under this Part are required to keep records.

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

(2) When so authorized by an administrative inspection warrant issued pursuant to Subsection A of this Section a law enforcement officer or an employee as designated in R.S. 40:984 engaged in the enforcement of any law, regulation, or municipal ordinance relating to controlled dangerous substances, in connection with such programs it is authorized to:

(a) Financial data.

(b) Sales data other than shipment data.

§987. Injunctions

Any district court of this state shall have jurisdiction in proceedings in accordance with the Code of Civil Procedure and other laws of this state to enjoin violations of this Part and in accordance with the Code of Civil Procedure and other laws of this state, to enjoin violations of an administrative subpoena issued in accordance with R.S. 40:984.

A. The Louisiana Board of Pharmacy may cooperate with federal and other state agencies in discharging its responsibilities concerning dangerous substances. To this end, it is authorized to:

B. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Part, he shall be presumed not to be the holder of such registration or order form, and the burden of proof shall be upon him to rebut such presumption.

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

§990. Burden of proof; liabilities

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

B. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this Part, he shall be presumed not to be the holder of such registration or order form, and the burden of proof shall be upon him to rebut such presumption.

§991. Unlawful production, manufacture, distribution, or possession of hallucinogenic plants; exceptions

F. The provisions of this Section shall not apply to any dosage form which is labeled as a dietary supplement and is manufactured in compliance with the requirements of sections 402(g)(2), 415, and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

F. The provisions of this Section shall not apply to any dosage form which is labeled as a dietary supplement and is manufactured in compliance with the requirements of sections 402(g)(2), 415, and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 350d, and 379aa-1).

§992. Education and research

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

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

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

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

E. The Louisiana Board of Pharmacy, with the concurrence and under the supervision and control of the chief law enforcement officer of the jurisdiction wherein the program is conducted, may authorize the possession and exhibition for educational purposes only of controlled dangerous substances by persons employed by local and state law enforcement agencies engaged in educational programs in accordance with rules promulgated by the Louisiana Board of Pharmacy. Persons acting pursuant to this authorization shall be exempt from state and local prosecution for the possession and distribution of dangerous substances to the extent authorized by the Louisiana Board of Pharmacy. The Louisiana Board of Pharmacy shall coordinate and evaluate the training programs of the various law enforcement agencies to ensure compliance with the rules promulgated regulating the possession and exhibition of controlled dangerous substances for educational purposes.

§993. Pending proceedings

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

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

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

§995. Short title

This Part may be cited as the Uniform Controlled Dangerous Substances Law.

§996. Legislative findings

A. Louisiana law authorizes the secretary of the Louisiana Department of Health to add a substance to the schedules of controlled dangerous substances based upon certain criteria.

M. The provisions of this Part are intended to provide additional options for the secretary of the Louisiana Department of Health to address imminent hazards to the public health, safety, and welfare caused by dangerous substances.

C. If the secretary has considered the factors provided for in Subsection A of this Section and has made the determinations required by the provisions of Subsection B of this Section, a rule pursuant to the provisions of R.S. 40:996.5 may be adopted declaring the substance a dangerous substance.
§1003. Definitions
As used in this Part, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:

(12) "Prescriber" means a licensed health care professional with prescriptive authority.

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

§1005. Advisory Prescription monitoring program advisory council

§1006. Reporting of prescription monitoring information

E. The Prescription Monitoring Program's prescription monitoring program's agents, a dispenser, or a prescriber may report suspected violations of this Section or violations of any law to any local, state, out-of-state, or federal law enforcement agency, or the appropriate prosecutorial agency for further investigation or prosecution.

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

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

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

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

F. A person who recommends and person who dispenses marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols pursuant to this Section shall review the patient’s information in the prescription monitoring program database of the prescription monitoring program established in R.S. 40:1001 et seq., prior to the recommending and dispensing thereof.

§1049.7. Board of Pharmacy access to information

§1058. Serenity House; designation as a program under the Louisiana Department of Health A. The Serenity House, located in Monroe, Louisiana, is hereby created as a program under the administration and control of the Louisiana Department of Health for the education, rehabilitation, and treatment of alcoholics or persons with an alcohol problem.

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

§1071.1. Definitions
For the purposes of this Part, the following definitions shall apply:

§1079.1. Medical treatment

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

§1081.9. Hemophilia; state treatment program; advisory committee

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

§1087.1. Comprehensive sports injury management program for student athletes
A. Each high school that sponsors or sanctions any athletic activity in this state, and which requires a participating student to regularly practice or train and compete, is subject to the requirements of the injury management program provided for in Subsections B through F of this Section.

B. The injury management program shall:

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

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

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

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

§1089.3. Louisiana youth athlete concussion education requirements

C. 

(2) 

(b) Training materials or materials made available by the United States Centers for Disease Control and Prevention (CDC) entitled, "Heads Up: Concussion in Youth Sports" and other materials made available by the National Federation of High Schools for the Louisiana High School Athletic Association and any amendments thereto, or other training materials substantively and substantially similar to the CDC materials, along with dissemination of a copy of the statutory requirements which must be satisfied in order for a youth athlete who has or is suspected to have sustained a concussion to return to play in the athletic activity, shall be deemed to satisfy the education requirements provided for in this Section.

§1089.4. Removal from and return to play
A. A coach who is required to complete concussion recognition education pursuant to this Subpart shall immediately remove any youth athlete from a game, competition, or practice if any of the following occurs:

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

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

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

B. If a youth athlete is removed from play pursuant to this Section and the signs and symptoms cannot be readily explained by a condition other than concussion, the coach shall notify the athlete’s parent or legal guardian and shall not permit the youth athlete to return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until the youth athlete is evaluated by a healthcare healthcare provider and receives written clearance from the healthcare healthcare provider for a full or graduated return to play.

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

§1101.1. Legislative intent
The legislature finds and declares that:

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

§1105.6. Reports; liability for

E. All information regarding case-specific case-specific data, as distinguished from group, tabular, or aggregate data concerning patients or health care providers contained in records of interviews, written reports, and statements procured by the president or by any other person, agency, or organization acting in connection with cancer morbidity and mortality studies shall be confidential and privileged and shall be used solely for the purposes of the study. Nothing in this Section shall prevent the president from publishing compilations relating to morbidity and mortality studies which do not identify case-specific case-specific data or sources of information.

§1105.8. Disclosure of medical records to cancer registries

F. No case-specific case-specific data shall be available for subpoena or shall be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason. Nothing in this Section shall supersede the provisions of R.S. 40.3.11(A) through (H).

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

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

F.  

(3) In collaborating with a requestor as provided in Paragraph (2) of this Subsection, the research committee shall employ methods for de-identifying case-specific data as defined by the United States Centers for Disease Control and Prevention and any other de-identification or statistical methods for disclosure protection.  

§1107.1. Purpose  
The legislature hereby finds and declares that:  

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

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

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

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

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

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

F. Specifically regarding the increased risk to veterans, the department shall make available to all veterans, physicians, other health-care healthcare providers, and other persons at high risk for hepatitis C, educational materials, in written and electronic forms, on the diagnosis, treatment, and prevention of hepatitis C. Such materials shall include the recommendations of the United States Centers for Disease Control and Prevention, United States Department of Health and Human Services, and any other entity having knowledge on hepatitis C, including the American Liver Foundation.  

§1117.1. Persons admitted and committed to sanatoria  

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

§1121.11. Penalty  

Whoever violates any provision of this Subpart Subpart or any rule or regulation made hereunder shall, for the first offense, be fined not less than ten dollars nor more than two hundred dollars. For the second offense, he shall be fined not less than twenty-five dollars nor more than four hundred dollars. For each subsequent offense, he shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned for not less than ten days nor more than six months, or both.  

§1135.13. Ambulance Transport Alternative Task Force; pilot program; rules and regulations  

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

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

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

§1155.6. General application  

D. It is the policy of the state of Louisiana that human life is of the highest and inestimable value through natural death. When interpreting this Subpart, any ambiguity shall be interpreted to preserve human life, including the life of an unborn child if the qualified person is pregnant and a health-care healthcare professional determines that the probable postfertilization age of the unborn child is twenty or more weeks and the pregnant woman’s life can reasonably be maintained in such a way as to permit the continuing development of the fetus and live birth of the unborn child, and such determination is communicated to the relevant classes of family members and persons designated in R.S. 40:1290.36-4. R.S. 40:1151.4.  

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

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

B. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the contrary, whenever it is determined by the infectious disease control officer of any law enforcement, fire service, or emergency medical service agency or organization that an agent or employee of the agency or organization has been exposed to the blood or bodily fluids of a person while rendering emergency medical services to, transporting, or treating an ill or injured patient in such a manner as to create any risk that the agent or employee may become infected with the human immunodeficiency virus or other infectious agent if the patient is infected with the human immunodeficiency virus or other infectious agent, in accordance with the infectious disease exposure guidelines of the United States Centers for Disease Control and Prevention, or the infectious disease exposure standards of the agency or organization, then the infectious disease control officer of the agency or organization may present the facts to the infection control committee of the hospital or other health-care healthcare facility to which the patient has been transported. If the hospital infection control committee agrees that there has been a potential exposure to the agency or organization personnel, the hospital infection control committee may, while the patient is in such hospital and without the consent of the patient, conduct such tests as are provided for in this Section.  

§1165.1. Health-care Healthcare information; records  

C.  

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

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

B. No owner, employer, or agent of any business establishment that buys, sells, offers to sell, dispenses, or gives away prescription contact lenses may fill a contact lens prescription unless the information provided in Subsection A of this Section is included on the prescription or after the expiration date of the prescription.  

§1711.1. Purpose; intent; insurance and R.S. 40:1157.3 not affected  

The legislature recognizes that confidentiality protection for information related to human immunodeficiency virus (HIV) infection and acquired immunodeficiency syndrome (AIDS) is an essential public health measure. In order to retain the full trust and confidence of persons at risk, the state must assure that both in assuming a state interest in protecting HIV test results and in having clear and certain rules for the disclosure of such information. By providing additional protection for the confidentiality of HIV test results, the legislature intends to encourage the expansion of voluntary confidential testing for HIV so that individuals may come forward, learn their health status, make decisions regarding appropriate treatment, and change behaviors that put them and others at risk of infection. The legislature also recognizes that confidentiality protections can limit the risk of discrimination and the harm to an individual's interest in privacy that unauthorized disclosure of HIV test results can cause. It is not the intent of the legislature to create new right, right of action, cause of action or eliminate any right, right of action, or cause of action existing under current law. It is further not the intent of the legislature that this Chapter repeal, amend, or in any way affect the provisions of R.S. 40:1157.3 relative to the ability of a physician or employee of a hospital who may become infected with the human immunodeficiency virus HIV to test the blood of patients without the patient’s consent. It is the intent of the legislature that in the case of a person applying for or already insured under an insurance policy, who will be or has been the subject of a test to determine infection for human immunodeficiency virus (HIV) HIV, all facets of insurers’ practices in connection with HIV-related HIV-related testing and HIV test results and all facets of other entities’ and individuals’ interactions with insurers relating to
HIV-related testing or HIV test results shall be governed exclusively by Title 22 of the Louisiana Revised Statutes of 1950 and any regulations promulgated pursuant thereto by the commissioner of the Department of Insurance who shall have the authority to promulgate such regulations.

§1171.2. Definitions

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

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

(2) “HIV-related test” is a test which is performed solely to diagnose infection with Human Immunodeficiency Virus human immunodeficiency virus (HIV).

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

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

* * *

SUBPART C. LOUISIANA HEALTH CARE HEALTHCARE CONSUMERS’ RIGHT TO KNOW

§1173.2. Definitions

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

(1) “Confidential information” means at least one of the following:

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

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

The department, through its office of public health and in consultation with the Health Data Panel, shall:

(3) Identify the most practical methods to collect, transmit, and share required health care data as described in this Subpart.

(8) Include, when appropriate, risk-adjustment measures into the production of all health care cost, quality, and performance data issued to account for variation in facility size, location, and patient acuity levels.

§1173.4. Health Data Panel; advisory council to the secretary of the Louisiana Department of Health

B. Members of the Health Data Panel shall be appointed by the secretary and shall represent all interests involved in the collection and publication of provider- and health plan-specific provider- and health plan-specific data, cost, quality, and performance data elements. Members shall include but not be limited to health care purchasers of health care hospitals and other service providers, consumer and patient advocacy groups, quality improvement and health information technology groups, physicians, and any other individuals or groups as deemed necessary by the secretary.

§1173.5. Release of information

A. To ensure the privacy and protection of Louisiana’s health information, the department shall not release confidential or protected health information collected from hospitals and other health care healthcare providers and health care providers through this Subpart. The department shall adhere to and comply fully with appropriate privacy protection protocols that are at least as stringent as the HIPAA Privacy Rule.

B. Notwithstanding Subsection A of this Section, the department may release data collected pursuant to this Subpart for the purpose of conducting health care research which is a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge. All requests for data collected pursuant to this Subpart shall be submitted to the department and reviewed by the department’s Institutional Review Board. The department shall deny any requests for data that it determines will be utilized for business or commercial purposes, including but not limited to market analysis and software development. The department shall have one representative of the provider group whose data is subject to the data release on the Institutional Review Board.

C. Each data request shall state the proposed use of the data requested and include an affirmation by the recipient that no attempt at attempt will be made to combine patient-level patient-level data provided for in the request with other data to identify patients and that no confidential information shall be released.

§1173.6. Violations; penalties

B. All health care healthcare providers licensed by the state, including but not limited to hospitals, outpatient surgical facilities, and outpatient clinical facilities shall submit information in the manner and form prescribed in rules and regulations promulgated by the department pursuant to this Subpart.

* * *

E. Renewal of state licenses issued by the Louisiana Department of Health, Department of Insurance, or health professional licensing, certification, or registration boards and commissions shall be predicated in part on compliance with data reporting requirements of this Subpart and rules and regulations promulgated thereunder. Prior to relicensing, the secretary shall determine compliance with data reporting requirements by writing to the appropriate permitting or licensing authority. The permit, certification, or license of any health care healthcare provider, health plan, or facility covered by this Subpart shall be suspended until such time as the required data is submitted to the department.

* * *

§1183.2. Legislative findings; purpose

A. The legislature finds that:

(1) Federally Qualified Health Centers (FQHCs) provide most of the health care healthcare services required by a substantial number of low-income low-income residents living in the state and therefore constitute an invaluable part of the health care healthcare delivery system of the state.

(5) Absent intervention, continued reductions in the Medicare and Medicaid programs, as well as changes in health care healthcare reimbursement methodologies and the continued spread of managed care, may result in the closure of the state’s FQHCs, thereby jeopardizing the very existence of a vital link in the health care healthcare delivery system for residents residing in medically underserved areas of the state.

* * *

§1183.4. Medical assistance programs; FQHC reimbursement

A. The department shall adopt regulations that provide the following:

(1) A Medicaid cost-based reimbursement methodology that reimburses FQHCs for all costs related to patients, utilizing the most recent cost report information available to the department. The department shall seek to ensure that the reimbursement will be available to FQHCs under the Medicaid program, either through payments received by FQHCs from managed care organizations contracting with the department or its designee, or through supplemental payments as necessary from the department based on availability of funds to the extent permitted by federal law.

(2) A Medicaid cost-based reimbursement methodology that reimburses FQHCs for all costs related to patients, utilizing the most recent cost report information available to the department. The department shall seek to ensure that the reimbursement will be available to FQHCs under the Medicaid program, either through payments received by FQHCs from managed care organizations contracting with the department or its designee, or through supplemental payments as necessary from the department based on availability of funds to the extent permitted by federal law.

* * *

§1189.2. Legislative findings; purpose

A. The legislature finds that:

(1) Small rural hospitals provide most of the health care services required by a substantial number of low-income low-income rural residents living in the state and therefore constitute an invaluable part of the health care healthcare delivery system of the state.

* * *

§1201.1. Clinical preceptor nurse aide training program; legislative intent

The legislature of Louisiana hereby finds that there is a serious need for adequately trained certified nurse aides and, therefore, it is in the best interest of the state to maximize the opportunities which are available to students who are seeking to become certified nurse aides. The legislature further finds that a clinical preceptor nurse aide training program operated by the Technical and Community and Technical College System in conjunction with nursing homes located throughout the state not only provides a viable method of training but also provides such training at a considerably lower cost than the traditional method of training.

* * *

§1203.1. Definitions

For the purposes of this Part:

(3) “Employer” means any of the following facilities, agencies, providers, or programs:

(a) An adult day healthcare health care provider as defined in R.S. 40:2120.42.

(5) “Nonlicensed person” means any person who provides for compensation nursing care or other health-related services directly related to patient care to residents in or patients of a nursing facility, intermediate care facility for people with developmental disabilities, adult residential care facility or provider, pediatric day health care health care facility, adult day health care health care center, psychiatric residential treatment facility, end stage renal disease facility, behavioral health services provider, home health agency, hospice agency, provider of ancillary services, hospital, adult brain injury facility, crisis receiving center, pain management clinic, outpatient abortion facility, rural health clinic, ambulatory surgical center, therapeutic group home, forensic supervised transitional residential and aftercare facility, case management provider, or home- and community-based service provider and who is not a licensed health provider. “Nonlicensed person” also means any person who provides such services to individuals in their own homes as an employee or contract provider of a home health agency, hospice, or home- and community-based service provider. “Nonlicensed person” also means any other direct service worker as defined in R.S. 40:2179 and 2179.1.

* * *

§1211.4. Mammography and ultrasound reports; transmittal to patients required

B. The medical center shall prepare and submit an annual report concerning its findings, progress, and activities to the governor, the president of the Senate, the speaker of the House of Representatives, and the chairmen of the House and Senate Committees on Health and Welfare committees on health and welfare at least sixty days prior to the legislative session and shall report on the state’s total need in the area of medical care.

* * *

§1219.2. Definitions

As used in this Part, the following terms shall have the following meanings:

(1) “Federal poverty guidelines” means the most recent poverty guidelines as published in
the federal register Federal Register by the United States Department of Health and Human Services.

(3) “Office” means the Office of Elderly Affairs within the governor’s office. “Office of elderly affairs” and “office” mean the office of elderly affairs within the office of the governor.

§1219.3. Louisiana Senior Rx and Aging and Disability Information Station Programs; legislative findings; creation; eligibility
A. The legislature finds that the pharmaceutical manufacturers, seeing a need for such programs, have created charitable programs to aid low-income seniors and persons with adult-onset disabilities with the cost of prescription drugs. The legislature recognizes that seniors and adults with disabilities need assistance in locating and accessing available supports and services. The legislature also finds that many persons are unaware of such programs or do not know how to apply for or need assistance in applying for such programs. It is the intent of the legislature that programs be implemented in the Office of Elderly Affairs within the governor’s office of elderly affairs to help seniors and persons with adult-onset disabilities in accessing manufacturers’ discount cards and pharmaceutical assistance programs and to assist such persons in applying for those and other supports and service programs.
B. The Louisiana Senior Rx and Aging and Disability Information Station Programs are hereby established in the Office of Elderly Affairs within the governor’s office of elderly affairs to help seniors and persons with adult-onset disabilities in accessing manufacturers’ discount cards and pharmaceutical assistance programs and to assist such persons in applying for those and other supports and service programs.

§1219.4. Services
A. Subject to appropriation for the programs, the department shall provide assistance to persons determined to be eligible for services authorized by this Part. The assistance provided by the office shall include:

(1) “Certificate” means a certificate of competency issued by the state office of elderly affairs to indicate that an individual is licensed in the use of diagnostic or therapeutic ionizing radiation in this state.

(2) “Federal poverty level” means the most recent poverty guidelines as published in the federal register Federal Register by the United States Department of Health and Human Services.

§1226.1. Definitions
As used in this Part, the following terms shall have the meanings ascribed to them in this Section unless otherwise provided for or unless the context otherwise indicates:

(1) “Caregiver” means an individual who meets all of the following conditions:

(a) Is identified by the patient or, if applicable, the legal guardian of the patient as a person who is involved with the health care of the patient pursuant to 42 C.F.R. §164.510(b), as it existed on January 1, 2015.

(b) Is the legal guardian of the patient.

(2) “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.

(3) Any benefits plan that contracts with the state to provide or coordinate the provision of health care services to a Medicaid recipient or other person whose enrollment costs are paid wholly or in part by the state under a Medicaid waiver shall submit a report card indicating the overall health of those enrollees whose costs are paid wholly or in part by the state concerning but not limited to the issues delineated in Paragraph (1) of this Subsection. Such report card shall be prepared and submitted in accordance with guidelines established by the department and shall be included in the written report described in Subsection C of this Section.

(4) Any benefits plan that contracts with the state to provide or coordinate the provision of health care services to a Medicaid recipient or other person whose enrollment costs are paid wholly or in part by the state under a Medicaid waiver shall submit a report card indicating the overall health of those enrollees whose costs are paid wholly or in part by the state concerning but not limited to the issues delineated in Paragraph (1) of this Subsection. Such report card shall be prepared and submitted in accordance with guidelines established by the department and shall be included in the written report described in Subsection C of this Section.

(5) An assessment of the state health care healthcare delivery system.

§1261. Health report card
A.(1) The Louisiana Department of Health shall annually prepare a health report card indicating the overall state of health in Louisiana concerning but not limited to the following issues:

(a) The percentage of clean claims paid for each provider type within thirty calendar days and the average number of days to pay all claims for each human service district human services district or authority or local government entity.

§1261. Health report card
A.(1) The Louisiana Department of Health shall annually prepare a health report card indicating the overall state of health in Louisiana concerning but not limited to the following issues:

(b) Any benefits plan that contracts with the state to provide or coordinate the provision of health care services to a Medicaid recipient or other person whose enrollment costs are paid wholly or in part by the state under a Medicaid waiver shall submit a report card indicating the overall health of those enrollees whose costs are paid wholly or in part by the state concerning but not limited to the issues delineated in Paragraph (1) of this Subsection. Such report card shall be prepared and submitted in accordance with guidelines established by the department and shall be included in the written report described in Subsection C of this Section.

§1271. Infections diseases; notification
B.(1) Whenever a patient is admitted to a hospital or nursing home by a physician, and that physician has actual knowledge that the patient is infected with one or more of the conditions described in Subsection A hereof of this Section, and is aware of the transfer, the physician shall notify the hospital or nursing home of the patient's condition.

(2) Whenever a patient is transferred from a nursing home to a hospital, or from a hospital to a nursing home, and the transferor’s records reflect that the patient is infected with one or more of the conditions described in Subsection A hereof of this Section, the transferee shall notify the transferee of the patient’s condition.

(3) Whenever a patient is admitted to or treated at a hospital or nursing home and the hospital or nursing home has actual knowledge that the patient is infected with one or more of the conditions described in Subsection A hereof of this Section, the hospital or nursing home shall notify all healthcare healthcare providers involved in the treatment of that patient of the patient's condition.

§1277.1. Devices exposing to radiation; prohibitions; exceptions; penalties
A. In order to protect the people of this state from indiscriminate, unnecessary, and potentially harmful exposure to radiation, the operation or maintenance of any shoe fitting device or machine which uses fluoroscopic, X-ray, or radiation principles shall be unlawful in this state, except where such device or machine is used under the direct supervision of an individual licensed in the use of diagnostic or therapeutic ionizing radiation in this state.

B. Whoever violates any provision of this Section shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months, or both, and each act in violation hereof of this Section shall constitute a separate offense.

PART X. SPITTING ON FLOOR
§1279.1. Spitting on floors or walls of cars, depots, or public buildings prohibited; penalty
A. No person shall spit upon the floor or walls of any passenger car, depot or waiting room, or upon the street, church house, school house, or any other public building.

B. Whoever violates this Section shall be fined not less than five dollars nor more than twenty-five dollars. In default of payment of fine and costs, the violator shall be imprisoned for not more than ten days.

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 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. 40:1221.3.
C. Certification conference or (2) “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.
E. Sewage collection system shall mean (5) “Sewage collection system” means all components of a sewerage system except for the sewage treatment plant.
F. 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.
G. 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.
H. State health officer shall mean (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. 40:2.02.
I. Wastewater shall mean (9) “Wastewater” means the spent water or sewage of a community containing the liquid or water-carried water-carried wastes from residences, commercial
buildings, and institutions along with any groundwater, surface water, or storm water that may be commingled.

K. Water distribution system--shall mean (10) “Water distribution system” means that portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer.

L. Water production facility--shall mean (11) “Water production facility” means the system of water wells, impoundments, reservoirs, aqueducts, pumps, pipelines and other apparatus necessary to produce and deliver the water necessary for treatment and distribution to a community.

M. Water supply system--shall mean (12) “Water supply system” means the system of pipes, structures and facilities through which water is obtained, treated and sold, distributed or otherwise offered to the public for household or other uses.

N. Water treatment plants--shall mean (13) “Water treatment plant” means that portion of the water supply system which in some way alters the physical, chemical, or bacteriological quality of the water.

§1285.3. Mandatory reporting of lead poisoning cases required; comprehensive records
A. Any local health officer, health unit supervisor, examining physician, hospital, public health nurse, or reporting person shall report to the state health officer or his designee the existence and circumstances of each case of lead poisoning known to them and not previously reported. Such reports shall be made on forms prescribed by the state health officer or his designee. The state health officer shall by regulation, and in accordance with current technical knowledge, define the terms “lead poisoning” and “previously reported” and what constitutes hazardous lead conditions in the environment.

B. When the state health officer or his designee is informed of a case of lead poisoning pursuant to Subsection A of this Section, or otherwise, he shall strongly encourage the examination of all other children under the age of six years, and all other persons deemed at risk by the state health officer or his designee, residing or formerly residing in the household of the person with lead poisoning. The results of such examinations shall be reported to the persons or agency reporting the original case pursuant to Subsection A of this Section, and to such other persons or agencies as the state health officer or his designee deems advisable.

§1285.4. Program for detection of lead poisoning sources; voluntary and compulsory inspections; posting dangerous areas; mandatory physical examinations
A.(1) The state health officer or his designee shall establish a comprehensive program for detection of sources of lead poisoning. Such program shall attempt, to the extent permitted by appropriations, to locate all dwellings in which the paint, plaster, or other accessible substance contains dangerous amounts of lead. The means of detection and the amount of lead that produces the danger of lead poisoning shall be determined by regulation by the state health officer in accordance with current technical knowledge and guidelines of the United States Centers for Disease Control and Prevention, United States Environmental Protection Agency, and United States Department of Housing and Urban Development guidelines and current technical knowledge.

B. Whoever violates this Section shall, for each day the plant is operated without the required appliance, be fined twenty-five dollars or imprisoned for thirty days.

§1281. Definitions
A. As used in this Part, “health care provider” means and includes any person defined in R.S. 40:2009.1(A) and “board” means the Louisiana Medical Advisory Board.

B. Violates who promises the provisions of this Section shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

§1356. Limitation of liability: reporting impaired applicants for license or licensed drivers; confidentiality
A. As used in this Part, “health care provider” means and includes any person defined in R.S. 40:2009.1(A) and “board” means the Louisiana Medical Advisory Board.

C. As used in this Part:
(1) “ADN” means the Americans with Disabilities (Civil Rights) Act of 1990 (Public Law 101-336).

CHAPTER 11. STATE DEPARTMENT OF HOSPITALS HEALTH

§2009.1. Rules and regulations; nursing home advisory committee
A. The assistant secretary of the office of health services and environmental quality public health.

B. Ex officio members of the committee shall be:
(a) The assistant secretary of the office of health services and environmental quality public health.

D. It shall be the duty of the nursing home advisory committee to study the requirements and regulations of the Louisiana Department of Health and the U.S. Department of Health, Education and Welfare or its successor, as published in the Federal Register, in relation to the establishment of minimum standards of maintenance and operations of nursing homes, and interpret such regulations as apply to the administration and operation of nursing homes. The Louisiana Department of Health shall then review such interpretations and submit proposed rule changes to the committee for review prior to the publication of any notice of intended action in the Louisiana Register and Louisiana Journal as provided for in R.S. 49:953(A)(1).

§2002. Definitions
For the purposes of R.S. 40:2009.1 through R.S. 40:2009.19, unless the context otherwise requires:

(2) “Health care facility” means any provider of health services which is approved to receive medicaid payments or which is a licensed nursing home.

(3) “Nursing facility”, “nursing home”, or “home” means a private home, institution, building, residence, or other place serving two or more persons who are not related by blood or marriage to the owner, who operate for profit or not, and includes those places operated by a political subdivision of the state of Louisiana, which undertakes, through its ownership or management, to provide medical care, nursing care, and treatment of persons suffering from tuberculosis or from mental diseases.

(4) A hospital, sanitarium, or other medical institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor.

(5) Any municipal, parish, or private child welfare agency, maternity hospital, or lying-in home required by law to be licensed by some other department or agency.

(6) Any nonprofit congregate housing program which promotes independent living by providing assistance with daily living activities such as cooking, eating, dressing, getting out of bed, and the like to persons living in a shared group environment who do not require the medical supervision and nursing assistance provided by nursing homes.

(7) “Unit” means the medicaid fraud control unit created within the office of criminal law of the Department of Justice and is certified by the secretary of the United States Department of Health, Education and Welfare or its successor.

§2005.6. Denial, revocation, or nonrenewal of license; grounds
A. An application for a license may be denied for any of the following reasons:
(1) Failure to meet any of the minimum standards prescribed by the department under Subsection A of R.S. 40:2009.4(A) and R.S. 40:2009.4(A).

B. Conviction of a felony, as shown by a certified copy of the record of the conviction of the applicant or, if the applicant is a firm or corporation, conviction of any of its members or members of a felony, or conviction of the person designated to manage or operate the facilities, health care provider, or hospital.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in * type are deletions from existing law; words underlined are added.
supervise the home of a felon. * (3) If the supervisor of the home is not reputable; * B. A license may be revoked, or a renewal thereof denied for any of the following reasons: * (1) Cruelty or indifference to the welfare of the residents; * (2) Misappropriation or conversion of the property of the residents; * (3) Violation of any provision of R.S. 40:2009.1 through R.S. 40:2009.11 or of minimum standards, rules and regulations, or orders of the department promulgated thereunder. * §2009.12. Sleeping, sitting, sedating, or injections without prescription; penalties * It shall be unlawful for anyone operating a nursing home, or any employee thereof, to administer any sleeping potion, sedative, or any hypoderminic injection without a doctor's prescription to any patient of any such nursing home. Any violation of this section Section by any employee, operator, or owner of a nursing home shall be cause for cancellation of license in accordance with the provisions of this Chapter, and such violator shall also be subject to the criminal penalties imposed by R.S. 40:9 through 40:14, the Uniform Controlled Dangerous Substances Law, Part X of Chapter 4 of this Title, relating to narcotics or R.S. 40:104 through 40:108 relating to barbiturates insofar as applicable. * * * * §2009.18. Notification of the procedure * The Louisiana Department of Health shall prepare and distribute to nursing homes in quantities appropriate to carry out the intent of this section Section a booklet setting forth the complaint procedure established by R.S. 40:2009.13 through 40:2009.17. This booklet shall include a summary of costs which the Title XIX nursing home payments cover, a list of most additional kinds of costs which could be incurred but which Title XIX nursing home payments do not cover, and other information the department deems necessary to assist the families, and the individuals admitted, to a better understanding of the adjustments relative to living in a nursing home. The booklet shall be distributed by all licensed nursing homes to its current patients and to all new patients on the date of their admission. In addition, notices of this complaint procedure, complete with the name, address, and telephone number of the licensing and certification section of the office of management and finance of the Louisiana Department of Health, shall be posted conspicuously in the nursing home at places where patients gather, including, but not limited to, the administrative office, the dining hall, the activity room, and all nurses' stations. * * * * §2017.9. Medicare; use of information obtained; penalty * All files, records, reports, or papers, or any information obtained at any time by the Louisiana Department of Health in the course of discharging its duties under any agreement with the United States of America through the Department of Health, Education and Welfare or its successor pertaining to Public Law 85-87, popularly known as the Medicare Act, shall be used solely for the purposes of such agreement; and it shall be unlawful, except for said purposes, for any person to solicit, disclose, receive or make use of or to authorize or knowingly permit, participate in or acquiesce in the use of any information obtained by the Louisiana Department of Health pursuant to, or as a result of, any agreement with the United States of America as aforementioned. Nothing herein contained shall limit the use of records, reports, charts, documents or other papers or information as governed by R.S. 40:2013.3, R.S. 40:2014.1, R.S. 40:2016, or R.S. 44.7. * * * * §2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C * * * * B. * * * * (2) Eleven members shall be appointed by the governor by virtue of their position as follows: * * * * (c) Four representatives from the Louisiana Department of Health, who have knowledge of policies related to HIV, AIDS, and hepatitis C, and who work in the office of public health, office of behavioral health, and the Office of Health Supportive Services, respectively. * (d) The commissioner of the Department of Insurance insurance or his designee. * §2019. Child death investigation * * * * C. Child Death Review Panel. There is established within the Louisiana Department of Health the Louisiana State Child Death Review Panel, hereinafter referred to as the “state panel” which shall be composed of twenty-seven persons. Members of the panel shall include: * * * * (9) The commissioner of the Department of Insurance insurance or his designee. * §2102. Definitions * As used in this Part: * (1) “Department” means the Louisiana Department of Health. * (2) “Hospital” means any institution, place, building, or agency, public or private, whether for profit or not, with facilities for the diagnosis, treatment, or care of persons who are suffering from illness, injury, infirmity, or deformity or other physical condition for which observation, care, and treatment are necessary; the services of the facilities for such care and treatment are available and appropriate and which operates or is affiliated with facilities for the overnight care, observation, or recovery of those persons. * The term “hospital” does not include the following: * (A) (a) Physicians' offices or clinics where patients are not regularly kept as bed patients for twenty-four hours or more; * (b) Nursing homes as defined by and regulated under the provisions of R.S. 40:2009.1 through R.S. 40:2009.12 * (c) Persons, schools, institutions, or organizations engaged in the care and treatment of children with intellectual disabilities and which are required to be licensed by the provisions of the Developmental Disability Law (R.S. 28:451.1 et seq.). * (d) Hospitalization or care facilities maintained by the state at any of its penal and correctional institutions provided that nothing herein contained shall prevent a penal or correctional institution from applying for the licensure of its hospitalization or care facility. * (e) Hospitalization or care facilities maintained by the federal government or agencies thereof. * (f) Hospitalization or care facilities maintained by any university or college that provided that nothing herein contained shall prevent any college or university from applying for licensure of its hospitalization or care facility. * (g) Any other entity licensed for the diagnosis, treatment, or care of persons admitted for overnight stay. * B. (1) “Person” means the state, and any political subdivision or municipal corporation thereof, an individual, a partnership, corporation, company, association or joint stock association, or the legal successor thereof. * (2) “Secretary” means the secretary of the Louisiana Department of Health of the state of Louisiana. * * * * §2109. Rules, regulations, and minimum standards * B. The minimum standards adopted by the secretary governing operation and maintenance of hospitals may contain regulations in relation to: * (1)(a) Construction of hospital buildings, facilities, and equipment, including regulations on plumbing, heating, lighting, ventilation, fire protection, fire prevention devices and equipment, floor space, and other housing conditions designed to insure ensure the health, safety, and comfort of patients. * * * * (c) The establishment of new or replacement facilities or reestablishment of facilities that have sustained substantial structural damage from a hurricane or substantial structural damage from flooding in accordance with the Louisiana State Uniform Construction Code. The regulations adopted by the department shall include but not be limited to: * * * * (ii) Provisions for the fair allocation of the Medicare share of facility-specific * facility-specific costs directly incurred by a facility as a result of compliance. * * * * (2) Sanitary conditions, practices, and environment and sanitary and sterilization procedures and practices designed to avoid sources and transmission of infections, including regulations governing the isolation of patients with communicable diseases. * (3) Diet related to the needs of each patient based on good nutritional practice and on recommendation of the attending physician; laboratory, X-ray, and pharmacy services or access of the hospital to such facilities; personnel having responsibility for any part of the care and treatment of patients. * (4) Equipment essential to the health, care, and maximum well-being of the patients of the hospital. * (5) Such other regulations or standards as will insure ensure proper care and treatment of patients as may be deemed necessary for an effective administration of this Part. * (6) Classification of hospitals and variation of standards so as to * insure ensure realistic, practical, and uniform standards for the hospitals in each classification. However, no rule, regulation, policy, or standard adopted by the secretary shall require a hospital located in a parish with a population of two hundred fifty thousand people or less to maintain personnel in-house with credentials to administer obstetric anesthesia on a twenty-four-hour basis in order to qualify for Medicaid reimbursement for Level III, neonatal, or obstetric medical services, but shall use the services of a medical professional, including those with credentials to administer obstetric anesthesia on a twenty-four-hour on-call basis and demonstrate ability to provide anesthetics within twenty minutes. * C. Any healthcare healthcare facility that proposes to utilize beds for post-hospital extended care, including distinct-part skilled, intermediate, and swing, and admits nursing home patients who receive Medicaid payments to those beds shall meet all licensure requirements for nursing homes. Such requirements shall include but not be limited to a nursing home license, employment of a nursing home administrator, social service designee, and a patient activity coordinator, and all need criteria and resource goals promulgated by the Louisiana Department of Health pursuant to 42 U.S.C. 1320a-1. A review for need shall be conducted by the Louisiana Department of Health utilizing the State Health Plan resource goals and departmental need criteria regardless of whether there is a capital expenditure. If need is established in accordance with the need criteria and resource goals, license shall be denied for unneeded beds. Distinct-part skilled and swing beds approved for utilization pursuant to the provisions of this Subsection shall be limited to twenty such beds per hospital. * D. Any health care healthcare facility which, on the effective date of this Subsection, has in operation any distinct-part skilled or swing beds or has been notified by the division of policy, planning, and evaluation of the Department of Health and Human Resources, Louisiana Department of Health that such proposed beds do not require health planning review, and which would otherwise be subject to the provisions of this Section, shall be exempted from health planning review to determine need for such beds. However, nothing herein shall be construed to allow the participation in the Medicaid program of such classification of beds unless the facility and beds possess a Title XIX provider agreement prior to September 1, 1987. * * * * §2116. Facility need review * * * * D.(1) In order to accomplish cost effectiveness of beds issued pursuant to a department waiver, the department may promulgate rules that include but are not limited to the following: * (c) In order to achieve a reduction in long-term care institutional costs, a program for reduction of certificates of need for nursing facility beds, which may include a buy-back
program, provided such a buy-back program is approved by the Center Centers for Medicaid and Medicare Services and is eligible for federal funds participation.

§2116.32. Licensing of home health agencies; applications; fees, disposition of fees

B. Except as provided in Subsection D of this Section, no license shall be issued to any home health agency unless that agency meets the minimum standards for home health agencies promulgated by the secretary and all legal requirements as provided in this Part.

§2116.34. Minimum standards; rules and regulations

B. The secretary shall review annually the published minimum standards and rules and regulations referred to in Subsection A of this Section and report findings annually to the Joint Health and Welfare Committee House and Senate committees on health and welfare less no less than sixty days prior to the regular session.

§2117.5. Denial, nonrenewal, or revocation of license; grounds; notification; appeal

B. The department shall furnish an applicant or licensee with written notification of any action taken pursuant to Subsection A of this Section and of the reasons for which the action was taken.

C. An applicant or licensee aggrieved by any action taken by the department pursuant to Subsection A of this Section may appeal such action suspensively by sending a written request for a hearing to the secretary of the department. The request for a hearing must be received by the secretary within fifteen days exclusive of legal holidays after the applicant or licensee receives the written notice of the department’s action and shall specify in detail the reasons for the request. If the department determines that the health or safety of the patients served at the facility is in jeopardy, a license may be revoked immediately with appeal rights granted after the facility ceases operation and the patients are removed from the facility.

§2120.4. Rules and regulations; licensing standards

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

(9) Planning, construction, and design of the facility or provider to insure ensure the health, safety, welfare, rights, and comfort of patients, clients, and persons receiving services.

(10)(a) Such other regulations or standards as will ensure proper care and treatment of patients, clients, and persons receiving services, including provisions relative to civil money penalties, as may be deemed necessary for an effective administration of this Part.

§2120.5. License issuance; application; onsite inspection

E. The licensing agency may perform an onsite inspection at reasonable times as necessary to ensure compliance with the provisions of this Part.

§2120.44. Rules and regulations; licensing standards

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards relative to adult day health care providers, to include but not be limited to the following:

(9) Planning, construction, and design of the facility to ensure the health, safety, welfare, and comfort of patients, clients, and persons receiving services.

§2120.45. License issuance; application; onsite inspection

D. The department may perform an onsite inspection at reasonable times as necessary to ensure compliance with the provisions of this Part.

§2120.47. Moratorium; exceptions

B. If the department determines that there is a need for new or additional adult day health care providers in a certain geographic location, the department may approve and enroll a new or additional adult day health care provider into the Title XIX program. The department shall promulgate and publish rules in accordance with the Administrative Procedure Act to provide for the following:

(1) Criteria and processes for determining whether such a need exists and.

(2) Procedures for selecting an adult day health care provider to be approved and enrolled into the Title XIX program once a need has been determined and.

§2114. Hospital Records and Retention Act

A. As used in this Section:

(1) “Health care Healthcare provider” means a hospital, as defined in Paragraph (2) hereof this Subsection, and means a person, corporation, facility, or institution licensed by the state to provide health care or professional services as a physician, hospital, ambulatory surgical center, dentist, registered or licensed practical nurse, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, or psychologist, sole or an officer, employee, or agent thereof acting in the course and scope of his employment.

(2) “Patient” means a natural person who receives health care from a licensed health care provider.

“Hospital” means any hospital as defined in R.S. 40:2102 and ambulatory surgical center as defined in R.S. 40:2133.

(3) “Hospital record” or “hospital chart” means a compilation of the reports of the various clinical departments within a hospital, as well as reports from healthcare providers, as are customarily catalogued and maintained by the hospital medical records department. Hospital records include reports of procedures such as X-rays and electrocardiograms, but they do not include the image or graphic matter produced by such procedures.

(4) “Representative” means the parent of a minor patient, tutor, curator, trustee, attorney, succession representative, or other legal agent of the patient. “Patient” means a natural person who receives health care from a licensed healthcare provider.

(5) “Hospital record” or “hospital chart” means a compilation of the reports of the various clinical departments within a hospital, as well as reports from health care providers, as are customarily catalogued and maintained by the hospital medical records department. Hospital records include reports of procedures such as X-rays and electrocardiograms, but they do not include the image or graphic matter produced by such procedures.

(6) Federally qualified health care centers certified by the federal government.

(12) School-based health centers clinics and centers that are certified by the Louisiana Department of Health, office of public health, and enrolled in the Louisiana Medicaid Program program.

(13) A health care healthcare provider or entity solely providing case management or peer support services, or a combination thereof.

§2117.14. Department responsibilities

E. The department shall report to the House and Senate Committees on Health and Welfare committees on health and welfare within two years from the date of any licensure of an alternate health care model. The report shall include but not be limited to whether the alternate health care model improved access to health care, the quality of health care provided by the alternate health care model, and the cost and cost-effectiveness to the public, third-party payors, and government of the alternate health care model.

§2179. Establishment of Direct Service Worker Registry

D. The provisions of this Part shall not apply to religious nonmedical nursing personnel providing services through a religious nonmedical health care institution as defined in 42 USC § 1395x.

§2180.11. Purpose

The purpose of this part Part is to provide for the operation and maintenance of crisis receiving centers to provide for appropriate crisis identification, intervention, and stabilization services, including a coordinated system of entry for people in behavioral behavioral emergency rooms.

§2189. Operating without or in violation of license; injunctive relief

If any hospice operates without a valid license issued by the department or if any organization or entity uses the term “hospice” in its name or represents itself as a “hospice” without being licensed as provided hereinafter, the department may cause a civil suit for injunctive relief to be instituted in a district court in the parish in which the facility is located, including a temporary

THE ADVOCATE

* As it appears in the enrolled bill CODING: Words in **strikethrough** type are deletions from existing law; words under *scored* (House Bills) and *underscored* and *boldfaced* (Senate Bills) are additions.
restraining order, to restrain the institution, agency, corporation, person or persons, or any other group operating the facility from continuing the violation. Nothing in this Section shall be construed to authorize the use of the term “indigent” by nonprofit organizations qualifying under the provisions of 26 CFR 1.501(c)(3)-1, for the express purpose of providing support to licensed hospices in Louisiana.

§2193.1. Purpose and definitions
A. The purpose of this Part is to authorize the Louisiana Department of Health to promulgate and publish rules and regulations to provide for the health, safety, and welfare of children in pediatric day health care facilities and to provide for the safe operation of these facilities. The department shall consult with the following organizations in the development of the rules and regulations:

(5) The Department of Children and Family Services; child care assistance program of the state Department of Education.

§2193.4. Department rules; regulations; licensing standards
The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act as may be necessary to carry into effect the provisions of this Part. Such rules and regulations shall include but not be limited to the following:

(9) Construction and design of the facility to ensure the health, safety, welfare, and comfort of patients and clients.

§2194. Definitions
As used in this Part, the following definitions shall apply:

(4) “Indigent” means any person whose household income is one hundred eighty-five percent or less of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services and who does not have medical insurance.

(5) “Low-income Low-income person” means any person whose income is greater than one hundred eighty-five percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services and who meets the established criteria for services based on a sliding fee schedule assignment.

(6) “Program” means the Community-based Health Care Program for indigent and low-income persons.

§2195.1. State Office of Rural Health office of rural health
A. Within the Louisiana Department of Health, the Louisiana state office of rural health shall:

(5) Provide technical assistance and grants to aid qualified rural hospitals in attaining designation as critical access hospitals in accordance with the Medicare rural hospital flexibility program, as provided in 42 U.S.C.A. U.S.C. § 1395w.

(8) Initiate efforts for recruitment and retention of primary care professionals through the state loan repayment program as provided in R.S. 40:1203.4 R.S. 40:1205.4, and any other similar programs to increase the number of health care healthcare professionals in rural areas.

(9) A primary function of this office shall be to increase the supply of physicians and other health care healthcare providers to the underserved areas of this state. This office may seek funds for equipment and startup start-up costs for medical providers wishing to locate in underserved underserved areas.

(11) Develop and implement a strategic plan for the purposes of maintaining, enhancing, and expanding services currently offered by rural health care healthcare providers, including but not limited to facilities as defined in 42 U.S.C.A. U.S.C. § 1395w. to obtain additional grants and funding from any and all public or private entities, including but not limited to the United States Department of Health and Human Services, the United States Department of Agriculture, and charitable organizations and foundations. In developing and implementing a strategic plan pursuant to this Paragraph, the secretary of the Louisiana Department of Health shall consult with the health care healthcare provider organizations. In addition the secretary shall submit a report to the legislature at least sixty days prior to the beginning of each regular session of the legislature detailing the progress in implementing the strategic plan. The report shall also set out the goals and objectives of the strategic plan for the next state fiscal session including the level of funding necessary to achieve those goals and objectives.

C. The purpose of this Section is to stimulate business and industrial growth and provide for a better delivery of health and medical services in these areas of the state by the coordination of economic development and health care healthcare resources, whether such resources originate from state or federal plans or programs, and to create priority health care healthcare and economic development zones to better serve the citizens of the region.

§2195.2. Grants and funding: Community-Based and Rural Health Care Fund
A. Subject to the availability of funding, the Louisiana Department of Health is authorized to provide:

(1) Grants to rural hospitals in amounts not to exceed seventy-five thousand dollars per year in order to increase access to emergency health care services to indigent and low income low-income citizens in rural areas.

(2) Start-up funding in amounts not to exceed one hundred fifty thousand dollars for the purpose of providing initial start-up costs for establishment of primary care health clinics designed to serve indigent and low income low-income citizens.

(4) Matching funds for demonstration projects, including but not limited to establishment or acquisition of mobile health clinics, to organizations providing health care healthcare services to indigent and low-income low-income citizens living in local communities and rural areas; however, such matching funds shall be utilized to secure other local or federal funding.

(5) Matching funds for federal grants designed to provide health services to indigent or low-income low-income citizens in local communities and rural areas.

§2196.1. Definitions
As used in this Part, unless otherwise indicated:

(4) “Indigent” means any resident of the state whose income is below one hundred eighty-five percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

D. For purposes of this Part, a “rural health clinic” means a facility which is engaged in furnishing primary health care services to outpatients by physicians, physician assistants, or nurse practitioners, including but not limited to health services related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology, and such services and supplies incident thereto. Such facility shall be located in an area that is not an urbanized area, as defined by the Bureau of the Census, in which there are insufficient numbers of needed health care healthcare practitioners, as determined by the secretary of the United States Department of Health and Human Services, and which has been determined to be a rural health clinic by the secretary of the department under 42 U.S.C. § 1395aa(a).

E. Nothing in this Part shall restrict the ability of any private physician to receive reimbursement under Medicaid or Medicare for services provided other than rural health clinic services.

F. (1) No provision of this Part, or any rule or regulation adopted pursuant thereto, restricting access to rural health clinics shall apply to an appointment, including but not limited to a rural health clinic if the applicant or a related entity agreed to establish such clinic as part of an agreement providing for the sale or transfer of a hospital service district hospital approved by the electorate of the district prior to July 1, 1997.

(2) A rural health clinic described in Paragraph (1) of this Subsection shall not be required to be licensed by the state in order to receive certification as a rural health clinic by the Health Care Financing Administration, or its successor, for a period of one year after July 15, 1997.

G. Notwithstanding the provisions of Subsection A of this Section to the contrary, a rural health clinic that meets the definition of the Health Care Financing Administration, or its successor, and is operated by or on behalf of a facility as defined in R.S. 40:1189.3 shall not be required to secure a separate license to receive certification by the Health Care Financing Administration, or its successor, and designated reimbursement under Medicaid and Medicare as long as the rural hospital meets state licensure requirements. Such health clinic shall assure that the clinic meets all other requirements of this Section, as well as any pursuant rules and regulations promulgated by the Louisiana Department of Health pertaining to rural health clinics. The provisions of this Subsection shall only become effective if and when the Louisiana Department of Health receives a determination from the Health Care Financing Administration, or its successor, that rural health clinic services are considered outpatient hospital services and eligible for uncompensated care cost reimbursement only if the rural health clinics are not performed in a separately licensed facility.

§2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities
A. (1) For purposes of this Part, “facility” shall mean any one or more of the following: an adult day health care facility, substance abuse/addiction treatment facility, ambulatory surgery center, case management facility, urine drug screening facility, mobile cholesterol screening facility, end stage renal disease facility, supplier of portable X-ray services, home health agency, hospice, hospital, ICF/DD facility, mobile/ambulatory facility, or any other health care healthcare provider licensed or certified by the Louisiana Department of Health.

(5) A “facility” shall not include any individual health care healthcare provider who is licensed or certified by one of the boards under the Louisiana Department of Health. These boards include but are not limited to the Louisiana Board of Pharmacy, Board of Louisiana Physical Therapy Board, Board of Licensed Louisiana State Board of Medical Examiners, Louisiana Board of Dentistry, Board of Podiatry, Board of Optometry, and the Louisiana State Board of Optometry Examiners.

F. (2) The monies in the fund shall be subject to annual appropriation by the legislature and shall be available exclusively for the use by the Louisiana Department of Health for:

(a) The protection of health, welfare, rights, or property of those receiving services from the healthcare facilities licensed or certified by the Louisiana Department of Health.

(b) The enforcement of sanctions against health care healthcare facilities licensed or certified by the Louisiana Department of Health.

(c) Education, employment, and training of employees, staff, or other personnel of health care healthcare facilities licensed or certified by the Louisiana Department of Health.

(d) Programs designed to improve the quality of care in health care healthcare facilities.

§2199.1. Adoption of rules; violations; alternate remedies
A. The Louisiana Department of Health is hereby authorized to and shall adopt rules in accordance with the Administrative Procedure Act to provide remedies for health care healthcare facilities which have violations of the licensure standards and requirements, certification requirements, or of the Medicaid standards of participation. Such remedies shall
The National healthcare facilities shall be purchasers to their members whenever a member chooses to use its services, and period of time in which:

contractual agreement or agreements between a provider or providers and a group purchaser or purchasers to provide for alternative rates of payment specified in advance for a defined period of time in which:

(i) The provider agrees to accept these alternative rates of payment offered by group purchasers to their members whenever a member chooses to use its services, and (ii) There is a tangible benefit to the provider in offering such alternative rates of payment to the group purchaser.

(e) Preferred provider contracts should include, but not be limited to, the following components:

(i) Participating in a resource monitoring component to ensure quality control both for patient care and cost effectiveness.

(ii) To serve as a coordinating body to ensure that activities of the several agencies functioning in this field are directed toward the goal of this legislation.

(iii) To function in conjunction with all state and federal agencies to develop interrelated environmental quality criteria and long-range environmental quality goals.

§2203. Authorization for Preferred Provider Organizations preferred provider organizations

C. Group purchaser members participating in preferred provider organizations shall be guaranteed access to their standard benefits under the terms of their policy, employee benefits, self-funded self-funded trust benefits, or Taft-Hartley trust benefits, regardless of whether they choose a preferred provider or a provider who does not participate in the preferred provider contract.

§2223. Limitations on implementation

The secretary shall not implement the provisions of this Part unless a federal Medicaid waiver submitted to the United States Department of Health and Human Services, Health Care Financing Administration, or its successor, on or after December 31, 1994, authorizing the state to utilize health insurance organizations, health maintenance organizations, or managed care organizations for Medicaid recipients is received. However, the secretary may take actions necessary to implement this Part upon receiving such federal waiver approval.

§2253. Limitations on implementation

The department shall not implement this Part unless approval of a federal Medicaid waiver submitted to the United States Department of Health and Human Services, Health Care Financing Administration, or its successor, on or after December 31, 1994, authorizing the state to utilize health insurance organizations, health maintenance organizations, or managed care organizations for Medicaid recipients is received. However, the secretary may take actions necessary to implement this Part upon such federal waiver approval.

§2295. Duties of the council

The council shall have the following duties:

(1) To advise the governor on all matters pertaining to pollution control, management of natural resources, and land use activities within the state.

(2) To serve as a clearinghouse for all statements of environmental impact prepared or reviewed by state agencies in accordance with R.S. Public Law 91-190, "The National Environmental Policy Act of 1969".

(3) To function in conjunction with all state and federal agencies to develop interrelated environmental quality criteria and long-range environmental quality goals.

§2404. Powers of the council

In addition to any other powers conferred upon the council elsewhere herein or by other law, the council shall have the following powers:

(1) To inspect and evaluate all law enforcement training centers, programs, and courses to ensure compliance with the state law enforcement training standards. Such inspection and evaluation shall include a comprehensive performance review at least once every four years. Any training center which is determined not to meet the state's law enforcement training standards pursuant to such a performance review shall be subject to probation or loss of its accreditation as provided in Paragraph (8) of this Section.

§2477. Request for waiver to provide in-home and community services

The secretary is authorized to submit waiver requests to the Health Care Financing Administration of the United States Department of Health and Human Services or its successor in accordance with the provisions of Section 2176 of Public Law 97-35. The Omnibus Budget Reconciliation Act of 1981, to enable the department to provide a broad array of home and community-based services under the Medicaid program to carry out the purposes of this Chapter. No payment shall be made under pursuant to the provisions of this Chapter for services which would exceed the scope or duration of a federally approved state waiver request.

§2481. Findings; statement of purpose

The legislature finds and declares that the rising incidence of heart disease, kidney disease, and heart disease is caused in increased among public health officials and private practitioners who feel that it is imperative that new initiatives be developed to combat the high blood pressure which is so often associated with these life threatening life-threatening conditions. The legislature further finds that the establishment of a comprehensive hypertension control program is in the best interest of the citizens of the state and should be established to minimize the incidence of death and disability which so often accompany uncontrolled high blood pressure.

§2530.4. Administration

B. A notification system developed under pursuant to the provisions of this Chapter shall include, but not be limited to, the following items:

(3) Whether the circumstances of the person deemed missing are aggravated due to the age of the person or a life threatening life-threatening medical condition or situation which requires the person to take life-sustaining medication.

§2845. Board; functions, powers, and duties

A. The board shall:

(6)(a) Establish and maintain a statewide trauma registry to collect and analyze data on the incidence, severity, and outcome of trauma, including traumatic brain injury. The registry shall be used to improve the availability and delivery of pre-hospital or out-of-hospital care and hospital trauma care services.

(b) The board shall promulgate rules and regulations according to the Administrative Procedure Act to do the following:

(i) Define trauma data elements that all other health care facilities shall be required to furnish to the registry.

(ii) Define trauma data elements that all other health care facilities shall be required to furnish to the registry.

(iii) Process for submission, analysis, and reporting of registry data.

(c) Required reporting to the state trauma registry is contingent on LERN providing adequate financial support through the Louisiana Emergency Response Network Fund to cover administrative costs.}

C. (1) The board shall submit an annual written report to the Senate and House Committees on Health and Welfare committees on health and welfare at least thirty days prior to each regular session. The report shall include a summary of the data relevant to the goals set forth in Paragraph (A)(2) of this Section and all other information relevant to trauma-patient care and its delivery in Louisiana through the network.

(2) The board shall submit any additional reports or information to the secretary of the department upon request of the secretary and the Senate and House Committees on Health and Welfare committees on health and welfare upon request of the chairman of either committee.

§2845.1. Public records exception

Patient and peer review data or information submitted or transmitted pursuant to this Chapter to the trauma registry, the board, any committee acting on behalf of the board, any hospital or pre-hospital care provider, any physician or other direct care provider, any regional or state medical services council, emergency services agency, or any group or committee whose purpose is to monitor and improve quality care pursuant to this Chapter, shall be confidential and exempt from the provisions of law relative to public records as provided in R.S. 44:1(10)(A)(18), R.S. 44:1(1)(B)(20).

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 (J), 59, 61(A)(1) and (3) and (C), 107(A)(1), (B), and (D), 114(E)(1)(introductory paragraph), 114.3(A), 121(1)(introductory paragraph), 123(D)(3) and (K)(3), 153(C), 153.4(F)(2), 156(A) and (B), 157 through 159, 159(C) and (D), 160(1)(10), 231.2(A)(1)(introductory paragraph) and (B)(introductory paragraph), 231.4(E), 232, 234, 234.1, 236, 236.2(B)(1), (B)(1), 236.10(B), 236.1(L)(1), 236.6(C), 236.7(A)(2)(A), and (E), 236.11(D), 237(B)(15), 285(D), 286, 301(A)(1), 286.3, 443, 444, 446.1(B), 447(B)(E) through (E), 447.2(A)(2)(A), (B) (1) and (3), and (D)(introductory paragraph), (1), (2), (4), 10(A)(A), and (B)(6), 405.3(B) (introductory paragraph), 460.1, 460.4(D), 465, 923(A) and (B), 923(A) and (B), 931(4), 936, 975, 976(A)(2)(A) and (B)(5) and (5a) through (c) and (d)(7), (B), (C), (D) (introductory paragraph), and (E), 977.2, 977.3, 977.5(A)(2) (D) and (C)(1), 977.8, 977.9(A) and (D)(1), 977.10(D), 977.4(H), 1025(introductory paragraph), 1056(A), 1057(introductory paragraph), (10), and (11), the heading of Chapter 10-D of Title 46 of the Louisiana Revised Statutes of 1950, R.S. 46:119(introductory paragraph) and (1), 495(A)(2) and (B) through (D), 1402, 1403.1, 1433(Section heading), 1602(A), and (D), (F)(1)(a)(x) through (xii) and (b), 1906.2, 1935(F), 1954(B), 2121(C), 2125(A), 2127(C), 2135(C), 2136(A)(4)(b) and (c), 2200, 2254(F)(2), 2256(B) and (C), 2324(2), 2402(3) and (5), 2603(4)(A) and (B) (introductory paragraph), 2692(C), 2702(8) and (9), 2704(B), 2722(B), 273(B)(2), (C), (C)(3), (4) and (E), (F), and (G), 2758(B)(C) and are hereby amended and reenacted to read as follows.

§3. Trustees or administrators shall not be interested in contracts with or sales to charitable institutions;

A. No member of the board of trustees, nor any administrator of any charitable institution of the board, nor any officer appointed by the board, nor any officer appointed by the institution, nor shall any member of the boards of trustees, or administrators, nor any officer appointed by either of them, be concerned directly or indirectly in any contract, in the furnishing of supplies, or in the purchase or sale of any article of property or value for or on account of these institutions.

B. Whoever violates the provisions of this Section shall be fined or imprisoned, or both, at
the discretion of the court.

§6. Admission criteria to state-supported charity hospitals

Any bona fide resident of the state of Louisiana who is in need of medical services, including but not limited to the uninsured, shall be eligible for treatment by any general hospital owned or operated by the board in accordance with policy adopted by the LSU Board of Supervisors. However, any person with an income greater than two hundred percent of the federal poverty level shall be admitted as specified in applicable federal poverty guidelines as published in the Federal Register by the United States Department of Health and Human Services and who is otherwise eligible for treatment may be denied access to non-emergency medical care if such person refuses to pay any appropriately adopted reasonable charges for treatment or service received, unless the patient’s clinical condition requires immediate treatment as determined by the patient’s treating physician, or if the person has been treated in the past, billed based upon his or her ability to pay, and has refused to pay for previous medical services without justifiable excuse or to make arrangements for periodic partial payments, unless the patient’s clinical condition requires immediate treatment as determined by the patient’s treating physician or medical director.

In no event shall emergency treatment be denied to anyone; and in no event shall any person housed in any parish jail facility or state prison in the state of Louisiana, irrespective of his state of residency, be denied medically necessary medical treatment in the nearest general hospital owned or operated by the board. Further, any prisoner treated at a general hospital owned or operated by the board shall have those services paid through the facility receiving state funding for the incarceration of said prisoner.

§9. Copy of petition to be served on hospital when patients sue for injuries

B. No court of this state shall proceed with the trial of any suit involving any claim referred to in this Section unless a copy of the petition has been served as required or such service has been waived as provided in Subsection C of this Section.

C. No petition shall be served on the hospital, the patient, or the attorney representing the hospital or veterans administration hospital from entering into a written agreement stipulating that in the event of a favorable judgment for the plaintiff, the bills for services due the hospital shall be paid before all other disbursements of the award. Such an agreement may be accompanied by a waiver of the service of the petition upon the hospital otherwise required in Subsection A of this Section.

§52.1. Integrated case management; “No Wrong Door”

F. This state leadership group shall:

(3) Lead execution of service integration plans to include:

(b) Screening, eligibility, and redeterminations for temporary assistance programs, Medicaid, and food-stamps nutrition assistance benefits.

§54. Parish offices

There shall be in each parish of the state a parish office of the office of family security department; provided that the department may unite two or more parishes and form a district office. All duties and responsibilities set forth in this Chapter for parish offices shall also apply to the district offices.

§56. Applications and client case records; definitions; confidentiality; waiver; penalty

A. Applications for assistance and information contained in case records of clients of the Louisiana Department of Health, the Department of Children and Family Services, or the Office of Elderly Affairs office of elderly affairs, for the purpose of adult protective services, the Office of Elderly Affairs office of elderly affairs, for the purpose of adult protective services, the Office of Elderly Affairs office of elderly affairs, share access to each other’s case records to the extent that such access is not prohibited by any contrary provision of federal law or regulation.

F. The following information shall not be subject to waiver and shall not be released to applicants, recipients, or outside sources, except those outside sources engaged in the administration of the programs of the department:

(4) [omitted]

(b) In addition, the department may release information to other agencies of state government that are engaged in rendering services or treatment to a department recipient or former recipient. The agency receiving the information from the department under pursuant to this Paragraph shall be bound by the same confidentiality standard as prescribed in this Section with regard to release of this information to the recipient, the client’s legal representative, or an outside source. The Louisiana Department of Health, the Department of Children and Family Services, and, for the purpose of adult protective services, the Office of Elderly Affairs office of elderly affairs may release information to each other for the purpose of furnishing services or treatment to clients or recipients of services of either department. Information subject to release under pursuant to this Section that is covered by federal statutes or regulations restricting release of the information shall be released only in accordance with the federal statutes or regulations.

J. Notwithstanding the foregoing provisions of this Section, the department shall maintain in each parish or district office a current monthly roster or listing by category of recipients of public assistance showing the names and amounts received by each. Such roster shall not contain information pertaining to food-stamps nutrition assistance benefits or the Medicaid Program (Title XIX of the Social Security Act). This roster shall be kept available in the reception room or some conspicuous place during regular office hours of each parish office, to any person wishing to view the contents. The department shall supply the parish or district office with forms, one of which shall be filled out and signed by each person wishing to avail himself of the provisions of this Subsection. However, it shall be unlawful to use the contents for political or commercial purposes.

§59. Welfare demonstration, experimental and other projects

A. The Louisiana Department of Family and Children Services and the Louisiana Department of Health is are authorized to make use of its its staff and equipment to carry out experimental and demonstration projects whose costs are otherwise totally financed by the federal government under the provisions of the Social Security Act.

(42 U.S.C. 1315) or any other programs totally financed from federal funds.

§61. Elderly abuse; release of information

A. The Louisiana Department of Health shall, following an investigation by the department, the Office of Elderly Affairs office of elderly affairs, the office of the attorney general, or a local law enforcement agency, of any report of elderly abuse and the conviction of any person investigated for such abuse or the entering of a plea of guilty or nolo contendere by any person so investigated who is accused of such abuse, make available to any health care facility licensed by the department, upon request, the name and a photograph of any such person who has been convicted of or pled guilty or nolo contendere to a crime involving elderly abuse.

(3) For purposes of this Section, “elderly abuse” shall mean abuse of any person sixty years of age or older and shall include the abuse of any person with an infirmity residing in a state licensed state-licensed facility.

C. The department, in consultation with the Office of Elderly Affairs office of elderly affairs, shall adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section, including provisions which establish procedures under which the department shall request information from law enforcement officials and district attorneys and which establish procedures under which health care facilities may request information concerning whether or not a person has been convicted of or pled guilty or nolo contendere to a crime listed in R.S. 14:403.2.

§107. Appeal and review; venue for judicial review

A. The Department of Children and Family Services and the office of the secretary of the Louisiana Department of Health, or any other state office. All duties and responsibilities set forth in this Chapter for parish offices shall also apply to the district offices.

D. Except as provided by Subsections B and C of this Section, all adjudicatory and review proceedings under this Section shall be governed by the Administrative Procedure Act.

§114. Fraud in obtaining assistance; withholding information concerning property, income, or beneficiary, or personal circumstances

E. (1) Persons receiving food stamps or Aid to Families with Dependent Children, or a successor of either program, who have been determined by the Department of Children and Family Services in an administrative hearing, or a court of competent jurisdiction after final appeal, to have fraudulently obtained such food stamps or Aid to Families with Dependent Children, or benefits from a successor program, shall be ineligible for further participation in the program in accordance with the following schedule:

(4) Any determination of fraud relevant to the current or prior participation in the program shall be submitted by the fraud detection section to the Senate and House Committees on Health and Welfare committees on health and welfare by September first.

§121. Definitions

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in regular type are deletions from existing law. Words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
For purposes of this Part, the following terms shall be defined as follows:

(1) “Activated military personnel” means a person domiciled in Louisiana as Home of Record (HOR) for military purposes, and who is any of the following:

§123. Louisiana Military Family Assistance Board

D.

(3) If the third party administrator approves a claim, it shall determine when the claim shall be paid, the amount of payment, to whom the payment shall be made, and such other matters as it deems necessary and appropriate.

K.

(3) Although confidential, records relating to applications and the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports, and such other parties as necessary for prudent administration of the program and verification of elements of application.

§153. Medical assistance; estate recovery program

C. Except to the extent that the responsibility for payment for medical care of certain persons is transferred to the department in Subsection A above of this Section and the pertinent rules and regulations subsequently adopted, the care and treatment of medically indigent persons shall remain the responsibility of the various charity hospitals of this state as provided by existing law.

§153.4. Medicaid Estate Recovery, legislative findings

F.

(2) An undue hardship to any heir, as defined by rule, shall exist if an heir’s family income is three hundred percent or less of the U.S. Department of Health and Human Services Federal Poverty Level Guidelines as published annually in the Federal Register applicable federal poverty guidelines as published in the Federal Register by the United States Department of Health and Human Services.

§156. Supplementary assistance to persons who are aged, blind, or have disabilities

A. Any person who is aged, blind, or has a disability, within the meaning of Subchapter XVI of Chapter Seven of the Social Security Act, as amended, who, for the month of December, 1973, was a recipient of old age assistance, disability assistance, or aid to the needy blind, and who is a recipient of supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended, shall be entitled to receive a monthly supplementary payment in the amount described in Subsection B below of this Section, such payment to terminate the month in which such individual dies or the first month such individual ceases to be eligible for supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended.

B. The supplementary payment referred to in Subsection A above of this Section shall be in an amount equal to the amount by which the individual's December, 1973 income exceeds the amount of such individual's Subchapter XVI of Chapter Seven benefit plus other income for such month. For purposes of this subsection, the terms “December, 1973 income” and “Subchapter XVI of Chapter Seven benefit plus other income” shall have the meaning given to those terms in Act of July 9, 1973, Public Law 93-66, Section 212(a)(3), 87 Stat. 152.

§157. Prosthetic dentures; eligibility; rules and regulations

A. The office of family security bureau of health services financing of the Louisiana Department of Health shall make available to persons of this state who are eligible for Medicaid benefits under Title XIX of the Social Security Act, prosthetic dentures, upon certification by a dentist licensed under Louisiana law that the person is in need of prosthetic dentures, and upon certification of such need by the Louisiana Department of Health.

B. The secretary of the Louisiana Department of Health shall promulgate the necessary rules and regulations to implement the provisions of this Section. Such rules and regulations shall require that no charge for such prosthetic dentures shall be approved for payment in excess of that normally received in private commercial relationships for the manufacture and fitting of such dentures, based on the nature and quality of dentures provided, the extent of professional services rendered, and the fees normally and customarily received in the area where the fitting occurred.

§158. Prohibition of discrimination against dental care services

The office of family security bureau of health services financing of the Louisiana Department of Health shall make available to persons who are eligible for Medicaid benefits under Title XIX of the Social Security Act, 42 USC A. U.S.C. Sec. 1396 et seq., outpatient hospital services, prescribed drugs, and all other services incident to professional treatment provided by a licensed dentist when the treatment and service is otherwise authorized and included in the Louisiana state plan for medical and dental assistance when provided or prescribed by a physician or any other licensed practitioner of the healing arts, provided that the podiatric health care be within the scope of podiatric professional practice as defined by R.S. 37:611 et seq.

§159. Prohibition of discrimination against pediatric services

The office of the secretary of the Louisiana Department of Health shall make available to persons who are eligible for Medicaid benefits under Title XIX of the Social Security Act, 42 USC A. U.S.C. Sec. 1396 et seq., inpatient hospital services, outpatient hospital services, prescribed drugs, and all other services incident to professional treatment provided by a licensed podiatrist when the treatment and service is otherwise authorized and included in the Louisiana state plan for medical assistance when provided or prescribed by a physician or any other licensed practitioner of the healing arts, provided that the podiatric health care be within the scope of podiatric professional practice as defined by R.S. 37:611 et seq.

§195.1. Hospice care pilot program; rules and regulations

C. Coverage of hospice care under the pilot project shall be in accordance with 42 U.S.C. 1396(d), the Medicare Hospice Program guidelines as set forth in 42 CFR Part 418, and Sections 4305-4308.2 of the Federal Centers for Medicare and Medicaid Services State Medicaid Manual. In the case of an individual who is eligible for Medicaid benefits under Title XIX of the Social Security Act, occupies a Medicaid-certified hospice facility bed, and elects to receive hospice care, an additional amount for room and board shall be paid to the hospice that shall not be less than one hundred percent of the per diem rate that would have been paid to the nursing facility under the Medicaid State Plan.

D. In order to participate in the pilot project, a hospice shall meet the Medicare conditions of participation for hospice as set forth in 42 CFR Part 418 and shall have a valid Medicaid provider agreement.

§160.1. Definitions

For the purposes of this Subpart, the following definitions shall apply:

(10) “Health care provider” or “provider” means a state licensed, certified, or state registered registered provider of health care services, treatment, or supplies, including but not limited to those entities defined in R.S. 40:1239.1(A) R.S. 40:1231.1(A).

§231.2. Family Independence Temporary Assistance Program; benefits; eligibility

A.1. The department shall develop and administer a temporary assistance program to be known as the “Family Independence Temporary Assistance Program” (FITAP) which shall provide money payments to the following:

B. Notwithstanding the provisions of Subsection A of this Section, FITAP assistance shall not mean:

§231.4. Immunization compliance; exceptions

E. The Louisiana Department of Health shall apply for any federal waiver necessary to ensure full federal participation in the implementation of this Section and shall submit a written report to the Senate and House Committees on Health and Welfare on health and welfare at the time the waiver is either approved or denied. Failure to receive waiver approval to any one or more of the public assistance programs shall not preclude the implementation of this Section for the remaining programs, upon waiver approval, if needed.

§232. Investigations and reports

A. If any person has knowledge that any dependent child is dependent upon the public for support, and the person is not the guardian of the public requires that the child be granted aid, the person may bring the fact to the notice of the parish office of the Department of Children and Family Services of the parish in which the child resides, which department shall make an investigation and examination of the circumstances of the child before the granting of aid.

B. A report of the investigation, examination, and visit shall be made in writing and become a part of the record in the case.

§234. Judicially appointed curator

In lieu of selecting a payee to receive assistance, the Department of Children and Family Services, pursuant to federal regulations, may require the referral of the case to the district court for a judicially appointed curator. The court is authorized to appoint a capable, interested, and willing third person, irrespective of whether he is related to the child within any of the degrees of relationship set forth in Section 409(a) of Title IV of the Social Security Act, to receive the payments and use them in the best interest of the child. The curator shall be accountable at whatever intervals are specified by the court and the court shall require a bond or whatever other security is deemed necessary by the court to ensure the faithful performance of the curator's duties. The curator, upon being appointed, shall take the oath and letters of appointment as provided in the Social Security Act, and as the curator is the custodian of the child's funds, the Department's services and the court require the case to be referred to the court for the appointment of a curator, each local governing authority shall have the option in any case to provide compensation to the curator.

§234.1. Disposition of undeliverable assistance checks

A. Assistance checks representing bonus amounts paid pursuant to 42 USC 1396 and 657 and such assistance checks representing undelivered amounts paid pursuant to 42 USC 1396 and 657 in those cases in which the payee of such checks cannot be found, shall revert to the state and federal treasuries in proportion to the rate of state-federal match applicable to the assistance program. Such amounts will revert to the government only after sixty days have elapsed since the date such check became invalid and a diligent search by the agency administering the assistance program has failed to ascertain the whereabouts of the payee.

§236. Administration of emergency assistance to needy families with children

In order to extend and improve services, aid, and care to needy children and needy families with children in this state, and in order to take full advantage of existing federally funded programs on a matched basis, the Department of Children and Family Services shall be the agency of the state of Louisiana to cooperate with the United States and to administer Title IV-D of the Social Security Act (Public Law No. 221-25th Congress, 42 U.S.C. 405 and 406) or any amendments thereto, relating to emergency assistance to needy families with children, and to receive and expend federal moneys for these services.

§236.1.2. Family and child support programs; responsibilities

B.(1) In addition, as required by federal law, the department shall provide the above services to any individual including absent or noncustodial parents not otherwise eligible for such services as provided for in Subsection A of this Section upon receiving an application from
such individual and upon receiving any fee which may be assessed by the department for the services, regardless of whether the individual has ever received public assistance and regardless of whether there is a delinquency.

I. In providing support services required by Title IV-D of the Social Security Act in cases provided for in Subsection A of this Section, the department may provide for application and other fees to be charged each individual who is receiving services from the department or any individual who owes a duty of support. The fees shall comply with any applicable federal laws, rules, and regulations and may not exceed the maximum set by federal laws, rules, regulations or the actual costs incurred by the department in providing the support services, whichever is less.

§236.1.10. Family and child support programs; consumer reporting authority

B. The consumer report shall be confidential and shall be used solely for the purpose described in Subsection A of this Section and shall be used in connection with any other civil, administrative, or criminal proceeding, or for any other purpose.

§236.3. Enforcement of support by income assignment

L.(1) When a person failing to comply with an order of support derives income from self-employment, commission, or from any payor not subject to the jurisdiction of the court, or any other type of employment which makes the application of Subsection E of this Section impractical, the court may require the person to enter into bond to the court in the amount of the past due support plus a sum fixed by the court to ensure the payment of support as it becomes due for a period of not less than three months, with sureties approved by the court, conditioned upon the person making payment as previously ordered.

§236.6. Failure to pay support; procedure, penalties and publication

C. In addition to the above any other penalty provided for in this Section, the court shall render judgment in favor of the applicable payee for the amount of unpaid support plus attendant court costs. The judgment shall have the same force and effect as a final judgment for money damages against the defendant. This judgment shall become executory upon its rendition, subject to the delays for filing a motion for new trial or appeal, and may be registered with any Louisiana court of competent jurisdiction on petition of the Department of Children and Family Services, the district attorney’s office, or the applicable payee.

§236.7. Order of support; stipulation by district attorney and party

A. (2) The court may also require the defendant to enter into a recognizance, with or without surety, in order to ensure the payment of support. The condition of the recognizance shall be that the defendant shall make his or her personal appearance in court whenever required to do so, and shall further comply with the terms of the order or of any subsequent modification thereof.

E. If the defendant has entered into a recognizance in the amount fixed by the court to ensure the payment of the support, the court may order the forfeiture of the recognizance and enforcement thereof by execution. The sum recovered shall be paid in whole or in part to the applicable payee. However, should the court order both the forfeiture of the recognizance and at the same time order the defendant to pay all unpaid support under the sentence for contempt, the amount of unpaid support plus attendant court costs and fines shall be the maximum payable.

§236.11. Notice of payment

D. The notice may be used by the department to redirect child support payments from the state disbursement unit of this state to the state disbursement unit of another state in accordance with Subsection A of this Section.

§237. Kinship Care Subsidy Program

B. Definitions. For purposes of this Section:

(15) “Minor relative” means a grandchild, step-grandchild, or other minor relative not the natural or adopted child of the kinship caregiver who is under eighteen years of age and who meets the definition of “dependent child” specified in R.S. 46:2316(4)(a) R.S. 46:231.

§285. Required training for child protection and foster care workers

D. Within six months following the commencement of responsibility for cases, each employee designated in Subsection A of this Section shall complete a training program consisting of thirty-two hours of job-related job-related instruction in addition to the training required in Subsection A of this Section.

§286. Foster home child care; reimbursement system; rules

The Department of Children and Family Services shall establish a system for reimbursement of foster home child care costs based on the level of care for all foster children placed in foster homes providing temporary or long-term foster care for not more than six children receiving the services of the department. The department shall promulgate rules for implementation of the reimbursement system by January 1, 1995, but only if funds are made available by appropriation by the legislature, and shall submit such rules to the Committees on Health and Welfare committees on health and welfare of the House of Representatives and the Senate in accordance with the Administrative Procedure Act. At a minimum, the department shall seek each year through the budgetary process funds sufficient to reimburse foster parents at a rate at least equal to the cost for child care as reported and published by the United States Department of Agriculture for the Southeastern United States.

§301. Legislative findings; Supplemental Nutrition Assistance Program educational component; reporting requirements

A. The legislature finds and declares the following:

(1) The program still commonly known as “food stamps” was renamed the Supplemental Nutrition Assistance Program (SNAP) in October 2008. SNAP is administered at the federal level by the United States Department of Agriculture Food and Nutrition Service (FNS) and at the state level by the Louisiana Department of Children and Family Services, hereafter referred to as the “department”.

§326. Duties of the department

B. The department shall enter into any cooperative endeavor agreements, contracts, and other arrangements with the Louisiana Workforce Commission, any other government agency, and any community partner as may be necessary to ensure adequate availability of workforce training to participants in the parish in which the pilot initiative is established.

§433. Bond; account; oath and letters

A. The curator shall be accountable at whatever intervals are specified by the court and the court shall have the right to require a bond or whatever other security is deemed necessary by the court to ensure the faithful performance of the curator’s duties; the curator, upon being appointed, shall take an oath; and letters of authority may be issued to him.

B. Failure by the curator to render an account satisfactory to the court shall be sufficient cause for the curator’s dismissal and the appointment of another curator.

§444. Cooperation with administrative agencies relative to interchange of information

The Department of Children and Family Services is hereby authorized to provide for interchange of such information necessary in providing for work training experiences as required by Public Law 90-248, as the secretary of the United States Department of Health, Education and Welfare, or its successor department, may require for federal matching purposes.

§446.1. Notice to department by insurance companies; payment of assigned claims; civil penalties

B. Information provided pursuant to Subsection A above of this Section shall be confidential and subject to the provisions of R.S. 46:56.

§447.1. Public assistance recipients; family planning education; contraceptives

B. The program shall provide for examinations by health care healthcare providers for the health and safety of public assistance recipients who elect to avail themselves of or to practice forms of family planning approved under or made available by the secretary. Any recipient of aid to families with dependent children or any successor program, or recipient of public assistance with the cost of medical care through the medical assistance program (Medicaid), who elects to avail himself or herself of the services or contraceptives offered under the program shall be provided with such an examination within fourteen days of his or her initial request. If his or her choice of family planning methods involves the use of contraceptives or requires the performance of medical procedures, excluding abortions, he or she shall be provided with his or her choice of approved contraceptive or given the opportunity to undergo the appropriate medical procedure within seven days of his or her request for the contraceptive or procedure.

C. The secretary of the Louisiana Department of Health shall provide specific written descriptions of the services available in the program established under this section to all recipients of aid to families with dependent children or any successor program, and to all recipients of public assistance with the cost of medical care through the medical assistance program (Medicaid), at least semianually through methods that may include direct mail to all such recipients.

D. The secretary of the Louisiana Department of Health shall adopt rules and regulations for the administration of the program established under this Section, including appropriate requirements and procedures for participants to receive prompt examinations by and consultations with health care healthcare providers in accordance with Subsection B herein of this Section.

E. The provisions of this Section shall be administered in accordance with R.S. 40:1209.34 and 1209.34.5 R.S. 40:1061.5 and 1061.6.

§447.2. Pregnant women and infants; access to health care; expansion of Medicaid eligibility

A. The legislature hereby finds and declares that:

(2) It is in the interest of the legislature that certain pregnant women and infants, regardless of their economic status, geographic location, or ethnic background, have access to appropriate health care services.

B. The department shall amend the Medicaid state plan to provide for:

(1) Eligibility for Medicaid services for all pregnant women with an income of up to one hundred eighty-five percent of the federal poverty income guidelines applicable federal poverty guidelines as published in the Federal Register by the United States Department of Health and Human Services.

(2) A program of care coordination for high-risk high-risk pregnant women. The care coordination program shall include the following components:

D. The department shall promulgate regulations requiring that all public health programs which render prenatal, postpartum, or infant health care services shall provide at a minimum for the following:

(1) Expanded or flex-time hours of operation so that health care services are available to pregnant women and children during evening and weekend hours.

(2) An initial appointment within two weeks of request and minimal waiting time to receive...
services after entering a health care facility.

§450.1. Electronic authorization and distribution of public assistance benefits and services. A. The office of children and family services, Department of Children and Family Services, shall contract for the development and implementation of an electronic issuance system for the authorization and distribution of benefits and services provided by public assistance programs. Such programs shall include but not be limited to issuance of benefits and services of the food stamp program, Supplemental Nutrition Assistance Program and the Family Independence Temporary Assistance Program (FITAP), and shall require that all recipients who participate in programs for which benefits and services are authorized and distributed through the system shall obtain benefits through such electronic issuance system, subject only to such exceptions as shall be necessary for the effective functioning of the program.

B. The contract program selected to provide the electronic issuance system shall include but not be limited to:

(6) Provision, installation, and maintenance of automated teller machines, point of sale terminals, printers, and personal identification number “PIN” pads in the parish offices, in retail establishments which accept food stamps Supplemental Nutrition Assistance Program benefits, and in other appropriate locations of participants in the program.

§450.3. WIC participants; homeless

B. In accordance with the provisions of Subsection A of this Section, the following conditions shall apply:

§460.1. Submission of quarterly reports to the legislature

The Department of Children and Family Services shall submit copies of the federal quarterly ACF-196 and ACF-696 reports to the House and Senate Committees on Health and Welfare committees on health and welfare, the House Committee on Appropriations, and the Senate Committee on Finance at the time these reports are submitted to the federal government. Upon request, the department shall submit copies of any other report the legislature deems necessary.

§460.4. Educational opportunities to promote self-sufficiency

D. The department shall report to the Senate and House Committees on Health and Welfare committees on health and welfare on or before August 15, 1997, and quarterly thereafter, regarding implementation of the provisions of this Section and to what extent the investment level shall be reached for the fiscal year.

§465. Pauper fund appropriations

A. The amount to be appropriated as a pauper fund to carry out any and all purposes of this Part, or under any and all other laws, shall be divided among the parishes on the basis of the amount of taxes to be assessed for the current year, as provided by law.

B. No debt shall be created against the parish beyond the amount appropriated and collected for the purpose with other current parish taxes.

§923. Rape crisis treatment services

A. Each state-owned and operated state-owned and -operated medical acute care hospital in the state shall establish, operate, and maintain a rape crisis treatment services program. The director of the bureau of women family health within the Louisiana Department of Health shall be responsible for the coordination of the rape crisis treatment services program in each hospital, including the training of personnel necessary to carry out the provisions of this Section.

B. Each state-owned and operated state-owned and -operated medical acute care hospital shall have a rape counselor or a system of rape counseling designed to ensure that the needs of rape victims are met.

§924. AIDS treatment services

A. Each state-owned and operated state-owned and -operated medical acute care hospital in the state shall establish, operate, and maintain an AIDS testing and treatment services program to the extent and level provided by funds appropriated by the legislature.

B. Each state-owned and operated state-owned and -operated medical acute care hospital shall have an AIDS counselor or a system of AIDS counseling designed to ensure that the needs of the patient are met.

§932. Powers and duties

The office shall have the following powers and duties:

(14) To approve recommendations from any parish voluntary council on aging prior to the creation of any new state-funded senior center in the state. Recommendations from a parish voluntary council on aging for the creation of additional centers in the state shall be based on need for a new facility and whether the proposed facility will meet the criteria for a senior center as defined in the policies and regulations established by the Office of Elderly Affairs office of elderly affairs.

§936. Statement of intent

A. It is the intention of the legislature that, insofar as is practical and consistent with the efficient administration of state government, programs and services for the elderly population of Louisiana, with the exception of any program administered by the Department of Children and Family Services or the Louisiana Department of Health on August 15, 1995, shall eventually be consolidated within the Office of Elderly Affairs office of elderly affairs, to be administered at the local level by the sixty-four parish voluntary councils on aging.

B. It is further the intention of the legislature that the Office of Elderly Affairs office of elderly affairs administer all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, whether by block grant or in any other form, with the exception of funds for programs administered by the Department of Children and Family Services. The Office of Elderly Affairs office of elderly affairs shall distribute such funds in accordance with appropriate state and federal requirements and consistent with this Section.

§972. State plan; rules and regulations

A. The Louisiana Department of Health may establish a state plan for maternal and child health services and enter any orders and make any rules and regulations which are necessary to carry the plan into effect.

B. The plan shall:

(1) Provide for financial participation by the state.

(2) Provide for the administration of the plan or the supervision of the administration of the plan by the department.

(3) Provide the methods of administration which are necessary for the efficient operation of the plan.

(4) Provide that the department will make such reports to the Office of Elderly Affairs in the form and containing the information which the Secretary of the United States Department of Health and Human Services, the Governor, or the legislature requires that the department will comply with the provisions which the Secretary of Labor finds necessary to assure the correctness and verification of the reports.

(5) Provide for the extension and improvement of local maternal and child health services administered by local health units.

(6) Provide for cooperation with medical, nursing, and welfare groups and organizations

(7) Provide for the development of demonstration services in needy areas and among groups in special need.

C. This plan may contain any other provisions necessary to carry out the purpose of this Chapter.

§975. Women’s cancer prevention program

B. No debt shall be created against the parish beyond the amount appropriated and collected for the purpose with other current parish taxes.

(2) A health care facility may advertise and be recognized as accredited if the facility has successfully completed the established established and image criteria, has been accredited for a three-year period by the American College of Radiology, and maintains current accreditation. Upon receiving accreditation from the American College of Radiology, the certifying certificate issued shall be displayed in a prominent place at the facility.

§976. Children’s Health Insurance Program; criteria for implementation

A. In accordance with the authority granted the Louisiana Department of Health pursuant to R.S. 36:254(A)(6) and (D)(1)(a)(i) and pursuant to the restrictions contained in Subsection B of Section 36:254(A)(6) and (D)(1)(a)(i), the Office of Elderly Affairs, shall administer all federal funds appropriated, allocated, or otherwise made available for the program.

B. The plan shall:

(1) Require that the plan shall be submitted to the federal government.

(2) Require that the plan shall be submitted to the federal government.

(3) The department shall take the following steps to simplify the enrollment process for children:

(c) Distribute information as to how to apply for Medicaid services and where to obtain an application form at various strategic locations, including but not limited to health care facilities, schools, community centers, churches, and grocery stores.

(d) (a) The department shall expand Medicaid eligibility for children, birth until age nineteen, in families whose income does not exceed one hundred thirty-three percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(b) After July 1, 1999, the department shall expand Medicaid eligibility for children, birth until age nineteen, in families whose income does not exceed one hundred fifty percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(c) After July 1, 2000, the department shall expand eligibility for children, birth until age nineteen, in families whose income does not exceed two hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(d) (i) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.

(e) (a) The department shall expand eligibility for children, birth until age nineteen, in families whose income does not exceed one hundred thirty-three percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(f) After July 1, 2000, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(g) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.

(h) (a) The department shall expand eligibility for children, birth until age nineteen, in families whose income does not exceed two hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(i) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.

(j) (a) The department shall expand eligibility for children, birth until age nineteen, in families whose income does not exceed two hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(k) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.

(l) (a) The department shall require all insurance providers participating in the private insurance model to collect and submit data regarding implementation of the provisions of this Section and to what extent the investment level shall be reached for the fiscal year.

(m) (a) The department shall expand Medicaid eligibility for children, birth until age nineteen, in families whose income does not exceed two hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

(n) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.

(o) After July 1, 2001, the department shall apply to the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, for authority to implement appropriate waivers or demonstration projects to expand eligibility under the Children’s Health Insurance Program for pregnant women whose income is greater than one hundred eighty-five percent of the federal poverty level.
C. Beginning January 1, 1999, and semiannually thereafter, the department shall submit the following information to the Joint Legislative Committee on the Budget and to the Senate and House Health and Welfare Committees on health and welfare:

E. Any rules or regulations adopted under the provisions of this Section shall be promulgated under the Administrative Procedure Act. Any rules or regulations adopted pursuant to the private health insurance model shall be subject to review by the House Committee on Health and Welfare and the Senate Committee on Health and Welfare, the House Committee on Insurance, and the Senate Committee on Insurance.

§977.2. Purpose
The legislature hereby declares that for the economic and social benefits of all residents of this state, it is important to ensure that children of the state have access to affordable health insurance that offers comprehensive coverage and emphasizes preventive health care. Many children in working families are uninsured, including children in families whose family income is greater than two hundred percent of the federal poverty level, who are uninsured applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services. The lack of health insurance negatively affects the health status of children. The lack of health insurance negatively affects the health status of children. The purpose of the legislature further finds that access to healthcare is a key component for the healthy development of children and a successful education. It is, therefore, the intent of the legislature to provide access to affordable health insurance to children in Louisiana.

§977.3. Definitions
As used in this Part, the following definitions shall apply:

(3) “Medical assistance” means health care healthcare benefits provided through the Louisiana Medicaid program or the Louisiana Children's Health Insurance Program, hereafter referred to as LaCHIP.

§977.5. Eligibility requirements
A. To be eligible for this program, a child shall:

(2) Be in a family in which the family income is between two hundred percent and three hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services.

C. A child shall not be eligible for coverage under the program if:

(1) The premium required by R.S. 46:977.9(D) has not been timely paid. If the required premium is not paid, the liability of the program shall be limited to health care healthcare services provided under the program for the time period for which the premium has been paid. A child shall also be ineligible for reenrollment for a period of time set forth in rule by the department if the premium is not paid.

§977.8. Eligibility: future federal legislation
The department, upon enactment by congress of legislation allowing the same, may utilize income determinations made by the Food Stamp Program, WIC, or the National School Lunch Program, or the successor of any of these programs for determining income eligibility for the Louisiana Medicaid program or LaCHIP.

§977.9. Health care healthcare benefits; cost sharing requirements
A. Subject to the General Appropriation Act of the legislature, the department shall purchase or provide health care healthcare benefits for eligible children which are equivalent to the benefits provided for children under the coverage requirements for the federal Children's Health Insurance Program, Title XXI of the Social Security Act.

D. The responsible party for a child enrolled in the program shall be subject to the following cost-sharing requirements for subsidized insurance:

(1) The department shall by rule establish requirements concerning monthly premiums, co-payments, and co-insurance for health care healthcare services. This cost sharing shall be on a sliding scale based on family income up to three hundred percent of the federal poverty level applicable federal poverty guideline as published in the Federal Register by the United States Department of Health and Human Services. The department shall work in consultation with the Louisiana staff of the Children's Defense Fund, Agenda for Children, Louisiana Maternal and Child Health Coalition, Covering Kids and Families, Louisiana Partnership for Children and Families, Families Helping Families of Louisiana, Louisiana Chapter of the National Association of Social Workers, Louisiana Chapter of the American Academy of Pediatrics, Louisiana Chapter of the March of Dimes, and Louisiana Primary Care Association in the rulemaking process regarding the sliding scale, which is based on family income. Notwithstanding this requirement, there shall be no co-payment required for well-baby or well-child health care, including but not limited to appropriate immunization as required under state and federal law.

§977.10. Authority of the department; premiums
The department shall have the authority to:

(4) Monitor the availability and retention of employer-sponsored dependent health insurance coverage to promote retention of state or employer-sponsored health insurance and timely access to health care in the state.

§979.4. Administration of the Louisiana First America Next Freedom and Empowerment Plan

H. The state may implement cost-sharing and copays, as a condition of participation in the plan, for plan participants whose earning shall exceed fifty percent of the applicable federal poverty level guideline as published in the Federal Register by the United States Department of Health and Human Services.

CHAPTER 10-D. HEALTHCARE SERVICE DISTRICT - LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS, REGION IV

§1194. Purpose
The purpose of the healthcare service district and the governing board created pursuant to the provisions of this Chapter shall be:

(1) To identify local public sources of revenue or expenditure that may be used by the department as state match to draw down federal matching funds for the provision of healthcare services for the low-income low-income and uninsured population of the district.

(10) To receive and receipt for and keep a correct accounting of all gifts, bequests, grants-in-aid, and other revenues received by the district and with the consent of the commission, to expend the proceeds of all such gifts, bequests, grants-in-aid and other revenues for the purpose designated in this chapter Chapter and subject to any conditions that may be imposed in any act of donation or any law providing grants-in-aid or other revenues for such purpose.

(11) To perform any other duties and functions which he or the commission consider necessary or desirable to carry out the purposes of this chapter Chapter.

CHAPTER 10-D. HEALTHCARE SERVICE DISTRICT - LOUISIANA DEPARTMENT OF HEALTH AND HOSPITALS, REGION IV

§1402. Legislative intent; declaration of purpose and policy
It is the intent of the legislature to protect the health, safety, and well-being of the children and youth of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of this Chapter to establish state-wide minimum standards for the safety and well-being of children and youth, to ensure ensure maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to ensure ensure protection of all individuals under care by specialized providers to and to encourage and assist in the improvement of programs. It is the further intent of the legislature that the freedom of religion of all citizens shall be inviolate. This Chapter shall not give the Louisiana Department of Health or the Department of Children and Family Services jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum or instruction of a specific or specialized provider sponsored by a church or religious organization so long as the civil and human rights of the clients and residents are not violated.

§1403.1. Extended stay for completion of educational courses or other programs
Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1021(A)(1), a child housed at a residential home may stay at such home until his twenty-first birthday to complete any educational course that he began at such facility, including but not limited to a General Education Development course, and any other program offered by the residential home.

§1433. Notification of location of missing and/or exploited child

§1602. Issuance of charter by the secretary of state; organization and operations; authority
to receive public funds; liability

A. (1) Any five or more citizens of a parish who possess the qualifications set forth in this Section may associate themselves together for the purpose of making application to the office of elderly affairs, hereinafter in this Chapter referred to as the "office", for a charter for a parish voluntary council on the aging. The application shall set forth the names, addresses, and occupations of the persons who are to serve as members of the initial council and such other information as is required by this Chapter to be included in a parish charter.

(2) Immediately upon the receipt of an application, the office shall make such examination and investigation as it deems advisable. After the application has been approved by the executive director of the office, it shall be transmitted to the secretary of state, who is hereby authorized to issue a charter which thereafter shall constitute authority of the voluntary council on the aging to function in the parish for which the charter was issued in accordance with the provisions of this Chapter.

(3) Immediately upon issuance of the charter by the secretary of state, the parish voluntary council on the aging will be authorized to receive public funds from any governmental or political subdivision. Such funds shall be subject to audit by the legislative auditor or his duly authorized representative.

D. Each parish voluntary council on the aging shall be voluntary as to its membership and as to all plans, programs, and activities, and shall be non-profit making and politically non-partisan and non-factional and shall be non-sectarian.

F. (1) If the council is held liable for damages for personal injury or wrongful death, the court shall determine:
(a) The amount of general damages exclusive of:
(i) Medical care,
(ii) Related benefits,
(iii) Loss of earnings or support, or both, and
(b) The amount of medical care, related benefits, and loss of earnings or support, or both, to date of judgment.

§1906.2. Interdepartmental cooperation

The Departments of Public Safety and Corrections, Social Services, Health and Hospitals, and Education, Department of Public Safety and Corrections, Department of Children and Family Services, Department of Health, Department of Education, and the Juvenile and Family Court Judges Association shall consult and cooperate to develop a plan for treatment and a continuum of care for children alleged to be or adjudicated delinquent or in need of care or supervision. The purposes of such consultation shall include the goal of early intervention and a continuum of care for children alleged to be or adjudicated delinquent or in need of care or supervision.

§1953. Use of public facilities; equal accommodations; service dogs

F. Nothing in this Section shall require any person who owns, leases, or operates any public conveyance or modes of transportation, educational institutions, hotels, restaurants, theaters, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, to modify his property or facility in any way or provide a higher degree of care for a person with a disability than for a person who is not disabled does not have a disability.

§1954. Housing accommodations; full and equal access; degree of care; service dogs

B. Nothing in this Section shall require any person renting, leasing, or providing for compensation immovable property to modify his property in any way or provide a higher degree of care for a person with a disability than for a person who is not disabled does not have a disability.

§2121. Statement of purpose

C. It is the intention of the legislature to achieve a reduction in serious and fatal injuries to the victims of family violence and to clarify the problems, causes, and remediation of family violence by providing the necessary services including shelter, counseling, and referrals to social services, medical care, and legal assistance in the form of a family violence center.

§2125. Evaluation; reports

A. Both the program created hereunder and the shelters it prescribes shall be evaluated by the House and Senate Committees on Health and Welfare committees on health and welfare at the end of the first fiscal year of the program and at the end of each subsequent fiscal year during which the program is continued. Such evaluation shall be designed to determine the effectiveness of the program in achieving its objectives.

§2127. Programs for victims of family violence; administration

C. Prior to any allocation or distribution of monies as provided in Subsection A above of this Section, the office may deduct no more than five percent of the amount appropriated from the fund for administrative costs.

§2135. Temporary restraining order

C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to ensure the protection and safety of the parties.

§2136. Protective orders; content; modification; service

A. The court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132, or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:

(4) If the additional medical opinion regarding a medical evaluation is ordered for both the defendant and abused person, two separate evaluators shall be appointed.

(5) After an additional medical opinion regarding a medical evaluation has been completed and a report issued, the court may order counseling or other medical treatment as deemed appropriate.

§2200. Transportation assistance for persons who are elderly and persons with disabilities

The Department of Transportation and Development may establish and administer a program to provide transportation assistance to eligible persons under the provisions of Section 16(b)(2) of the federal Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §1612(b)(2)).

§2254. Nondiscrimination policy in educational facilities, real estate transactions, and state-funded programs

F.

(2) A recipient of state financial assistance shall operate a program or activity in a facility which is accessible to and usable by persons with disabilities and shall comply with ANSI specifications as defined in R.S. 46:2253(18) R.S. 46:2253 by January 1, 1982.

§2256. Complaints; filing procedure; compensation

B. Persons with disabilities who have been subject to unlawful discrimination as defined in this Chapter shall have the right to and all remedies available under the law if they prevail in a suit under this Chapter including but not limited to compensatory damages, attorney fees, costs, and any other relief deemed appropriate. Any person who believes he has been discriminated against and intends to pursue court action must give the person who has allegedly discriminated written notice of this fact at least thirty days before initiating court action; must detail the discrimination, and both parties must shall make a good faith effort to resolve the dispute before court action.

C. Any party filing suit under this Chapter, who fails to prevail in his cause of action shall be held responsible for reasonable attorneys' fees and all court costs at the discretion of the judge.

§2352. Duties

The commission shall:

(4) Develop and implement a statewide program to ensure continuity of services to deaf people.

§2402. Definitions

Except where the context clearly indicates otherwise, in this Chapter:

(3) "Child abuse prevention" means services and programs funded through the Children's Trust Fund which are mandated by state law or state appropriation, or which are required for receipt of federal funds shall not be subject to the provisions of this Chapter.

(5) "Funds" means the "Louisiana Children's Trust Fund" established by R.S. 46:2403.

§2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children's Cabinet shall:

(4) Submit an annual report to the governor, the Senate Committee on Health and Welfare, the House Committee on Health and Welfare, and any other legislative committee that requests a copy of the annual report, by January thirty-first summarizing the accomplishments of the past year, providing an evaluation of individual programs and the delivery of services, and indicating specific goals and budget priorities for the next fiscal year.

B. In addition to the above duties and responsibilities provided in Subsection A of this Section, in order to carry out its purposes and functions, the cabinet may:

§2692. Intergovernmental transfer program

C. No program shall be implemented under the provisions of this Section unless and until the application submitted to the United States Department of Health and Human Services which are mandated by state law or state appropriation, or which are required for receipt of federal funds shall not be subject to the provisions of this Chapter.

§2702. Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

(8) "Full-size crib" means a full-size crib as defined in 16 CFR, CFR 1508.3, regarding the protection and safety of the parties.
(9) “Non-full-size crib” means a non-full-size crib as defined in 16 C.F.R. 1509.2, regarding the requirements for non-full-size cribs.

§2704. Unsafe children’s product defined

B. For the purposes of this Chapter, a crib is unsafe if it does not conform to the standards established or established by the Consumer Product Safety Commission, pursuant to 16 C.F.R. 1500.1 et seq.

§2722. Intergovernmental transfer program

B. Subject to such recommendations and approval, the department shall make application to the United States Department of Health and Human Services for the implementation of an intergovernmental transfer program. The application shall include a detailed explanation of the department’s plan to utilize the plan funds for the reimbursement of Medicaid school-based services and administrative claiming as allowed by law.

§2731. Health Trust Fund

B.

(2) Any money transferred or deposited to the Health Trust Fund from the receipt of economic damages proceeds of the Deepwater Horizon Economic Damages Collection Fund provided for in R.S. 39:91 shall be further deposited by the treasurer into a trust account for uncompensated care payments to such rural hospitals for increased access to health care. Further, the department shall continue its efforts to avoid withholding under this provision may request an administrative review as provided by R.S. 46:437.4. The format of the data submission shall be defined by the credit of the department in consultation with representatives of health care facilities providing care to the indigent and uninsured.

§2758.2. Integrated case management planning system; creation; membership; duties and responsibilities

C. In order to facilitate the development of a complete continuum of care for at-risk youths, the departments shall:

(1) Develop an outline for the creation of and transition to an integrated case management system focusing on the behavioral health, rehabilitative, and educational needs of youths who are at risk for involvement in, currently involved in, or exiting the juvenile justice and child welfare system.

Section 6. Children’s Code Articles 1015(4)(k), 1354, 1409(F), and 1461.1(A)(2) are hereby amended and reenacted to read as follows: Art. 1015. Grounds; termination of parental rights

The grounds for termination of parental rights are:

(4) Misconduct of the parent toward this child or any other child of the parent or any other child which constitutes extreme abuse, cruel and inhuman treatment, or grossly negligent behavior below a reasonable standard of human decency, including but not limited to the conviction, commission, aiding or abetting, attempting, conspiring, or soliciting to commit any of the following:

(i) Abuse or neglect which is chronic, life-threatening life-threatening, or results in gravely disabling physical or psychological injury or disfigurement.

Art. 1354. Persons adjudged guilty of criminal neglect

Whenever a person has been ordered to pay a fixed sum of money as support to an individual following a plea or adjudication for the offense of criminal neglect of family, pursuant to R.S. 14:74, and such person has absconded or fled the jurisdiction of the court or has violated the terms of his probation relating to that support obligation, or both, if such conduct necessitates help and support to the individual by the office of family security of the department and should such person be apprehended and arrearages of his support payments are collected from him, the arrearage collected from the person will go to the department as reimbursement to the extent allowed by federal law.

Art. 1409. Rights guaranteed

F. No minor patient confined by emergency certificate, judicial commitment, court order, or noncontested status shall receive major surgical procedures or electroshock therapy without the written consent of a court of competent jurisdiction after a hearing. However, if the director of the treatment facility, in consultation with two physicians, determines that the condition of the minor is of such a critical nature that it may be life-threatening life-threatening unless major surgical procedures or electroshock therapy are administered, such emergency measures may be performed without the consent otherwise provided for in this Paragraph. No physician shall be liable for a good faith determination that a medical emergency exists.

Art. 1461. Communication with parent or guardian of minor child

A. Notwithstanding the provisions of Article 1409, any treating facility to which a minor is admitted under the provisions of Article 1460 shall provide to the parent or guardian of the minor child the following notifications from the facility during all times the minor is confined to the facility:

(2) Verbal notice within two hours and detailed written notice within forty-eight hours of all occurrences in which the physical or mental safety of the minor was placed at risk, including but not limited to unwanted or improper physical contact, physical assault, or sexual contact with another patient or staff member. Additionally, any such detailed written notice shall also be transmitted within forty-eight hours to the local protection and advocacy system established under 42 U.S.C. 1591 et seq.

Section 7. The Louisiana State Law Institute is hereby directed to alphabetize the defined terms provided in R.S. 37:1277(A), 1513, and 2101, R.S. 40:1081.9(A), and R.S. 46:1952, 2116.1, and 2813.

Section 8. R.S. 46:932(13)(c) and 2692(A)(1) are hereby repealed in their entirety. Approved by the Governor, May 15, 2018. A true copy; R. Kyle Ardoin

Secretary of State

ACT No. 207

HOUSE BILL NO. 371 BY REPRESENTATIVE CHANEY AN ACT

To amend and reenact Children’s Code Article 610(A) and (D), relative to reports of child abuse and neglect; to provide for the reporting procedure for permitted and mandatory reporters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 610(A) and (D) are hereby amended and reenacted to read as follows:

Art. 610. Reporting procedure; report to the legislature

THE ADVOCATE CODING: Words in italics or bold are from the bill text. Words underlined or struck through type are deletions from existing law. Words under score (House Bills) and underscored and boldface (Senate Bills) are additions.

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A(1) Reports of child abuse or neglect or that such was a contributing factor in a child’s death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number, via the Louisiana Department of Children and Family Services Mandated Reporter Portal online, or in person at any child welfare office. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both the department through the designated state child protection reporting hotline telephone number and the local law enforcement agency is permitted.

(2) A report made to the department by facsimile does not relieve the reporter of his duty to report in accordance with the applicable requirements of this Article.

D. If the initial report was in oral form by a mandatory reporter, it shall be followed by a written report made within five days to the local child protection unit of the department via the online Mandated Reporter Portal of the department or by mail to the centralized intake unit of the department at the address provided on the website of the department; or, if necessary, to the local law enforcement agency. The reporter may use a form for the written report, which shall be developed, approved, and made available by the Department of Children and Family Services. The form is optional and may be available electronically on the department’s website.

* * *

Approved by the Governor, May 15, 2018. A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 208

HOUSE BILL NO. 429
BY REPRESENTATIVE CROMER
AN ACT
To amend and reenact R.S. 22:1155, relative to claims for dental services; to provide for prior authorization requests; to provide a time limit for prior authorization approvals; to prohibit a claim denial or recoupment in certain circumstances; to provide for related matters.

A.(1) A dental service contractor or a contract of dental insurance shall establish and maintain appeal procedures for any claim by a dentist or a subscriber that is denied based upon lack of medical necessity.

(2)(a) Any such denial shall be based upon a determination by a dentist who holds a nonrestricted license issued in the United States in the same or an appropriate specialty that typically manages the dental condition, procedure, or treatment under review.

(b) Subsequent to an initial denial, the licensed dentist making the adverse determination shall not be an employee of the dental service contractor or dental insurer.

(3) Any written communication to an insured or a dentist that includes or pertains to a denial of benefits for all or part of a claim on the basis of a lack of medical necessity shall include the name, applicable specialty designation, license number together with state of issuance, and the direct telephone number of the licensed dentist making the adverse determination.

B.(1) For the purposes of this Subsection, a “prior authorization” shall mean any predetermination, prior authorization, or similar authorization that is verifiable, whether through issuance of letter, facsimile, e-mail, or similar means, indicating that a specific procedure is, or multiple procedures are, covered under the patient’s plan and reimbursable at a specific amount, subject to applicable coinsurance and deductibles, and issued in response to a request submitted by a dentist using a prescribed format.

(2) A dental service contractor shall not deny any claim subsequently submitted for procedures specifically included in a prior authorization unless at least one of the following circumstances applies for each procedure denied:

(a) Benefit limitations such as annual maximums and frequency limitations not applicable at the time of prior authorization are reached due to utilization subsequent to issuance of the prior authorization.

(b) The documentation for the claim provided by the person submitting the claim clearly shows that medical necessity was not met.

(c) There is lack of medical necessity.

(d) The dental service contractor’s denial is because of one of the following:

(i) Another payor is responsible for the payment.

(ii) The claim was for a procedure not included in the prior authorization.

(iii) The claim was for a procedure not included in the prior authorization based in whole or in part on erroneous information provided to the dental service contractor by the dentist, patient, or another person not related to the carrier.

(iv) The person receiving the procedure was not eligible to receive the procedure on the date of service and the dental service contractor did not know, and with the exercise of reasonable care could not have known, of the person’s eligibility status.

(3) A dental service contractor shall not require any information be submitted for a prior authorization request that would not be required for submission of a claim.

(4) A dental service contractor shall issue a prior authorization within thirty days of the date a request is submitted by a dentist.

(5) The provisions of Subsection A of this Section shall apply to any denial of a claim pursuant to Paragraph (2) of this Subsection for a procedure included in a prior authorization.

C. Any recoupment by a dental service contractor shall be in accordance with R.S. 22:1838. The contractor shall not recoup a claim solely due to a patient’s loss of coverage or inability to pay if, at the time of treatment, the contractor erroneously confirms coverage and eligibility, but had sufficient information available to it indicating that the patient was no longer covered or was ineligible for the claim.

Section 2. This Act shall become effective on January 1, 2019. Approved by the Governor, May 15, 2018. A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 209

HOUSE BILL NO. 443
BY REPRESENTATIVE SMITH
AN ACT
To amend and reenact R.S. 40:1216.1(A)(4)(a), relative to the procedures for medical treatment of a victim of a sexually-oriented criminal offense; to provide for the protection of a victim who is aged seventeen or younger; to provide for the requirements of mandatory reporting to law enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1216.1(A)(4)(a) is hereby amended and reenacted to read as follows:

(4)(a) Notwithstanding any other provisions of this Section, if any person sixteen seventeen years old or younger presents himself or herself or is presented for treatment as a victim of a sexually-oriented criminal offense, the hospital or healthcare provider shall immediately notify the appropriate law enforcement official. The appropriate law enforcement official shall have seven days from the receipt of the notification to retrieve any evidence collected by the hospital pursuant to this Subparagraph.

* * *

Approved by the Governor, May 15, 2018. A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 210

HOUSE BILL NO. 502
BY REPRESENTATIVE ZERINGUE
AN ACT
To amend and reenact R.S. 4:83 and to enact R.S. 4:61(G) and 65(A)(4), relative to the regulation of professional wrestling; to provide for professional wrestling bond exception; to provide for certain requirements and exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:83 is hereby amended and reenacted and R.S. 4:61(G) and 65(A)(4) are hereby enacted to read as follows:

61. State Boxing and Wrestling Commission; domicile; authority

G. The commission, the individual members of the commission, and the state of Louisiana shall not be liable for damages in any civil action for any event which is promoted pursuant to R.S. 4:83(B). The provisions of this Subsection shall not apply to damages caused by gross negligence or willful or wanton misconduct.

* * *

65. Licenses; fees; bond

A. * * *

(4) Notwithstanding any other provision of this Subsection, the commission shall not require the furnishing of any bond for a professional wrestling promoter who, during the calendar year the promoter’s license is granted, promotes exclusively events authorized by R.S. 4:83(B).

* * *

Application of Chapter; professional wrestling events; required notice; exemptions

Δ. The provisions of this Chapter do not apply to amateur contests, competitions, or exhibitions.

B. The provisions of R.S. 4:65(A)(2), 67(A) and (B), 68 through 70, 72, 73, and 79(C) shall not apply to any professional wrestling event described in all of the following conditions:

(1) The promoter and all participants are licensed pursuant to R.S. 4:65(A)(1) and (B).

(2) The venue for the event is either a primary or secondary school gymnasium or has a capacity of four hundred persons or fewer as certified by the state fire marshal.

(3) There is present at each event, from the start of the event until the finish of the event, an individual or the full age of majority who is not a participant in the event, who has documented current certification in Infant/Child/Adult CPR.

(4) The promoter secures a commercial liability policy for a minimum of one hundred thousand dollars or provides proof to the secretary of the commission that the venue provides a liability policy in that amount, which policy shall be in full force and effect at the time of the event.
(1) "Public display" means the display of 1.4S, 1.4G, or 1.4F fireworks, including fireworks not listed as permissible in R.S. 51:651, used for any purpose relating to the amusement of the general public.

(13) "Resident" means any person who has been domiciled in Louisiana for a period of at least twelve months immediately preceding the date of application for the permit and who has not claimed residence in any other state for any other purpose.

"1.3G Fireworks" is a United States Department of Transportation (hereinafter referred to in this Section as "DOT") classification indicating display fireworks to be used by professionals in a public display.

"1.4G Fireworks" means consumer fireworks intended for use by the general public.

"Aerial luminary" means an airborne paper or membrane lantern containing a small candle, or other device for fuel, that heats air inside the lantern causing the lantern to rise into the air and remain airborne until the candle or other fuel device extinguishes or is caused to descend by environmental effects. These items are commonly known as sky lanterns, Hawaii lanterns, Kongming lanterns, Chinese lanterns, fire balloons, or flying luminaries.

"Artificial fireworks" means a controlled pyrotechnic device intended for professional use to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects that may be similar to consumer fireworks in chemical composition and construction but are not approved for consumer use. Such articles comply with the weight limits for consumer fireworks, but are not labeled as such and are classified by DOT in 49 CFR 172.101 as UN0431 or UN0432.

"Class C Public Display" means the outdoor display of only 1.4G and consumer fireworks for any purpose relating to the amusement of the general public sanctioned or made by a public entity.

"Display fireworks" are small fireworks usually sold at retail to consumers during designated periods. These include a number of small devices designed to produce audible effects, ground devices containing fifty milligrams (50 mg) or less of flash powder, and aerial devices containing one hundred thirty milligrams (130 mg) or less of flash powder. The DOT classifies consumer fireworks in 49 CFR 172.101 as UN0336 and UN0337.

"Display fireworks" are large fireworks used in commercial display shows under the direct supervision of a licensed pyrotechnic operator. These fireworks are designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. They include but are not limited to salutes containing more than two grams (230 mg) of flash powder, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as consumer fireworks. They also include fused set pieces containing components which together exceed fifty milligrams (50 mg) of flash powder. Display fireworks are classified by DOT in 49 CFR 172.101 as UN0333, UN0334, or UN0335.

(19a) "Pyrotechnic effects" means a controlled pyrotechnic device intended for professional use to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects that may be similar to consumer fireworks in chemical composition and construction but are not approved for consumer use. Such articles comply with the weight limits for consumer fireworks, but are not labeled as such and are classified by DOT in 49 CFR 172.101 as UN0431 or UN0432.

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may either apply to the office of state fire marshal or to a certified local authority certified under the provisions of R.S. 51:656, which application shall be received by either the state fire marshal or the certified local authority at least five days prior to the event. The applicant shall contain the following information:

(a) The date, time, and place of the public display or proximate display including the length of time of the display.

(b) A copy of the training certification issued by the office of state fire marshal to the person holding a valid operator's license, as described in R.S. 40:1472.1 et seq., on or before September 30, 2003, may forego the written examination by the demonstration of practical tests or documentation deemed necessary by the state fire marshal to determine the applicant's knowledge and ability. The content, type, frequency, and location of the examinations shall be set by the state fire marshal.

(c) A copy of the conviction cer- tification issued by the office of state fire marshal to the person holding a valid operator's license, as described in R.S. 40:1472.1 et seq., on or before September 30, 2003, may forego the written examination by the demonstration of practical tests or documentation deemed necessary by the state fire marshal to determine the applicant's knowledge and ability. The content, type, frequency, and location of the examinations shall be set by the state fire marshal.

(d) The applicant is under the age of twenty-one years.

(e) A person or firm shall not make a proximate display, as defined by this Part, without obtaining a pyrotechnic operator's license properly issued by the office of state fire marshal. The pyrotechnic operator is responsible for safety, setting up, and removing pyrotechnic effects devices after a display is made in accordance with manufacturer standards.

(f) A person or firm desiring a permit for a public display or proximate display may either apply to the office of state fire marshal or to a certified local authority certified under the provisions of R.S. 51:656, which application shall be received by either the state fire marshal or the certified local authority at least five days prior to the event. The application shall contain all of the following information:

(1) The date, time, and place of the public display or proximate display including the length of time of the display.

(2) All fire prevention plans and provisions that will be in force and all fire prevention personnel and equipment available to ensure the safety of the public attending the display.

(3) Any permit issued to the holder of a public display or proximate display shall, from the time of issuance of a permit by the state fire marshal and the actual presentation and conduct of the Class C public display will not endanger the public safety.

(4) A copy of the conviction certification issued by the office of state fire marshal to the person or firm who will be conducting the Class C public display to assure the state fire marshal that the fireworks and the actual presentation and conduct of the Class C public display will not endanger the public safety.

(5) The date, time, and place of the Class C public display including the length of time of the display.

(6) The permit license document issued along with the regular license document is for identification purposes only and not to be carried by the licensee when engaged in the business. The purpose of the license is for identification purposes only and must be carried by the licensee when engaged in the business.

(7) The license is valid for a period of one year from the date of issue.

(8) The cost of the license is twenty-five dollars for a new license and fifteen dollars for renewals.

D. A person or firm shall not make a proximate display, as defined by this Part, without obtaining a pyrotechnic operator's license properly issued by the office of state fire marshal.

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Section 2. The cost of this Act, if any, shall be funded through additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 15, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State